

**\MADISON INLAND WETLANDS AGENCY  
REGULAR MEETING  
Monday, September 14, 2009  
Meeting Room A, Town Campus**

A regular meeting of the Madison Inland Wetlands Agency (IWA) was held on Monday, September 14, 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 7:30 p.m.

Present: Thomas Paul, John Mathieu, Rodney Bascom, Lee Schumacher, Glenn Falk and Alternates: Bill Freeman and Ted Aub. Inland Wetlands Officer Robert Kuchta was also present. David Newton, Barbara Yaeger and alternate Barry Nann were absent.

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

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

There were no public hearings.

**REGULAR MEETING AGENDA ITEMS:**

- 1. 09-26: 62 SHORELANDS DRIVE.** Map 25, Lot 36. Owner/Applicant: Jeffrey E. McGuiness & Megan V. Smith. Request for As-Of-Right Non-Regulated activity under Sec. 4 of the regulations for installation of floating fountain/aerator in existing pond.

Jeffrey McGuiness, applicant – what was once a nice pond on his property has turned into an eyesore and a mosquito breeding area because the water does not flow through the pond and needs some circulation. They are proposing to install an aerating floating fountain as recommended by several landscape and pond life specialists. He provided copies of the brochure for the fountain. It will be powered by an extension cord.

Chairman Thomas Paul – what is the size of the pond?

Jeffrey McGuiness – that depends on the season but right now it is approximately 85'x60'.

L. Schumacher – Does the fountain come in for the winter?

Jeffrey McGuiness – yes. He explained how it would be anchored.

Chairman Thomas Paul – are there fish in the pond?

Jeffrey McGuiness – there are turtles in the pond but no fish. There is no oxygen because of the algae growth.

J. Mathieu – how deep is it?

Jeffrey McGuiness – it is about 3' deep.

**On a motion by Rodney Bascom, seconded by Ted Aub, the Madison Inland Wetlands Agency voted unanimously to approve as submitted, application 09-26: 62 Shorelands Dr., property of Jeffrey McGuiness and Megan Smith.**

**CEASE AND DESIST ORDER FOR ROBERT DOWLER.** Map 41, Lot 47. Show cause hearing.

Bob Dowler, 82 Edinburgh Lane – he is not interested in continuing the cutting at this time, though he does not want to give up his legal rights to do so. He is proposing to clean the area up by

removing the stumps and tree branches and then to seed the area with a cover crop of possibly Winter Rye Grass.

Chairman Thomas Paul – was a plan developed that would cover the area that the Cease and Desist Order was written for?

Bob Dowler – yes there is a plan but since the plan was prepared, he has decided, because of the conflict with the neighbors, he will not proceed with the as-of-right farming for now. He just wants to get the area cleaned up and stabilized.

J. Mathieu – asked IWO Kuchta if, in his opinion, it is feasible to remove those stumps and bury them on the property.

IWO Kuchta – yes. He outlined the sequences of the steps involved in doing this. There is no significant erosion on the site at this time. The invasives that are present need to be removed because with the new conditions they will take over the area next year. The trees that were cut were inventoried. The oldest were 20-26 years old. There needs to be ground cover planted and the cut wood should be removed. Mother Nature should not be allowed to take over; there needs to be some intervention. Mr. Dowler would like to clean this up. They could work together to accomplish this. This needs to be started as soon as possible if the Commission approves.

Bob Dowler – a large backhoe needs to be brought in to move some of the rocks. Tree stumps need to be dug up, buried, covered in soil and the area planted with grass.

Chairman Thomas Paul – are trees going to be planted?

Bob Dowler – no. If he decides, at some later point, to proceed with farming on the property, the trees would just get cut down so why plant them now?

Chairman Thomas Paul – asked IWO Kuchta if he felt some trees should be planted. He encouraged Mr. Dowler to plant some.

IWO Kuchta – there are some areas that could use some trees but not to the extent that it was.

Bob Dowler – this is agricultural land. He does not want to plant trees.

J. Mathieu – what about cutting the stumps instead of pulling them out? It would cause a lot less disturbance.

Bob Dowler – they are going to have to be pulled out if farming of any kind is done.

IWO Kuchta – his concern is along the watercourse itself, to prevent erosion.

B. Freeman – has the Cease and Desist Order been served and if so, how long does the IWA have to act?

IWO Kuchta – the Cease and Desist Order went out on September 4<sup>th</sup> to coincide with this meeting. Tonight's hearing needs to decide whether the Cease and Desist should remain in effect or be lifted with some corrective action determined.

Chairman Thomas Paul – is opposed to having the sprouting tree stumps removed.

J. Mathieu – what if the stumps were to be ground down below the surface with top soil covering them.

Chairman Thomas Paul – that would keep the ground more stable.

B. Freeman – how many are we talking about?

Bob Dowler – at least 15 or 20.

**On a motion by Bill Freeman, seconded by Glenn Falk, the Madison Inland Wetlands Agency voted to lift the Cease and Desist Order for Bob Dowler, 82 Edinburgh Lane, The Highlands, and allow the area to be cleaned up and stabilized. IWO Kuchta will work with Mr. Dowler to accomplish this. Rodney Bascom voted in opposition.**

## **2. SECTION 13 APPROVALS:**

**09-21: 175 COPSE ROAD.** Map 47, Lots 3, 4, 5 & 6. Owner/Applicant: Debolina, LLC. Request for Regulated Activity permit to allow construction of portions of septic system within 100 ft. of wetland review area. **Approved with condition August 10, 2009.**

IWO Kuchta – a change in the previously approved application to add some additional septic line within the 100’ review area.

**09-22: 324 BRADLEY CORNERS ROAD.** Map 122, Lot 21-1. Owners: Kevin & Joanne Nee. Applicant: Kevin Nee. Request for Regulated Activity permit to allow installation of storage shed within 100 ft. of wetland review area. **Approved with condition August 11, 2009.**

IWO Kuchta – storage shed within an existing lawn area approximately 75’ from the wetlands.

**09-24: 258 MUNGERTOWN ROAD.** Map 63, Lot 28. Owners: Karen E. and Donald Brown; Applicants: Luis J. & Anne de Ocejó. Request for Regulated Activity permit to allow placement of fill and grading associated with construction of residential dwelling within 100 ft. wetland review area. **Approved August 19, 2009.**

IWO Kuchta – change in grades for a previously approved application.

**09-25: 9 SPERRY ROAD.** Map 122, Lot 32. Owner/Applicant: Andrew F. Acquarulo. Request for Regulated Activity permit to allow placement of fill for driveway improvements and landscaping within 100 ft. wetland review area. **Approved August 27, 2009.**

IWO Kuchta – removal of a tree in the middle of the driveway and regrading of the driveway.

**3. APPROVAL OF BILLS**

**On a motion by Rodney Bascom, seconded by John Mathieu, the Madison Inland Wetlands Agency voted unanimously to approve payment of the bills as submitted.**

**4. APPROVAL OF MINUTES – 8/3/09 Regular Meeting**

**On a motion by Lee Schumacher, seconded by John Mathieu, the Madison Inland Wetlands Agency voted unanimously to approve the minutes of the August 3, 2009 meeting as submitted.**

**5. LITIGATION:** Executive Session As Required

**6. REMARKS** – INLAND WETLANDS CHAIRMAN  
- INLAND WETLANDS OFFICER

Stormwater Subcommittee – two members – There is a new committee being developed with members of the IWA, Conservation Commission and P&Z. The IWA has three members interested in joining.

October DEP Training Program – has not received information in time for this meeting.

**On a motion by Glenn Falk, seconded by Lee Schumacher, the Madison Inland Wetlands Agency voted unanimously to adjourn at 8:30 P.M.**

Respectfully submitted,

J. Donnette Stahnke  
Recording Secretary, Inland Wetlands Agency