

**MADISON INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
July 11, 2016
7:30 PM – Meeting Room A – Madison Town Campus**

A regular meeting of the Madison Inland Wetlands Agency was held on Monday, July 11, 2016 at 7:30 p.m. in Meeting Room A, Madison Town Campus, with Robert Zdon presiding.

Members Present: Bob Zdon, Thomas Paul, Glenn Falk, Dave Newton, and John Mathieu.

Alternates Present: Mark Ferris, Kealoha Freidenburg.

Members Absent: Barbara Yaeger, Lee Schumacher, and Joseph Budrow (alt).

Others present: Robert Kuchta, Inland Wetlands Enforcement Officer (hereafter IWO),
Bob Grabarek, Thomas Smith, Joe Oslander, David Roach.

Chairman Bob Zdon called the regular meeting of the Madison Inland Wetlands Agency to order at approximately 7:33 p.m.

PUBLIC HEARINGS: None.

REGULAR MEETING AGENDA ITEMS:

1) 16-10. 390 Horsepond Road. Map 80, Lot 11. Owner: Seashore Construction, Inc., Applicant: Cornerstone Construction Services, Inc. Subdivision Referral and Regulated Activity for filling of a 732 sq.ft wetland and storm-water discharge within the 100 ft inland wetland review area.

Robert Grabarek, of Osprey Environmental, presented application 16-10 on behalf of the applicant, Thomas Smith (Cornerstone Construction); this application is for approval of an eight-lot standard subdivision. As proposed, the drainage system for the road will consist of catch basins and yard drains (at toe of slope) connecting to the manhole at the end of the cul-de-sac; this will run to a sedimentation basin next to the existing berm (approx 6-8ft high), which separates the river and wetlands from the upland area. Presently, the majority of the area for the proposed lots is graded and grassed, with little other vegetation. The small wetland (approx 0.017ac) to be filled has been deemed insignificant and of little ecological value or function (see letter from soil/wetland scientist Richard Snarski). The only remaining direct wetland impact is the end of the drainage pipe and sedimentation retention pond, which is proposed to be located within the 100ft wetland review area. Grabarek did state some other alternatives that he had discussed with Mike Ott (director of Public Works), showing that the proposed

option is the best choice. The storm water will run off into the lowland area, which has appropriate soils that allow for rapid infiltration.

- T. Paul asked about the open space. Grabarek identified the area on the site plan, which includes a 25ft access strip to the road.
- There was brief discussion about the design of the foundation drains. Grabarek stated that based on the proposed design, there is no danger that a spill in the basement could taint the groundwater.
- B. Zdon asked for detail on the proposed drainage on the steep slope. Grabarek stated that the slope itself is currently vegetated and consists of coarse soils, ideal for rapid infiltration. The purpose of the yard drains here is a precautionary measure to address concern for any ice swales that could potentially occur in the winter.
- B. Zdon verified that the road will be paved asphalt.
- David Roach, chair of the Land Trust Land Acquisition Committee, stated that the Trust is very familiar with the property and has regarded it as a high priority for conservation. He confirmed that the Land Trust is very interested in acquiring the Open Space property.
- K. Freidenburg asked about the placement of plaques for clearly marked delineation. IWO Kuchta stated that there could be two different kinds of plaques: 1) 100ft wetland review boundary, provided by the Town, or 2) easement/Open Space boundary, supplied by the Land Trust. Grabarek stated that 100ft wetland review plaques are documented on the plans (every 50ft). IWO Kuchta stated that he will inspect them once they are installed.

MOVED: By D. Newton, seconded by K. Freidenburg to approve application 16-10 as presented, assuming plaques will be installed as stated. All members present voted in favor. **MOTION CARRIED.**

MOVED: By B. Zdon, seconded by T. Paul to have IWO Kuchta refer the subdivision to Planning and Zoning, in the appropriate format used in previous IWA subdivision referrals. All members present voted in favor. **MOTION CARRIED.**

SECTION 13 APPROVALS:

16-11. 41 Beaver Pond Road. Map 65, Lot 29. Owner/Applicant: Kate Ford. Regulated Activity Permit to allow construction of deck within 100ft wetland review area. **Approved June 3, 2016.**

16-12. 24 Windward Lane. Map 27, Lot 24. Owner/Applicant: Daniel & Annette McIntyre. Regulated Activity Permit for installation of inground pool, patio, septic system, and associated improvements within the 100ft wetland review area. **Approved June 23, 2016.**

16-13. 84 Bradley Road. Map 38, Lot 82. Owner/Applicant: Richard Gedney. Regulated Activity Permit for 101.6sqft addition to enlarge retail showroom, remove chimney and remove exterior oil tank and pad, all within 100ft wetland review area. **Approved June 27, 2016.**

Robert Kuchta reviewed the Section 13 approvals.

APPROVAL OF MINUTES: None.

REMARKS:

Inland Wetlands Chairman: None.

Inland Wetlands Officer:

28 Creamery Lane violation:

IWO Kuchta reported that in response to a complaint about tree cutting in the vicinity of 28 Creamery Lane, they discovered numerous violations not only by the property owners of #28, but also by #34 and #36 Creamery Lane. Each homeowner was sent a letter notifying them of the violations. They have confirmed that the violations not only involved activities within the 100ft review area, but also destructive encroachment onto clearly marked Land Trust (hereafter LT) property. Recent photos of the site (#28) were passed around to the IWA; IWO Kuchta recommended that they arrange for a site walk. IWO Kuchta stated that the activities have ceased and that they are working toward resolution (two of the three have responded to the letter); each homeowner will need to come before the IWA when engineered remediation plans are ready.

Joe Oslander, Stewardship chair of the Madison Land Conservation Trust, and David Roach spoke regarding their views on what has occurred and how they would like to proceed.

Oslander stated that this is among the worst cases of encroachment that he has seen in the decade that he has been dealing with Land Trust encroachment issues. While they are still combing the property for further violations, he summarized the destruction at each property:

- **#28:** clearcut trees; trees and brush felled/piled into the floodplain and river itself on LT property. Presently unclear as to which trees were felled from #28 property and LT property; LT property was left treacherous to navigate. An old farmer's dump has been exposed (old metal farming equipment, etc.) that will now need to be cleaned up. Cement monuments, indicating property boundary, are exposed; there is no confusion as to where the property of 28 Creamery lane ends and LT property begins.

- **#34:** no clear-cutting; one can see on this property the hardwoods that should exist on the other two properties—and that those trees did nothing to obstruct the view of the river; the tree cutting on #s 28 and 36 were clearly senseless actions. Although less severe, there are some violations on this property, including a mowed path up to the river (should be a buffer; also on LT property), a small dock on the river bank (on LT property), and a small garden on LT property, which the LT will allow to remain for the rest of the 2016 growing season).
- **#36:** clear-cut and lawned all the way to the river. There are five-six measurable stumps, but past aerial photos show many more trees are missing; the LT will have to hire a certified forester to identify the number, size, and species of these missing trees. The activities at this location have severely weakened the river bank; without stumps and roots, there is nothing to hold the bank in place. The first stages of erosion are already evident. There is also a water pump extracting water from the river, seemingly for lawn irrigation; also on LT property. There is a boundary stake a short distance from the pump; it is obvious that the pump is not on #36's property. There is also a missing marker; a bent bar was found, which looks as though it could have been the marker but had been damaged and uprooted by a bulldozer.

Oslander stated that they have not yet had time to evaluate their property on the other side of the river to measure additional damages. He stated that they (LT) need to continue working with IWO Kuchta and begin to work with the IWA to correct damages. He stated that they need the mowing to stop, water pump and pipes removed, boundaries reestablished, and some kind of remediation plan to secure the bank.

- B. Zdon expressed concern with addressing the erosion that has already begun – time is of the essence. IWO Kuchta agreed that the erosion problem needs to be dealt with this season.
- T. Paul asked what their (IWA) recourse could be if the homeowners refuse to cooperate. IWO Kuchta stated: fines, attorneys, etc. David Roach stated that a powerful CT Statute gives LT great legal opportunity to seek remediation.

David Roach stated the LT's priorities, which focuses on stabilizing the eroded bank as quickly as possible and creating a path to succession. The clear cutting has caused severe destruction to the ecosystem including raising the temperature of the water (no shade), raising the temperature of the soil (impact to wildlife), and altering the species composition of the undergrowth (shade tolerant species can no longer survive). The LT will need to assess what should be there before they can approve remediation. Roach stated that many of the issues are LT issues, but stressed a desire to work with the IWA to come up with the best, most appropriate remediation plan. Roach also stated that it would be prudent to reestablish the 100ft wetland boundary (plaques).

- B. Zdon agreed that many of the violations appear to be within the jurisdiction of the IWA to address. He stated that a site walk will be needed and requested copies of the violation letters which the homeowners were sent.
- T. Paul stated that immediate priority must be placed toward stabilizing the banks at #36 and #28. Also the water pump must be stopped.

- B. Zdon addressed Conservation Commission chair Heather Crawford. Crawford stated that the Commission would like to be invited to the site walk and contribute their ideas for remediation. She added that the Conservation Commission views this as a great opportunity for educating both themselves and the public. Oslander expressed that these violations need to be publicized; they need to educate people on the consequences (environmental and legal). Roach added that this should be done without vilifying anyone. The LT would prefer to work productively with the homeowners, not against them, but they do need to set a tone that people need to understand what is/isn't theirs, how to behave, etc. In that spirit, B. Zdon stated that the homeowners should be notified of the time/date of the impending site walk, although legally the IWA can inspect violations without permission.

26 Paper Mill Road violation:

IWO Kuchta reported that some large trees were cut near, possibly in, the wetlands. He spoke with the homeowner; the purpose was to stop mast crop (acorns) from falling into their pool. Yet to be determined: whether or not the trees were on LT property, whether or not they were in the wetlands, and a long-term remediation plan.

ADJOURNMENT:

MOVED: By G. Falk, seconded by D. Newton, to adjourn at approximately 8:52 p.m. All members present voted in favor. MOTION CARRIED.

Respectfully submitted,

Shauna Dowd

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