

APPROVED

**INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
JULY 6, 2009**

The regular meeting of the Madison Inland Wetlands Agency was held Thursday, July 6, 2009 at 7:30 p.m. in Madison Town Hall, Meeting Room A.

MEMBERS PRESENT

C. Thomas Paul, Glenn Falk (arrived at approximately 7:40 p.m.), Barbara Yaeger, Rodney Bascom, John Mathieu

ALTERNATES PRESENT

Theodore Aub, Bill Freeman, Barry Nann

MEMBERS ABSENT

David Newton, Lee Schumacher

OTHERS PRESENT

Robert Kuchta, Inland Wetlands Enforcement Officer; Michael J. Ott, Town Engineer; Mary Haburay, Land Use Assistant; and members of the public.

Chairman C. Thomas Paul called the regular meeting of the Madison Inland Wetlands Agency to order at approximately 7:30 p.m. Agenda items were taken in the order prescribed in the minutes.

PUBLIC HEARINGS – Scheduled for 8:00 P.M.:

NONE

REGULAR MEETING AGENDA ITEMS:

- 1. 09-04: 82 EDINBURGH LANE. The Highlands.** Map 41, Lot 47-23. Owner/Applicant: Robert E. Dowler. Request for as-of-right activity under Sec. 4 of the regulations to clear land of invasive vines and grub tree roots in Open Space within wetlands and wetland review area for agricultural use. **Continued from June 1, 2009. POSTPONED TO AUGUST 3, 2009.**

Upon a motion by Mr. Mathieu, seconded by Mr. Falk, it was unanimously voted to table application #09-04: 82 EDINBURGH LANE to August 3, 2009.

- 2. 09-10: 104 HICKORY LANE.** Map 128, Lot 46-3. Owners/Applicants: Ronald D. and Diane D'Amato. Regulated Activity Permit for modification of driveway within 100 ft. wetland review area. Resubdivision Referral. **Scheduled for August 3, 2009.**

No action.

3. **01-51T+MOD: 104 HICKORY LANE.** Map 128, Lot 46-3. Owners/Applicants: Ronald D. and Diane D'Amato. Transfer and Modification of previously approved application 01-51. **Scheduled for August 3, 2009.**

No action.

4. **06-49: TERRACE AT WEST WHARF – LOT 12.** Map 37, Lot 21. Owner/ Applicant: MJM Land Development, LLC. Regulated Activity Permit for inland wetland crossing to construct driveway giving access to proposed house. **Request for release of Bond.**

To demonstrate the site conditions, Mr. Kuchta referenced photographs in members' packets and reported that Mike Milano had secured the services of David Lord, Soil Scientist, and that part of the approval was that the applicant was to submit an annual report monitoring the condition of the mitigation created wetland. Mr. Kuchta reported that he visited the site and observed that the plants that were planted two years ago are healthy and the pond does hold water. Mr. Kuchta referenced Mr. Lord's report in the file. Mr. Kuchta summarized that he is satisfied that the wetland is functioning the way it was anticipated; there is no erosion; it is stable underneath the driveway bridge; the plants are growing and it is retaining some water. **Based on the discussion, upon a motion by Mr. Bascom, seconded by Mr. Mathieu, the Madison Inland Wetlands Agency voted unanimously to release the bond for application #06-49: TERRACE AT WEST WHARF – LOT 12; Map 37, Lot 21; Owner/ Applicant: MJM Land Development, LLC, as requested in a letter from MJM Development, LLC dated June 11, 2009 for the total amount of \$6,000.00.**

The motion carried 6-0-0.

IN FAVOR: Paul, Yaeger, Bascom, Mathieu, Aub, Freeman

OPPOSED: none

ABSTAINED:none

5. **09-17: 9 OLD ROUTE 79.** Map 48, Lot 2. Owner/Applicant: Town of Madison. Amendment to Inland Wetlands and Watercourse Map of the Town of Madison. **Receipt.**

Mr. Ott reported that applications #09-17 and 09-18 are part of the project for the new ambulance facility and the senior center and they were seeking to clarify the wetland boundaries on the properties at this point. **Upon a motion by Mr. Bascom, seconded by Mr. Freeman, the Madison Inland Wetlands Agency voted unanimously to receive application #09-17 and to schedule it for a public hearing on August 3, 2009.**

6. **09-18: 29 BRADLEY ROAD.** Map 38, Lot 9. Owner/Applicant: Town of Madison. Amendment to Inland Wetlands and Watercourse Map of the Town of Madison. **Receipt.**

Upon a motion by Mr. Bascom, seconded by Mr. Freeman, the Madison Inland Wetlands Agency voted unanimously to receive application #09-18 and to schedule it for a public hearing on August 3, 2009.

A member inquired as to when the Agency stops doing amendments and they become part of the application for Regulated Activity under the new regulations. Mr. Ott stated that he looked at the new regulations and did not see any new language in them about that. Mr. Kuchta stated that in this case, the Town is going to have to go through multiple steps for site plan review and public hearing. Mr. Ott stated that in this case, he wanted to go through the process since it is a Town application. Mr. Kuchta recalled that the issue of combining amendments with Regulated Activity permit applications was discussed during the recent regulation amendment process, at which time he had compiled a triage list of questions regarding when they should come in for a boundary amendment, and how close the work must be to trigger the necessity for an amendment; when the boundary delineated by a soil scientist is shown on the map but the amendment process might not have to be done. Mr. Falk arrived at this time. Mr. Kuchta anticipated that when the next Regulated Activity permit is submitted they would start that process. Mr. Ott asked Mr. Kuchta whether there is any language in the regulations that would explain when a boundary amendment application is required and when it's not. Mr. Kuchta recalled that in previous discussions it was left that he would direct a potential applicant depending on how close the proposed work is. Mr. Mathieu recalled that what was discussed was changing the application to eliminate the need for an applicant to do a boundary amendment prior to a regulated activity unless they choose to, whereas the regulations didn't have a requirement. Mr. Bascom recalled that they actually wanted to streamline the process, whereby the applicant checks both boxes on the application form and comes in with their regulated activity at the same time they do their boundary. Mr. Kuchta reported that staff is working on some sort of a guidance document to give applicants direction as to where they need to go with their projects. Mr. Bascom asked whether all the Section 13 applications have boundaries on the maps. Mr. Kuchta summarized that often times the boundaries are done at the time of subdivision, and that, for example, he did not require the applicant for application #09-12: 9 Overbrook Road to go for a boundary because it is a lake and easily measured. Mr. Kuchta stated that #09-12 was just for a deck about 80' away from the watercourse. Members agreed that that's the idea behind Section 13. Mr. Falk asked if they would eliminate the boundary amendment box on the application, which Mr. Kuchta stated they could. Ms. Yaeger commented that with ASLA they've been discussing that DEP's regulations instruct applicants to ask the person in charge which professional they need to work with, which in this case, the person in charge would be Mr. Kuchta.

7. SECTION 13 APPROVALS:

Mr. Kuchta reported the details about the following applications he approved pursuant to Section 13:

09-11: 240 OLD TOLL ROAD. Map 128, Lot 45. Owners: Ralph P. & Renee Lynn Cifarelli; Applicant: Ralph P. Cifarelli. Regulated Activity Permit for construction of above-ground swimming pool with deck within 100 ft. wetland review area. **Approved May 27, 2009.**

Mr. Kuchta noted that as part of this project, the applicant cleared some trees to provide a sun corridor for the pool; however, some of the trees removed were on the adjacent property. Therefore, Mr. Kuchta reported that he required the applicant to provide a planting plan to

restore the disturbed area on the adjacent property as a condition of approval. Mr. Kuchta summarized that the pool itself was not going to have any impact on the wetlands, but the preparation work did and will be mitigated.

09-12: 9 OVERBROOK ROAD. Map 103, Lot 8. Owner/Applicant: Ramey Fritzler. Regulated Activity Permit for construction of deck within 100 ft. wetland review area. **Approved June 1, 2009.**

Mr. Kuchta pointed out that there is a strip of trees and shrubs that acts as a pretty good buffer to the wetlands on this property, and that the deck will consist of 3-4 sonotubes and will have no impact on the wetlands.

09-13: 11 JONATHAN'S LANDING. Map 44 Lot 11. Owner: Nancy Hoag; Applicant: John Cunningham. Regulated Activity Permit for construction of in-ground swimming pool and terrace within 100 ft. wetland review area. **Approved June 10, 2009.**

Mr. Kuchta stated that in this case, the pool was proposed in an existing lawn area, and distinguished that if there were clearing of the forest and removing of buffer area and if the project was closer than 50' to the wetlands, it would have likely come to the Agency.

09-14: 227 GREEN HILL ROAD. Map 63, Lot 29-4. Owners: Jerome & Amber Monteith; Applicant: Jerome Monteith. Regulated Activity Permit for addition to dwelling within 100 ft. wetland review area. **Approved June 10, 2009.**

Mr. Kuchta stated that this addition was probably 80' away from the wetlands.

09-15: 46 HATHAWAY LANE. Map 150, Lot 7-9. Owners/Applicants: Robert & Diane Carpenter. Regulated Activity Permit for construction of front porch addition within 100 ft. wetland review area. **Approved June 10, 2009.**

Mr. Kuchta stated that in this case, there is a house between the proposed addition and the wetlands, and so the work would not have any impact on the wetlands.

09-16: 19 LAKE DRIVE. Map 147, Lot 20. Owner/Applicant: Paul J. Sinicrope. Regulated Activity Permit for construction of addition within 100 ft. wetland review area. **Approved June 11, 2009.**

Mr. Kuchta stated that there is a buffer area between the proposed work and the wetlands. In this instance, Mr. Kuchta reported that he asked the applicant to hire a soil scientist, and so Richard Snarski was retained to flag the wetlands. Mr. Kuchta added that the work here was proposed in the existing lawn area, and so the impact is already there.

8. APPROVAL OF BILLS

Mr. Paul summarized the bills totaling \$212.15. **Upon a motion by Mr. Freeman, seconded by Mr. Moore, the Madison Inland Wetlands Agency unanimously voted to approve the bills as submitted.**

9. APPROVAL OF MINUTES – Regular Meeting, June 1, 2009

Upon a motion by Mr. Mathieu, seconded by Ms. Yaeger, the Madison Inland Wetlands Agency unanimously voted to approve the regular meeting minutes of June 1, 2009 as submitted.

10. LITIGATION: Executive Session As Required – none.

11. REMARKS – INLAND WETLANDS CHAIRMAN
– INLAND WETLANDS OFFICER

Regarding information the applicant provided for application #09-04: 82 Edinburgh Lane, The Highlands, Ms. Yaeger requested Mr. Kuchta to ask Attorney Zizka what the term “expansion” means as it is used in reference to an existing agricultural use, which Mr. Kuchta agreed to do.

Mr. Kuchta distributed a copy of The Habitat to members.

Mr. Mathieu expressed concern that Mr. Bagnoli hasn’t done anything on his property on Durham Road, and the lake is in sad shape and full of lily pads. Mr. Kuchta pointed out that the lake is shallow and does get some road material in it.

Ms. Yaeger sought clarification on the final outcome regarding the “rewriting” of the application form and whether they are going to add some language that says the applicant needs to check with Mr. Kuchta as to whether they need to do a boundary amendment. Mr. Kuchta stated his belief that Mac Walker is working on a guidance document for applicants and that he will consult with him to see what he’s got.

Mr. Paul asked whether the Board of Selectman took any action on the Agency’s ability to levy fines. Ms. Haburay reported that a public hearing was scheduled for July 15th.

ADJOURNMENT

With no further business before it, **upon a motion by Mr. Freeman, seconded by Mr. Bascom, it was unanimously voted to adjourn the regular meeting of the Madison Inland Wetlands Agency at approximately 8:12 p.m.**

Respectfully submitted,

Samile Keeler
Clerk Pro Tem