

**INLAND WETLANDS AGENCY  
REGULAR MEETING MINUTES**

**June 7, 2010**

Meeting Room A, Town Campus

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

**MEMBERS PRESENT**

C. Thomas Paul, Barbara Yaeger, John Mathieu, David Newton, Glenn Falk and Lee Schumacher

**ALTERNATES PRESENT**

Barry Nann

**MEMBERS ABSENT**

Rodney Bascom

**ALTERNATES ABSENT**

n/a

**OTHERS PRESENT**

Robert Kuchta, Inland Wetlands Enforcement Officer

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Chairman Barbara Yaeger 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:** None

**REGULAR MEETING AGENDA ITEMS:**

**10-08: 63 EAST WHARF ROAD. Map 28, Lots 63-2 & 64. Owners/Applicants: George M. and Jane H. Rapport. Regulated Activity Permit to interconnect two adjoining wetland depressions within 100 ft. wetland review area.**

Thomas A. Stevens, professional engineer and land surveyor presented

Here to address some concerns expressed by the commissioners.

New plan dated 5/4/2010.

Increased pipe slope ½% and raised pipe inlet 3/10ths and allows the wetland pocket to be flooded before the water flows offsite.

Two pieces of correspondence reviewed – letter from Richard Snarski and letter from the DEP.

12 inch pipe installed with a 12 inch wide bucket.

D. Newton – there is a wall there, will you restore it?

T. Stevens – if we have to take it down we will restore it.

D. Newton – what is the overall difference between the northern and southern one?

T. Stevens – in grade, 8/10 of a foot.

B. Yaeger – what kind of vegetation?

- T. Stevens – it is all lawn.
- R. Kuchta – the southern wetland is all lawn.
- B. Yaeger – any other questions?

**Upon a motion by David Newton, seconded by C. Thomas Paul, the Madison Inland Wetlands Agency voted to approve application 10-08: 63 EAST WHARF ROAD. Map 28, Lots 63-2 & 64. Owners/Applicants: George M. and Jane H. Rapport with the changes that were presented on the most recent drawing.**

**10-09: 980 DURHAM ROAD. Maps 116 & 117, Lot 22. Owner/Applicant: Town of Madison. Regulated Activity Permit for installation of an 8 in. water line crossing a wetland and watercourse to serve the school building.**

John Iennaco, Department of Public Works and Engineering present  
Responding to requests for additional information.

7:44pm Glenn Falk arrived

J. Iennaco – we looked at three alternatives. Alternative one – the water line would turn and run alongside the power line. Alternative two – head south and then run along the north side of the trail. Alternative three – run on the south side of the trail and go alongside the building and go underneath a concrete sidewalk. Alternatives one and two both cross at a wider section of the wetlands and alternative three would involve running the line down underneath the concrete sidewalk and there is a maze of utilities that would have to be crossed. This morning I received an email from Heather Crawford expressing some concerns of the Conservation Commission regarding forest fragmentation. I talked to Heather today to get some more information. She mentioned that the concern is the clearing required to run this line straight through the wooded area. The Conservation Commission would like us to consider three measures to minimize forest fragmentation. One measure would be to consider a route along an existing cut. Another would be to keep the clearing as narrow as possible. And the third is to allow the cut area to revert back to a natural condition. We do not feel the first consideration is feasible per our alternative analysis. As far as the other two measures, we are planning on doing those. We are going to avoid trees to the extent possible.

C.T. Paul – when we took our site walk, there was a large oak tree and another tree that could potentially be in the way. I thought you were going to put them on the drawing.

J. Iennaco – I look at the alignment and try to avoid the trees as much as possible.

J. Mathieu – what is the makeup of the pipe?

J. Iennaco – ductile iron

J. Mathieu – the 20 feet is the area they are going to need for construction. You can't put the pipe in the middle, you are going to need to get equipment in there, you have to dig it, and you've got to get pipe in there, sand in there and once that is done you have to get more sand in there. You are essentially going to have a road through there. My question is how are you going to restore?

J. Iennaco – the plan would be to pull forest litter from the clearing into the cleared area.

L. Schumacher – is someone going to stake the area and Bob can go out and take a look so we can ensure that trees won't be cut?

J. Iennaco – I think that will be difficult because when they dig in there, there will be a lot of boulders. If they come across a large boulder they will have to go around it.

- L. Schumacher - they could do the same thing with trees. If it comes between a boulder and a tree, which will they choose?
- C.T. Paul – unless that large oak tree is guaranteed safe I cannot move with the first plan.
- J. Iennaco – the water company has said they will avoid cutting that tree down.
- C.T. Paul – is that written anywhere?
- J. Iennaco – you can make that a condition.
- C.T. Paul – Bob how would we designate that tree?
- B. Yaeger – it is not on the maps
- D. Newton – Bob can go out and map it, he is also the tree warden.
- R. Kuchta – we can measure from the stream and the stream is on the map.
- C.T. Paul – if we were going to make that a condition tonight, how would we designate it?
- B. Yaeger – Bob knows the tree, he will go out and mark it.
- GF – which of the four plans has the least impact on the wetlands?
- J. Iennaco – alternative three.
- G. Falk – your proposal is still for the straight line; does that have most impact on the wetlands?
- J. Iennaco – besides three, that has the least impact.
- B. Yaeger – in three if you came up to the drive and then met alternative two at that 90 degree turn, that gets you off the utility.
- C.T. Paul – that was going to be my question too.
- J. Iennaco – that is a problem because there is a very large storm drain and a watercourse that runs along that side of the boardwalk. I think we will find that there is more impact.
- D. Newton – three crosses the wetland also.
- B. Yaeger – unique habitats and special areas is not filled out on here, whether or not it does. Historic resources is not filled out either. Recreation resources is not checked off either. I do not feel that this is complete. I am really concerned. There is no written restoration plan and no written survey of the significant trees that will be affected. I know when push comes to shove and they have to get that water line in before school starts, they are going to have to move fast. I am worried that things like that tree will come down because it is quicker. With the waterlines you said you don't maintain it like you would a power line you just let the trees grow in?
- J. Iennaco – that is the plan.
- B. Yaeger – when you put that pipe in there and sand that changes the porosity between the soils and sand. I am not sure how that would impact the water flow.
- J. Iennaco – the plan for this is to put sand bedding under the pipe, the original material will be to separate the cobbles and put back original material back in the trench. I don't anticipate a change in the hydrology.
- B. Yaeger – I am still very uncomfortable that there is no written restoration plan. Bob do these things make it incomplete or not.
- J. Iennaco – this is the level of information that was given for the fiber optic line that was approved in 2007.
- B. Yaeger – unique habitat is a concern, if there is a unique species.
- G. Falk – do we have any documentation with the problem with the utilities?
- J. Iennaco – we know the utilities are there from utility locates and the Call Before You Dig.
- D. Newton – what do we have under there? Fiber optics? Gas?
- J. Iennaco – there is gas, oil, power, fiber optic, and storm.
- D. Newton – was that trail there before the fiber optic line?

J. Iennaco – yes

J. Mathieu – how big is the fiber optic line?

J. Iennaco – I believe the conduit is four inches, I think there are one or two four inch conduits.

B. Yaeger – I am not comfortable with this. I don't feel we have enough information.

C.T. Paul – I would like to hear a report from the Conservation Commission also.

Kealoha Freidenburg from the Conservation Commission – the applicant has not been to our meeting so we haven't officially seen the application. Our chair, Heather Crawford spoke with John this morning and I reported back from your last meeting. Our concerns are forest fragmentation. When you clear cut into the forest you open up an edge that changes species composition, the thermal environment, moisture levels, and a lot of different things. It happens all the time naturally with gaps, but this is a much bigger thing than a tree falling. What Heather had suggested is to minimize the corridor and that would minimize edge effects. Another suggestion was to do an annual survey for invasive species. And thirdly, was restoration to have some sort of planting to jump start the restoration. Another concern was the erosion to the stream. There is a class at Brown that has been using that pond for five years. They have registered it, they have surveyed a lot of species. Because that class is taught every year, the teacher has documented the changes. There is an increased filling of the wetlands since 2007. I have sampled that pond and I have not noticed anything invertebrate or vertebrate that is significant or unique but I do not know plants as well.

B. Yaeger – as far as invasive goes, monitoring and maybe it is something the kids could do?

K. Freidenburg – exactly.

B. Yaeger – the edge effect, by trying to minimize significant tree cuts that would keep the whole canopy.

K. Freidenburg – whatever way you can minimize opening the canopy is good.

C.T. Paul – did you or Heather go over what they are going to do to try to capture the water up stream when they cut across and they going to siphon it around the area across, how that will affect the lower pond?

K. Freidenburg – they are doing it at the right time of year. There is no formal letter from the Conservation Commission yet because the applicant hasn't been to our meeting but we still wanted to comment on it to you. And I would be happy to draft something if it would help.

B. Yaeger – it will be in our minutes. For erosion control I am assuming you have the detail on here that it will be the entire length of the project?

J. Iennaco – yes.

B. Yaeger – when they store the soil there for those areas?

J. Iennaco – they will dig it out and set it right next to the trench.

J. Mathieu – how much pre-engineering has the water company done?

J. Iennaco – we walked the whole area with the water company.

C.T. Paul - can a backhoe go all along here without a problem?

J. Iennaco – it will most likely be an excavator.

D. Newton – what are they going to do with all the rocks they find?

J. Iennaco – they will take them out and cast them on the ground and over time you won't notice which rocks were already there compared to the new ones.

C.T. Paul – I am still concerned about the lack of written plans for restoration. Is there somewhere written in the plan about the time frame?

- J. Iennaco – the construction time frame? It is in the application.
- B. Yaeger – Bob, is the Conservation Commission information about unique habitat required or just something we prefer to have?
- R. Kuchta – if there is something unique it needs to be included on the application.
- C.T. Paul – do we know what is in the vernal pool?
- K. Freidenburg – salamanders, frogs, and a variety of vertebrates.
- B. Yaeger – I'd like to see a written restoration.
- D. Newton – can we approve it with the conditions you have discussed?
- J. Iennaco - as a representative of the Engineering Department I will be keeping an eye on this during construction and if I see a problem I will order additional silt fence or hay bales. I assume Bob will be keeping an eye on it as well. If I may suggest, if the major concern is a restoration plan, you could grant the approval with the condition that a restoration plan be submitted and acceptable to the wetlands agent.
- D. Newton – I think something needs to be included about the preservation of the large oak tree.
- B. Yaeger – another major concern I have is that facilities went in there and cleared that before there was even an application.
- C.T. Paul – did that happen?
- R. Kuchta – some small trees were cleared.
- B. Yaeger – if this were a private person or company I would be really upset.
- R. Kuchta – it was done, yes.
- B. Yaeger – I don't know how to prevent that in the future.
- J. Mathieu – who is going to do the restoration?
- J. Iennaco – either the water company or the Town.
- G. Falk – I don't think that is enough information. I am not convinced that enough has been submitted to justify not going with the third alternative. I am going to make a motion to deny the application. If there is a time frame concern, we can have a special meeting. I don't think there should be a distinction between a private party and the Town.
- B. Yaeger – when do we have to act on it?
- R. Kuchta – our next scheduled meeting is July 12, that is seventy days which is five days beyond. If you don't act tonight we will have to have a special meeting before the next regular meeting.
- B. Yaeger – can we request more information and have a special meeting before deciding?
- R. Kuchta – yes. Somewhere between now and July 12th.
- B. Yaeger – how many people is a quorum?
- R. Kuchta – four. At the latest we would have to meet the first week of July or as early as the week of June 28<sup>th</sup>.
- B. Yaeger – do we have to publish it?
- R. Kuchta – yes, 48 hours.
- B. Yaeger – does that seem reasonable? Or are people ready to vote on this?
- C.T. Paul – fine.
- J. Mathieu – not now.
- D. Newton – we have to be very specific on what information we are looking for.
- B. Yaeger – what we are asking is, why is number three not the most prudent and feasible?
- J. Iennaco describes further the reasoning behind not choosing alternative three.
- G. Falk – I don't know where in relation to the surface these various lines are. Why can't you

put the water pipe underneath these things?

B. Yaeger – a survey of when it comes from the boundary up to the school, mark where the gas line is.

J. Iennaco – I am not saying it isn't possible but it isn't practical. There is not a topographic map.

B. Yaeger – do you have that in a CAD file?

J. Iennaco – no.

Discussion regarding the tracing of lines.

J. Mathieu – I would be curious to know to what extent the water company felt they would have to restore the area, other than just cover the pipe.

J. Iennaco – that would fall under the restoration plan.

B. Yaeger – facilities may be able to do it. Another thing is the significant trees.

J. Iennaco – what would be a significant tree?

R. Kuchta – over 6 inch caliper.

D. Newton – it is also the condition of the tree.

J. Iennaco – can the tree warden determine this?

B. Yaeger – yes

Discussion on the detail and plan updates of the alternative plans.

B. Yaeger – do we want to schedule the meeting so we can be sure we have a quorum?

Discussion on date options.

R. Kuchta – June 28<sup>th</sup> at 7:30pm. I will send out a notice.

J. Iennaco – are you looking for the trees to be survey located on the plan?

B. Yaeger – I would want Bob involved.

J. Iennaco – we can identify them in the field?

J. Mathieu – the engineer from the water company has to agree that what you come up with is doable.

Discussion on what is to be provided for the special meeting.

J. Iennaco – so it is a restoration plan, more information on utilities, and significant trees?

B. Yaeger – identified for both proposal and alternative three. I'd like to see something in writing that this clearing you put in isn't something you maintain.

R. Kuchta – a now mow zone.

**Upon a motion by Barbara Yaeger, seconded by C. Thomas Paul, the Madison Inland Wetlands Agency voted to postpone discussing application 10-09: 980 DURHAM ROAD. Maps 116 & 117, Lot 22. Owner/Applicant: Town of Madison until the special meeting, June 28, 2010 at 7:30pm.**

### **SECTION 13 APPROVALS:**

**10-10: 438 SUMMER HILL ROAD. Map 131, Lot 2-9. Owner/Applicant: Russell & Susan Vito. Regulated Activity Permit for construction of swimming pool within 100 ft. wetland review area. Approved May 17, 2010.**

R. Kuchta - An application an in ground swimming pool. The initial location they proposed was too close to the wetlands in my opinion, I requested that they move it 50 feet to the

south and into the lawn area. They hadn't considered that and had already cut some trees down. They measured the area and agreed that they could make the change. The first proposal was about 8 feet from the wetlands.

C.T. Paul - How about the trees that they cut down?

R. Kuchta – I suspect that they were cut down a few years ago.

D. Newton – Is there anything coming back in their place?

R. Kuchta – There are still some shrubs and vegetation around where they are planning to put the pool. The contractor was amenable to moving the pool and I think we accomplished no impact on the wetlands.

B. Yaeger - will you go back and look at something like that once it is built?

R. Kuchta – yes, I will do a follow-up.

### **3. APPROVAL OF BILLS**

B. Yaeger – provides a breakdown of the bills:

Clerk: \$48.15, Gas: \$23.76, Nextel communications: \$21.77, The Source: \$12.50 = Total: \$106.18

**Upon a motion by David Newton, seconded by Lee Schumacher, the Madison Inland Wetlands Agency unanimously voted to approve the bills as submitted.**

### **4. APPROVAL OF MINUTES – Regular Meeting, May 3, 2010 – Special Meeting, May 13, 2010**

**Upon a motion by Barbara Yaeger, seconded by Glenn Falk, the Madison Inland Wetlands Agency unanimously voted to approve the regular meeting minutes of the May 3, 2010 as amended.**

**Upon a motion by Barbara Yaeger, seconded by John Mathieu, the Madison Inland Wetlands Agency unanimously voted to approve the special meeting minutes of the May 13, 2010 as amended.**

**6. LITIGATION:** Executive Session as Required. None.

**7. REMARKS – INLAND WETLANDS CHAIRMAN.** None  
- INLAND WETLANDS OFFICER. None

### **ADJOURNMENT**

**With no further business before it, upon a motion by Glenn Falk, by David Newton it was unanimously voted to adjourn the regular meeting of the Madison Inland Wetlands Agency at approximately 9:03 p.m.**

Respectfully submitted,

Sarah Judge  
Recording Secretary, Inland Wetlands Agency