

**MADISON INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
October 3, 2016
7:30 PM – Meeting Room A – Madison Town Campus**

A regular meeting of the Madison Inland Wetlands Agency was held on Monday, October 3, 2016 at 7:30 p.m. in Meeting Room A, Madison Town Campus, with Robert Zdon presiding.

Members Present: Bob Zdon, Thomas Paul, Barbara Yaeger, John Mathieu, Dave Newton, Lee Schumacher.

Alternates Present: Kealoha Freidenburg, Joseph Budrow.

Members Absent: Glenn Falk, Mark Ferris (alt).

Others present: Robert Kuchta, Inland Wetlands Enforcement Officer (hereafter IWO), Antonio Suppa, James Perito, David.

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

PUBLIC HEARINGS: None.

REGULAR MEETING AGENDA ITEMS: None.

DISCUSSION OF CREAMERY LANE VIOALTION REMEDIATIONS

T. Paul recused himself from the following discussion.

28 Creamery Lane.

James Perito, attorney representing property owner Suppa, commented on the situation stating that they are ready to move forward with the remediation on Mr. Suppa's property and they are willing to work with the Land Trust (hereafter LT) regarding work on their land, but there is no time constraint for such an agreement. It became apparent that the Suppa party had not received the most recent letter (by Steven Danzer—wetland and soil scientist—dated 9/30/16) from the LT, which detailed the LT's comments on Mr. Suppa's remediation plan.

At this time, IWO Kuchta provided the Suppa party with a copy of said letter, and Perito, Suppa, and David (landscape architect) left the room to review and discuss the LT's letter. The IWA took this time to review the Section 13 approvals (noted later).

The party representing 28 Creamery Lane returned, and remediation discussion resumed. James Perito discussed their response to the LT letter, which has comments and requests numbered 1-13.

- #’s 1-3 discuss regulatory, landscape, and wetlands context of the violation.
 - #4: requests increasing the number of shrubs on the slope, in lieu of the proposed wetland seed mix. David commented that in his experience, he has seen good results with the seed mix (denser coverage, more survivability), but agreed that they should plant additional shrubs on the slope.
 - #5: requests that the four (4) white oaks proposed for the slope be swamp white oak or pin oak instead, that the black willow be relocated closer to the wetlands, and that two (2) additional trees be planted on the western portion of the slope. The Suppa party found this agreeable.
 - #6: recommends the installation of an erosion control blanket or mat to stabilize the bank. David has not had good luck with these mats and feels that a coverage of winter rye would be sufficient to protect the slope until spring when they can plant an appropriate seed mix, which would provide more complete coverage of the slope.
 - #7: requests additional pepperbush plants. The Suppa party found this agreeable.
 - #8: requests sixteen (16) trees be planted on the floodplain terrace (LT property) to replace the eight (8) that had been removed (2:1 restocking ratio). The Suppa party disagree with the number of trees removed from this area, claiming only four or 5 had been removed. Planting sixteen trees would cause unnecessary excessive disturbance to the area.
 - B. Yaeger commented on the size of the trees to be planted. She recommended 1.5” to 2” caliper trees; the smaller tree will survive better and there would be much less disturbance. The Suppa party found this agreeable.
 - #9: recommends that they allow the understory on the floodplain terrace to regrow naturally, and relocated the proposed shrub plantings to the slope (see recommendation #4). This is agreeable.
 - #s 10-11: prescribe size and maintenance of trees on LT property, and invasive species monitoring on LT property. Neither seem to pertain to the Suppa party.
 - #12: requests that white tail deer repellent be applied to all plantings. This is agreeable to Suppa.
 - #13: requests a specific irrigation technique be named. David expressed that they want to get the plants in this fall to increase likelihood of survival; regardless of the technique, survival will be ensured.
 - B. Zdon asked what their plan calls for irrigation. David stated that right now there is no specific plan; they have to look at Suppa’s well yield—they may look into setting up a temporary system with drip rings, or gator bags (for trees).
- B. Yaeger expressed concern about the timing of the seed mix. David stated that he would prefer to plant a winter rye, which would be able to establish before winter if planted now, in lieu of the LT’s requested blanket/mat. This would hold the bank until Spring when they will plant something

more appropriate. B. Yaeger agreed that they could try the rye, with the condition that IWO Kuchta will go inspect the site after heavy rain events to determine if it is stable. If stability is not satisfactory, they will have to install the mat.

- J. Budrow recommended that before they plant within the Town corridor of the splash pad area, they should seek approval from Mike Ott/public works.
- J. Budrow asked if they should consider requiring a maintenance bond. B. Yaeger and J. Mathieu expressed that they were comfortable that the Suppa party has come with good faith to remediate the wetlands violation; there are fines for non-compliance that they could employ later, if necessary.
- B. Yaeger disclosed that she knows David fairly well, but that this has no influence on her judgement in this matter.
- The IWA agreed that the motion will be made to reflect what work the IWA finds acceptable to resolve the wetland violation, regardless of property owner; the LT and Suppa party will have to agree, independently of IWA, on what work will be done to the LT property—the IWA will indicate what is minimally appropriate; anything less or significantly different will have to come before the board. The IWA approval does not grant the Suppa party to access the LT property—they will need permission from the LT.

MOVED: by B. Zdon, and seconded by D. Newton, to accept the remediation plan as submitted, in conjunction with the recommendations set forth in the 9/30/16 letter from Steven Danzer, with the following amendments to said recommendations:

- 1) #6: planting a fast-growing, non-invasive plant, such as winter rye, on the slope is acceptable to satisfy the violation, so long as it is successful in preventing erosion. IWO Kuchta will inspect for signs of erosion after significant rain events, and if erosion is evidenced, an erosion-control blanket must be installed under the directive of IWO Kuchta.
- 2) #8: smaller caliper trees (1.5”-2”) should be planted (vs the 2.5”-3” recommended by Danzer). A minimum of four (4) trees is acceptable (vs the sixteen requested by LT) to satisfy the wetland violation.
- 3) #10: three (3) year timeframe for monitoring shall be maintained, at which point 75% of shrubs and 75% of trees shall survive in order to satisfy the violation. The clearance diameter will be determined by the number of trees (minimum of 4, but actual number planted may be more, depending on Suppa-LT agreements), which will be subject to approval by IWO Kuchta.

T. Paul abstained. All other members present voted in favor. MOTION CARRIED.

SECTION 13 APPROVALS:

16-20. 44 Stone Road. Map 12, Lot 102. Owner: Andrew Corwin; Applicant: Poolscape Pool & Spa. Regulated Activity Permit for installation of an inground pool within 100ft wetland review area.

Approved September 20, 2016.

16-21. 236 Mungertown Road. Map 63, Lot 29/6. Owner/Applicant: Marshall Daub. Regulated Activity Permit for cutting down trees and installation of an inground pool within the 100ft wetland review area. **Approved September 23, 2016.**

16-22. 36 Creamery Lane. Map 85, Lot 29. Owner/Applicant: James Maynard. Regulated Activity Permit for installation of an inground pool within 100ft wetland review area. **Approved September 26, 2016.**

Robert Kuchta reviewed the Section 13 approvals.

There was some discussion about the parameters for granting Section 13 approvals.

APPROVAL OF MINUTES:

- Regular Meeting, September 12, 2016.

The minutes were reviewed and the following amendment was made: D. Newton was not present.

MOVED: by T. Paul, and seconded by L. Schumacher, to approve the minutes of September 12, 2016 as amended. All other members present voted in favor. **MOTION CARRIED.**

REMARKS:

Inland Wetlands Chairman: None.

Inland Wetlands Officer: IWO Kuchta reported that the homeowner at 36 Creamery Lane has indicated that he has been in communication with the LT, but will get written confirmation of this. He will also find out if the irrigation pump is still being used.

IWO Kuchta has discovered that the homeowner of 34 Creamery Lane has been traveling in China, which is why they have not heard from them; he is not sure when they will be returning, but will send another letter.

ADJOURNMENT:

MOVED: By T. Paul, seconded by B. Yaeger, to adjourn at approximately 8:50 p.m. All members present voted in favor. MOTION CARRIED.

Respectfully submitted,

Shauna Dowd

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