

SUBJECT TO APPROVAL

**MADISON INLAND WETLANDS AND WATERCOURSES AGENCY
REGULAR MEETING MINUTES
October 3, 2022**

A Regular Meeting of the Madison Inland Wetlands and Watercourses Agency was held on Monday, October 3, 2022 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, Martin Brogie and Lee Schumacher

ALERNATE PRESENT: Anna Loss

MEMBERS ABSENT: Secretary Robert Zdon, Vice Chairman Joseph Budrow, John Mathieu

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

Chairman Freidenburg called the meeting to order at 7:03pm and appointed Anna Loss as a voting member for tonight's meeting.

PUBLIC HEARING

22-36. Race Hill Rd. Map 139, Lot 22. Owner/Applicant: Robert Uthoff, Jr., Regulated Activity Permit for construction of 20ft span-6ft rise galvanized steel structural plate bottomless arch culvert that will carry a private residential driveway over Dowd Hollow Brook. **(Continued from 9/12/22)**

Commissioner Schumacher made the motion to reopen the public hearing for application 22-36. Race Hill Rd. Seconded by Chairman Freidenburg.

IN FAVOR: Chairman Freidenburg, Anna Loss, Lee Schumacher and Martin Brogie

OPPOSED: None.

ABSTAINED: None

Present for the application - Mike Ott from Summer Hill Civil Engineers & Land Surveyors, P.C. Mrs. Mannix provided a brief recap stating this application was deemed a significant activity by the Commission who also had some additional requests for the applicant specifically from the wetland scientists – to revisit Section 7.6 of the regulations; subsections C. D. E. And F - #'s 2, 4 and letter G to see if there's more information that can be included, as it relates to the specific proposal and potential impacts to both the vernal pool and Dowd Brook. Additionally, the agency was looking to have the area of study defined in the report to ensure that Rick Snarski reviewed any areas within 100 feet of the end of the driveway. Lastly, the applicant should address the NDDB report detailing how they will manage the precautions listed.

Mr. Ott states he met with Rich Snarski and rewalked the area of the driveway on the opposite side of the stream, and went about 200 feet outside of the limits of the driveway and states there are no

additional inland wetlands or vernal pools in that area. He further states, this was also added in a revised report, which was submitted the evening of the meeting (10.3.22) for the record.

Commissioner Loss states the revised report (or lines) does not cover the requested information.

Mrs. Mannix states another opportunity can be given to the applicant to provide this information or the agency can move on without this information. She further states, with the statutory clock, the applicant does have the option of granting an extension to hold the hearing open to allow for more information to come in.

Commissioner Schumacher asked is there a reason why the additional information wasn't included in this updated report? Mr. Ott replies, he's not sure.

The hearing was then opened to the public by the chair for comments. There were no public comments. After further discussions, it was noted that there was still a desire to have the requested information from Section 7.6.

Mr. Ott for the record, granted the extension to keep the hearing open until November 7, 2022. A letter (following day) would be submitted for the record. Mr. Ott further asked if there were any questions pertaining to the design or if the agency has any engineering follow up questions. The agency stated no.

Chairman Freidenburg made the motion to continue the public hearing to November 7, 2022. Seconded by Commissioner Brogie.

IN FAVOR: Chairman Freidenburg, Anna Loss, Lee Schumacher and Martin Brogie

OPPOSED: None.

ABSTAINED: None

REGULAR MEETING

RECEIPTS

22-42. 353 Boston Post Rd. Map 35, 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.

Per Chairman Freidenburg, this is different version of the application that was withdrawn last month and there is significant activity for this application and significant public interest as well; also, this application may call for a public hearing discussion and a site walk. The chairman then asked the commissioners if they would like independent professionals to assess the property. Mrs. Mannix states there's a correction to be made to the application in regards to the address to properly identify the map and lot #. She states, the applicant was incorrect on the first application form, indicating that it was the residence at Barberry Farm LLC and that has since been corrected to be Barberry 12 LLC.

Mrs. Mannix further reviewed the agency regulations and discussed criteria's for a significant activity. Commissioner Brogie states there's significant activity because of the application's density, impervious surface, # of septic systems within the regulated area and the potential for erosion during construction, encroachment to the wetlands, impacts to water quality possibly from the septic system and discharges etc. Chairman Freidenburg agreed and states this is outlined in the requirements for section 7.6 of the regulation.

Commissioner Brogie made the motion that the agency finds that this application has significant activity. Seconded by Commissioner Schumacher.

IN FAVOR: Chairman Freidenburg, Anna Loss, Lee Schumacher and Martin Brogie
OPPOSED: None.
ABSTAINED: None

Agency members then agreed a third-party review of the application is needed.

Chairman Freidenburg made the motion to ask their agent to request or create proposals to request outside evaluations for engineering and wetland /environmental scientist to review this application. Seconded by Commissioner Schumacher.

IN FAVOR: Chairman Freidenburg, Anna Loss, Lee Schumacher and Martin Brogie
OPPOSED: None.
ABSTAINED: None

Commissioner Schumacher made the motion to schedule the public hearing for application 22-42. 353 Boston Post Rd for December 5, 2022. Seconded by Chairman Freidenburg.

IN FAVOR: Chairman Freidenburg, Anna Loss, Lee Schumacher and Martin Brogie
OPPOSED: None.
ABSTAINED: None

Chairman Freidenburg made the motion to schedule the site walk with date to determined as a special meeting. Seconded by Commissioner Brogie.

IN FAVOR: Chairman Freidenburg, Anna Loss, Lee Schumacher and Martin Brogie
OPPOSED: None.
ABSTAINED: None

Commissioner Brogie states for the record that he has worked with Bob Russo, the soil scientist for CLA Engineers for over 30 years but none of the projects have taken place in Madison. He further states he has started wetland delineations and wetland reporting for Stevens & Associates, the engineer & surveyor for this project, and again, no projects in the town of Madison, and feels he can be impartial with this application. But is open to any discussions.

Mrs. Mannix states this should be repeated on the record when the hearing opens.

SECTION 13

22-41. 31 Chapman Ave. Map 18. Lot 68. Owner/Applicant: John Benske, Regulated Activity Permit to demolish existing single-family dwelling and construct new dwelling with associates site improvements.

Mrs. Mannix states the closest inland wetlands are across the street for this application and there is also a pending coastal site plan application with P&Z to be heard on Oct 3rd.

With adequate E&S measures; agent approval was issued– approved as section 13.

APPROVAL OF MINUTES: Regular Meeting Minutes September 12, 2022

For application **22-36. Race Hill Rd.** Chairman Freidenburg states on page 3 the following should be added - She also stated additional information is needed from the applicant as there's a need to understand **if there were other wetlands and any impacts.**

Commissioner Brogie added the following specifics that is also required for application **22-36. Race Hill Rd. - In regards to the NDDB report - how will the applicant manage the precautions that were recommended in the report.**

Commissioner Schumacher made the motion to approve the regular minutes of September 12, 2022 as amended and discussed. Seconded by Commissioner Loss.

IN FAVOR: Chairman Freidenburg, Anna Loss, Lee Schumacher and Martin Brogie

OPPOSED: None.

ABSTAINED: None

DISCUSSION:

Application requirements & review process - Mrs. Mannix states she has reviewed the current application and the form is outdated. She would like to update the form and provide basics for property identification, and also discuss what should be submitted with applications, and what information is needed to better assess these projects. Agency members shared their inputs / suggestions on what should be included or required for applicants.

Chairman Freidenburg states this will be a working document.

Mrs. Mannix lastly states the fee schedule should also be updated. The land use fees are set by the Board of Selectmen and she would be recommending an update to the BOS.

Remarks: Inland Wetlands Chairman - Resignation of John Mathieu - Chairman Freidenburg thanked Commissioner Mathieu for his 20 yrs. of service on the inland wetland's agency. Mrs. Mannix stated the BOS accepted Commissioner's Mathieu resignation.

Inland Wetlands Officer-CACIWC annual meeting -CACIWC provides information and education service to Connecticut's Conservation and Inland Wetlands Commissioners. Per Mrs. Mannix they are celebrating the 50th Anniversary of Connecticut's Inland Wetlands and Watercourses Act. Mrs. Mannix asked if any agency members were interested in attending.

Adjournment

Commissioner Schumacher made the motion to adjourn at 8:27p.m.; seconded by Chairman Freidenburg and unanimously approved.

Respectfully Submitted,
Racquel Stubbs