

**MADISON INLAND WETLANDS AND WATERCOURSES AGENCY  
REGULAR MEETING MINUTES  
February 6, 2023**

A Regular Meeting of the Madison Inland Wetlands and Watercourses Agency was held on Monday, February 6, 2023 at 7 p.m., remotely, using Zoom Videoconferencing. The public was invited to attend by joining the meeting through Zoom webinar link and password, telephone call-in number, and a webinar identification number. Log-in and call-in details were posted to the Town of Madison website prior to the meeting.

**MEMBERS PRESENT:** Chairman Kealoha Freidenburg, Vice Chairman Joseph Budrow, Secretary Robert Zdon, Tom Clancy, Lee Schumacher and Martin Brogie

**ALERNATE PRESENT:** Anna Loss

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Erin Mannix, Town Planner and agent for Madison Inland Wetland and Watercourse Agency

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Chairman Freidenburg called the meeting to order at 7:04pm.

**PUBLIC HEARING:**

**22-42. 31 Stony Lane. Map 35, Lot 25-2, Parcel formally identified as north-eastern 5.8225 acres of 353 Boston Post Road, Map 36, Lot 25** Owners: Kingsley Goddard and Kelly Ann Quinlan, Applicant: The Residences at Barberry Farm, LLC; Regulated Activity Permit to construct twelve (12) detached single-family dwellings and associated site improvements within upland review area. *(Extension Granted. Request to continue hearing to 3/6/23 meeting)*

**Commissioner Schumacher made the motion to approve 22-42. 31 Stony Lane request to continue the hearing to 3/6/23. Seconded by Commissioner Clancy and unanimously approved.**

**REGULAR MEETING:**

**22-45. 44 Middle Beach Road West.** Map 15, Lot 13, Owner/Applicant: James E. & Erin B. Burris, Regulated Activity Permit to raise existing single-family home to FEMA compliance, add second floor and create drive under garage. *(Tabled from 1/9/23)*

Present – Chuck Mandel agent for applicant. Since the last meeting the applicant has submitted inland wetland mitigation details as well as a revised plan of the proposed drive under garage which was shown and reviewed for the agency. Mr. Mandel states, on record is an updated report by the soil scientist Robert Russo with a list of plantings and plantings for the restoration area as required by the agency. Agency members discussed having an annual report for 3 yrs. for plant monitoring to ensure survival. Per Commissioner Brogie, this is consistent with previous decisions to implement a monitoring plan for 3 years. Chairman Freidenburg also states they will require 80% survival for the plants. After discussions, the following motion was made.

Commissioner Brogie made the motion to approve application #22-45. 44 Middle Beach Road West. Map 15, Lot 13, Owner/Applicant: James E. & Erin B. Burris, Regulated Activity Permit to demolish the superstructure of the existing single-family home; and reconstruct a new single family dwelling on existing foundation in compliance with FEMA floodplain regulations and associated site improvements as shown on site development plan by Thomas A Stevens and Associates entitled, "Site Plan prepared for James E and Erin B Burris, 44 Middle Beach Road West, dated revised 1/6/23 with the following conditions:

1. The Inland Wetland Agency's agent shall be notified at least 48 hours prior to commencement of any regulated activity.
2. At all times during site work and until soil areas are stabilized, the applicant shall install and maintain erosion and sediment control measures such as fabric filter fence, staked hay bales or other measures deemed necessary by the Agency's agent to prevent erosion and sedimentation impacts to the wetlands and watercourses. Erosion control and soil stabilization measures shall comply with the approved plan and the guidelines as established in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002. The location of the filter fabric fencing, as shown on the approved site development plan, shall serve as the limit of construction activities. Additionally, per approved plan, orange construction fencing will be installed at the limit of disturbance to serve as a visual reminder during construction activities.
3. The applicant shall complete restoration of inland wetland area as shown on approved site development plan. Additionally, the gravel pad located to the southwest of the residence shall be removed and reverted to lawn area.
4. a 3-year wetland restoration, monitoring plan be implemented whereby annual reports are submitted to the wetland Enforcement officer that describes the condition of the installed Wetland vegetation, and by a 3-year time period that 80% of the installed vegetation would have survived.

**Seconded by Secretary Zdon.**

IN FAVOR: Chairman Kealoha Freidenburg, Vice Chairman Joseph Budrow, Secretary Robert Zdon, Tom Clancy, Lee Schumacher, Anna Loss and Martin Brogie

OPPOSED: None.

ABSTAINED: None

**22-48. 69 Kelsey Springs Dr.** Map 79, Lot 9-10. Owners/Applicants: W. Roy & Mary E. Schulte, Trustees, Regulated Activity Permit to construct a single-family residence and associated site improvements within the upland review are of an inland wetland. ***(Tabled from 1/9/23)***

Present for application – Todd Anderson from Anderson Engineering & Surveying Associates. The applicant submitted a revised plan to show a relocated septic system (also submitted to the health department for approval) and shifting of the house location further from the delineated wetland line.

The plan was shown and further reviewed for the agency. In addition, R. Richard Snarks submitted a wetland report.

After discussions, the following motion was made.

**Commissioner Schumacher made the motion to approve application 22-48. 69 Kelsey Springs Dr. with three conditions as laid out in the staff memo, dated February 6, 2023.**

- 1. The Inland Wetland Agency's agent shall be notified at least 48 hours prior to commencement of any regulated activity.**
- 2. At all times during site work and until soil areas are stabilized, the applicant shall install and maintain erosion and sediment control measures such as fabric filter fence, staked hay bales or other measures deemed necessary by the Agency's agent to prevent erosion and sedimentation impacts to the wetlands and watercourses. Erosion control and soil stabilization measures shall comply with the approved plan and the guidelines as established in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002. The location of the filter fabric fencing, as shown on the approved site development plan, shall serve as the limit of construction activities.**
- 3. That the gravel curb cut to the east be removed and reverted to landscaped area and access to the site be through the new proposed driveway.**

**Seconded by Commissioner Brogie.**

IN FAVOR: Chairman Kealoha Freidenburg, Vice Chairman Joseph Budrow, Secretary Robert Zdon, Tom Clancy, Lee Schumacher, Anna Loss and Martin Brogie

OPPOSED: None.

ABSTAINED: None

**23-02. 43 Madison Springs Dr.** Map 66, Lot 32. Owner Applicant: Rachel Kelly Voccola, Regulated Activity Permit to construct and in-ground swimming pool and associated patio and site improvements within 100 feet of an inland wetland.

Present for application - Mike Ott, licensed professional engineer and land surveyor with Summer Hill Civil Engineers. The applicant is proposing to relocate the existing septic system from rear yard to the front yard to accommodate installation of an in-ground pool. A site improvement plan was shown and reviewed for the agency. Mr. Ott states the limits of disturbance are defined by the sediment control barrier and all activity will take place in the lawn. He further states the owner would like to install a dark colored fence in the wooded area on the side.

Commissioner Zdon asked what is the distance from the sediment erosion barrier to the actual wetland marking. Mr. Ott states about 24ft. Commissioner Zdon also asked if there's any tree or plant disturbance within the area of the scope of the work. Mr. Ott states no, all of the work shown is in the existing lawn, including the installation of the tanks. Chairman Freidenburg states it would be helpful to have a plan that shows the fence and measurements. Mr. Ott states he can revise the plans and show the location of the proposed fence accurately on the plans.

Commissioner Brogie further states it's not about the construction activity associated with installing the fence; the fence is a physical barrier to what is happening in the wetland and in the buffer area. He states its important to keep the fence out of the wooded wetland buffer, especially in this instance, where there's only 24 feet to the wetland line. Mr. Ott agreed that the fence would be moved.

VC Budrow also asked that the location of the underground utilities between the pool and the concrete pad for the pool equipment be added to the plan.

A survey of the property was shown for the agency, which showed that the wetland delineation was completed by Robert Russo on November 17, 2022. This would be added into the record per Mrs. Mannix.

Mr. Ott further states no trees are being cut and no vegetation will be removed.

*Commissioner Loss left the meeting before motion.*

**Secretary Zdon made the motion to approve application 23.02. 43 Madison Springs Dr. based upon staff recommendation of conditions 1 & 2 and added a third condition:**

- 1. The Inland Wetland Agency's agent shall be notified at least 48 hours prior to commencement of any regulated activity.**
- 2. At all times during site work and until soil areas are stabilized, the applicant shall install and maintain erosion and sediment control measures such as fabric filter fence, staked hay bales or other measures deemed necessary by the Agency's agent to prevent erosion and sedimentation impacts to the wetlands and watercourses. Erosion control and soil stabilization measures shall comply with the approved plan and the guidelines as established in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002.**
- 3. That the engineer mark clearly the fence that has been proposed and will be installed subject to State regulations for pools as discussed at the meeting.**

**Seconded by VC Budrow.**

Commissioner Brogie added the following: that the proposed fence be installed within the existing grass area and not in the woods. The agency further added that the utility line for pool equipment be shown on the plan.

IN FAVOR: Chairman Kealoha Freidenburg, Vice Chairman Joseph Budrow, Secretary Robert Zdon, Tom Clancy, Lee Schumacher and Martin Brogie

OPPOSED: None.

ABSTAINED: None

**23-03. 15 Prospect St.** Map 16, Lot 12. Owners: Hilary and Curtis Baker; Applicant: Gulick & Company; Regulated Activity Permit for installation of a pool, patio, landscape walls, landscaping and relocation of a municipal storm drainage pipe located on the property.

Present for the applicant- Michael Harkin, professional engineer and Travis Gulick, builder at Gulick & Co. As a brief recap Mrs. Mannix states the applicant is proposing to remove and relocate a municipal storm drainage pipe, construct retaining walls, in ground pool, and associated landscaping on the site. After the site walk, additional information was requested from the

applicant including survey spot elevations and details of the proposed pipe outlet. Mr. Harkin states as previously approved by the agency the house was raised to be FEMA compliant. Since then the applicant has been working with the town engineer to rectify the matter with the easement, and to find out more details on the existing pipe. Mr. Harkin states, the public works dept. went out and dug up the pipe in order to locate the end of it, which they did. A drainage plan was reviewed and approved by the Town engineer. A plan of the site was shown and reviewed for the agency. Bob Russo, soil scientist, recently visited the site and provided a report to the Agency and a recommendation for the slope stabilization surrounding the pipe outlet as requested by staff. Mr. Harkin further states an easement map and description was sent to the town engineers, which will go to the Town attorney, for an easement to officially be filed.

VC Budrow asked if only two catch basins will put water into the newly directed route. Mr. Harkin states the two basins in Prospect Street, carries some water and flows in there but they are not proposing any additional water into them.

Secretary Zdon asked if the inland wetlands are only on the north side of the property. Mr. Harkin states yes. Mrs. Mannix further states there are no wetlands elsewhere on the property.

Commissioner Brogie asked about an “impromptu retaining” wall along the wetlands that was right along the silt fence – he further states the wall looked like a recent installation and was curious when it was built. Mr. Gulick states he is not sure and does not know, he adds if this was done, it was not intentional. Mrs. Mannix states she would be happy to review the site with Mr. Gulick but there have been no modifications from the original approved site development plan for the additions to the house.

After discussions, the following motion was made.

**Commissioner Schumacher made the motion to approve application #23-03. 15 Prospect St. Map 16, Lot 12. with the two conditions outlined in the draft staff draft memo, dated 02/6/ 23:**

- 1. The Inland Wetland Agency’s agent shall be notified at least 48 hours prior to commencement of any regulated activity and again specifically 48 hours prior to removal and replacement of storm drainage pipe.**
- 2. At all times during site work and until soil areas are stabilized, the applicant shall install and maintain erosion and sediment control measures such as fabric filter fence, staked hay bales or other measures deemed necessary by the Agency’s agent to prevent erosion and sedimentation impacts to the wetlands and watercourses. Erosion control and soil stabilization measures shall comply with the approved plan and the guidelines as established in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002.**

**Seconded by Chairman Freidenburg.**

IN FAVOR: Chairman Kealoha Freidenburg, Vice Chairman Joseph Budrow, Secretary Robert Zdon, Tom Clancy, Lee Schumacher and Martin Brogie

OPPOSED: None.

ABSTAINED: None

**RECEIPT(S):**

**23-04. 41-42 Wilshire Ln.** Map 39, Lot 87. Owner/Applicant: Kennsington Acres South Owners Assoc., Inc.; Regulated Activity Permit to relocate failed septic system within a wetland review area. ***(Emergency septic repair, request for Section 13)***

Mrs. Mannix states this particular unit, or pair of units has had 3 failed systems. The new septic is in a new proposed location which would be an engineered system under both parking lots and within existing lawn area. The catch basins or drainage areas will be protected with E&S controls. She further states the system is bleeding out, and has been for some time so there's a sense of urgency and benefit to approving this on an agent level. However, it would be her recommendation to move the E&S controls into the upland review area as there cannot be activity in the wetlands for this to qualify for agent approval.

**Chairman Freidenburg made the motion to have the applicant move the silt fence out of the wetlands and away from the catch basins for a section 13 approval. Seconded by Commissioner Schumacher and unanimously approved.**

**23-05. 11 Yankee Peddler Path.** Map 49, Lot 62. Owners: Bret and Karis Lagasse, Applicant: Michael Martocci, Poolscape Pools; Regulated Activity Permit to install an 18 x 36 inground pool in a wetland review area.

**Agency members agreed site walk is needed.**

**23-06. 14 New Road.** Map 49, Lot 26. Owner/Applicant: Precision Land Holdings LLC; Regulated Activity Permit for renovations and a 4,170 sqft addition to existing manufacturing building with associated site improvements including replacement of a storm drain.

**Agency members agreed site walk is needed.**

**23-07 304 Copse Rd.** Map 65, Lot 6. Owners: L. Aland and Wendy Duques, Applicant: L. Alan Duques; Regulated Activity Permit replace entire septic system as well as build a 256 sqft addition, renovation existing deck and install a patio within the 100 ft upland review area.

**Agency members agreed site walk is needed.**

**SECTION 13**

**23-01. 304 Copse Rd.** Map 65, Lot 6. Owner Applicant: L. Alan Duques, Regulated Activity Permit to remove 13 trees located within the 100 ft upland review area.

**Approved as section 13.**

**VIOLATIONS**

**144 Neck Rd.** Map 24, Lot 1. Owner: Patrick & Brian H. & Rita Boutilier-Clearing of trees/vegetation and deposition of material (wood chips) within 100ft upland review area of inland wetland and watercourse without regulated activity approval ***(Table to 3/6/23 meeting)***

Mrs. Mannix states the property owner was not available for the last site walk and had notified staff before posting. The property owner has also indicated that he expects the survey to be completed shortly and the soil scientist was on site to delineate the wetlands. She further states the applicant

is moving ahead with a design for an application and further acknowledges that the clearing would be handled through a corrective action. The applicant is expected to come back before the agency at the agency's March meeting as that is the deadline for the applicant's corrective order.

**APPROVAL OF MINUTES:**

Special Walk Meeting Minutes January 7, 2023

Regular Meeting Minutes January 9, 2023

**Secretary Zdon made the motion to approve the January 7, 2023 special walk meeting minutes and the January 9, 2023 regular meeting minutes as submitted. Seconded by VC Budrow.**

IN FAVOR: Chairman Kealoha Freidenburg, Vice Chairman Joseph Budrow, Secretary Robert Zdon, Tom Clancy, Lee Schumacher

OPPOSED: None.

ABSTAINED: Martin Brogie

**REMARKS:** Inland Wetlands Chairman – None

Inland Wetlands Agent –

Mrs. Mannix discussed the Connecticut Bar Association Land Use Commissioner training program which is an all-day Saturday event for land use agencies, planning commission, zoning commission, zoning board of appeals, and inland wetlands etc. A virtual program on March 11<sup>th</sup>.

Mrs. Mannix states she's coordinating with the town planner of Old Saybrook for the gathering of the land use agencies education series which is to provide continuing education to commission members. Present will be other land use agencies, Darcy Winther, DEEP Inland Wetlands Management Program and attorney Matt Willis who will go through the ins and outs of the inland wetlands and water courses act and other information that agency members should know. This would be a hybrid meeting on Thursday, Feb 23<sup>rd</sup> at 7pm.

After discussions with agency members the site walk for the month of February will be scheduled for Feb. 25, 2023.

**ADJOURNMENT**

**Commissioner Brogie made the motion to adjourn at 9:19p.m.; seconded by Commissioner Schumacher and unanimously approved.**

Respectfully Submitted,  
Racquel Stubbs