

**CONSERVATION COMMISSION
REGULAR MEETING MINUTES
March 13, 2017, 7:30 P.M.
MEETING ROOM B MADISON TOWN CAMPUS**

Subject to approval: Minutes of the Meeting of Mar. 13, 2017 - 7:30 p.m. - Meeting Room B- Madison Town Campus

Members present: Vice Chairman Christine Bouchard, Secretary Alex Cushing, George McManus, and Richard Gedney.

Members absent: Chairman Heather Crawford, Clyde Burkhardt and Rachel Klein.

Additional attendees: Inland Wetlands Officer Robert Kuchta.

1. **Call meeting to order:** At 7:32 p.m., Acting Chairman Bouchard called the meeting to order.
2. **Call for additional agenda items:** Commissioner Gedney had a copy of the state regulations regarding pool water disposal and asked the commissioners to review it, stating that no discussion would be necessary, since the regulations are self-explanatory.
3. **Application Review: 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.

Professional Engineer Michael Harkin, representing Cherry Hill Construction Co., Inc., stated that Green Hill Estates is a 7.7-acre parcel located at the corner of Green Hill Road and Durham Road, and plans are to create a three-lot subdivision. There is a big swath of wetlands going through the site and a nonconforming house and a barn located on lot three, Mr. Harkin stated. It appears there is a buyer interested in restoring the nonconforming house, but the plans do include engineering for lot three, in case a new structure is built to replace the nonconforming house, according to Mr. Harkin. Three buildable lots will be created; the driveway to lot one will be off of Route 79, and lots two and three will have driveways off of Green Hill Road, Mr. Harkin stated. To protect the wetlands, trees will be flagged, and there will be a silt fence and hay bales installed; in addition, construction will be monitored to ensure compliance with wetlands regulations. There will be no wetlands filling on the site, but 750 cubic yards of fill will be placed in the wetlands review area, according to Mr. Harkin. Stonewalls currently on the site will be retained; septic systems will be placed in the front yards, flowing away from the wetlands, and wells will be in the back of the houses. All soil testing has been done on the site for the septic systems; this subdivision is not conducive to in-ground swimming pools, but it may be conducive to above ground swimming pools, according to Mr. Harkin. There are three old wells on lot three, which would have to be abandoned, before a new well is drilled on that site, Mr. Harkin stated. On absent Chairman Crawford's behalf, who reviewed the plans prior to the meeting, Acting Chairman Christine Bouchard asked whether taking the house proposed for lot two and flipping it 90 degrees in either direction had been considered. Mr. Harkin stated that flipping the house had been examined, and doing so actually creates more disturbance, and a 90 degree flip toward Route 79 is not feasible due to the installation of utilities. Inland Wetlands Officer Robert Kuchta asked whether a buyer for lot one could flip the house around, thus moving the driveway on the north side, and Mr. Harkin stated that doing so would put the residential driveway too close to the Klein's Golf Range driveway, along Route 79, and driveways two feet apart are not acceptable.

Commissioner McManus made the motion to authorize the chairman to write a letter to the Inlands Wetlands and Watercourses Agency stating that the Conservation Commission has not noted any serious objections to the plans and does not see any adverse environmental impact to the site; the motion was seconded by Commissioner Gedney and unanimously approved.

Vote to write the letter passed, 4-0-0.

IN FAVOR: Acting Chairman Bouchard, Secretary Cushing, and Commissioners McManus and Gedney.

OPPOSED: None.

ABSTAINED: None.

4. **Application Review: 17-07CSP. 89 Stone Road.** Map 12, Lot 95. Owner/Applicant: Sea Clearly, LLC. Coastal Site Plan Review to demolish existing dwelling and construct a single-family dwelling and pool house within the 100 ft. critical coastal resource setback.

Professional Engineer Michael Harkin stated that Fred Ryan is the owner of Sea Clearly, LLC, and this is his house at 89 Stone Road, which is directly on Long Island Sound, where there is a beach, an existing cottage, and it is in a flood zone; therefore this is a Coastal Area Management Act (CAM) application. The house was taken down, Mr. Harkin stated, as he presented the site design to the commissioners. A four-bedroom house with a crawl space is proposed, and the design meets all zoning regulations and setback requirements; there is a three-car attached garage, with office space above, according to Mr. Harkin. City water will service the residence; there is a mechanical platform, so all mechanicals will be elevated; Federal Emergency Management Agency (FEMA) regulations must be met, requiring the house to be elevated, according to Mr. Harkin. The finished house will be at elevation 13, and the garage is six feet lower, Mr. Harkin stated. No drainage patterns will be changed on the site, Mr. Harkin stated. Though the CAM application is still pending before the state Department of Energy and Environmental Protection (DEEP), which has 35 days to respond to applications, Mr. Harkin stated that these plans have been reviewed multiple times by the town engineer and town planning officials; the house does have health department approval for the septic system. Erosion and environmental controls have been included in the plans; Mr. Harkin estimates it may take 12 to 13 months to build the house. On behalf of absent Chairman Crawford, Acting Chairman Bouchard questioned the decision not to use a storm water management system, with all the impervious surfaces. Mr. Harkin stated that there is no problem including a system, as part of the condition of approval; two 24-inch concrete galleys could be installed. Since the groundcover is all going to be lawn, there is a suggestion from Chairman Crawford to plant thicket, Acting Chairman Bouchard stated. Inland Wetlands Officer Robert Kuchta stated that comments from DEEP might discuss coastal plantings, and the Conservation Commission could also make that suggestion. In addition, the Conservation Commission could suggest having a landscape architect involved, according to Mr. Harkin. There will be no bituminous pavement on the site, and, if anything, pervious pavers will be installed, according to Mr. Harkin. Conservation Commission suggestions include installing roof leaders, having a landscape architect involved for coastal plantings, and using pervious pavers, according to Mr. Harkin.

Commissioner McManus made the motion to authorize the chairman to write a letter to the Planning and Zoning Commission reflecting the Conservation Commission's discussion and stating that the Conservation Commission does not see any significant environmental impacts or concerns; the motion was seconded by Commissioner Gedney and unanimously approved.

Vote to write the letter passed, 4-0-0.

IN FAVOR: Acting Chairman Bouchard, Secretary Cushing, and Commissioners McManus and Gedney.

OPPOSED: None.

ABSTAINED: None.

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5. **Application Review: 17-08. Creamery Lane.** Map 85, Lot 35. Owner/Applicant: Madison Land Conservation Trust, Inc. Regulated Activity Permit for wetlands restoration.

Acting Chairman Bouchard stated that this is what the applicant submitted as the restoration plan, and she asked Inland Wetlands Officer Robert Kuchta if he could speak about the proposal. Mr. Kuchta stated that this is a standing violation of clear cutting of the Madison Land Conservation Trust, Inc. land. The Inland Wetlands and Watercourses Agency took the first step in the process by accepting the plan for a review, last week. The Madison Land Conservation Trust, Inc. has not gotten to the point where they are satisfied with the Creamery Lane owner's plan, according to Mr. Kuchta; the two parties are beginning a trial, but it may work toward a resolution. Damage is in the wetlands, itself, in the flood plain of the Hammonasset River, Mr. Kuchta stated. The Madison Land Conservation Trust, Inc., gave its own plan, because it does not care for the property owner's plan, Mr. Kuchta stated. A three-year monitoring of the types and sizes of the trees planted had been proposed, but the Madison Land Conservation Trust, Inc. is looking at a five-year monitoring plan, of which, as the inland wetlands officer, Mr. Kuchta will monitor. A total of 16 trees is desired by the Madison Land Conservation Trust, Inc. and all of the tree planting will require hand digging, Mr. Kuchta stated. Attorney James Parito, representing the 28 Creamery Lane landowner, Antonio Suppa, stated that in October, a plan was presented to the Inland Wetlands and Watercourses Agency, and the plan did a lot, but not as much as the Madison Land Conservation Trust, Inc. wanted. Many of the restorations the trust wanted were agreeable but some were not, Mr. Parito stated; it came down to the number of trees and the size of the trees to replace. A total of five trees was cut down, and the land trust wanted more trees than that planted, Mr. Parito stated. Ultimately, trees will be planted, according to Mr. Parito.

Commissioner Gedney made the motion to authorize the chairman to write a letter to Inland Wetlands Officer Robert Kuchta, of the Inland Wetlands and Watercourses Agency, stating that the Conservation Commission does not see any environmental problems with the restoration proposal; it was seconded by Commissioner McManus, and unanimously approved.

Vote to write the letter passed, 4-0-0.

IN FAVOR: Acting Chairman Bouchard, Secretary Cushing, and Commissioners McManus and Gedney.

OPPOSED: None.

ABSTAINED: None.

6. **Green-Up Clean-Up Day, April 22, 2017.** The Conservation Commission will participate in this event, as it has done in the past.

7. **Project/Issue Updates**

~ **Additional Public Education/Outreach for 2017: Facebook page, newspaper articles?** No report.

~ **Invasive species: Bamboo letter.** No report.

~ **Hammonasset River ecosystem restoration:** No report.

~ **Upcoming educational opportunities: International Dark Skies Day and Invasive Species ID and Removal Training.** No report.

8. **Natural Resource Inventory: Discussion of examples and assignments** ~ Acting Chairman Bouchard stated that part of the previous discussion included using Google Docs to write the entries for the Natural Resource Inventory report. Commissioner McManus stated he would prefer writing the entries using Microsoft Word Documents and then editing each part in a series, but if the commission
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wanted to use Google Docs, instead, that would be acceptable to him. Commissioner McManus also suggested using parts of the commission's regular meetings to write the report's various sections, because it is difficult to write the entries while at home.

9. **Review and approve minutes for Feb. 13, 2017 meeting.**

Commissioner McManus made the motion to accept the Feb. 13, 2017 minutes, as amended, changing the spelling of the word "swail," to its correct spelling, *swale*; it was seconded by Secretary Cushing and unanimously approved.

Vote to approve the minutes as amended passed, 4-0-0.

IN FAVOR: Acting Chairman Bouchard, Secretary Cushing, and Commissioners McManus and Gedney.

OPPOSED: None.

ABSTAINED: None

10. **Adjournment:**

Commissioner McManus made the motion to adjourn at 8:57 p.m.; it was seconded by Commissioner Gedney and unanimously approved.

Vote to adjourn passed unanimously, 4-0-0.

IN FAVOR: Acting Chairman Bouchard, Secretary Cushing, Commissioners Gedney and McManus.

OPPOSED: None.

ABSTAINED: None.

Respectfully
submitted,
Marlene H. Kennedy, clerk