

APPROVED

**INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES**

April 5, 2010

Meeting Room A, Town Campus

The regular meeting of the Madison Inland Wetlands Agency was held Monday, April 5, 2010 at 7:30 p.m. in Madison Town Hall, Meeting Room A.

MEMBERS PRESENT

C. Thomas Paul, Barbara Yeager, John Mathieu, David Newton, and Lee Schumacher

ALTERNATES PRESENT

n/a

MEMBERS ABSENT

Rodney Bascom

ALTERNATES ABSENT

Barry Nann

OTHERS PRESENT

Robert Kuchta, Inland Wetlands Enforcement Officer

Chairman Barbara Yeager called the regular meeting of the Madison Inland Wetlands Agency to order at approximately 7:34 p.m. Agenda items were taken in the order prescribed in the minutes.

PUBLIC HEARINGS:

n/a

REGULAR MEETING AGENDA ITEMS:

10-05: 391 DURHAM ROAD. Map 72, Lot 27. Owner: Klein Family LP; Applicant: David Klein. Regulated Activity Permit for construction of a 40 ft. x 100 ft. storage building within 100 ft. wetland review area.

This application is here for receipt.

David Klein is here to present the application.

D. Klein – my intent here is to build an equipment storage facility. Current building is full from various equipment, offices, and renter. I have other things stored at other properties and it would be nice to have another building for it all.

B. YAEGER – can you show me exactly where the boundary is?
D. KLEIN – the property line is the black line and over here is the closest setback.
B. YAEGER – ok.
D. KLEIN – for zoning it is a 30 foot setback, I have given myself an extra five feet.
The intent of putting it far over is because it is a golf course and people are hitting balls all over, the building will get hit but it will be less and it won't be in the way.
B. YAEGER – you have the Woods Road, are you going to increase the traffic? It looks like it goes through the wetlands.
D. KLEIN – most of the traffic is from within the property.
B. YAEGER – does it go directly from the barn out to the range?
D. KLEIN – most of the time it would.
D. NEWTON – you have here, a proposed gravel drive. It appears to be within 100 feet of the wetlands. That is not on permit request, are just asking for the barn?
D. KLEIN – would like to request that too if I can if we could put it all together.
D. NEWTON- what kind of grading is there around that drive?
D. KLEIN – minimal amount of additional fill and removal of the filling in that area.
D. NEWTON – that Woods Road appears to right through the wetlands is that currently paved?
D. KLEIN – it is just a gravel, dirt road
D. NEWTON – are you going to do any improvements on that?
D. KLEIN - no
L. SCHUMACHER – where does that road end now?
D. KLEIN – it ends where the dotted line is. It just runs right off into the maintained turf.
B. YAEGER – so really, the solid line is all new gravel drive.
D. KLEIN – I am not expecting to put a lot in there. Just maybe a couple inches of gravel so that it gives you something to drive on.
B. YAEGER – I have a question regarding the technicality of that. Doesn't he need that on the application?
R. KUCHTA – We should have him put that on the application.
B. YAEGER – Then we should accept this technically, until it is complete. It looks like there is going to have to be some sort of cut and fill, as you come out of those trees where he takes that turn.
D. KLEIN – I don't expect to have to do that. I have semis that come through there now.
L. SCHUMACHER – it looks like the proposed new drive enters the barn in two places?
D. KLEIN – yes
L. SCHUMACHER – it is going on the north side, is that to protect it from golf balls?
D. KLEIN – yes, easier to be out of the way.
B. YAEGER – what is that now is that turf?
D. KLEIN – yes, grass. It is an open field.
C.T. PAUL – will this barn have gutters?
D. KLEIN – no. I spoke to Mr. Kuchta and he agreed with having pea stone underneath the drip edge to disperse the water more broadly.
J. MATHIEU – as part of the original application for this driving range, we had unauthorized filling and a lawsuit. We reached a settlement outside of court. The settlement called for a no mow zone, tree plantings. I am not sure what the golf driving range looks like today in relation to the items we agreed on as part of the settlement. One of the things that concern me is based on

experience in the past; we need to know exactly what they propose to do and how they propose to do it.

C.T. PAUL – this back drive along the northern border, is that gravel? There is no macadam?

D. KLEIN – no. I would never pave any of it. I don't have a paved parking lot in the front. I don't see a need for it.

L. SCHUMACHER- do you need two entrances into the barn?

D. KLEIN- it makes it a lot easier. It allows different areas for different types of equipment.

C.T. PAUL- is that back area lawn?

D. KLEIN – it is grass up to the tree line.

B. YAEGER – I am not comfortable without more information on the drive. That is a major piece going right next to the wetlands. If there is no cut and no fill, you are just throwing gravel on it?

D. KLEIN – maybe I could cut a couple inches off and put something in there. The topsoil isn't actually that thick.

B. YAEGER – it doesn't say anything in the proposed description of the proposed activity about that being within the regulated area.

J. MATHIEU – I have a map here of the settlement that was reached on the initial application and it shows the drain discharging into the north it shows a no mow zone and tree plantings along here. None of those tree plantings show here on the map, so either the plantings weren't done or they did not survive.

R. KUCHTA – I suspect some of them did not survive.

D. KLEIN – I can give a description of the current conditions, of what is there and what has happened.

R. KUCHTA – perhaps the commissioners would like to take a site visit.

J. MATHIEU – I would like to see what the no mow zone looks like.

L. SCHUMACHER – Is this the first time we are seeing this?

R. KUCHTA – Yes. You can ask for additional information.

D. NEWTON – I would like to see more information or at least to have the proposed gravel drive included.

B. YAEGER – I would like to know how much area it is.

D. NEWTON – and consider moving the driveway on the other side, away from the wetlands.

B. YAEGER – do we accept it or schedule a site visit?

Upon a motion by David Newton, seconded by J. Mathieu, the Madison Inland Wetlands Agency voted unanimously to Ask the applicant to add information with regards to the gravel drive that he is proposing to be added to the drawing and schedule site walk and consider it again at the next meeting.

L. SCHUMACHER – I would like to add, it would be good to consider if there is a way to modify the plan to get rid of the drive on the north side of the building.

D. KLEIN- I could get rid of it all together and just drive on the grass.

Upon a motion by David Newton, seconded by C.T. Paul, the Madison Inland Wetlands Agency voted unanimously to accept the application and recommend that the applicant include his proposal for the driveway on the application and consider moving the driveway to the south side of the building and schedule a site walk.

- D. KLEIN – so you would like to see on the plan if there is going to be some cut, how deep, etc?
- B. YAEGER – what kind of gravel
- D. NEWTON – are you going to put fabric underneath it
- B. YAEGER – all those in favor? What happens if we don't accept it?
- D. NEWTON – isn't it already accepted?
- R. KUCHTA – tonight is the receipt of the application. The clock starts when you receive it. If there is a lack of information you are looking for, you direct the applicant to provide it.
- B. YAEGER – so basically we are all in favor of it?
- R. KUCHTA – perhaps site walk on a Wednesday at 6:00pm, maybe next week?
- L. SCHUMACHER – I will be out
- B. YAEGER – it doesn't work for me either
- R. KUCHTA – maybe the following week
- R. KUCHTA – you could stop by and see David and he could show it to you
- B. YAEGER – if we can't make the visit maybe we can meet with him separate
- J. MATHIEU – I think prior to site visit the agency members should receive a copy of the original settlement of the original suit we had to indicate what the area should look like now.
- D. KLEIN – It doesn't look like what was in the settlement we ended up mowing because there were a lot of golf balls out there.
- J. MATHIEU - Did you come to the commission and ask permission?
- D. KLEIN – I didn't know that I should. There are a lot of trees that the deer have eaten and scraped and so I lost some trees, but I have planted many other trees. I have bird and bat boxes.
- J. MATHIEU – the original conflict related to wetlands that were filled that were not approved. On the initial walk we went over the wetlands and they were not going to be filled.
- D. NEWTON – let's schedule the site walk and see what is there.

SECTION 13 APPROVALS:

10-01: 128 HORSEPOND ROAD. Map 59, Lot 47. Owners: Bill & Kathy Nelson; Applicant: Bill Nelson. Regulated Activity Permit for construction of addition to dwelling within 100 ft. wetland review area. Approved February 4, 2010.

- R. KUCHTA – the addition is actually on the west side of the existing house. The existing house is closer than the proposed construction.
- B. YAEGER – there are no gutters that will create a problem?
- R. KUCHTA – there is some slope to the property and I asked them to install two sets of silt fence erosion control on the north and south side to control any activity. It is not a very large addition and fairly sandy soils around the house.

10-02: 6 ALEX DRIVE. Map 51, Lot 39. Owner/Applicant: Wood Harbor Associates LLC. Regulated Activity Permit to install driveway within 100 ft. wetland review area. Approved March 23, 2010.

- R. KUCHTA – It is cluster subdivision... #6 is the first house on the north side of Alex drive. They located the septic system between the retention area and the driveway and they had to move the driveway a bit to the west so they wouldn't be driving over the septic system. It did push the driveway about 15 feet closer to the wetland but the wetland is above the driveway itself so any impact would go into the detention area and not into the wetlands.
- B. YAEGER – is that wetlands in front of the two houses?
- R. KUCHTA – yes. It is basically a discharge wetland.

10-03: 23 HORSEBARN LANE. Map 95, Lot 67. Owners/Applicants: David S. & Stephanie Howell. Regulated Activity Permit for construction of deck and patio within 100 ft. wetland review area. Approved March 23, 2010.

- R. KUCHTA – the house was built in mid 1990's when we only had a fifty foot review area. The deck and patio were actually constructed without a permit sometime after the house was built. The house is being sold. The real estate agent noticed the deck and patio never had a permit. I went out to look at it. It is a stable situation.
- B. YAEGER – it is not a significant damage to the area?
- R. KUCHTA - no

10-04: 633 BOSTON POST ROAD. Map 38, Lot 87. Owner/Applicant: Cumberland Farms Inc. Regulated Activity Permit for replacement of underground gasoline storage tanks within 100 ft. wetland review area. Approved March 23, 2010.

- R. KUCHTA – Cumberland Farms had applied for replacement of their underground tanks. They will shut down for about six weeks, will excavate the existing tank and put a new tank in. The whole area is curbed, it is contained site, and the only open area is along Boston Post Road.
- B. YAEGER – does that bump up next to Tuxis pond?
- R. KUCHTA – yes
- B. YAEGER – will there be any problem with them disturbing the pond and aquifer?
- R. KUCHTA – the tanks are close to the stream. The outlet stream from Tuxis pond is piped the whole eastern length until the south side of Henny Penny?
- D. NEWTON – where are they going to store the fill?
- R. KUCHTA – probably on the site. They are going to replace 2 tanks. There are multiple tanks they are talking about only one tank, less ground. They are going to need the material they excavate.
- D. NEWTON – do they have a staging area?
- R. KUCHTA – they are going to close the whole property, there will be no public access.
- D. NEWTON – and they have silt fence and erosion controls?
- R. KUCHTA – yes
- B. YAEGER – if we have another storm like we did a few weeks ago
- J. MATHIEU – are the tanks leaking?

R. KUCHTA – no

J. MATHIEU – if there are three tanks there, why are they only replacing one if it is not leaking?

R. KUCHTA – I think they are reducing the total number of tanks there. I will check on this.

C.T. PAUL – there is not an apparent pollution problem?

R. KUCHTA – it is due to age

D. NEWTON – can we have them come in to speak with us? Not to rescind your decision, there are a lot of unknowns.

R. KUCHTA- I can ask them

B. YAEGER – does this fall under DEP?

R. KUCHTA – I am sure it does

B. YAEGER – I would like to know a little bit more

10-06: 24 BUCK HILL ROAD. Map 136, Lot 2-36. Owners/Applicants: Edward & Bonnie Bruciati. Regulated Activity Permit for placement of storage shed within 100 ft. wetland review area. Approved March 20, 2010.

R. KUCHTA – the shed is 10x10. There is a wooded buffer between the existing one and the stream itself. I put in a condition that they would not clear beyond 10 feet if they are going to place it in the woods.

3. APPROVAL OF BILLS

B. Yaeger – provides a breakdown of the bills:

Clerk: \$112.35, Office supplies: \$46.47, Gas: January - \$8.86 & February - \$15.91, Nextel communications: \$15.72, Shoreline Publishing: \$27.58 & \$32.44, and Royal Printing: \$18.33 = Total: \$277.66

Upon a motion by David Newton, seconded by C.T. Paul, the Madison Inland Wetlands Agency unanimously voted to approve the bills as submitted.

**4. APPROVAL OF MINUTES – Regular Meeting, January 4, 2010
– Regular Meeting, February 1, 2010**

Clarification of changes and errors for February 1, 2010 minutes.

Upon a motion by Barbara Yaeger, seconded by Dave Newton, the Madison Inland Wetlands Agency unanimously voted to approve the special meeting minutes of the December 19, 2009.

The commissioners did not receive the January 4, 2010 minutes. Those minutes will be addressed at the May meeting.

6. LITIGATION: Executive Session as Required

There is nothing to act on.

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

R. Kufta – I have some regarding the budget. Due to budgetary cuts they have limited my hours to twenty total. If I come to a meeting and it lasts four hours, I would not be able to come in on a Friday. They will not pay me extra.

C.T. PAUL – is this for both your roles, Inland Wetlands and Tree Warden?

R. KUCHTA – yes, both. They have eliminated Samile’s position as of July 1st.

C.T. PAUL – if there is a big storm, it will take more than 20 hours of your time.

D. NEWTON – I question the reasonableness of this decision.

B. YAEGER – I agree. As a volunteer, he is our main representative.

J. MATHIEU- It seems like there is a lot of money for certain things but not others.

C.T. PAUL- I think there is a problem in case there is a storm and you have to do your Tree Warden job. I don’t think that Inland Wetlands department should suffer if you have to do extra work for your other role.

B. YAEGER – considering the amount of wetlands in Madison, I find this appalling.

R. KUCHTA – you could go to the budget presentations. Unsure of the date, check the town website.

D. NEWTON – what happens if you don’t have the time, do applications begin to back up?

R. KUCHTA – when an application comes in it goes on the next month’s meeting, whether or not I am in the office.

B. YAEGER – if you don’t have the time, then the Section 13s will have to come to us? We get more work, our meetings become longer and you will be here anyway. You will be sitting here rather than out in the field doing the work.

R. KUCHTA – at this point the work load has been manageable.

ADJOURNMENT

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With no further business before it, **upon a motion by David Newton, by C. Thomas Paul it was unanimously voted to adjourn the regular meeting of the Madison Inland Wetlands Agency at approximately 8:20 p.m.**

Respectfully submitted,

Sarah Judge
Recording Secretary, Inland Wetlands Agency