

**MADISON INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, November 3, 2008
Meeting Room A, Town Campus**

A regular meeting of the Madison Inland Wetlands Agency (IWA) was held on Monday, November 3, 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, John Mathieu, Glenn Falk (joined the meeting in progress), Barbara Yaeger and Alternates: Bill Freeman and Ted Aub. Inland Wetlands Officer Robert Kuchta and Assistant Director of Public Works and Town Engineer Mike Ott were also present. Lee Schumacher, David Newton, Rodney Bascom and alternate Robert Speziale were absent.

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

PUBLIC HEARING

08-18: Applicant: Madison Inland Wetlands Agency. Request to amend various sections of the town of Madison Inland Wetlands and Watercourses Regulations to bring them into conformity with State mandates. Public Hearing closed but awaiting comments from Town Attorney.

Remained on the agenda in order for the Agency to address any comments forthcoming from Atty. Zizka. There were none at the time of the meeting.

REGULAR MEETING

APPROVAL OF BILLS

A motion was made by John Mathieu, seconded by Barbara Yaeger, whereby the Madison Inland Wetlands Agency voted unanimously to approve payment of the bills as submitted.

08-27: 53 MADISON AVENUE. Owner: Christopher J. & Sherry T. Puricelli; Applicant: Ronald G. Freitas. Regulated Activity Permit for proposed garage, driveway, and sanitary system within 100 ft. of a wetland. **(Continued from October 6, 2008)**

Tom Stevens, Stevens and Associates, Madison, CT

As representative for the applicants he explained that the applicant is proposing to build a garage with a studio. There are no wetlands on the property but there is a vernal watercourse on the eastern boundary. They received comments from the Agency at the October meeting and the concerns raised at that time have been addressed in the plan currently being presented dated October 16, 2008. A drainage analysis has been submitted and is on file. The driveway has been reversed in a mirror image of what was originally planned. The volume of the proposed retention area is more than five times what was

previously proposed so the subsurface storage unit for the inch of rainfall has been eliminated. They based runoff on a two-year storm which is 3.3 inches of rainfall and the entire first inch will be stored below elevation 13. The two elevation 13's to the west and the east of the proposed driveway will be connected with an 8" plastic pipe which will be set level in order to prevent isolation of the depression to the west. The grading to the east will leave the grading along the property line as is. He explained the overall drainage of the area. The fill required for the septic system is 85 CY. John Cunningham, landscape architect, has provided a revised landscape plan (on file).

B. Yaeger – is the large Maple that has been preserved a Swamp Maple?

Tom Stevens – it is a Red Maple.

Chairman Thomas Paul – is the backyard cleared already?

Tom Stevens – yes it is.

Chairman Thomas Paul – when was the area cleared?

Tom Stevens – that was done after the Zoning Board of Appeals approval for the house to relocate air conditioning pads. They saw no issues relative to Wetlands or Planning and Zoning. The garage was staked out. At a Wetlands meeting two months ago, there was an application submitted by the neighbors which had the wetlands flagged and on this property's eastern property line. Marilyn Ozols noted the garage couldn't be constructed behind the house because the house has two front yards. Clearing stopped as soon as those two issues were recognized.

B. Yaeger – was there an increase to runoff in the drainage report reflecting the clearing?

Tom Stevens – yes. Additional storage required is 306 CF and they are providing 351 CF.

B. Yaeger – is that Conservation Mix going to be mowed? It probably should be once or twice a year to keep woody plants from taking over.

Tom Stevens – did not think it would be touched.

Chairman Thomas Paul – Swamp Maples may grow in there.

J. Mathieu – how does water from this site get down to the Sound? The whole area is low and after heavy rains it floods. Neighbors have expressed concern over any activity in the area in the past. Does the water cross Island Ave. and that area?

Tom Stevens – does not know.

M. Ott – the whole area has a high water table. It was developed prior to establishment of the Inland Wetlands Agency. He explained the general drainage of the area with additional input from IWO Kuchta.

Ron Hick, 15 Hamilton Drive – gave additional comment regarding drainage of the area.

B. Yaeger – what will the net change in runoff be?

Tom Stevens – there won't be any change in runoff. It will not affect the water level of the area. It will be neutral. A larger storm would cause water to collect in the area as it does now but the 2-year storm will not.

Chairman Thomas Paul – asked if anyone else from the public had a question.

Atty. Michael Sweeny, Crosby and Cronan, Madison

Representing McCloud, the neighbors, asking for a public hearing to address this application.

Chairman Thomas Paul – noted that a public hearing could be called for a significant activity or substantial public interest.

G. Falk – asked Attorney Sweeny if he agreed with Soil Scientist Richard Snarski’s finding that there are no wetlands on this property?

Atty. Michael Sweeny – not entirely. He suggested that there should be another Soil Scientist’s opinion as well.

G. Falk – does flooding, by itself, harm wetlands?

Chairman Thomas Paul – even though this clearing was done in ignorance, it is possible that the IWA could require that trees be replanted in the cleared area to help absorb the water that would run off.

Atty. Peter Sipples, Clinton, CT

As Attorney for the client he noted that last month, at the previous IWA meeting, the Agency did not feel a public hearing was not necessary. Now, the applicant has moved the driveway as per the Agency’s request, approximately 40’ from the wetlands. Mr. Stevens has stated that any runoff, except from a very large storm, would be contained in the low area on site. If last month, the Agency didn’t feel there would be a significant impact on the wetlands, there is even less of a possibility now.

J. Mathieu – as to the need for a public hearing, there have been a number of applications in this area over the past years and the Agency has heard from a number of the property owners that live there. At a public hearing, the Agency would hear the same issues all over again. He does not see that those issues affect this piece of property and he is not in favor of a public hearing for this application.

G. Falk – It is a wet neighborhood.

Tom Stevens – they do not want to exacerbate the situation. The grades go westerly and they will not change the grade easterly in the least. He presented the landscape.

IWO Kuchta – There was a boundary clarification for 49 Madison Ave. several months ago. As the IWO he did have the opportunity walk 49 Madison Ave. and make some observations. Since then, he has walked 53 Madison Ave. He recalls the character of this wet area. Having seen the soil texture and colors in the area where the previously proposed driveway was excavated, he concurs with Mr. Snarski. It is a very sandy material which is not typical of a wetlands soil type. There was indication that water does stand there at times which prevents vegetation from growing. The property to the west does not show wetlands soils either but does show signs of overland flow. If the application is accepted as currently submitted, it is his opinion it will not have a negative impact on the wetland to the west. He did recommend two or three more Maples be planted in the area that is presently called Conservation Seed Mix because there were a few trees in that area before the excavation occurred.

B. Yaeger – believes this plan addresses blocking the flow from wetland to wetland on all sides, reasonably retains runoff from the roof and any excess runoff from the drive. She would like to see a few more trees in the planting plan. The increased runoff we are seeing in all development is a concern but she does not see it affecting these wetlands.

Chairman Thomas Paul – asked IWO for suggestions as to the number and caliper of trees to be planted.

IWO Kuchta – he suggested Red Maple since that was the species that was growing there. The caliper size that was there was less than 4”. The standing water kept the size down.

B. Yaeger – 2 – 2 ½”?

IWO Kuchta – yes. Possibly two or three trees. Trees should be planted in driest season.

Ron Hick – Mr. McCloud’s concern is that he has a filled in basement of which half is used and it is has to be continuously pumped out. He is worried that water will get into his crawl space.

A motion was made by Glenn Falk, seconded by Barbara Yaeger, whereby the Madison Inland Wetlands Agency voted unanimously to approve application 08-27: 53 MADISON AVENUE as currently submitted with 2 additional 2 – 2 ½” Red Maples to be added to the planting plan in locations deemed appropriate by IWO Kuchta and the landscape architect.

08-38: 72 JANNA’S WAY. Owners: Lisa M. & James J. Drum; Applicant: Lisa M. Drum. Regulated Activity Permit to construct accessory house, with driveway and septic system within 100 ft. of a wetland. **Receipt only.**

Eric Anderson, Anderson Engineering and Surveying Associates, 1054 Boston Post Road, Guilford

As representative of the applicant he explained that they are proposing to build an accessory apartment within the 100’ upland review area. He pointed out the silt fence location. He asked that the Agency walk the site.

J. Mathieu – commented on the width of the driveway.

A motion was made by Glenn Falk, seconded by Ted Aub, whereby the Madison Inland Wetlands Agency voted unanimously to receive application 08-38: 72 Janna’s Way and schedule it on the agenda for the December 2008 IWA meeting with a site walk to be held by the Agency.

SECTION 13 APPROVALS:

08-34: 53 Scotland Avenue. Owner: Peter Pearce; Applicant: Ellen Van Wees. Regulated Activity Permit for installation of garden shed within 100’ of a wetland.

IWO Kuchta – for a shed about 46’ from the wetland itself but within an existing lawn.

08-35: 1075 Boston Post Road. Owners/Applicants: John & Mary Ericson. Regulated Activity Permit to construct deck within 100’ of a wetland.

IWO Kuchta – extension of an existing deck. Original house built 50’ from the wetland as per setback at the time of construction. Within a lawn area.

08-36: 23 Alex Drive. Owner/Applicant: Wood Harbor Associates, LLC. Regulated Activity Permit to allow tree clearing and grass planting within 100’ of wetland.

IWO Kuchta – new house with inground pool. Pool not to be constructed until spring. Clearing is in an area where the land slopes away from the wetland. Approx. 30’ from wetland. Other vegetation will remain.

08-37: 221 Bartlett Drive. Owners: Mark & Kathy Dagastino; Applicant: Ken Boyington. Regulated Activity Permit to allow construction of deck within 100’ of a wetland.

IWO Kuchta – Deck is 98’ from the wetlands.

Discussion: Potential of a nature walking/biking path connecting Governors Way to Neck Road.

IWO Kuchta – Chris Lena came to the office and indicated that some of the children on Governors Way have friends on Neck Road and there is no way for them walk there without walking on Route 1. They would like the Agency to consider a walkway through the CT Waterfowl Association property.

J. Mathieu – This needs to come before the Agency in the form of an application.

IWO Kuchta – He did advise her of that fact but she wanted to start with a letter. He told her she would probably have to have a design engineer design this as there will be a bridge involved.

B. Freeman – questioned the appropriateness of allowing the public to speak when it is not a public hearing.

Chairman Thomas Paul – that is up to the Chairman.

IWO Kuchta – it should follow Robert’s Rules of Order.

APPROVAL OF MINUTES

A motion was made by Glenn Falk, seconded by Barbara Yaeger, whereby the Madison Inlands Wetlands Agency voted unanimously to approve the minutes of the October 6, 2008 meeting. Spelling of names to be checked against the Universalist Church website.

LITIGATION: Executive Session as Required

**REMARKS – INLAND WETLANDS CHAIRMAN
– INLAND WETLANDS OFFICER**

IWO Kuchta – Provided CACIWAC brochures.

A motion was made by Glenn Falk, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted to approve the 2009 Inland Wetlands Agency meeting schedule as submitted.

The meeting was adjourned at 8:55 P.M.

Respectfully submitted,

J. Donnette Stahnke
Recording Secretary, Inland Wetlands Agency