

SUBJECT TO APPROVAL

**MADISON INLAND WETLANDS AND WATERCOURSES AGENCY
SPECIAL MEETING MINUTES
March 10, 2022**

A Special Meeting of the Madison Inland Wetlands and Watercourses Agency was held on Thursday, March 10, 2022 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: Chairman Kealoha Freidenburg, Vice Chairman Joseph Budrow, John Mathieu, Lee Schumacher and Martin Brogie

MEMBERS ABSENT: Secretary Robert Zdon,

OTHERS PRESENT: John DeLaura, Zoning Enforcement Officer/Inland Wetlands Officer, Erin Mannix, Town Planner

Chairman Freidenburg called the meeting to order at 7:02pm.

REGULAR MEETING AGENDA ITEMS:

21-36. 1 River Edge Farm Rd. Map 24, Lot 2. Owners/Applicants: Frank and Lynn Kling. Regulated Activity Permit to construct an additional garage bay with living space above existing garage within 100-foot wetland review area.

Present for the application was Lynn Kling. Chairman Freidenburg noted from the last meeting in January, the applicant needed topography information on the plan. A new plan was shown depicting wetland lines and erosion controls. Vice Chair Budrow mentioned the applicant added all that was required. Commissioner Brogie asked if this application will be going to the Planning & Zoning Commission or to the building department to ensure that erosion controls are in place before construction starts? Mrs. Mannix confirmed that will be done by Mr. DeLaura.

Commissioner Schumacher made the motion to approve application 21-36. 1 River Edge Farm Rd with the condition that erosion control measures shown on the drawings are implemented before construction.

IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, and Commissioners Schumacher, Brogie and Mathieu.

OPPOSED: None.

ABSTAINED: None

22-01. Warpas Road. Map 71, Lot 1; Owner/Applicant: Madison Land Conservation Trust. Regulated Activity Permit construct a stone aggregate surfaced access driveway and trailhead parking lot located partially in an upland review area of an inland wetland. **(Continued from 2/7/22)**

Chairman Freidenburg recused herself from this application.

Present for the application – David Roach, Mike Ott, Robert Kuchta and Ben Diebold. Mr. Diebold, president of the Madison Land Trust apologized for the unpermitted cutting that had previously took place in a regulated area in the wetland review zone. An updated plan – Lowry Woods Community Forest, Parking Area was shown and discussed- the plan included an eight-car parking area with gravel pavement, and a silt fence on the left for blocking construction flow into the wetland area. He states there is no plan for remediation as the scope of the cutting was not as extreme and all the cutting is in the area encompassed by the plan. Vice Chair Budrow asked if anything had been cleared to the left of the proposed silt fence line. Mr. Kuchta and Mr. Diebold confirmed nothing was cleared. Commissioner Brogie stated he did not see any wetland flags enumerated on the plan or a letter from the soil scientist indicating that the wetlands were delineated. Mr. Kuchta stated it may be documented with the original application on file. Commissioner Brogie asked for further information about the wetland lines / flags that were shown which was explained by both Mr. Kuchta and Mr. Diebold. Commissioner Brogie, wanted to know if there was a monitoring plan for the plants- a follow up for the plants to see if they all survived or consideration for replacement if they fail. Mrs. Mannix states those could be options for conditions. Being there were no other questions or concerns the following motion was made.

Commissioner Schumacher made the motion to approve application 22-01. Warpas Rd. with the plantings as indicated on the new drawings. Seconded by Mathieu.

Vice Chair Budrow made the following condition: As a condition, for any reasons that the planting fail, there is no need to report back to the Inland Wetlands and Watercourse Agency for a modification, applicant can consult with Mr. DeLaura and he will oversee the replacement of any vegetation.

IN FAVOR: Vice Chairman Budrow, and Commissioners Schumacher, Brogie and Mathieu.

OPPOSED: None.

ABSTAINED: None

22-03. 50 Pleasant View Avenue. Map 24, Lot 223-1. Owners: Michael A. and Aimee L. Stowe; Applicant: Atlas Construction Services, LLC. Regulated Activity Permit to construct a single-family residence and associated site improvements partially within the upland review are of an inland wetland.

Chairman Freidenburg confirmed a site walk was completed for this lot and states the wetland in the back was delineated. Mike Ott, licensed professional engineer, land surveyor with Summer Hill Civil engineers presented the application. A plan showing the land was discussed. Mr. Ott states the only revision made since the site walk was the addition of the gray shaded area (on the plan) which indicates a NoMow meadow seed mixture- the entire area beyond the sediment control barrier area will be seeded leaving out the wetland. Chairman Freidenburg states, the wetland should not be raked and wondered if Mr. Snarks might suggest different plantings for the wetland. Mr. Ott stated he was not sure but believes Mr. Snarks may want it seeded as there is a maintained lawn around the area. Chairman Freidenburg wanted to know, if outside of the vegetation will there be any delineation that shows the area will be NoMow. Mr. Ott states that could be a condition of approval. Commissioner Brogie asked if there was a soil scientist

report that describes the wetland or any recommendations that he may have about the area to understand its functions and values. Mr. Ott states a report was not done. Commissioner Schumacher would like to have more details on the wetland area from Mr. Snarski.

The agency is seeking additional information or report on the area – Mr. Brogie asked that some measures to preserve or enhance the remaining wetland to be included.

Vice Chair Budrow made the motion to table application 22-03. 50 Pleasant View Avenue to the April 4, 2022 meeting. Seconded by Commissioner Schumacher.

IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, and Commissioners Schumacher, Brogie and Mathieu.

OPPOSED: None.

ABSTAINED: None

22-04. 301 Boston Post Rd. Map, 36, Lot 14. Owners/Applicants: Albert and Tatiana Rojas. Request for modification to previously approved Section 13 regulated activity permit to build a single-family house and detached accessory structure, associated well and septic system. Modification request includes a new two-bedroom guest house and detached barn within a 100' wetland review area.

Chairman Freidenburg confirmed a site walk was completed. A site plan of the area was shown and Chuck Mandel gave a brief overview of the application. He states, the site had an existing foundation which consists of some site work that was completed and the wetlands were flagged by Bob Russo and Mr. Snarski. The application is for an 800 sq. ft 2 family house – sharing the septic system with the main house which was approved by the local and state Health Department. Commissioner Brogie, asked if Mr. Russo (soil scientist who completed the delineation) signature was on the plan shown or if a soil scientist report was done. Mr. Mandel states he can get his signature and there is a report on file for this property.

Vice Chair Budrow made the motion to approve application 22-04. 301 Boston Post Road as presented. Seconded by Chairman Freidenburg.

With the condition to add the soil scientist name on the documents.

IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, and Commissioners Schumacher, Brogie and Mathieu.

OPPOSED: None.

ABSTAINED: None

22-06. Wildwood Ave. Dev. Lot 1. Map 54, Lot 2. Owners/Applicants: Hilary & Michael Delaney. Regulated Activity Permit to build a single-family home, pool, with associated site improvements.

Present for the application (s) – James Galligan (professional engineer with Nafis and Young, representing Mr. & Mrs. Delaney), Michael Delaney (owner), Natis and Young and Chris Ozyck. Mr. Galligan states the application was presented last fall, where they secured approval for the original 3 lot subdivision from Inland Wetlands Agency. The development plot plan was shown and discussed; Mr. Galligan states changes were made to the plan and Mr. Snarski completed the wetlands as noted on the plan. A soil report was submitted with the original application.

A landscape plan was shown for all lots and reviewed by Mr. Ozyck. Commissioner Schumacher asked for clarification on the decision making of the locations of the pool and leaching fields. Mr. Galligan states the soil conditions were better and it did not change any of the grading associated with the lot. Mrs. Mannix states with respect to the storm water swale, the storm water easements are not labeled? Mr. Galligan states he will clarify what the lines designate and to also add a section detailing the retaining wall as indicated by Mrs. Mannix. Commissioner Brogie stated he was concerned with the septic system discharges getting tangled with the retaining wall drainage and wanted to know the distance between the septic system and footing drain. Mr. Galligan states 25ft and it meets the health code; they are also waiting on approval from the health department. Commissioner Brogie further asked what will be going in as treatment inside the storm water retention swales. Mr. Galligan states the swale will just be grass.

Commissioner Brogie asked if the lots were 4-bedroom houses – Mr. Delaney states the main house is 4 bedrooms but the septic system will be designed for five-bedroom house. Mrs. Mannix states at the time of subdivision, there was concerns from the agency about the maintenance of wetlands buffer plantings and recommended as a part of their report to the Planning and Zoning commission that those be maintained through easements. Chairman Freidenburg asked who will enforce this? According to Mr. Delaney, in the original maintenance plan it will be reviewed by Chris Ozyck on a yearly basis (for either 2 or 3 years) with a letter presented to the commission of the existing conditions at the time. The idea is to create a natural identifiable buffer that delineates to no disturbance – that signifies that boundary. Mrs. Mannix states there is the option to bond for those wetland plantings and require a maintenance bond as well – adding a bond is the only way the commission can ensure that the plantings are maintained. Mr. Delaney states he is financially concerned about the bond.

Mr. Galligan stated he would like to further discussed the other two lots that were proposed as 3 motions would be needed.

22-07. Wildwood Ave. Dev. Lot 2. Map 54, Lot 2. Owners/Applicants: Hilary & Michael Delaney. Regulated Activity Permit to build a single-family home, pool, with associated site improvements.

Lot # 2 development plan was shown and discussed by Mr. Galligan – it is the central of the 3 lots, the property lines were shifted; and the driveway and house are generally in the same location. Mr. Galligan states the septic system dictates the grading on the site because of the restrictive layers. The easements for lot 2 would also need to identified.

22-08. Wildwood Ave. Dev. Lot 3. Map 54, Lot 2. Owners/Applicants: Hilary & Michael Delaney. Regulated Activity Permit to build a single-family home, pool, with associated site improvements.

After review of lot #3 development plan by Mr. Galligan, he mentions the site(s) has a lot of wetlands and they tried to stay away as much as possible. Commissioner Brogie asked if the septic systems, could be put further back away from the Wetlands? Also, input from the environmental consultant or delineating wetland consultant weighing the natural resources against the potential impacts associated with the development would be beneficial. Mr. Galligan states the systems are designed according to code and the distance from the from the swale area is in compliance with the state regulations; however, he will evaluate the comments made by Mr. Brogie.

In regards to the landscape plan, Commissioner Schumacher would like to add some kind of method to make sure homeowners respect the buffer area. He further states, in the past wetland markers were required before.

Commissioner Brogie asked if the soil scientist and environmental consultant that originally delineated this property as a subdivision had a chance to look, review and comment on the specific development plans for the 3 lots. Mrs. Mannix states Mr. Snarks provided a letter indicating that he had flagged this wetland on an earlier date, and provided a letter on the record at the time of the subdivision. Commissioner Brogie further states any comments with regards to Wetland impacts and any suggested mitigation would be useful, and will enable the Commission to make a more informed decision.

Commissioner Schumacher made the motion to table application(s) 22-06. Wildwood Ave. Dev. Lot 1; 22-07. Wildwood Ave. Dev. Lot 2.; and 22-08. Wildwood Ave. Dev. Lot 3 to the April 4, 2022 meeting to allow the applicant to provide additional information that was discussed. Seconded by Vice Chair Budrow.

IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, and Commissioners Schumacher, Brogie and Mathieu.

OPPOSED: None.

ABSTAINED: None

SECTION 13

21-40 714 Durham Rd. Regulated Activity Permit for a septic repair within a wetland review area.

A GIS plan was shared with the agency. Mr. DeLaura states the septic tank and the pump chamber were within 75 feet of the existing well. The owner had to move the well to comply with the health code which was done as a section 13 administrative approval.

22-10. 99 Deepwood Drive. Regulated Activity Permit to remove and replace existing septic system within a wetland review area.

Mr. DeLaura states the septic system is failing and there is no occupancy until the system is repaired. A site plan developed by Roger Nemergut, professional engineer was shown for discussion. Option #1 for the septic – was the best place as it had the best soil, closer to the road it's closer to the road and further away from the wetlands. Section 13 administrative approval.

Remarks: Inland Wetlands Chairman

Inland Wetlands Officer

Chairman Freidenburg and Wetlands Officer Mr. DeLaura both welcomed new commissioner member – Martin Brogie.

Adjournment

Commissioner Brogie made the motion to adjourn at 9:48 p.m.; it was seconded by Commissioner Schumacher and unanimously approved.

Respectfully Submitted,
Racquel Stubbs