

SUBJECT TO APPROVAL

**MADISON INLAND WETLANDS AND WATERCOURSES AGENCY
SPECIAL MEETING MINUTES**

**Zoom Webinar
January 17, 2023**

A Special Meeting of the Madison Inland Wetlands and Watercourses Agency was held on Tuesday, January 17, 2023, at 7 p.m., remotely, using Zoom Videoconferencing. The public was invited to attend by joining the meeting through Zoom webinar link and password, telephone call-in number, and a webinar identification number. Log-in and call-in details were posted to the Town of Madison website prior to the meeting

MEMBERS PRESENT: Kealoha Freidenburg, Robert Zdon, Martin Brogie, Tom Clancy, and Lee Schumacher

ALERNATE PRESENT: Anna Loss

MEMBERS ABSENT: Joseph Budrow

OTHERS PRESENT: Erin Mannix, Town Planner and agent for Madison Inland Wetland and Watercourse Agency

CALL TO ORDER

Chairman Freidenburg called the meeting to order at 7:09pm

SHOW CAUSE HEARING

144 Neck Rd. Map 24, Lot 1. Owner: Patrick & Brian H. & Rita Boutilier-Clearing of trees/vegetation and deposition of material (wood chips) within 100ft upland review area of inland wetland and watercourse without regulated activity approval

Present for the hearing – Patrick Boutilier.

Mrs. Mannix states we are holding a show cause hearing as required by regulations within 10 days of issuance of a notice of violation, in order to give the property owner an opportunity to discuss the activities on site and to provide cause as to why the enforcement order should not remain in effect. She further states there was some tree clearing / cutting of trees and from being on site and looking at the surveys, this occurred within the uplands – a regulated area and was done without permits. She continues to say, the inland wetlands were flagged in the 90s by Rich Snarksi and it was noted there was salt water vegetation in the area; and in conversation with Patrick, he assumed these were tidal wetlands and not inland wetlands. Chairman Freidenburg then asked Mr. Boutilier to speak on why the clearing occurred and what exactly is the project?

Mr. Boutilier states, per Mrs. Mannix request (cease & desist letter) the equipment is offsite, a silt fence was installed for erosion control and the tree cutters are offsite. Mr. Boutilier further states based on notes provided on the plan, there was no inland wetlands on the property and based off of that language he thought it was salt marsh or tidal water. He states some trees were down on the property from the storm around Christmas time –so they had a tree company come out to remove the fallen trees and then decided to remove other trees that were in close proximity to the house. He states, the idea was simply to take care of the fallen trees and there were also safety concerns from

insurance companies. He further states there is no official plan for the house as they are still figuring that out.

Mrs. Mannix states currently there is a cease and desist order on the property in which she gave a few directives – to stop all tree work, to remove machinery from the upland review area and to install erosion controls to make sure the site is stabilized. She further states if the agency would like to amend this order they can direct the owner to have the inland wetlands delineated on site, and to have a soil scientist go out there and actually determine where wetlands are. The agency can also choose to add this property to their walk on Saturday (1/21/23), to determine the extent of clearing and then add this to their regular meeting agenda in February to discuss options, restorative measures, such as additional plantings or buffer, etc.

After discussions, the following motion was made.

Commissioner Brogie made the motion to proceed in this matter as a cease and directive, and that the directives shall include wetland delineation both in the wetlands and tidal wetlands by a certified soil scientist. And to have the certified soil scientists make a determination as to the trees that were removed in terms of their species, their number and their size. Also, that the soil scientist makes some recommendations for restorative measures that the commission could review. Lastly, the trees that were removed, and wetland lines should be located by a licensed surveyor, and shown on a plan along with any recommendations for restoration. Seconded by Commissioner Clancy.

Per Commissioner Schumacher, there should be a recommended timeframe. Mrs. Mannix states at least 60 days to be able to have the surveyors come out, and if the applicant comes back with a contract from a survey indicating additional timeframe, the agency can amend their order to accommodate that. There was also discussion about delineating the trees that had been cut versus what was blown down. Commissioner Brogie states a full tree survey is needed for the trees that are there, the trees that have fallen down, and the trees that have been cut down to get a complete and fair picture of what occurred.

Chairman Freidenburg states the two-following additions – the agency would like to know the trees that were cut including diameters, species and location and they would like a plan within 60 days, with the possibility to amend that, if need be.

IN FAVOR: Chairman Freidenburg, Secretary Zdon, Anna Loss Tom Clancy, Lee Schumacher, and Martin Brogie

OPPOSED: None.

ABSTAINED: None

Secretary Zdon made the motion to add this property (144 Neck Rd) to Saturdays (1.21.23) Site walk. Seconded by Commissioner Schumacher.

After discussions the agency agreed that a scheduled site walk should happen sooner rather than later to better understand the site.

IN FAVOR: Chairman Freidenburg, Secretary Zdon, Anna Loss Tom Clancy, Lee Schumacher, and Martin Brogie

OPPOSED: None.

ABSTAINED: None

Mr. Boutilier thought it would be better to complete a survey, and to have the soil scientist verify what is on site (make the determination of tidal or inland wetlands) before a site visit was done.

Mrs. Mannix states there are indications that there are inland wetlands on the property and the agency has also made that determination. Furthermore, it is up to the property owner to allow the agency to come out and take a look at what is existing.

After discussions, the applicant agreed to a site visit and would try to have a representative present.

Mrs. Mannix states the site walk will be tentatively scheduled on Saturday's agenda.

ADJOURNMENT

Commissioner Brogie made the motion to adjourn at 8:07p.m.; seconded by Commissioner Schumacher and unanimously approved.

Respectfully Submitted,
Racquel Stubbs