

**MADISON INLAND WETLANDS AGENCY
REGULAR MEETING MINUTES
February 6, 2017
7:30 PM – Meeting Room A – Madison Town Campus**

A regular meeting of the Madison Inland Wetlands Agency was held on Monday, February 6, 2017 at 7:30 p.m. in Meeting Room A, Madison Town Campus, with Robert Zdon presiding.

Members Present: Bob Zdon, Barbara Yaeger, Thomas Paul, Joseph Budrow, John Mathieu, Dave Newton.

Alternates Present: Mark Ferris.

Members Absent: Glenn Falk, Lee Schumacher, Kealoha Freidenburg.

Others present: Robert Kuchta, Inland Wetlands Enforcement Officer (hereafter IWO), Thomas A Stevens, Richard L Chorney, John Cunningham, Keith Ainsworth, Ben Diebold, Joe Oslander, Bob Owens, Antonio Suppa, James Perita, Mike Harkin.

Chairman Bob Zdon called the regular meeting of the Madison Inland Wetlands Agency to order at approximately 7:35 p.m.

PUBLIC HEARINGS:

17-01. 28 Creamery Lane. Map 85, Lot 27. Owner/Applicant: Antonio Suppa. Regulated Activity Permit for construction of in-ground pool, landscaping, and deposit of material and grading within the 100ft wetland review area. **Commencement of Hearing Postponed to April 3, 2017.**

REGULAR MEETING AGENDA ITEMS:

1) 17-02. 175 Copse Road. Grove School. Map 47, Lots 4, 5, & 24. Owner/Applicant: Richard L. Chorney. Regulated Activity Permit to demolish two existing buildings and construct new academic building within the 100ft wetland review area.

Thomas A. Stevens, professional engineer and land surveyor, presented application 17.02 on behalf of Richard Chorney, also present. The application proposes the demolition of two buildings (2200sqft and 1000sqft) and the construction of one 8908sqft academic building within the 100ft wetland review area. Two existing septic systems adjacent to the wetland will be removed and replaced with sand. The new building will have a central system with the adjacent dormitory, which will be piped across the wetland to suitable upland soils, as shown in the site plan. The

septic system of another nearby dormitory will also be piped to upland soils, using the same crossing/trench (separate set of piping). The trench will be dug with a two-foot bucket at the wetland crossing; Stevens was unsure of the exact time of year that this would occur, but assured the IWA that they would trench the wetland crossing during the dry season. The trench will be backfilled with the same soils that were excavated, provided they are suitable (expected); large rocks will be removed by hand. They do not anticipate any disturbance of underground flow. Stevens referenced a letter from the Conservation Commission and stated that all of their recommendations were addressed except the request for plantings over the crossing; the two existing trees will remain undisturbed and the small area will be left to reseed naturally.

- Members expressed concern about the potential of the pipe(s) breaking at the wetland crossing. Stevens stated that there will be 1000-gal storage tank which will allow for 1 day to fix if a line breaks. Also, both systems will be equipped a second pump, in case the primary fails; they will be all be connected to a generator so they can function during a power outage. J. Mathieu stated it would be best if there were no joints under the wetland; Stevens stated that the joints will be pushed to the dry end.
- J. Mathieu questioned how they propose to locate the pipe, suggesting that they run a tracer wire so it could be located easily with a metal detector in the event repairs are needed; Stevens stated they will shoot the pipe to within 1/8" prior to backfilling and stake it out.

John Cunningham, owner of TEC Landscape Design, presented the proposed landscape plan, which involves the planting of a 15ft buffer between the wetland and lawn area and the installation of a split-rail fence at the 15-ft line (to prevent encroachment). Upon commencement of the project (June 2017), they propose to remove invasive material from the buffer (not *in* the wetland), primarily bittersweet, by machine (to remove the rootmass). They intend to leave all of the red maples, assuming they are in good condition and not too damaged (hazard) from the bittersweet infestation; Cunningham stated that they would seek approval from the IWO prior to any tree removal.

- B. Yaeger expressed concern about the bittersweet removal. Such an extensive infestation likely has massive root system that could extend into the wetland. She suggested that they have IWO Kuchta monitor the process to ensure no direct disturbance to the wetland.
- There was concern about stabilization. Cunningham stated that after they plant, they will seed with a "conservation mix"; they will set hay if needed.
- Regarding the plant list, B. Yaeger objected to the Hamlin grass, as it is non-native. In her experience, she has seen it unintentionally spread.

MOVED: by J. Budrow, and seconded by T. Paul, to approve Application 17-02 with the following conditions: 1) IWO shall be notified and present for the initial bittersweet removal to evaluate the extent of the disturbance, and shall monitor as necessary, and 2) Hamlin grasses shall be replaced with a native plant of the applicant's choosing. M. Ferris abstained. All other members present voted in favor. **MOTION CARRIED.**

- 2) **17-06. 473 Green Hill Road.** Map 72, Lot 26. Owner/Applicant: Cherry Hill Construction Co., Inc. Regulated Activity Permit and Subdivision Referral for a 3-lot subdivision. **Receipt only.**

Mike Harkin, professional engineer, presented application 17-06, which proposes a 3-lot subdivision (“Green Hill Estates”) at what is currently known as 473 Green Hill Road. One lot will be the existing house lot (home currently for sale). Of the two additional lots, one will be accessed from Green Hill Road, the other from Route 79 (Durham Road), both with gravel driveways (aprons to be paved). Septic systems and utilities are proposed to be located at the front of the lots, to limit disturbance to the wetland. The site plan includes a clearing limit, which will be physically staked on site by Eric Anderson, land surveyor.

MOVED: by J. Budrow, and seconded by T. Paul, to receive Application 17-06. All members present voted in favor. **MOTION CARRIED.**

- 3) **17-08. Creamery Lane.** Map 85, Lot 35. Owner/Applicant: Madison Land Conservation Trust, Inc. Regulated Activity Permit for wetlands restoration. **Receipt only.**

Keith Ainsworth, attorney representing the Madison Land Conservation Trust (hereafter LT), presented application 17-08. Ainsworth recounted the trespass and significant damage that occurred to the property last June, which included the removal of 6-10 large trees (i.e. four trees sprouted from a one stump, previously counted by others as a single tree could be viewed as multiple trees), as well as significant shrub removal and dumping of slash and debris. The IWA had previously approved a minimum mitigation plan presented by the Suppa party to satisfy the wetlands violation, but execution of this plan was subject to agreement with the LT; as the LT is not satisfied, they have submitted their own remediation application. They propose to plant sixteen (16) replacement trees of large caliper (root and ball stock) by hand and/or with small machinery. There is a need to reestablish the tree cover; smaller plantings, without intense management, would likely be overwhelmed by the returning shrub/herbaceous layer, which is no longer controlled by the shade of a canopy. A canopy is also necessary to suppress invasive species; already there is some multiflora rose, which is a concern. Additional trees that were removed from the Suppa property had provided shade and had value, so the LT proposes to plant more than were removed from their own property to compensate for this functional loss.

MOVED: by B. Yaeger, and seconded by J. Mathieu, to receive Application 17-08 as submitted. All members present voted in favor. **MOTION CARRIED.**

At this time, James Perito, attorney for Mr. Suppa, presented the IWA with a petition to intervene under Sec. 22a-19, stating that the primary purpose is to ensure that they are included/notified of any meetings or site walks pertaining to this application. Attorney Ainsworth commented that the

use of the statute is to allege that there is a likelihood of unreasonable harm to natural resources; it is ironic that this was invoked, as the purpose of application 17-08 is to repair the unreasonable impairment to the natural resources, committed by the intervening party. B. Zdon stated that the IWA will consult with the Town attorney to be sure they proceed appropriately.

4) **Discussion of the Tuxis Pond Vegetation Management Plan.** Tabled to the next meeting.

SECTION 13 APPROVALS:

17-05. 2076 Durham Road. Map 160, Lot 33. Owner/Applicant: 2076 Durham Road LLC. Regulated Activity Permit for construction of an indoor riding rink within the 100ft wetland review area. **Approved February 24, 2017.**

17-07. 89 Stone Road. Map 12, Lot 95. Owner/Applicant: Sea Clearly, LLC. Regulated Activity Permit for construction of dwelling, garage, pool, pool house, driveway and septic system within the 100ft wetland review area. **Approved March 2, 2017.**

Robert Kuchta reviewed the Section 13 approvals.

APPROVAL OF MINUTES:

- Regular Meeting, February 6, 2017.

Review of the minutes was tabled to the next meeting.

REMARKS:

Inland Wetlands Chairman: B. Zdon stated that they need to make sure that they get legal counsel regarding applications 17-01 and 17-08 before the next meeting.

Inland Wetlands Officer:

Creamery Lane Violations.

#34: Remediation plans submitted.

#36: Remediation plans submitted.

MOVED: by J. Budrow, and seconded by J. Mathieu, to accept the remediation plans for #34 and #36 Creamery Lane as satisfaction of the wetland violation. All members present voted in favor. MOTION CARRIED.

ADJOURNMENT:

MOVED: By J. Budrow, seconded by T. Paul, to adjourn at approximately 8:55 p.m. All members present voted in favor. MOTION CARRIED.

Respectfully submitted,

Shauna Dowd

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