A Regular Meeting of the Madison Inland Wetlands and Watercourses Agency was held on Monday, November 7, 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, Secretary Robert Zdon, Tom Clancy, Martin Brogie and Lee Schumacher

ALTERNATE PRESENT: Anna Loss

MEMBERS ABSENT: Vice Chairman Joseph Budrow

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

Chairman Freidenburg called the meeting to order at 7:02pm. She welcomed Tom Clancy to the agency and seated Anna Loss as a regular voting member.

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 10/3/22)

Chairman Freidenburg made a motion to open Public Hearing 22-36. Race Hill Rd. Seconded by Commissioner Schumacher.

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

OPPOSED: None.

ABSTAINED: None

Present for the application - Mike Ott from Summer Hill Civil Engineers & Land Surveyors, P.C and Richard Snarski Professional Wetlands Scientist. Mrs. Mannix asked the agency if they had additional questions after reviewing the revised report in with respect to the information that was requested. Commissioner Brogie asked about the control of turbidity during construction and the post construction condition as well as any changes in stream flow. Mr. Ott then provided a detailed response. The agency had no additional questions and the public hearing was opened to the public for questions / comments. No comments from the public.

Commissioner Schumacher made the motion to close public hearing 22-3. Race Hill Rd. Seconded by Commissioner Brogie.
IN FAVOR: Chairman Freidenburg, Secretary Robert Zdon, Anna Loss, Lee Schumacher, Tom Clancy and Martin Brogie
OPPOSED: None.
ABSTAINED: None

Facts:
The Madison Inland Wetlands and Watercourses Agency received this regulated activity application, 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. The Agency walked the site during a Special Walk Meeting on August 27, 2022. A public hearing commenced via Zoom platform on September 12, 2022, was continued to the October 3, 2022 meeting and further continued to the November 7, 2022 meeting after receiving written extension from the applicant. Upon closing the hearing on November 7, 2022, the Agency began deliberations.

Findings Regarding the Regulated Activity:
The applicant provided detailed presentation of submitted plans on the record at the September 12, 2022 meeting. Further information has been submitted by the applicant clarifying wetland functions and values. This information was discussed during the hearing on November 7, 2022. The Madison Inland Wetlands and Watercourses Agency has considered the application, supporting materials, and all documents and testimony entered into the record. The Agency understands that their decision must be a determination supported by substantial evidence. The Revised Wetland Function and Value Report from R. Richard Snarski, of New England Environmental Services has, in our opinion, adequately depicted the existing conditions of the brook and adjacent inland wetlands and how the removal of invasive plant species can help enhance native plantings along the brook. Michael Ott, PE LS, design engineer, explained the alternatives considered by the applicant, including purchasing land from the adjacent property owner to the north. While driveway access to the north would eliminate the need for a watercourse crossing, the presence of a vernal pool, as identified and assessed by R. Richard Snarski, limits the ability to construct a driveway along the northwestern portion of the property. Additionally, the topography of the subject parcel to the south along Race Hill Rd increases in steepness thereby limiting alternate locations to cross the brook. Substantial amounts of fill would be required adjacent to the watercourse to achieve driveway grade at Race Hill Rd. The proposed crossing location is shown to have the least impacts to the wetlands and watercourse. Lastly, the proposed sedimentation and erosion controls, as indicated on the plan set by Summer Hill Civil Engineers & Land Surveyors, PC, provide protection to the watercourse and adjacent wetlands during temporary construction activities.

Resolution Regarding Regulated Activity:
Commissioner Brogie made the motion that the Madison Inland Wetlands and Watercourses Agency authorizes the regulated activity with the following conditions of approval to minimize impacts associated with the proposed regulated activity and protect the inland wetlands and watercourses on this site:

1. The Inland Wetland Agency’s agent shall be notified at least 48 hours prior to commencement of any regulated activity.

2. A financial guarantee for erosion and sedimentation controls shall be submitted prior to commencement of any regulated activity in accordance with Section 14 of the Madison Inland Wetlands and Watercourses Regulations in an amount based upon the cost of
materials and installation of said controls as shown on the approved plan plus ten percent contingency.

3. 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.

4. 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.

5. Construction of the arch culvert shall be monitored by both the design engineer and a certified professional wetland scientist.

6. The applicant shall submit a plan to the Agency’s Agent for the removal of multiflora rose from the banks of the brook as recommended by New England Environmental Services. This plan shall account for maintenance of the invasive species over a three-year period. Annual reports shall be submitted to the Agency.

7. Construction activities shall be limited to the times indicated in the Natural Diversity Data Base determination and shall only occur during the time between April 1st and October 31st of the calendar year. All construction activity precautions as listed in the determination shall be adhered to.

All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, deposition of fill, obstructions of flow, encroachments or other regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in permit modification, suspension or revocation.

In the event that any additional wetland or watercourse regulated activities are required as a result of other agency permitting to support the proposed activity, the Madison Inland Wetlands and Watercourses Agency reserves the right to reconsider the proposed regulated activity and may require modifications to minimize the impact to wetland resources.

This permit shall be valid for a period of 5 years. Permit extensions may be authorized in accordance with CT General Statutes 22a-36 through 22a-45 inclusive. The Inland Wetlands and Watercourses Agency renders this decision in accordance with the Madison Inland Wetlands and Watercourses Regulations based on the following considerations:

- Any temporary direct impacts to the watercourse proposed and potential indirect impacts have been mitigated through adequate sedimentation and erosion controls.
- While, the permanent filling of approximately 1,900 square feet of inland wetlands and the temporary filling of approximately 480 square feet of inland wetlands will occur associated with this watercourse crossing, this is found to be the location on site with the least impact on adjacent inland wetlands and watercourses.
watercourses. This crossing avoids a vernal pool to the northwest of the brook and eliminates the need for extensive grading adjacent to the brook to achieve driveway elevation with Race Hill Rd.

c. The removal of invasive species along the Brook will enhance the quality of the watercourse.

Seconded by Commissioner Loss.

IN FAVOR: Chairman Freidenburg, Secretary Robert Zdon, Anna Loss, Lee Schumacher, Tom Clancy and Martin Brogie
OPPOSED: None.
ABSTAINED: None

REGULAR MEETING

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.  

(Commission shall take action and award third party engineering and wetland scientist services contracts. Public Hearing Scheduled for December 5, 2022)

Mrs. Mannix provided a brief recap of application 22-42. 353 Boston Rd. which the agency deemed a significant activity and scheduled a public hearing for December 5, 2022. The following proposals were received for third party reviews:

Engineering services:
Codespoti & Associates
Westcott & Mapes (includes wetland/soil scientist-JMM Consulting)

Wetland/Soil Scientist services:
Davison Environmental
JMM Consulting Services

After discussions the agency made the following motion:

Commissioner Schumacher made the motion to award the following consultant contracts
Codespoti & Associates - engineering services and Davison Environmental - wetland scientist services for application # 22-42. 353 Boston Post Road. Seconded by Commissioner Brogie.

IN FAVOR: Chairman Freidenburg, Secretary Robert Zdon, Anna Loss, Lee Schumacher, Tom Clancy and Martin Brogie
OPPOSED: None.
ABSTAINED: None

SECTION 13

22-43. 73 Sylvan Rd. Map 41, Lot 31-1, Owner/Applicant: Paul Vitale; Regulated Activity Permit to construct a 5-bedroom dwelling, patio/pool/pool house, code complying septic system and other associated improvements within 100ft upland review area. Agent approval was issued– approved as section 13.
DISCUSSION  Review of IWWA application forms and requirements

Mrs. Mannix states staff has been gathering information from other municipalities and draft application forms for the agency to review. Mrs. Mannix asked if the agency was interested in one all-encompassing application or a separate application specifying what information is needed for varying degrees of regulated activity. Agency members agreed to review different options / versions of the application for comparison. Mrs. Mannix states this could be reviewed at the next meeting. It was also suggested to have the application as a fillable Pdf.

APPROVAL OF MINUTES:  Regular Meeting Minutes October 3, 2022

Commissioner Schumacher made the motion to approve the regular minutes of October 3, 2022 as submitted. Seconded by Commissioner Loss and unanimously approved.

Chairman Freidenburg noted the special meeting minutes from October 22, 2022 were omitted from tonight’s agenda – tabled to December 5, 2022

REMARKS:  Inland Wetlands Chairman - None

Inland Wetlands Agent – Mrs. Mannix gave a brief overview / update of the CACIWC annual meeting which she attended and commissioner Anna Loss was also present.

ADJOURNMENT

Commissioner Brogie made the motion to adjourn at 9:00p.m.; seconded by Commissioner Schumacher and unanimously approved.

Respectfully Submitted,
Racquel Stubbs