

**MADISON INLAND WETLANDS AND WATERCOURSES AGENCY
REGULAR MEETING MINUTES**

May 3, 2021

**7 p.m. VIA ZOOM ONLINE WEBINAR WITH PUBLIC PARTICIPATION
PASSWORD AND CALL-IN INFORMATION PROVIDED PUBLICLY**

A Regular Meeting of the Madison Inland Wetlands and Watercourses Agency was conducted on Monday, May 3, 2021 at 7 p.m., by way of a Zoom Online Webinar, with public participation password and call-in information provided. Chairman Kealoha Freidenburg opened the meeting.

MEMBERS PRESENT: Chairman Kealoha Freidenburg, Secretary Robert Zdon, C. Thomas Paul, David Newton, and Lee Schumacher. (Secretary Zdon left the meeting at 9 p.m.)

MEMBERS ABSENT: Vice Chairman Joseph Budrow and Commissioner John Mathieu.

OTHERS PRESENT: John De Laura (Zoning Enforcement Officer/Inland Wetlands Officer), David Anderson (Director of Planning and Economic Development), Christopher McKeon (Attorney), Keith Ainsworth (Attorney), Richard Hosley, Jr. (Realty Securities Consulting; Explosives), David Lord (Certified Soil Scientist and Environmental Consultant), George Logan, (REMA Ecological Services, LLC), Steven Trinkaus (Licensed Professional Engineer, Trinkaus Engineering, LLC), Charles Mandel (Thomas A. Stevens & Associates, Inc.), and Michael Ott (Professional Engineer and Land Surveyor, Summer Hill Civil Engineers and Land Surveyors PC).

Chairman Kealoha Freidenburg opened the meeting at 7:02 p.m.

PUBLIC HEARING:

21-03. 856 Boston Post Road. Map 39, Lot 8. Owner: Faith Whitehead; Applicant: 856 Boston Post Road. Regulated Activity Permit to construct single family residential cluster development and associated site improvements within 100 feet of an inland/wetland. Continued from April 5, 2021.

Director of Planning and Economic Development David Anderson stated that the applicant could do a presentation, and then Attorney Keith Ainsworth could decide whether to speak for the intervener or defer to the public for comments.

Attorney Christopher McKeon gave a brief summary of the history of the application, with accompanying dates, adding that it is hoped that the Inland Wetlands and Watercourses Agency will find the application in compliance with Section 10.3 of the Planning and Zoning Regulations, in that the activities on the site will not have a significant impact. Mr. McKeon stated that there is an update, in that the wetlands area southeast, as set forth by George Logan, has been considered and factored into the findings; the architectural drawings were modified, which include making smaller garages and decreasing the size of the estate home; the applicant obtained detailed survey data of the topography of the site, enabling Michael Ott to prepare and submit a storm water report; David Lord will be testifying; and Richard Hosley, Jr. has been able to determine the scope of the rock that will be impacted. Licensed Professional Engineer and Land Surveyor Michael Ott shared plans and stated that there is a private water main that goes

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through the site; it serves the estate building and goes to the garage and the accessory building; it also serves at least two other properties off site. The private water main was installed in the 1900s, and it is not owned by the Connecticut Water Company, according to Mr. Ott. There are no inland wetlands on the subject parcel, Mr. Ott stated. Off the southwest corner, Mr. Ott described an arc on the corner of the property that is within the outer limits of the 100 foot wetland boundary, and that wetland was mapped by the owner between 2007 to 2009, when the owner had possession of that part of the property. At the southeast corner, that wetland has not been mapped, but it has been delineated by the soils and wetlands scientist, George Logan, Mr. Ott stated. The driveway is being widened to 18 feet in width, with a two-foot reinforced shoulder, to accommodate emergency services, superficially fire apparatus, according to Mr. Ott. Currently, there are two buildings on the site, but when the project is complete, there will be four buildings with seven dwelling units, according to Mr. Ott. A brand new water main, owned by Connecticut Water Company, will be constructed up the driveway and will serve the new buildings. The private service will continue in use, according to Mr. Ott. On the Boston Post Road side of the property, septic systems will be located out front, where there are very different soil conditions, according to Mr. Ott. In the northern catchment area, the soils are mapped as sands and gravels; they have been tested and are in fact sands and gravels, he stated. There are no visible signs of exposed rocks or rock outcrops; in going down nine to 10 feet, there is no bedrock and no shallow groundwater table, according to Mr. Ott. In the rear, there is exposed surface rock and rock outcrops, Mr. Ott stated; there are well drained soils, at a depth of eight to nine feet, tested. At five to seven feet, bedrock topography was encountered; there are areas where there are no exposed rocks or bedrock, Mr. Ott stated, and signs of seasonably high groundwater were not encountered. Mr. Ott gave a detailed summary of how the wastewater effluent will be handled in the engineered septic system. A parking court has been created, wherein the turnaround area is large enough to accommodate the turnaround for the largest fire apparatus, Mr. Ott stated. A question was raised about the wetland off site, in the southeast corner of the applicant's property. Chairman Freidenburg stated that the Inland Wetlands and Watercourses Agency does not know where the upland review area is on the applicant's property, in relation to the southeast corner off-site wetland; measurements could have been taken from the property boundary to the flag—lasers could have been used to take those measurements. The Inland Wetlands and Watercourses Agency knows there is an upland review from the southeast corner, on the applicant's property, but the agency does not know where it is, according to Chairman Freidenburg. The limits of the wetlands are not known, nor are the limits of the 100-foot upland area, according to Mr. Ott. The demolition of the building and then the construction of the garden and seating area will be within the upland review area, Mr. Ott stated. That is a pretty good reasonable estimate of what will be in the upland review area, he stated. Activities will include the demolition and removal of the building, the removal of pavement, removal of the overhead line, construction of the garden and seating area, as well as removal of the private water main line, according to Mr. Ott. So, in other words, it will be better off, then, than now, Commissioner David Newton stated. Mr. Ott answered in the affirmative. The building will be removed; impervious pavement will be removed to construct the garden and the seating area, and pavement in front of the building will be removed and turned into lawn, according to Mr. Ott, who stated that currently, 60 to 70 feet of that building is in the upland review area. On the plans, Mr. Ott pointed to a portion a building that would be the closest impervious surface, and it is 130 feet to 140 feet away from the wetlands; that's an important point, he stated. Two thousand six hundred feet, plus, of impervious pavement, and 1,740 square feet of roof area/building will be removed; it is the closest impervious surface to the wetlands and it gets moved back, so that the closest impervious surface is 130 feet to 140 feet away from the wetlands, according to Mr. Ott. A small portion of rock will have to be removed to make a trench for the new water main and new utility service, as well as, there is likely to be rock

removal on the driveway, but Richard Hosley will go into this in more detail, Mr. Ott stated. The rock outcrop remains untouched, as well as the stairs leading up to it; plans are to slice down vertically 10 feet or so, and all that has to be removed is some 300 square feet of rock in the area; only about 300 square feet within this upland review area will be disturbed, and rock does not have to be removed at the eastern end of the building, Mr. Ott stated. The rock removal required to construct this building is quite small; there is no potential adverse impact on this wetland to construct this building, unit two, Mr. Ott stated. Obviously there would be nothing to blast, if that building were reduced by one unit, Chairman Freidenburg stated. It is not believed that there will be an adverse impact to the wetlands; impact to the upland would be avoided, according to Mr. Ott. During construction, there can be movement and changes that affect wetlands; any discussion of wetland could be avoided by reducing this unit by one, according to Chairman Freidenburg. Mr. Ott stated that that issue will be left up to Richard Hosley and David Lord. Surface water runoff is not directed to that wetland, so even during construction there should be no sediments reaching that wetland, according to Mr. Ott. Commissioner Lee Schumacher asked where the water currently drains in the southwest corner. It will drain south westerly; though he cannot tell what happens on the nearby property, sediment control barriers will be in place, according to Mr. Ott. Regarding storm water management, Mr. Ott stated that there is a drainage divide—a northern catchment area and a southern catchment area. Sand and gravel is in the front; the rear is sand, with surface rock and bedrock, he stated. In the northern catchment area, storm water discharges out the rock outcrop to the lawn; the top soil is permeable; it is proposed that the roof water goes into the ground and into the natural soils on the site, as happens at the estate house, according to Mr. Ott. In the driveway, the water runs off the driveway into the lawn area, Mr. Ott stated. That is the extent of the southwest management system from this northern catchment area; it is flat, permeable, runs in the northeast direction, and the southwest runoff should infiltrate into the lawn area, according to Mr. Ott. For the southern catchment area, there is surface rock and bedrock outcrop; impervious surface is being removed, representing 2,600 square feet of total impervious surface area, according to Mr. Ott. Roofs create additional impervious surface, but storm water runoff is considered relatively clean, with a low potential to discharge pollutants—representing nothing more than single family homes, according to Mr. Ott. Water will be collected from the roofs and be directed to the subsurface; all state of Connecticut Department of Energy and Environmental Protection (DEEP) storm water management manual requirements have been met, through the site grading and subsurface drainage system, Mr. Ott stated. The standard of practice is to capture the volume, within 500 feet of the tidal wetlands, and retain it off site, and this has been done, according to Mr. Ott. The captured volume and retained off-site storm water then enters the tidal wetlands, Fence Creek, according to Mr. Ott. The subsurface system is large enough to store the runoff from the five-year rainfall, the two-year rainfall, to the 100-year rainfall; that should not have an effect on the downstream wetland or the East Wharf passage, according to Mr. Ott. The reviewing engineer had a lot of comments about the proposal, and two weeks ago, the applicants submitted a response to the two letters received, according to Mr. Ott. One of the comments from the reviewing Engineer Steven Trinkaus, centered on the septic tanks and the pump chambers, and it was stated that the local health department does not have jurisdiction, but instead, the state department of health has jurisdiction over the applicant's septic system plans, according to Mr. Ott. The regulatory jurisdiction is in the hands of the local health department, and not the state department of health, Mr. Ott stated, adding that he confirmed this with the state. The amount of the effluent is not the sum of all of the septic gallons, per day, on the site, according to Mr. Ott. It is when one or more individual septic systems has 2,000 gallons per day, that the state would be the regulatory agency, and there is not a single system in the applicant's plan that has 2,000 gallons per day, Mr. Ott stated. It is 450 gallons a day for two bedrooms, according to Mr. Ott. In addition, it was also stated that the storm water management plan does

not meet town of Madison regulations, but Mr. Ott stated that he did try to answer that in his letter and in subsequent information he submitted, two weeks ago. Chairman Freidenburg asked what would happen, regarding bedrock and ledge, if during construction bedrock was encountered, and the galleries were unable to be placed. Enough test pits have done where Mr. Ott stated, that he can be comfortable in constructing the galleries where they have been shown. These drawings are permit drawings and not construction drawings, Mr. Ott stated. The bottom of those galleries should be a minimum of four feet above any bedrock, and that will be exceeded, Mr. Ott stated. If, during construction, they ran into a spike in the ledge, Mr. Ott stated that there is some flexibility, where they have done the test pits, which would allow those galleries to be relocated, if need be. Explosives Expert Richard Hosley, Jr. stated that they have submitted a report called *Focus on Execution and Impact on Blasting*. Mr. Hosley stated that he assumes the Inland Wetlands and Watercourses Agency has received that report; he began to give a detailed summary of blasting that would take place, and then the connection was lost. In his absence, Mr. McKeon asked David Lord to speak. Certified Soil Scientist and Environmental Consultant David Lord stated that on March 26, 2021, he was asked to determine if there were any onsite wetlands on the property. He completed soil logs, dug a series of holes, and in the southeastern corner to the site, Mr. Lord stated that he found no indications of high groundwater. He stated that he went down to depths in excess of three feet, and in his report, page two gives a description of the soil types, with the final page of the report including a map. All of the proposed structures being built are in excess of 100 feet to 130 feet of the wetland to the southeast corner, Mr. Lord stated. Regarding the southeastern property, the wetland is a linear wetland system; it appears to collect localized surface water and directs it southeast and east to Fence Creek, Mr. Lord stated. It receives collected storm water runoff from drainage, according to Mr. Lord. Drainage features, underground percolation, will help to provide base flow movement, according to Mr. Lord, who stated that through his investigations and research into soil conditions, he does not believe there will be any significant or measurable impact to the southeast or south of the site. Commissioner C. Thomas Paul questioned the use of pesticides on the site. It is appropriate, for many applications, that conditions be imposed to limit the possibility of pesticides; it is appropriate to have such limitations placed on a garden area, such as the one being proposed, according to Mr. Lord. Chairman Freidenburg stated that the intervenor should speak, and she mentioned that Mr. Hosley had problems with the Internet. Mr. Anderson stated that Mr. Ainsworth should be allowed to decide whether to speak next, or if the public should be given the opportunity to speak. Attorney Keith Ainsworth stated that since the public was present last time, he would like to give them an opportunity to speak. Chairman Freidenburg stated that the Inland Wetlands and Watercourses Agency is concerned with the wetlands, so she reminded everyone to restrict their comments to the wetlands issue; concerns about the northern portion have been raised, but there are no wetlands, there, she stated. David Gagnon, 22 East Wharf Road, stated that he is the property owner at the southeast corner. He stated that he is concerned about excessive runoff that might occur, adding that water does not drain all that freely; with an increase of standing water, there is a concern about pesticides, auto use, auto pollutants that will sit dormant on that property; there should be testing to ensure the leeching soil is proper; the neighbor's garage is two feet away, and he is concerned about runoff and the water quality from that project. Mr. McKeon stated that Michael Ott or David Lord could reiterate how those issues are being addressed. The storm water infiltration system is located much further upland, according to Mr. Ott. Water quality and pollutants expected from this development are being addressed by meeting all of the requirements of the state DEEP storm water management manual, according to Mr. Ott, who stated that he cannot speak to the pesticides issue. Mr. Ott stated that he does not think there is a measurable difference that could cause a problem; he does not believe water is going to pond anywhere; storm water runoff should leave that area, as it likely does, today. Mr. McKeon stated that there is a concern about the

functioning of the wetland, post development. Mr. Lord stated that there was a question about the capabilities of the infiltration system; the infiltration system has been moved further away from the southeast corner of the site, and it allows for more treatment in the infiltration system; it is generally the standard of practice for areas that may have pesticides. Mr. Lord stated that he does not see any issue with the capabilities of the infiltration system and the separation of it from the closest wetland area, and he does not see a potential for excess ponding in the area south of the application's site; what issues are currently present will continue to be present; but the developers will not increase those issues. Mr. Gagnon asked about roof drainage, sidewalks, driveways, and runoff into that tank. Mr. Ott stated that the intent is to capture the runoff from the new driveway court, a small portion of the sidewalk, and new building roof areas, and it will be directed to the subsurface infiltration. Laura Downes of 54 Quarry Ledge, stated that the water that appears creates a vernal pool, and the best they can tell is that it comes from the underground; they are concerned about what happens to that vernal pool after the construction and the building. Robin Phillips of 880 Boston Post Road, stated that there is a concern about the uncertainty of the storm water runoff; they are very protective of the creek; he pointed to statements used by the presenters, such as the runoff "should not have" an effect on the creek, or, in terms of blasting, that the presenters stated that they "do not believe" the watercourses will be affected. Belief is not good enough, Mr. Phillips stated. Margaret Zambaran of 870 Boston Post Road stated that she lives right next to the proposed development, and buildings four and five are to be raised 12 feet above her property, with fill. When the three-bay garage is taken down, there is ledge, so 12 feet above her property, Ms. Zambaran asked, how is the water going to permeate over the ledge—it won't. Mr. Ainsworth stated that there are some issues that need to be considered, one of which was raised by Mr. Phillips, which involves substantial evidence being presented, and words such as should have, maybe, and I think, being used; the substantial evidence test requires that expert testimony needs to be definitive. Other issues requiring resolution involve the stated reasons in the Madison Planning and Zoning Regulations for an Inland Wetlands and Watercourses Agency public hearing, the criteria in Section 10.2 outlining all of the potential impacts that the Inland Wetlands and Watercourses Agency shall take into consideration, such as sediment control and pollutants, as well as the applicant's purpose for its activity, as well as mandatory state law that must be followed; the evidentiary burden is on the part of the applicant, and that burden never shifts to the intervener, according to Mr. Ainsworth. He cited a state appellate court case wherein it was resolved that in order to prove this is the appropriate way to go about this development, the applicants have to prove another feasible and prudent alternative; Section 7.5 states that all applicants shall include feasible alternatives that have no environmental impacts. George Logan, of REMA Ecological Services, LLC, stated that there is some new information that has been received, tonight; soil test pits for the infiltration galleries have been submitted, and he stated that he would point to some things that are missing. Flag delineation field work was done in February, and Mr. Logan stated that he developed the report of March 22, 2021. What would be proper is for those flags to be surveyed, so it could be seen what happens in the upland review area, Mr. Logan stated. The structure will be removed, and there will be some disturbance to the soils; test pit number one apparently had very fine sands, 42 inches, but Mr. Logan asked how far out does it go, in the easterly direction? There is a little pipe that was noticed in the field, off site; it would be nice to know for certain the course of that water; there were two to three inches of water in the pipe, and the assumption is being made that it is coming from the tennis courts, but no one knows, according to Mr. Logan. It is also unknown whether it is going to have an impact on the storm water that is going to hit the wetland, according to Mr. Logan, who added that if fill is going to be placed at a site, it would be nice to quantify it; storm water units will be in the fill; how much is going to be on site, Mr. Logan asked. Mr. Lord agreed that what is going to happen in the proposed garden is going to be important, such as what type of garden maintenance would take place, Mr. Logan stated. Two

wetlands coalesce, and they head straight for the tidal creeks off site, Mr. Logan stated. He asked what is the quality of the soil under the building that is going to be removed, and whether there is a potential for pollution. While the state DEEP storm water manual is indeed the one that is followed, the manual is slanted to percent of pervious surface, Mr. Logan stated. Even though the impervious surface might be less, the amount of vehicular traffic on those impervious surfaces is going to matter, according to Mr. Logan. Storm water management systems are primary systems which use the natural environment, such as rhizomes, and they are above ground. But below ground, there are no systems that remove pollutants, according to Mr. Logan. A significant portion of pollution generated on impervious surfaces are in the dissolve phase; this discharge is going to be in the wetlands; it is going to take a beeline down to the more sensitive areas, the tidal wetlands, down gradient, according to Mr. Logan. The property owner to the south, Laura Downes, has stated that the wetland to the south has vernal pool characteristics; that would be good to know, Mr. Logan stated. There is already development on the site, and pervious surfaces; Mr. Logan asked whether a tipping point will be reached, that will have some kind of impact on the down gradient tidal wetlands. Licensed Professional Engineer Steven Trinkaus stated that he reviewed the revised application and the storm water management system, and he referenced the April 15, 2021 plans, revised Sheet 6 by the applicant. There are two, what appear to be test pits, he stated; all testing should be on the plan with all the soil logs; this eastern end of the system is located in the fill area; 111.83 puts the bottom at 107.83—this system is going to be fully in the fill, Mr. Trinkaus stated. On the western end of the system, contour around 113, they will be six feet below grade; there are no test pits on the northern side, and there should be, he stated. All the water is supposed to come into the gallery system; without curbing to define it, it is not going to be conveyed directly to the storm water management system, Mr. Trinkaus states. Regarding the ground water recharge volume; there are three different volumes sited by the applicant; but there is not an analysis demonstrating that the water will actually go into the ground, and a percolation test is not an acceptable measure, Mr. Trinkaus stated. All the runoff from the driveway and roofs in considered a Class Five injection by the Environmental Protection Agency (EPA), according to Mr. Trinkaus. In this case, there is no pre-treatment of run off; treatment needs to be provided before the runoff gets in; it will follow the topographic gradient, and hence, that is where it will go, according to Mr. Trinkaus, who listed a number of pollutants, such as nitrogen, phosphorous, 40 percent of nutrient loads, metals, hydrocarbons, soluble pollutants, drips of oil, gas, metals are a problem; they stay in the solution and impact the groundwater. As proposed, the storm water management will not address these, and they will ultimately reach the tidal wetlands, according to Mr. Trinkaus. Commissioner Schumacher asked Mr. Ott how detailed the application is, in reference to the design of the garden and maintenance plans; Mr. Ott stated an answer to that will have to be given at the next meeting; it could be on the landscape plans, but he does not know. Regarding the curbing that was mentioned, Chairman Freidenburg asked if there is a way the storm water is being directed to those galleries. Mr. Ott stated that curbing is not needed, but additional details have to be added to the drawings to show how that is accomplished. Mr. Logan spoke about surface treatment facilities, and Mr. Ott stated that he agrees with what Mr. Logan says; Mr. Trinkaus was talking about some type of pre-treatment system, and Mr. Ott stated that they will look at that, again. Chairman Freidenburg stated that she hopes the Inland Wetlands and Watercourses Agency can see the plans, because the garden sounds like the use of fertilizer and pesticides may defeat the purpose of taking out the building, because it affects the tidal wetlands. Commissioner Schumacher stated that he realizes that these are permit plans, but he is curious about the amount involved in the addition of fill. Mr. Ott stated that he is not sure he agrees with having to give the quantity of fill; they do have the grading plan, and that is the key, however they will take another look at that, too—he is glad to do the quantity of fill. In reference to Mr. Ainsworth and Mr. Logan, Mr. Lord stated that the wetlands in the southeast

corner and the direction of the water from the tennis courts have not been identified, because the applicants have not had access to these other properties, in which they exist. Chairman Freidenburg stated that the Inland Wetlands and Watercourses Agency asked that both parties exchange information, but they have no information from Mr. Logan, and there could have been a laser measure taken, instead. Mr. Ainsworth stated that Mr. Logan's report was submitted to the applicant on March 22, 2021. It is not delineated out from that, either, Chairman Freidenburg stated. Mr. McKeon stated that it was addressed that the information be shared with the applicants from Mr. Logan; the March 22 report is exactly what the applicants used to get the location they found, of 130 feet to 140 feet, and several requests were made by his client that they gain access to these wetlands, but the applicant has no way to do that. Mr. Ott has a general idea of these wetlands, and he even went to the town to find maps of it, according to Mr. McKeon. Mr. Lord and Mr. Ott have overcompensated for those wetlands, Mr. McKeon stated. The circumstances have been such that they have not been able to gain this information. Chairman Freidenburg asked about the possibility of having a future meeting where the commissioners could have more information. Mr. Anderson stated that there is time to keep the public hearing open, so if the applicant wishes to keep it open, Mr. Anderson deferred to Mr. McKeon. Mr. Lord and Mr. Ott might want an opportunity to address questions raised by Mr. Logan and Mr. Trinkaus, but of course the applicant will request a continuation of this public hearing, Mr. Anderson stated. The Planning and Zoning Commission has its resumption of the public hearing on May 20, 2021, and Mr. Anderson asked if the Inland Wetlands and Watercourses Agency's continued public hearing could be two weeks from today. The next regularly scheduled meeting of the Inland Wetlands Agency is June 7, 2021, but Mr. Anderson stated that he would like some way to separate this application out from those other applications, and he suggested that this continued public hearing be hosted on May 17, 2021. Inland Wetlands Officer John De Laura stated that he thinks that is reasonable. Chairman Freidenburg stated that this public hearing will continue on May 17, 2021. Mr. Ainsworth asked that additional information be released no later than May 15, 2021; Chairman Freidenburg stated that everyone should have it all ahead of time.

Commissioner Schumacher made the motion to continue the public hearing for 21-03, 856 Boston Post Road, to a special meeting on May 17, 2021; it was seconded by Commissioner Newton and unanimously approved.

Vote to continue the 856 Boston Post Road public hearing to May 17, 2021 passed, 4-0-0.

IN FAVOR: Chairman Freidenburg and Commissioners C. Thomas Paul, Newton, and Schumacher.

OPPOSED: None.

ABSTAINED: None.

REGULAR MEETING AGENDA ITEMS:

20-27. 54 Bishop Lane. Map 50, Lot 4. Owner: George Noewatne, Sr.; Applicant: George Noewatne, Jr. Regulated Activity Permit for removal of tree stumps in the 100 feet wetland review area.

This is stump removal; George Noewatne would like to take two trees that overturned, years ago in a windstorm, and turn them up, so that their roots can go back into the ground. A basic backhoe will be used. They just need a little push, and they'll go back where they came from, Mr. Noewatne stated. Commissioner Newton stated that the trees could easily, with a backhoe,

be pushed over and made upright; this would not cause any problems that he could see. Inland Wetlands Officer John De Laura agreed.

Commissioner Newton made the motion that application 20-27 be approved with the condition that the work be done when it is relatively dry; it was seconded by Commissioner Paul and unanimously approved.

Vote to approve 54 Bishop Lane with the condition passed, 4-0-0.

IN FAVOR: Chairman Freidenburg and Commissioners Paul, Newton, and Schumacher.

OPPOSED: None.

ABSTAINED: None.

21-12. 56 Tuxis Road. Map 27, Lot 61. Owners/Applicants: Diane J. & Daniel E. Dolan. Regulated activity permit for removal and construction of driveway, garage, covered porch with new construction of front entry within 100 feet of an inland wetland.

Charles Mandel, representing owner Daniel E. Dolan, stated that the garage is blocking the front entrance to his house, and he wants to remove it; storm water will be mitigated with trenches; this is a revised plan, there is fencing, and the removal of invasives. It is expected that when the invasives are removed, the site will vegetate with native species; the plantings will go along the wetland fringe on the back side of the fence. Trees will remain. Chairman Freidenburg stated that she would encourage native plantings and a buffer around the fence.

Commissioner Newton made the motion to approve the application for 56 Tuxis Road, as presented, with the fence and plant list; it was seconded by Commissioner Paul and unanimously approved.

Vote to approve 56 Tuxis Road as presented passed, 4-0-0.

IN FAVOR: Chairman Freidenburg and Commissioners Paul, Newton, and Schumacher.

OPPOSED: None.

ABSTAINED: None.

21-10. 259 Mungertown Road. Map 63 Lot 19. Owner: Sealar Properties, LLC Applicants: Lori and Sean O'Connell. Regulated Activity Permit for construction of a 60 ft. x 50 ft. wood framed workshop with gravel driveway and crushed stone infiltration trenches within the 100 ft. inland wetlands review area. Receipt.

Charles Mandel, representing Lori and Sean O'Connell, stated that it is a narrow lot, and plans are to build a workshop for his son; the son is a race car enthusiast who does modifications on a car, such as replacing shocks, fenders, perhaps doing an oil change, changing tires, but there will be no painting. It was a former Christmas tree farm, and those trees will be taken out, according to Mr. Mandel. There is a power pole across the street, so any electrical will go overhead, according to Mr. Mandel. The location of the workshop is the farthest away from the wetland boundary, 47.3 feet; there is no septic, and there will be no use for living space, according to Mr. Mandel. The wetlands run the entire length of the site; the building setback line is 40 feet. An accessory building has to be behind the primary structure. It cannot be in the front yard, stated Inland Wetlands Officer John de Laura.

Commissioner Newton made the motion to accept application 21-10 for receipt and schedule it for the next regular meeting; it was seconded by Commissioner Schumacher

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and unanimously approved.

Vote to accept application 21-10 for receipt, passed, 4-0-0

IN FAVOR: Chairman Freidenburg and Commissioners Paul, Newton, and Schumacher.

OPPOSED: None.

ABSTAINED: None.

PZC. 21-08. 42 Pleasant View Avenue. Map 24 Lot 223. Owners/Applicants: John and Laura Hardy. Application for Lot line revision R-3 district.

Director of Planning and Economic Development David Anderson stated that this is a subdivision referral; it was approved by the Planning and Zoning Commission, but the site line is being revised. Mr. Anderson stated that his could be moved to the Inland Wetlands and Watercourses Agency's May 17, 2021 meeting, and action could be taken on it, then.

SECTION 13 APPROVALS:

21-09. 1023 Boston Post Road. Map 29, Lot 6. Owner: Donald W. Keene; Applicant: Christopher McManus Custom Builders, Inc. Regulated Activity Permit for installation of a septic system within 100 feet of an inland wetland. Approved 4-12-21.

This was presented a month ago, and the Inland Wetlands and Watercourses Agency directed Inland Wetlands Officer John De Laura to approve it; it was for the installation of a septic system, and it had been approved by the health department.

21-13. 128 Chittenden Field Lane. Map 13 Lot 108. Owners: Douglas and Kathy Chittenden; Applicant: Gulick & Co., LLC. Regulation Activity Permit for repair of septic system within the 100 ft. wetland review area. Approved 4-14-21.

This was a sanitary repair, subsurface sewage disposal plan; the new system is farther away from the wetlands, according to Mr. De Laura.

21-06. 22 Pierce Lane. Map 88 Lot 37. Owners/Applicants: Jamie and Michael Guerra. Regulated Activity Permit for installation of 27-foot above ground pool and deck within the 100 ft. wetland review area. Approved 4-14-21.

This is an above ground pool, with a four foot deck, and it is 25.5 feet from the closest wetlands flag; there is no disturbance, according to Mr. De Laura.

21-11. 227 Green Hill Road. Map 63 Lot 29/4. Owner/Applicant: Stephanie Bernstein. A regulated activity permit for installation of an in ground pool and pre-built pool house within the 100 foot wetland review area. Approved 4-14-21.

This is an in ground pool and pre-fabricated pool house; wetlands was flagged, and there is a six foot vinyl fence; the wetlands is on the other side of the solid vinyl fence, and all material will be taken off site, according to Mr. De Laura.

21-08. 19 St. Francis Woods Road. Map 113 Lot 37. Owner/Applicant: James Hyland. Regulated Activity Permit for construction of a 27 foot above ground pool and deck within a 100 foot wetland review area. Approved 4-12-21.

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This is a 27-foot round, above ground, at grade pool, on top of an existing tennis court; it is 65 feet to the first flag and 53.5 feet to the other wetlands, according to Mr. De Laura.

Approval of Minutes ~ Regular Meeting Minutes of April 5, 2021 and Site Walk Minutes of March 20, 2021.

Commissioner Newton made the motion to accept the minutes, as amended, for April 5, 2021, changing on Page 4, the spelling of his last name in the motion from the incorrect Newton, to read correctly, Newton; and to approve the March 20, 2021 site walk minutes, as submitted; the motion was seconded by Commissioner Schumacher and unanimously approved.

Vote to accept the minutes of April 5, 2021 as amended, and the minutes of March 20, 2021, as submitted, passed, 4-0-0.

IN FAVOR: Chairman Freidenburg and Commissioners Paul, Newton, and Schumacher.

OPPOSED: None.

ABSTAINED: None.

Remarks: Inland Wetlands Chairman ~ None.

Inland Wetlands Officer ~ None.

Adjournment

Commissioner Paul made the motion to adjourn at 10:21 p.m.; it was seconded by Commissioner Schumacher and unanimously approved.

Vote to adjourn at 10:21 p.m., passed, 4-0-0

IN FAVOR: Chairman Freidenburg and Commissioners Paul, Newton, and Schumacher.

OPPOSED: None.

ABSTAINED: None.

Respectfully Submitted,
Marlene H. Kennedy
Clerk