

SUBJECT TO APPROVAL

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

October 5, 2020

**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, October 5, 2020 at 7 p.m. by way of a Zoom Online Webinar, with public participation password and call-in information provided. Chairman Kealoha Friedenborg opened the meeting at 7:02 p.m.

MEMBERS PRESENT: Chairman Kealoha Friedenborg, Vice Chairman Joseph Budrow, C. Thomas Paul, John Mathieu, and Lee Schumacher.

MEMBERS ABSENT: Secretary Robert Zdon and David Newton.

OTHERS PRESENT: John De Laura (Zoning Enforcement Officer/Inland Wetlands Officer), David Anderson (Director of Planning and Economic Development), Robert F. Good, Jr., PG, LEP (Senior Supervising Hydrogeologist, WSP USA), Michael Chrzanowski (Madison Country Club Golf Course Superintendent) , Michael Harkin (Professional Engineer, Harkin Engineering), Kelsey Cole, Virginia Guilfoyle, Scott Brainard (Landscape Architect/Landscaper, Brainard Excavating), Brian Murphy, PLA (Landscape Architect, Torrison Stone and Garden) and Robert Van Sice.

PUBLIC HEARING:

20-24. 16 Georgetown Circle. Map 131, Lot 18. Owner: Thomas J. Guilfoyle 2019 Irrevocable Trust; Applicant: Virginia Guilfoyle. Regulated Activity Permit for installation of a paver patio, fire pit, retaining wall and rock steps, propane tank/tanks, concrete pads, screen fence, and miscellaneous tree trimming. Also approval of previously installed landscaping and removal of some fencing, all in the 100 ft. wetland review area. **Receipt Only.**

Professional Engineer Michael Harkin stated that prior to his becoming involved, this may have been a violation of some sort. The property is in the RU 1 Zone, it consists of 3.0 acres, has a large scale pond, and one third of the site is inland wetlands, he stated. A drawing was shown, which was described as a plan to rectify items that may have been a violation. Items that were numbered on the plans, and explained, included the following: existing floating boom on the pond is currently in place—no Styrofoam, plastic, or paper was seen in the pond, and if it had been in there, the boom would have stopped it; existing wooden fence that transitions into a black chain link fence, of which 16 linear feet is in wetlands, and this will be removed; proposed hay bales; proposed stone patio area; patio and fire pit; existing propane tanks, which will be removed; five trees on the site, of which some will be taken down, but they are not in the review area; service to the existing propane tank; existing black chain link fence; a gas powered fire pit; 24 linear feet of black chain link is in the wetlands area, and it will be removed too; upland review area proposed silt fence; and upland review area. A planting list was included on the

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plans, which involve constructing a new patio, fence, fire place, emergency back-up power generator, silt fence, hay bales, remove existing tank near house. Commissioner C. Thomas Paul stated that the bottom of the pond is not drawn in on the sketch, on the south side. That is because all of the work is happening on the side of the pond shown in the plans, according to Mr. Harkin. Chairman Kealoha Friedenborg drew attention to the patio with pavers and the fire pit, stating that when they walked the site, that area is sloped; she asked whether fill will be brought in. Fill will not be brought in for that, but it will be brought in for the pervious pavers, Mr. Harkin stated. Chairman Friedenborg stated that she is curious as to why some trees are being taken down. They are dying; they're dead, Mr. Harkin stated. It looks like all of the chain link fencing is being taken out of the wetlands, Chairman Friedenborg stated, asking if the remaining chain link fencing will remain for pets, and Mr. Harkin stated that is correct. Chairman Friedenborg asked if the floating boom is permanent, and Mr. Harkin stated that the homeowner should be asked that question, because he does not know the significance of the floating boom—it was there when he started the project. Director of Planning and Economic Development David Anderson questioned whether the application was meant to be a public hearing, since a property abutter had relayed the information that they had not been given notice of the public hearing. Chairman Friedenborg stated that she wanted it to be a public hearing, expressing concern if people had not been given notice. Mr. Anderson stated that it could be a public hearing, and it could be continued; Mr. Harkin could notify those who abut the property. Mr. Anderson stated that attendees from the public who wished to participate could raise their hand to do so. William Cronin asked for clarification on the fencing. Mr. Harkin stated that two sections of the fencing are in violation of the wetlands, but all the other fencing is going to remain. There is not going to be additional fencing with this project, according to Mr. Harkin. Thomas Cronin stated that there is a split rail fence on the property; however, there is plastic mesh netting, which goes along the Georgetown Circle side, and the entire fence, from the top down to the grass, contains the mesh, so, in essence, it becomes a barrier, is stopping the migration of wetlands creatures, and Mr. Cronin stated that they have taken turtles out of there. That fencing and mesh is not part of this project, so it won't be coming down in this project, Mr. Harkin stated. Holes can be put in the mesh, so those turtles can cross; such features are known as migrant crossings, and they can be put into the mesh every six inches or so, according to Mr. Harkin, who stated that if the commission wants, he can put those crossings in there. There were no other comments or questions.

Commissioner Paul made the motion to continue the public hearing (to Nov. 2, 2020), because there was no notice to the direct abutters; it was seconded by Vice Chairman Joseph Budrow and unanimously approved.

Vote to continue the public hearing passed, 5-0-0.

IN FAVOR: Chairman Friedenborg, Vice Chairman Budrow, and Commissioners Paul, John Mathieu, and Lee Schumacher.

OPPOSED: None.

ABSTAINED: None.

REGULAR MEETING:

20-19. 21 Liberty Street. Map 28, Lot 154. Owners/Applicants: Robert & Cecile Van Sice. Regulated Activity Permit for removal of invasive species and replant native upland wetland shrubs and small trees within the 100 ft. wetland review area.

Landscape Architect Brian Murphy, representing the Van Sices, at 21 Liberty St., stated that wetlands had been flagged, there is a small area upland, of 4,500 square feet, and the goal of the project is to clean up the area, which includes an old compost bin. Falling debris will be cleaned up, and the applicants are looking to eradicate the invasives in the area, to eliminate the crowding growths. All work will take place upland of the wetlands, with personnel working on foot—no machines will be going into the area, Mr. Murphy stated. This site is very visible on Boston Post Road, according to Mr. Murphy. Work will be done by hand, to mitigate any disturbance to the area, he stated. In showing the plans, Mr. Murphy stated that the hatched area is the only area in which work will take place, and all work will be upland of the flagged wetlands areas. Remediation work includes the planting of native species. Chairman Friedenborg asked whether monitoring of the site will take place, and whether there is any thinking about what to do next spring, or in a couple of years. Mr. Murphy stated that he will talk to the owners about that. Commissioner Paul asked for the time period that this application will cover. That will be up to the committee, Mr. Murphy stated. Keeping the native planting up would be the goal, to make sure the site does not revert into invasive species, according to Mr. Murphy. Commissioners discussed possible timelines for the application and whether the property owners would have to return with a new application to continue the work. To keep the invasives from returning requires more than one period of activity, and perhaps it would require another application, according to Chairman Friedenborg. Once the work is established, continuing the project could be granted through a Section 13, according to Inland Wetlands Officer John De Laura. It is the intention to retain Mr. Murphy and his company to maintain the site, according to Property Owner and Applicant Robert Van Sice. Chairman Friedenborg and Mr. De Laura agreed that the project could be continued through a Section 13.

Commissioner Paul made the motion to approve the 21 Liberty Street project; it was seconded by Commissioner Schumacher.

Discussion took place about the timeline for the application, resulting in a condition.

Commissioner Paul made the motion to approve the 21 Liberty Street project, with the condition that Inland Wetlands and Watercourses Agency Officer John De Laura, as timely as possible, within two years, assess the growth, and if he thinks it should be extended, the applicant can come back with an application or a Section 13; it was seconded by Commissioner Schumacher, and unanimously approved.

Vote to approve 21 Liberty St., with a condition, passed, 5-0-0.

IN FAVOR: Chairman Friedenborg, Vice Chairman Budrow, and Commissioners Paul, Mathieu, and Schumacher.

OPPOSED: None.
ABSTAINED: None.

20-25. 344 Bartlett Drive. Map 107, Lot 25. Owners/Applicants: Kelsey & Jason Cole. Regulated Activity Permit for redesigning back yard by clearing within 25 ft. of the inland wetland and bringing in 10 cu. yards of fill. **Receipt.**

Property Owner and Applicant Kelsey Cole stated that they submitted their application to request that a small, back section of their yard be cleared; the longest area is 60 feet and the widest area is 30 feet. The site's closest point is 25 feet from the wetlands, she stated. Nothing is going to go beyond the wetlands, Ms. Cole stated. She showed a sketch that depicted the area they are asking to clear, just to round out the yard. The majority of the trees are slim trees, but they purposely do not want to take down the large trees, according to Ms. Cole. Scott Brainard, of Brainard Excavating, stated that there is a gradual slope down to the wetlands, and Commissioner Schumacher asked where the fill would be placed. When the stumps are pulled out, the holes will be filled, according to Mr. Brainard. About 10 trees will be removed, and they are about six to eight inches in width, according to Ms. Cole. Mr. Brainard stated that they are under eight inches. Inland Wetlands Officer John De Laura stated that some pictures were taken of the site, which has a gentle slope. There is very little intrusion, and there are no concerns of the canopy removal affecting the wetlands, according to Mr. De Laura. Nine to 10 yards of material is being brought in, he stated; it's pretty much a landscape project. A silt fence will be put in, and grass will be planted, according to Ms. Cole. Chairman Friedenburg stated that it would be great if the agency could receive pictures; she asked that they be sent to Mr. De Laura, adding that this application is for receipt, so the applicant will be back next month. It was hoped this application could be decided as a Section 13, according to Ms. Cole, who expressed concern that returning next month means they won't be able to start the project until next year. It was stated that once an activity gets within 40 feet of a wetland, the Inland Wetlands and Watercourses Agency is in a position that is a little too close for the application to be handled administratively, through a Section 13. The weather might hold, Chairman Friedenburg stated, adding that the next meeting is Nov. 2nd.

Commissioner Schumacher moved that the application 20-25 be received and be discussed for approval at the next meeting; it was seconded by Commissioner Paul and unanimously approved.

Vote to receive application 20-25, passed, 5-0-0.

IN FAVOR: Chairman Friedenburg, Vice Chairman Budrow, and Commissioners Paul, Mathieu, and Schumacher.

OPPOSED: None.

ABSTAINED: None.

20-26. 8 West Wharf Road. Map 26, Lots 5, 6, and 12. Owner/Applicant: Madison Country Club. Regulated Activity Permit for improvements to golf course irrigation system. **Receipt.**

Madison County Club Golf Course Superintendent Michael Chrzanowski stated that approval is *Page 4. Inland Wetlands and Watercourses Agency, Regular Meeting*

needed to increase two irrigation ponds and improve a third; handled are 250,000 gallons a day, and that would not change, which is in the main irrigation pond, labeled 12/16, on plans that he showed. A pump house is located near Pond 12/16; if there is an extended drought, the golf course will be staying at 250,000 gallons a day, but more may be used through the year, according to Mr. Chrzanowski. A maintenance activity of dredging a pond is also being planned, and Pond 12/16 would be enlarged—that pond last appeared before the Inland Wetlands and Watercourses Agency in 1989—and Pond 17 went before the Inland Wetlands and Watercourses Agency in 2004 for permission that it be built. Current efforts are under way to ensure that the golf course has enough water, according to Mr. Chrzanowski. Work is expected to take place as follows: dredging would start on Pond 7; go on to Pond 17 for enlargement; and finish at Pond 12/16, according to Mr. Chrzanowski. In addition, a transfer line is at Pond 4, goes by Pond 7, to Pond 17, and then to Pond 12/16. Excavation would take place by digging from the outside edges of the pond and then dig in, according to Mr. Chrzanowski. There are 4' x 20' mats made of eight by eight hardwood that excavator trucks would put into the pond; this sort of system is used throughout NewEngland, according to Mr. Chrzanowski, who stated that mats are put down, construction takes place, and when the mats are removed, there would be no drainage. Construction would start in the fall of 2021, he stated. Thousands of yards of material will be removed from the ponds, and all the material will remain on site, Mr. Chrzanowski stated. All of these sites are out of the wetlands and out of the 100 foot buffer of the wetlands, he stated. Robert Good, of WSP USA, stated that work is permitted through the state Department of Energy and Environmental Protection; the process is not being changed, and the aesthetics of the ponds are being enhanced. Aspects of the project were described as follows: there is surface water storage which functions as storm water control; Pond 12/16 is an irrigation pond; Pond 7 has an unnamed channel that flows into it; the project involves dredging maintenance and expansion of the perimeter of Pond 17 and Pond 12/16; Davison Environmental did an impact study for this work; there is a border of a pond that goes immediately to the upland wetlands; the water source is ground water recharge; the existing pump house at Pond 12/16 is close to the pond, but once that pond is enlarged, the proposed new pump house will be located near the new edge; the proposed project will enhance the golf course; there will be more storage in the ponds for irrigation and more available pond storage for wetlands management; 31,000 cubic yards of material will be used—36,000 yards of material will be stored, but it is anticipated that 31,000 cubic yards will be used. Commissioner Paul asked whether the ponds will be dredged all at the same time. Mr. Chrzanowski stated that they would be done one at a time, Pond 7 first, Pond 17 is second, and Pond 12/16 is third. A nice feature of using the mats is that water is able to be kept in the pond while work is taking place, and the golf club will make sure there is water in the bottom of the areas, in which work is being done, according to Mr. Chrzanowski. Chairman Friedenborg asked if any survey of wildlife had been done, and if there is a wildlife inventory; it was kind of dismissed as there is not any wildlife, in this report, she stated. It is all closely mowed turf, Mr. Chrzanowski stated. It is dismissing that there might be any aquatic life in the ponds, Chairman Friedenborg stated. An intensive study of aquatic life was not done; there is not a lot of bottom excavation, Mr. Good stated. There is a brook that flows behind the intersection of Route 1 to Samson Rock; it flows through Cherry Lane under West Wharf Road

and into Pond 7; there is a lot of sand in it, Mr. Chrzanowski stated. The water in these ponds are part of the diversion program with the state of Connecticut, he stated; diversion areas will end up being mounds—disposal area two and three will be graded, consist of native species, and they won't be mowed turf, he stated. In addition, Pond 17 material is going to disposal area two and three, as well, according to Mr. Chrzanowski. The pond on number seven is outside of the 100 foot buffer; there's a mound that comes up from the pond and goes into a disposal area, Mr. Chrzanowski stated. All are outside the 100 foot buffer; the disposal areas are going to be non irrigated; they are going to be natural areas, he stated. Chairman Friedenborg asked if there are any further questions. Commissioner Paul stated that he has a concern about no report on wildlife—whether it exists and what will happen to it. Commissioners won't get that answer until the spring; the most dredging will be in Pond 7—it's going to be more extensively dredged, Chairman Friedenborg stated. Mr. Good stated that it receives sedimentation from storm water drainage; irrigation somewhat limits its ability to maintain habitat, adding that they will do their best to maintain that existing habitat. Chairman Friedenborg noted an inventory of species and stated that this application is just for receipt.

Commissioner Schumacher made the motion to receive application 20-26; it was seconded by Vice Chairman Budrow and unanimously approved.

Vote to receive application 20-26, passed, 5-0-0.

IN FAVOR: Chairman Friedenborg, Vice Chairman Budrow, and Commissioners Paul, Mathieu, and Schumacher.

OPPOSED: None.

ABSTAINED: None.

SECTION 13 APPROVAL:

20-23. 645 Green Hill Road. Owner: Alex Klein; Applicant: Aquatic Pool & Spa Services, Inc. Regulated Activity Permit for installation of a pool 45 ft. from an inland wetland. Approved: September 22, 2020.

Inland Wetlands Officer John De Laura stated that this is a pool on a grass lawn—it is 45 feet from the closest flag, but it is beyond 45 feet. It is grass and there are no trees coming down, Mr. De Laura stated; the installation of a silt fence is recommended, and the pool is in the lawn, close to the house. A berm between the grass and the wooded wetland serves as a buffer to the wetland; there will be no impact at all, Mr. De Laura stated. He asked the Inland Wetlands and Watercourses Agency to approve the Section 13. Chairman Friedenborg stated that sounds fine; the applicants have done what has been asked of them.

Approval of Minutes ~ August 3, 2020 Action was tabled; the agency did not have the minutes.

September 14, 2020

Commissioner Paul made the motion to approve the Sept. 14, 2020 minutes, as amended, whereas in the second paragraph, the word “that” should be changed to “had.” The

motion was seconded by Commissioner Schumacher and unanimously approved.

Vote to approve the Sept. 14, 2020 minutes, as amended, passed, 5-0-0.

IN FAVOR: Chairman Friedenborg, Vice Chairman Budrow, and Commissioners Paul, Mathieu, and Schumacher.

OPPOSED: None.

ABSTAINED: None.

Remarks: Inland Wetlands Chairman ~ No report.

Inland Wetlands Officer ~ No report.

Adjournment

Vice Chairman Budrow made the motion to adjourn at 8:43 p.m.; it was seconded by Commissioner Schumacher and unanimously approved.

Vote to adjourn at 8:43 p.m., passed, 5-0-0.

IN FAVOR: Chairman Friedenborg, Vice Chairman Budrow, and Commissioners Paul, Mathieu, and Schumacher.

OPPOSED: None.

ABSTAINED: None.

Respectfully Submitted,
Marlene H. Kennedy
Clerk