

**MADISON INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
January 04, 2016
7:30 PM – Meeting Room A – Madison Town Campus**

A regular meeting of the Madison Inland Wetlands Agency was held on Monday, January 04, 2016 at 7:30 p.m. in Meeting Room A, Madison Town Campus, with Bob Zdon presiding.

Members Present: Bob Zdon, Thomas Paul, Glenn Falk, Lee Schumacher, Barbara Yaeger, and John Mathieu.

Alternates Present: Joseph Budrow and Mark Ferris.

Members Absent: Dave Newton.

Others present: Robert Kuchta, Inland Wetlands Enforcement Officer (hereafter IWO), Thomas A. Stevens, professional engineer and land surveyor, and Kealoha Freidenburg.

Chairman Bob Zdon called the regular meeting of the Madison Inland Wetlands Agency to order at approximately 7:32 p.m.

PUBLIC HEARINGS: None.

B. Zdon stated that the chronology of the agenda would be revised to start with the Section 13 Approvals, pending the arrival of G. Falk whose presence was needed to swear-in reappointed members.

SECTION 13 APPROVALS:

15-25. Jannas Lane, West Cemetery. Map 37, Lot 3. Owner: West Cemetery/Madison Cemetery Association. Applicant: Richard Hahn. Request for Regulated Activity Permit to allow grading within the 100ft wetland review area. **Approved December 8, 2015.**

< At this time, Glenn Falk arrived >

15-26. 11 Windward Lane. Map 27, Lot 12. Owner/Applicant: R&M Acquisitions. Request for Regulated Activity Permit to allow construction of a house, septic system, and appurtenant grading within the 100ft wetland review area. **Approved December 22, 2015.**

Robert Kuchta reviewed the Section 13 approvals.

G. Falk swore in L. Schumacher and B. Yaeger at this time.

REGULAR MEETING AGENDA ITEMS:

1) 15-19. 68 Sterling Park Drive. Map 37, Lot 49. Owner: Cold Spring Properties, LLC. Applicant: James Colville. Regulated Activity Permit for construction of a driveway, culvert, underground utilities, water service, septic system, and grading within the wetland review area.

Thomas A. Stevens, professional engineer and land surveyor, presented the application (15-19) on behalf of James Colville, not present. The application proposes the construction of a 3-bedroom home (outside the review area) with the driveway, culvert, underground utilities, and water service within the wetlands and review area. In response to input from the IWA, IWO Kuchta, the two (2) letters from the Conservation Commission (dated 12/04 and 12/29/15) and the wetland impact report drafted by Richard Snarski, the plans have been revised (1/04/16), including the following major changes:

- A plastic-gallery subsurface yard drain is now proposed (will hold 1” rainfall), to mitigate the concerns with the footing drain discharge and driveway runoff:
 - Discharge from the footing drain will now be directed to the yard drain, instead of into the wetland.
 - A portion of the driveway will be super-elevated, to direct runoff to the newly proposed yard drain.
- The reserve area has been moved north, house-side of the septic system (farther from wetland).
- A series of plaques are now proposed to be mounted on trees between the wetland and the construction (“home-site”).
- Nitrogen-dilution calculations have been corrected to 6.68mg/L (the 4.51 mg/L amount stated at the last meeting was incorrect, but 6.68mg/L is still below the DEEP drinking water standard of 10 mg/L).
- A new septic system is proposed. It will be only 3ft across (vs 6ft); it will cause less disturbance to the wetland, as grading and fill will no longer be required.

T. Stevens stated that he and IWO Kuchta visited the site on 12/28/15, and they determined that the previously disturbed banks along the driveway and culvert have stabilized. As there is no apparent sedimentation or erosion along the wetland boundary, he proposes that they leave the driveway and culvert where they are.

- J. Mathieu expressed concern about how the trenches would be dug. If the water line is to be 5ft deep, 18” wide, where will the material go? T. Stevens stated it would likely be removed from site. J. Mathieu continued that the 5ft trench adjacent to the wetland will undoubtedly become inundated

with water. There was subsequent discussion between about how the installation of the utilities might occur. While the final location may be acceptable, members questioned the successful execution of the plans.

- B. Yaeger initiated conversation about the reasoning for the chosen locations of the yard drain and septic. There was much discussion about the topography and how the systems are proposed to function.
- B. Zdon commented that the proposed house sits on a ridge, and asked what the applicant plans to do with the land by the house as it goes toward the wetlands. T. Stevens speculated that they would likely remove the boulders, fill, grade, and plant lawn. B. Yaeger stated that the construction plan says “landscape to be installed.” When asked, T. Stevens stated that there could be a landscape plan if required. There was much discussion, and members expressed deep concern, about this issue. IWO Kuchta stated that the site will have to be modified somehow to create a construction platform and allow access of equipment when installing the septic system, etc, but that the IWA has jurisdiction to determine how that area is finished after the septic is completed (e.g. require that half of the distance between the house and the septic be maintained as wild meadow). IWO Kuchta recommended that the IWA place lawn/landscape restrictions.
- T. Paul, referencing the Conservation Commission letters, expressed concern about the added nitrogen leaching to the pond. IWO Kuchta commented that there are already five or six houses within the vicinity of this particular pool, which may already be contributing to the nitrogen levels in the wetland. T. Paul contended that the proposed house is situated at a much steeper angle toward the wetland; he asked if there was any way the plan could be modified to avoid introducing any more nitrogen. T. Stevens stated that nitrogen comes with any development.
- B. Zdon initiated some discussion about the type of equipment that might be used for the project. All answers were speculative.
- M. Ferris stated that the engineered plan itself is okay, but there is no room for error; he summarized his main concerns:
 - The project needs to be heavily monitored for appropriate field adjustments.
 - There needs to be as little lawn area as possible and as much growth between the proposed plaques and the septic area as possible. This is the only way to mitigate nitrogen leaching.

B. Yaeger agreed, stating that she has dealt with several applications like this before (“tight” plan); while there is no issue with the engineered plan, she is uncomfortable with how things will go once work begins. She stressed that she believes in a property owner’s right to develop his property owner, but there is a need for strict resolutions of approval (e.g construction plan, vegetation plan, monitoring).

- There was some discussion about whether they would approve the plan tonight with a strict set of conditions, or continue discussion to the next meeting pending more information. B. Zdon stated that he felt he would need more input from the owners (not present) before approving this application.
- T. Paul addressed Kealoha Freidenburg for input from the Conservation Commission. Kealoha stated that she cannot speak on behalf of the Commission about today's comments, but that they would typically recommend meadow/buffer as much as possible around wetlands. They would also likely recommend that the plaques extend around the entire wetland, not just by the septic; while the wetland boundary may be "obvious" now, vegetation will grow/change and that boundary will need to be made clear. B. Yaeger stated that she likes the plaque idea.
- M. Ferris began some discussion about how they would institute a monitoring plan. IWO Kuchta suggested they come up with specific guidelines, which could be listed either on the plans or in the stipulations. Ferris stated he hoped IWO Kuchta could sit with the applicant and come up with feasible options to be presented to the IWA at the next meeting.
- B. Yaeger pointed out that the plan shows where the house itself will be, but inevitably there will be additional features such as a front entrance patio, walkway, side entrance...etc., which will all be made as Section 13 Approvals. B. Zdon added that it is the IWA's charge to protect the wetland; the approval of the project is only to sell the lot—the current owners will not be developing the land themselves, making it difficult to define specifics (like a landscape plan). Because the intent is to put the property on the market, there are too many uncertainties. Overall, B. Zdon stated, he is uncomfortable approving the application without more information.
- J. Mathieu reiterated the concern with the construction plan; he would like to hear from a developer/excavator as to how he would comply with the specs, how exactly the utilities would be put in (how deal with wet trench, how haul materials, etc.).

MOVED: by J. Budrow and seconded by G. Falk to continue discussion of application 15-19 to the next meeting, at which time the applicant shall present the IWA with a proposed landscape plan and a detailed construction and monitoring plan. All other members present voted in favor. **MOTION CARRIED.**

REMARKS:

Inland Wetlands Chairman: None.

Inland Wetlands Officer: IWO Kuchta informed the agency that T. Stevens had another application to present; this application was submitted too late to be put on the agenda, but the agency could vote to add it.

MOVED: by G. Falk and seconded by T. Paul to add the application (15-27) to the agenda. All other members present voted in favor. MOTION CARRIED.

15-27. 68 Middle Beach Road West. Map 15, Lot 6. Owner: Middle Beach Road LLC. Thomas Stevens presented the application, which proposes the creation of a driveway within a wetland; this would involve 223ft² of fill, but be offset by the removal of an old garage from the wetland, removing 135ft² of existing fill from the wetland (net fill: 88ft²).

MOVED: by G. Falk and seconded by M. Ferris to accept application 15-27 and review it at the next meeting. All other members present voted in favor. MOTION CARRIED.

There was some discussion about a previously approved project on River Road that was changed through a Section 13 approval; the agency members were able to see how deviations from their approvals are able to occur without their involvement.

APPROVAL OF MINUTES:

- Regular Meeting, December 7, 2015.

The minutes of December 7, 2015 were reviewed and no amendments were made.

MOVED: by B. Yaeger, and seconded by T. Paul, to approve the minutes of December 7, 2015 as submitted. All other members present voted in favor. MOTION CARRIED.

ADJOURNMENT:

MOVED: by G. Falk, and seconded by B. Yaeger, to adjourn at approximately 9:12 p.m. All members present voted in favor. MOTION CARRIED.

Respectfully submitted,

Shauna Dowd

*amendments to these minutes will be noted in future minutes.