

SUBJECT TO APPROVAL

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

March 1, 2021

**7 p.m. VIA ZOOM ONLINE WEBINAR WITH PUBLIC PARTICIPATION
PASSWORD AND CALL-IN INFORMATION PROVIDED PUBLICLY**

A Regular Meeting of the Madison Inland Wetlands and Watercourses Agency was conducted on Monday, March 1, 2021 at 7 p.m., by way of a Zoom Online Webinar, with public participation password and call-in information provided. Chairman Kealoha Freidenburg opened the meeting.

MEMBERS PRESENT: Chairman Kealoha Freidenburg, Vice Chairman Joseph Budrow, Secretary Robert Zdon, C. Thomas Paul, John Mathieu, Lee Schumacher, and David Newton.

MEMBERS ABSENT: None.

OTHERS PRESENT: John De Laura (Zoning Enforcement Officer/Inland Wetlands Officer), David Anderson (Director of Planning and Economic Development), Lawrence Reilly (Attorney), Thomas Crosby (Attorney), Michael Ott (Professional Engineer and Land Surveyor), Richard Hosley, Jr. (Geologist, Explosive Engineer), George Logan (Registered Soil and Wetlands Scientist), Steven Trinkaus (Licensed Professional Engineer), Michael Harkin (Professional Engineer), Thomas Craig (Madison Earth Care Services, Inc.), and John Cunningham (TEC Landscaping, Inc.)

Chairman Kealoha Freidenburg opened the meeting at 7:02 p.m.

PUBLIC HEARING:

21-03. 856 Boston Post Road. Map 39, Lot 8. Owner: Faith Whitehead; Applicant: 856 Boston Post Road. Regulated Activity Permit to construct single family residential cluster development and associated site improvements within 100 feet of an inland/wetland.

Attorney Christopher McKeon stated that at the time of the application, they were aware of one wetland area in the southwest, requiring minimal mitigation, but a number of letters have been received indicating there may be wetlands to the southeast. Mr. McKeon asked that the public hearing be continued until this matter of the wetlands to the southeast is investigated with flagging of the wetlands by a soils scientist to ensure that there is no significant impact on the wetlands to the southwest. Continuation of the public hearing would enable the investigation of this additional wetlands, which the applicants found out about, subsequent to the application being filed, according to Mr. McKeon. Professional Engineer and Land Surveyor Michael Ott presented the application to the Inland Wetlands and Watercourses Agency, sharing drawings publicly. The existing driveway will be widened to an 18 foot width; the Gatehouse, which is building one, is in the lawn area, and also in the lawn area are the seven leaching fields for the seven residential units; there will be some rock removal, according to Mr. Ott. The current estate house will become two residential units with two new garage structures; in addition, to the one new building and the renovated estate house with two garages, two carriage houses with four

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residential units will be constructed, according to Mr. Ott. An existing apartment building will be removed, he stated. There will be four septic tanks and four effluent pump stations; rain and wastewater drainage patterns will not be changed, as a result of this construction, according to Mr. Ott. A total of 3,900 square feet of pavement will be removed and replaced with lawn. Due to the construction of the two new buildings, the building roof area on the property will be increasing, but the subsurface infiltration system will accept all storm water runoff from the driveway and the building roof areas, according to Mr. Ott. The first inch of runoff from the two new garages and the carriage houses will be infiltrated. There is an inland wetlands located at the southwest corner of what used to be the applicant's property, and the activity within the 100 foot upland review area is comprised of the removal of rock, simply to be able to construct the building, Mr. Ott stated. Plans are to simply excavate down into the rock to be able to construct this building; they will be going into the rock 10 to 20 feet in back, and it will be filled again. That is really the extent of the activity within the 100 foot upland review area, Mr. Ott stated. Mr. Ott stated that George Logan, a soils and wetland scientist, indicated that he was working for an adjoining property owner, and that he had delineated the wetlands and flagged it. Mr. Ott stated that it is his opinion that even though there is an inland wetland in that location, this project does not adversely impact it. Unlike today, where the driveway drains into this area, the applicant's project plans have the water being collected and run through the infiltration system, so this project does not present any adverse impact on that wetlands, Mr. Ott stated. Geologist and Explosives Engineer Richard Hosley, Jr. presented a geologic history of the property, which is known in Madison as "The Ledges." Much of the property was built or sustained by the rock that is on site; there is evidence of some prospecting that took place on site, according to Mr. Hosley. He shared photographs of the waterford group metamorphic rock with its lines and cleaves, and stated that if a natural crack has formed in a rock, and that rock section to the right is removed, then water will not go into the solid rock to the left of the crack, which indicates that the geology of the property lends itself to the trenches and underground utilities that have been designed into the project. If the explosion is designed correctly, only the rock that needs to be broken can be broken, according to Mr. Hosley, who showed photographic examples of line drilling done to preserve adjacent structures. State and federal regulations govern the use of explosives on site; there is a lot of public involvement, notification of the work to take place, conversations with property owners to determine how structures were built, and blasting always starts furthest away from a point of concern, according to Mr. Hosley. Public input is required to ensure that the design of the project fits in with the community and does not harm adjacent structures, according to Mr. Hosley. Mr. McKeon concluded by stating that the applicants would like to keep the public hearing open so they could address the area of wetlands that had been flagged on the adjacent property. Chairman Kealoha Freidenburg stated that there are people present who would like to speak, and she asked that they address concerns related to the inland wetlands, reserving other matters for the Planning and Zoning Commission. Mr. Ott addressed a question raised about the one inch of rain water runoff, and Mr. Hosley addressed a question about the chemicals involved in the explosives used for blasting rock, adding that if the detonation is performed properly, legally, it will not leave any residue. Environmental Attorney Keith Ainsworth, representing several of the neighbors, the Bischoffs, Downes and Gagnons, asked for the length of time the rock remains on site, as well as the volume of the rock. The blasting does not create acid rock, according to Mr. Hosley, and Mr. Ott stated that he will provide volume. Registered Soil Scientist George Logan flagged the wetlands, Mr. Ainsworth stated, and Mr. Logan discussed his findings. Mr. McKeon asked that Mr. Logan provide that report to the applicants, so the information can be addressed at the next meeting; Director of Planning and Economic Development David Anderson recommended that the Logan report be provided to the applicant, since everyone has a vested interest in the project. Chairman Freidenburg stated that Mr. Logan may provide the information to Mr. Anderson, and Mr.

Anderson may then provide it to the Inland Wetlands and Watercourses Agency.

Commissioner David Newton made the motion to continue the public hearing on 21-03. 856 Boston Post Road; it was seconded by Commissioner C. Thomas Paul and unanimously approved.

Vote to continue the public hearing on 21-03. 856 Boston Post Road passed, 7-0-0.

IN FAVOR: Chairman Freidenburg, Vice Chairman Joseph Budrow, Secretary Robert Zdon, and Commissioners Paul, John Mathieu, Lee Schumacher, and Newton.

OPPOSED: None.

ABSTAINED: None.

REGULAR MEETING:

Subdivision Referral of P&Z 20-16+CSP. Longshore Lane. Map 25, Lot 74-1. R-2 District. Owner/Applicant: Shorelands, LLC. Subdivision application to divide 22.38 acres into 5 lots. Also, Coastal Site Plan Review.

It is the role of the Inland Wetlands and Watercourses Agency to provide the Planning and Zoning Commission with a report, or referral, on the subdivision application the agency received, according to Chairman Freidenburg. The agency discussed the matter and reviewed questions with Town Attorney Peter Gelderman; it discussed the report, created it, and shared it among the commissioners. In attendance are a couple of people who would like to speak, according to Chairman Freidenburg, with the next order of business being the agency commissioners talking about their referral. Director of Planning and Economic Development David Anderson introduced Attorney Thomas Crosby and Attorney Lawrence Reilly. Mr. Reilly stated that hopes are to move this along. Mr. Crosby introduced Licensed Professional Engineer Steven Trinkaus and Registered Soils and Wetlands Scientist George Logan. Mr. Trinkaus stated the following: the septic systems are in relative close proximity to tidal wetlands; state Department of Energy and Environmental Protection (DEEP) nitrogen dilution does not meet DEEP criteria and will be greater than allowed by DEEP; soil testing must be done to ensure water permeates; it is proposed that 7.5 inches of stone will be placed underneath pavers, but that amount is an insufficient base to support fire trucks or delivery trucks; currently, there is a 12” pipe between fresh water wetlands and tidal wetlands, and clearly this pipe restricts the back and forth movement between the two waters, and a 20-foot bridge is being proposed for that area; there is a question on whether the houses will have basements; the state requires two feet above the base flood elevation, per the Federal Emergency Management Agency (FEMA), so these houses should be much higher; and there are multiple septic systems on the detail sheet, but it cannot be told which one goes to which lot. Mr. Logan stated that his report deals with a few issues: lack of current baseline data—data is 15 years old; on Nov. 18, there was another visit to the site, and that person reported that there have been no substantial changes in data; data more than five years old is not accepted; in terms of wildlife, it should be looked at during the growing season and not in November; obtaining good data is recommended; there are gaps in the data that already exist—there is not a wildlife inventory that was done in April; there will be adverse impacts from nutrient loading, particularly nitrogen; the septic systems do not meet the wetlands code; the buffer zones are not protective enough for the wetlands systems; and marsh hawks use the site for foraging. Commissioner David Newton stated that both of these people have made really good points, and they should take them to Planning and Zoning. The Inland Wetlands and Watercourses Agency can move forward and make a recommendation, realizing there is no wetlands application, according to Commissioner Newton. Chairman Freidenburg publicly

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shared the March 1, 2021 referral letter with the commissioners. A brief summary of six issues follows: A previous application for some inland wetland activities on this property was approved by the Inland Wetlands and Watercourses Agency in 2010, but no development took place under that application, nor has the developer submitted any inland wetland applications for the regulated activities shown on the current subdivision application; the wetlands on this property were last delineated in 2006 and 2007, and wetlands are dynamic landscapes, wherein these have faced several major storms and at least 13 years of sea level rise, in the intervening time, therefore, an accurate up-to-date map of the inland and tidal wetlands is needed; since the previous wetland survey took place in fall/winter, the agency does not have a complete inventory of the wetland plants and animals on the property, and this is important, since it appears the property is in one of Connecticut's Natural Diversity Data Base areas, indicating potential presence of state and/or federally listed species; as currently delineated, Lot 6 requires a wetland crossing to access the buildable land, and this becomes problematic, given the significant impacts the crossing would have on the tidal and inland wetlands; it is likely that very challenging high water table depths exist on the property that could make it difficult to obtain the site and depth for proper septic and drainage on one or more of the proposed lots, without adversely affecting the inland wetlands; and, as currently depicted on the application, the proposed open space is distributed in a piecemeal fashion among the lots, and per subdivision regulations (Sec. 3.11) the open space should be 10 percent of the total property with no more than 50 percent wetland soils, but the applicant has instead proposed a conservation easement that does not meet these open space guidelines and puts the onus of enforcing the easement conditions on the town of Madison. Chairman Freidenburg stated that the agency does not have a wetlands application before it, and the letter identifies some of the issues a potential subdivision would have. There are a lot of issues, and the Inland Wetlands and Watercourses Agency would like a lot more information, according to Chairman Freidenburg.

Commissioner Paul made the motion to approve the referral letter and send it to the Planning and Zoning Commission; it was seconded by Vice Chairman Budrow and unanimously approved.

Vote to approve the referral letter and send it to the Planning and Zoning Commission passed, 7-0-0.

IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and Commissioners Paul, Mathieu, Schumacher, and Newton.

OPPOSED: None.

ABSTAINED: None.

21-01. 645 Green Hill Road. Map 84, Lot 1,2. Owner: Alex Klein; Applicant: Madison Earth Care Services, Inc. Regulated Activity Permit for regrading and lawn installation around pool area within the 100 ft. wetland review area.

Thomas Craig of Madison Earth Care Services, Inc. stated that they were able to scale down the project, and now only 98 cubic yards of fill will be used, instead of the originally planned 155 cubic yards; the lawn will be regraded and hydro seeded. In addition, the pitch is also being reduced from what it was in a 15-foot area. Regarding plans to plant winterberry, Commissioner Newton suggested hay bales or silt fence, or both, be placed along the winterberry. Owner Alex Klein stated that he will be installing wooden fence, which would be used in place of the suggested hay bales.

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Commissioner Newton made the motion to approve the application, 21-01. 645 Green Hill Road, with the reduced amount of fill and with the condition that stabilization be installed along where the winterberry row is planned; it was seconded by Commissioner Mathieu and unanimously approved.

Vote to approve 21-01, with the reduced fill and condition, passed, 7-0-0.

IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and Commissioners Paul, Mathieu, Schumacher, and Newton.

OPPOSED: None.

ABSTAINED: None.

21-02. 110 & 114 Bradley Road. Map 38, Lots. 74 & 75. Owner: Ironworks LLC; Applicant: Davis Realty. Regulated Activity Permit for construction of a 48 bedroom apartment building and associated appurtenances.

Professional Engineer Michael Harkin stated that the two parcels will be combined into one, and will probably be named 114 Bradley Road. Plans are to construct a residential apartment building, with parking in the rear. There will be a large detention basin directly adjacent to the wetlands; in terms of septic systems, one is in front, one is in the driveway, and two are in the parking lot, according to Mr. Harkin. Utilities come in from the street. No drainage patterns on this site will be changed; it all goes into the wetlands, according to Mr. Harkin. He publicly shared the plans and also showed the erosion control plans, which include silt fencing, staked hay bales and erosion control blankets; all state Department of Energy and Environmental Protection (DEEP) requirements have been met; in addition, the edge of the property is 540 feet to Tuxis Pond, according to Mr. Harkin. Septic system plans are currently in the process of being approved, according to Mr. Harkin. In terms of the location of the water treatment system, Chairman Freidenburg asked how much water does it retain. Up to the 100-year storm event, Mr. Harkin stated, giving details as to how nitrogen levels are handled with a blower system, which is a part of the project's plans.

Commissioner Newton made the motion to approve 21-02. 110 & 114 Bradley Road, as submitted; it was seconded by Commissioner Schumacher and unanimously approved.

Vote to approve 21-02 as submitted passed, 7-0-0.

IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and Commissioners Paul, Mathieu, Schumacher, and Newton.

OPPOSED: None.

ABSTAINED: None.

21-04. 68 Sterling Park Drive. Map 37, Lot 49. Owner/Applicant: Richard A. Gentile. Regulated Activity Permit for construction of 9ft. x 18 ft. shed within the 100 ft. wetland review area. Receipt.

Inland Wetlands Officer John De Laura stated that Richard Gentile could not attend; it is a small addition to a garage, and Mr. De Laura stated that he could fill the agency in on the details, or the commissioners could opt to hear the application next month. The addition is going to be 75 feet from the wetlands; it is a 9' x 18' small shed attached to the garage, slab on grade, no foundation, no footing; all disturbed areas will be stabilized. Commissioner Newton stated that he sees no problem in making this a Section 13.

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Vice Chairman Budrow made the motion to approve 21-04. 68 Sterling Park Drive, under the purview of Inland Wetlands Officer John De Laura; it was seconded by Commissioner Paul and unanimously approved.

Vote to approve 21-04 passed, 7-0-0.

IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and Commissioners Paul, Mathieu, Schumacher, and Newton.

OPPOSED: None.

ABSTAINED: None.

21-05. 141 Opening Hill Road. Map 81, Lot 8-4. Owners/Applicants: Herb A & Melody V Escobar. Regulated Activity Permit for construction of an in-ground swimming pool, retaining wall and landscape improvements within the 100 ft. wetland review area. Receipt.

Professional Engineer and Land Surveyor Michael Ott publicly shared the plans and explained that it is the only place that the swimming pool can be located on the property; plans are to install a retaining wall about six feet in height, and the retaining wall will be 20 feet away from the wetlands boundary, at its closest point. A 16 x 32 foot in-ground pool, retaining wall, and patio, are on the plans. Property Owner/Applicant Melody V. Escobar stated that the swimming pool is for their child, who has special needs, and who will receive swimming lessons on site.

Commissioner Newton made the motion to receive the 21-05. 141 Opening Hill Road application and schedule it for the next meeting; it was seconded by Commissioner Paul and unanimously approved.

Vote to receive 21-05 passed, 7-0-0.

IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and Commissioners Paul, Mathieu, Schumacher, and Newton.

OPPOSED: None.

ABSTAINED: None.

21-07. 81 Liberty Street. Map 29, Lot 154-1. Owner/Applicant: Brian Geremia. Regulated Activity Permit for construction of in-ground pool, terrace, basketball court and landscape improvements within 100 ft. of an inland wetland, and filling and creation of inland wetland areas. Receipt.

John Cunningham of TEC Landscaping, Inc. stated that a half basketball court and swimming pool are being proposed, and he publicly shared the plans, which include removing invasive plants, filling it back in, and creating a new planting area to a new wetland area. There will be a permeable area of washed stone around the proposed basketball court. Commissioner Schumacher stated that it looks like everything is in the 100 foot review area, and Mr. Cunningham stated that it is. That is a lot of activity within the regulated activity area, Chairman Freidenburg stated, and she suggested the Inland Wetlands and Watercourses Agency plan a site walk. Inland Wetlands Officer John De Laura stated that he will put a site walk together.

Commissioner Newton made the motion to receive 21-07. 81 Liberty Street for the next meeting, as well as schedule a site walk; it was seconded by Commissioner Mathieu and unanimously approved.

Vote to receive 21-07 and schedule a site walk passed, 7-0-0.

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IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and Commissioners Paul, Mathieu, Schumacher, and Newton.

OPPOSED: None.

ABSTAINED: None.

SECTION 13 APPROVALS: None.

Approval of Minutes ~ Regular Meeting of February 8, 2021 and Special Meeting of February 16, 2021.

Vice Chairman Budrow made the motion to accept the minutes, as submitted, for Feb. 8, 2021 and Feb. 16, 2021; it was seconded by Commissioner Mathieu and unanimously approved.

Vote to accept the minutes of Feb. 8, 2021 and Feb. 16, 2021, as submitted, passed, 7-0-0.

IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and Commissioners Paul, Mathieu, Schumacher, and Newton.

OPPOSED: None.

ABSTAINED: None.

Remarks: Inland Wetlands Chairman ~ No report.

Inland Wetlands Officer ~ No report.

Adjournment

Commissioner Schumacher made the motion to adjourn at 9:31 p.m.; it was seconded by Commissioner Mathieu and unanimously approved.

Vote to adjourn at 9:31 p.m., passed, 7-0-0

IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and Commissioners Paul, Newton, Schumacher, and Mathieu.

OPPOSED: None.

ABSTAINED: None.

Respectfully Submitted,
Marlene H. Kennedy
Clerk