

**MADISON INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, April 6, 2009
Meeting Room A, Town Campus**

A regular meeting of the Madison Inland Wetlands Agency (IWA) was held on Monday, April 6, 2009 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, Barbara Yaeger, David Newton, Glenn Falk, Rodney Bascom, Lee Schumacher and Alternates: Bill Freeman, Ted Aub and Barry Nann, Inland Wetlands Officer Robert Kuchta and Town Engineer/Director of Public Works, Mike Ott was also present.

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

REGULAR MEETING

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.

A motion was made by David Newton, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted unanimously to amend various sections of the Town of Madison Inland Wetlands and Watercourses Regulations to bring them into conformity with State mandates as submitted in Inland Wetlands Regulations Revisions dated 3-11-09 on file in the Land Use Office of the Madison Town Hall, effective on May 1, 2009.

APPROVAL OF BILLS

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

APPROVAL OF MINUTES

March 2, 2009 – Minutes tabled to the May 4, 2009 meeting.

Field Walk minutes of March 14, 2009

A motion was made by Barbara Yaeger, seconded by Lee Schumacher, whereby the Madison Inland Wetlands Agency voted unanimously to approve minutes of the March 14, 2009 field walk as submitted.

REMARKS – Inland Wetlands Officer

IWO Kuchta –

- There is a Land Use Workshop being held by Atty. Mike Zizka on April 29th at the Town Campus at 6:30 P.M.
- There is a proposed Ordinance Establishing Citation Procedures and Fines for Inland Wetlands and Watercourses Violations in the packet. This ordinance would give the Agency the authority to fine violators. It must be approved by the Board of Selectmen. He recommends the Inland Wetlands Agency recommend this ordinance to the Board of Selectmen.

G.Falk – spoke strongly in favor of the ordinance.

D.Newton – raised the issue of enforcement.

A motion was made by Glenn Falk, seconded by Barbara Yaeger, whereby the Madison Inland Wetlands Agency voted unanimously to recommend adoption to the Board of Selectmen, of the Ordinance Establishing Citation Procedures and Fines for Inland Wetlands and Watercourses Violations.

LITIGATION: Executive Session as Required – there was none.

The Highlands – Discussion

Robert Dowler – Owner/Developer of The Highland Subdivision, River Road.

There are 5 different parcels that were set aside as open space. They offered it to the Land Conservation Trust but because the parcels are not contiguous, they were not interested. The parcels ended up being privately owned open space. In the mid 1990's he had his attorney investigate the Town Regulations to determine what could be done with this "open space" and there were two things, recreation and agriculture. After doing some estate planning, his children declined the ownership of the parcels. They are owned by his corporation. He and ZEO Marilyn Ozols worked together to put them into a rather restrictive land conservation easement. 4 parcels are under one type of conservation easement and the parcel with a pond has different easement which allows for agricultural use which is consistent with the use of the property prior to development.

Chairman Paul – the normal process for this would have been for Mr. Dowler to come before the IWA with an as-of-right application, not to proceed without permission.

Robert Dowler – he admitted that he has made a mistake by not notifying the Town. He has begun clearing for a vineyard and would like to proceed as the area is currently a disturbed work site and he would like to clean it up. Following notification from IWO Kuchta, nothing else has been done. He listed what had been removed.

G.Falk – this does appear to fall within an as-of-right use but the agency will need additional information as to what is exactly intended to be done.

Robert Dowler – offered to walk the property with the IWA. It was agreed the agency would walk the site after an application was submitted.

PUBLIC HEARING

08-43: BOSTON POST ROAD. Map 44; Lot 19. Owner: Tregger, LLC; Applicant: Gregg Fedus. Regulated Activity Permit for multi-family development with associated parking, utilities, accessways, and landscaping within 100 ft. of a wetlands.

Gregg Fedus, Fedus Engineering, 47 Water St., Mystic

As representative for the application and partner in Tregger, LLC he introduced Soil Scientist David Lord, Landscape Architect John Cunningham and Attorney Tom Cronan. He explained that additional comments from Mike Ott, Town Engineer/Director of Public Works, the Town Sanitarian and IWO Kuchta have been addressed and incorporated into the plan. On Route 1, the drainage from the rooftops will go into an infiltration unit with the balance of the runoff going to catch basins and a piping system that runs to the rear to a large, oversized rain garden with a level spreader from which it will flow to the wetlands. On Wildwood Ave., the roof drains will end up in an infiltration unit between building 8 and garage building D and that will overflow to a small riprap splash pad. If there is an excess of 1" of rainfall, the balance will run off to a Stormceptor located at the edge of Wildwood Ave. and into the existing catch basin located on Wildwood. The walking path has been moved out of the 10' buffer. The gazebo has been pulled further away from the wetlands.

John Cunningham, TEC, Madison

The only issue he had to resolve was that the basins were different sizes and those have been adjusted. Also, the area behind the rocks will be unmaintained lawn. Provided Exhibit A, photo showing seed mix that is proposed for the no mow area.

B. Yeager – will that be mowed once a year or not at all?

John Cunningham – if they don't do it some time it will return to woods. I generally make a note that it needs to be mowed once a year or every other year, or at least invasives need to be removed.

B. Yeager – would like to see the rocks moved to the 50' review line. How will the regular lawn be maintained? Will there be "weed and feed" kind of products? If it is applied and then it rains it will run off into the wetlands. Will that buffer be enough to remove it before it hits the wetlands?

Gregg Fedus – we can increase the buffer.

B. Yeager – Associations don't usually go organically with the "weed and feed".

John Cunningham – the organic products can be recommended.

R. Bascom – what is proposed under the gazebo?

Gregg Fedus – we can build it with a deck floor, up on sauna tubes to prevent the need for fill.

R. Bascom – are there basements on Wildwood?

Gregg Fedus – ye, we are at elevation 25 and there was no sign of water in 80-84' tests pits and monitoring wells. There will be a footing drain around Building 7 and around the majority of Building 8. We need the basements for storage for the mechanicals.

Chairman Paul – asked for comments or questions from the public.

Kealoha Freidenburg, Representative from the Conservation Commission – Encouraged some stipulation for requiring organic "weed and feed" and if the buffer can be increased, to do so.

Chairman Paul – asked for comments from Mike Ott.

Mike Ott – his issues have been addressed.

Chairman Paul – asked for questions from IWO Kuchta.

IWO Kuchta – they have addressed his comments. Invasives need to be monitored and removed.

B. Yaeger – asked if the requirement for organic herbicides and pesticides to be included in two conditions.

IWO Kuchta – if the area is only mowed every two years, it will act as a filter for runoff to the wetlands. There will be 30’ of lawn and 30’ of no mow zone grasses.

J. Mathieu – who will be doing the lawn maintenance?

Gregg Fedus – the Association.

Chairman Paul – leaves and grass clippings must not be dumped into the wetlands. The unmowed area would be fertilized when it was built. Would it need to be fertilized subsequently?

IWO Kuchta – it wouldn’t need to be. If the Agency feels the boulders are not adequate to protect the unmowed area, fencing can be required. The plaques that are required to delineate wetlands can be installed to advise the homeowners that this area is a wetland.

B. Yaeger – she is comfortable with the boulders.

D. Newton – as long as they are close together.

A motion was made by John Mathieu, seconded by Rodney Bascom, whereby the Madison Inland wetlands Agency voted unanimously to close the public hearing at 8:30 P.M.

Discussion

R. Bascom – asked B. Yaeger if she wanted to condition the motion regarding the fertilizing and maintenance of the lawn.

B. Yaeger – as long as the boulders are pulled back that would allow enough unmowed area to filter runoff area from the lawn.

A motion was made by Rodney Bascom, seconded by David Newton, whereby the Madison Inland Wetlands Agency voted to approve application 08-43: Boston Post Road with the condition that the boulders that separate the mowed lawn from the wetland lawn be moved back to the 50’ wetlands setback except where required for throughway for machinery around the building. The gazebo shall be set above grade with no fill for its installation.

09-01: 505 SUMMER HILL ROAD. Map 136, Lot 1. Owner: Estate of Ethel Schwenzer; Applicant: CMRE, LLC. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison.

A motion was made by David Newton, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted unanimously to open the public hearing for 505 Summer Hill Road, Estate of Ethel Schwenzer at 8:34 P.M.

William Root, Milone & MacBroom, 99 Realty Road, Cheshire.

As soil scientist for the applicant he explained the location of the property and noted that the Agency has walked it. He flagged the wetlands on the property, report in file, and pointed them out on the map. This is a forested wetland area.

IWO Kuchta – his report is on file.

B. Yaeger – she questioned subsurface water flow.

Chairman Paul – asked for comments from Mike Ott; he had none.

Chairman Paul – asked for questions or comments from the public and there were none.

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 505 Summer Hill Road at 8:45 P.M.

A motion was made by Glenn Falk, seconded by David Newton, whereby the Madison Inland Wetlands Agency voted unanimously to approve application 09-01: 505 Summer Hill as submitted.

REGULAR MEETING

09-02: 505 SUMMER HILL ROAD. Map 136, Lot 1. Owner: Estate of Ethel Schwenzer; Applicant: CMRE, LLC. Regulated Activity Permit for construction of house, driveway, septic system, rain garden and associated grading within 100 ft. of a wetlands. Subdivision Referral.

Darin Overton, Milone and MacBroom, 99 Realty Road, Cheshire.

Revisions to the plans were made as a result of the field walk with the IWA. Comments from the Engineering Department and Health Departments comments have also been addressed.

B. Yaeger – her concern is what affect the driveways and septic systems for lots 3 and 2 will have on the subsurface feeding of the wetlands.

Darin Overton – there is a culvert under the driveway. The concern is regarding the driveway on 3 and the septic line on 2?

B. Yaeger – yes. Is there going to be an impact. They appear to cut right across the source of water for the two wetlands on Lot 1.

Darin Overton – there is ledge under the area that directs the water to wetlands. The driveway to lot 2 is all in fill so groundwater should be unaffected in that location. There is a cross culvert for surface hydrology. The septic line will be buried about 4' below grade and backfilled with native soils. It will not direct ground water one way or the other. There may be an area closer to the house to test for soils for the septic system. They did not have the opportunity to do so. He explained the direction of the ledge and the consequent groundwater flow.

B. Yaeger – will Salamanders be able to cross through that cross culvert?

IWO Kuchta – Is part of the entrance submerged?

Darin Overton – that wasn't intended but if the Commission would like a natural open bottomed culvert, they could do it with a larger pipe.

IWO Kuchta - it appears the opening will be wide enough.

Darin Overton – did not think the driveway would be a huge barrier. If they don't want to go across the driveway they can go through the pipe.

Chairman Paul – regarding Lot 1, a great deal of water flows over ground during heavy rain, is the grading such that that runoff will all go west of the lawn in a heavy rain?

David Overton – explained the drainage but did not anticipate excess water in the back yard of Lot 1.

Chairman Paul – asked about the large oak near the driveway to Lot 2.

Darin Overton – we can locate that and make an effort to save it. There is an excavated swale along the property line at the level of the parking area of the camp property. It is a rough excavated channel. The applicant will clean up the swale and seed it to stabilize it.

Mike Ott – the houses are large but spread far enough apart with adequate drainage and he doesn't see any measurable increase in rates of stormwater runoff.

Chairman Paul – asked for other questions and concerns. There were none.

A motion was made by Barbara Yaeger, seconded by Lee Schumacker whereby the Madison Inland Wetlands Agency voted unanimously to approve application 09-02 505 Summerhill Road as submitted.

D. Newton – this subdivision is recommended but it will cause regulated activities that have been approved by the IWA..

Mike Ott – he does not think it is proper to make a motion; it needs to be noted that the layout of the subdivision, the configuration of the lots, given the site conditions, will have no negative impact.

A positive referral will be forwarded to Planning and Zoning in the form of the minutes from this meeting with a cover letter from IWO Kuchta.

09-03: 227 COPSE ROAD. Map 57, Lot 4. Owner: Holly Johnson; Applicant: Peter Gulick. Amendment to Inland wetlands and Watercourse Map of the Town of Madison.
Receipt only.

IWO Kuchta – the application is complete.

A motion was made by Bill Freeman, seconded by Glenn Falk, whereby the Madison Inland Wetlands Agency voted unanimously to receive the application for 09-03 227 Copse Road and schedule it for public hearing at the May 4th meeting.

A motion was made by David Newton, seconded by Rodney Bascom, whereby the Madison Inland Wetlands Agency voted unanimously to adjourn at 9:00 P.M.

Respectfully submitted,

J. Donnette Stahnke,
Recording Secretary, Inland Wetlands Agency