

SUBJECT TO APPROVAL

**MADISON INLAND WETLANDS AND WATERCOURSES AGENCY
REGULAR MEETING MINUTES
April 3, 2023**

A Regular Meeting of the Madison Inland Wetlands and Watercourses Agency was held on Monday, April 3, 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: Chairman Kealoha Freidenburg, Tom Clancy, Anna Loss and Martin Brogie

MEMBERS ABSENT: Secretary Robert Zdon, Vice Chairman Joseph Budrow, and Lee Schumacher

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

Chairman Freidenburg called the meeting to order at 7:03pm.

REGULAR MEETING:

23-06. 14 New Road. Map 49, Lot 26. Owner/Applicant: Precision Land Holdings LLC; Regulated Activity Permit for renovations and a 4,170 sqft addition to existing manufacturing building with associated site improvements including replacement of a storm drainage pipe within 100ft upland review area

Present – engineer Mark Davis, and landscape architect Matt Popp. Mr. Davis states the applicant is planning on a 4,200 square foot addition at the front of the building that would be used mostly for office and meeting spaces. A site plan was shown and reviewed for the agency along with the upgrades that will be made. A new entrance will be constructed for the property along with additional parking spaces. He further states they are asking for a permit for a regulated activity from the agency to be able to repair the outlet of the drainage system. Mr. Davis states there was some concern with notifying Amtrak of the work, and they have been in communication. Pictures of the site were shown of flooded areas.

Mrs. Mannix asked with the suggestion to relocate the pipe at the rear of Ross McCartney's property, does that reduce the number of trees being removed? Mr. Davis states it will be reduced. Commissioner Brogie asked if the areas will be paved. Mr. Davis states the loading dock area and the parking area will be paved. Commissioner Brogie also asked if test pits or any borings were completed for this project as its highly recommended for any detention basin; also, tests pits are needed in the areas of infiltrations. Mr. Davis agreed and states they plan on doing so.

After discussions, Ross McCartney joined the meeting as a panelist to state his concerns, such as what are the number of trees being removed, has Amtrak been notified, the extent of site work to be completed, etc. Mrs. Mannix encouraged the applicant to continue to work with Mr. McCartney ahead of the next meeting to work out the logistics and any concerns he may have. It was noted that the applicant will continue to work with the adjacent property owner regarding easement and storm drainage pipe replacement and no revised drawings were submitted.

Commissioner Brogie made the motion to table application 23-06 to May 1, 2023. Seconded by Commissioner Clancy and unanimously approved.

23-09 Neck Rd (aka Stone Rd), Map 12, Lot 103-1. Owners/Applicants: Andrew Corwin and Pamela D’Arc; Regulated Activity Permit construct a single-family home with hot tub and associated site improvements within 100ft upland review area

Present for the application – Chuck Mandel, agent for the applicant. Mr. Mandel states the functions and values were performed by Bob Russo and were submitted as an exhibit for the agency; based on the report, there are no major concerns. He further states there will be a dedicated 50-foot non-disturbance area, and the driveway access is on the right. A site plan was shown and reviewed for the agency. Mr. Mandel states stormwater will be mitigated with a rain garden; it was noted that the plantings were not shown on the plan but Bob Russo will supervise the plantings. Commissioner Brogie states the agency was looking for details on the rain garden as that detail is helpful to include on the plan.

Mrs. Mannix states the Health Department requested additional information in their review of the application and although an approval has not yet been issued, the sanitarian did not expect any significant site changes from what was submitted aside from labeling issues.

Chairman Freidenburg asked if the client is responsible for maintaining the no mow non-disturbance area. Mr. Mandel states they are responsible for what's on their property and they do not have easement over the other property. Mrs. Mannix briefly reviewed the original subdivision and states a section was designated as no-mow with native grasses as a buffer, there were no additional conditions placed on that application or that approval, aside from coordination between both property owners to make sure that the installation was in accordance with both approvals. The agency is not able to condition any additional requirements on that property as part of this application. After further discussions, the following draft resolution was shared with the agency:

Commissioner Brogie made the motion to approve application #23-09 Neck Rd (aka Stone Rd), Map 12, Lot 103-1. Owners/Applicants: Andrew Corwin and Pamela D’Arc; Regulated Activity Permit construct a single-family home with hot tub and associated site improvements within 100ft upland review area as shown on site development plan by Thomas A Stevens & Associates, entitled “Septic Plan & Inland Wetlands Regulated Activity Plan” Lot 103-1 Neck Road for Andrew Corwin & Pamela D’Arc dated February 24, 2023 revised to March 28, 2023 with the following conditions:

1. The Inland Wetland Agency’s agent shall be notified at least 48 hours prior to commencement of any regulated activity.
2. At all times during site work and until soil areas are stabilized, the applicant shall install and maintain erosion and sediment control measures such as fabric filter fence, staked hay bales or other measures deemed necessary by the Agency’s agent to prevent erosion and sedimentation impacts to the wetlands and watercourses. Erosion control and soil stabilization measures shall comply with the approved plan and the guidelines as established in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002. The location of the filter fabric fencing, as shown on the approved site development plan, shall serve as the limit of construction activities.
3. The applicant shall coordinate requirements of 2021 driveway approval with adjacent property owner to ensure no-mow buffer is established and maintained.
4. The applicant shall maintain stormwater system, rain garden, in accordance with design engineer’s guidelines.

All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, deposition of fill, obstructions of flow, encroachments or other regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in permit modification, suspension or revocation.

In the event that any additional wetland or watercourse regulated activities are required as a result of other agency permitting to support the proposed activity, the Madison Inland Wetlands and Watercourses Agency reserves the right to reconsider the proposed regulated activity and may require modifications to minimize the impact to wetland resources.

This permit shall be valid for a period of 5 years. Permit extensions may be authorized in accordance with CT General Statutes 22a-36 through 22a-45 inclusive.

The Inland Wetlands and Watercourses Agency renders this decision in accordance with the Madison Inland Wetlands and Watercourses Regulations based on the following considerations:

a. No direct impacts to the wetlands or watercourses are proposed and potential indirect impacts have been mitigated through adequate sedimentation and erosion control measures.

Commissioner Brogie made the motion to approve application #23-09 Neck Rd (aka Stone Rd), Map 12, Lot 103-1 in accordance with the resolution prepared by town staff in the memo dated, April 3, 2023. In addition to the conditions provided, to add that the actual constructed driveway within the right of way be shifted southward 5 feet of the southern right of way limit, to pull it as far away from the nearby Wetland area and that the final design for the rain garden including plantings and cross sections be reviewed and approved by town staff. Seconded by Commissioner Loss and unanimously approved.

23-10 66 Signal Hill Rd., Map 30, Lot 44. Owner: Susan Hartman, Applicant: Anderson Engineering & Surveying Associates; Regulated Activity Permit to install and grade a driveway within 100ft upland review and construct a garage outside of the 100ft upland review area.

Present for application – Todd Anderson from Anderson Engineering & Surveying Associates on behalf of Susan Hartman. Mr. Anderson states the applicant is proposing to build an accessory apartment on top of a garage in the rear of her property, and construct a driveway associated with that within the 100ft inland wetland upland review area. He states the wetlands that are in question are on the neighboring property. The applicant has an existing landscaped area between her lawn and the wetland area. Mr. Anderson reviewed the site plan for the agency and states the garage apartment will have minimal impact to the property. In regards to septic, Mrs. Mannix states the applicant has not indicated what they will be proposing for a septic system and the application is subject to receiving a variance for lot coverage, and have not gone before the ZBA. But should that variance be granted, and they construct the garage apartment, there will be a requirement to provide a septic system and the details of that have not been presented. If the work is within the 100-foot upland review area, the applicant would have to return for review.

Chairman Freidenburg asked with the assumed shape of the driveway and the distance from the wetlands, was the existing septic system considered and could the driveway be pulled back. Mr. Anderson reviewed the site details and grading for the driveway and states it will be more of an impact within the 100-foot review area to pull it closer, and this is the least amount of impact on the land and the wetlands. The chair also asked if this would be paved. Mr. Anderson replied, the driveway is currently pebble and believes his client will continue that same pebble driveway to the garage. After discussions, it was agreed that this would be a condition of approval.

The following draft resolution was provided for the agency:

VOTED that the Madison Inland Wetlands Agency approve application #23-10 66 Signal Hill Rd., Map 30, Lot 44. Owner: Susan Hartman, Applicant: Anderson Engineering & Surveying Associates; Regulated Activity Permit to install and grade a driveway within 100ft upland review and construct a garage outside of the 100ft upland review area as shown on site development plan by Anderson Engineering and Surveying Associates, entitled, "Zoning Location Survey and Inland Wetlands Regulated Activity Plan for Susan Hartmann, 66 Signal Hill Rd, Madison, CT" dated March 2, 2023 revised to March 13, 2023 with the following conditions:

1. The Inland Wetland Agency's agent shall be notified at least 48 hours prior to commencement of any regulated activity.
2. At all times during site work and until soil areas are stabilized, the applicant shall install and maintain erosion and sediment control measures such as fabric filter fence, staked hay bales or other measures deemed necessary by the Agency's agent to prevent erosion and sedimentation impacts to the wetlands and watercourses. Erosion control and soil stabilization measures shall comply with the approved plan and the guidelines as established in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002. The location of the filter fabric fencing, as shown on the approved site development plan, shall serve as the limit of construction activities.

All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, deposition of fill, obstructions of flow, encroachments or other regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in permit modification, suspension or revocation.

In the event that any additional wetland or watercourse regulated activities are required as a result of other agency permitting to support the proposed activity, the Madison Inland Wetlands and Watercourses Agency reserves the right to reconsider the proposed regulated activity and may require modifications to minimize the impact to wetland resources.

This permit shall be valid for a period of 5 years. Permit extensions may be authorized in accordance with CT General Statutes 22a-36 through 22a-45 inclusive.

The Inland Wetlands and Watercourses Agency renders this decision in accordance with the Madison Inland Wetlands and Watercourses Regulations based on the following considerations:

- a. No direct impacts to the wetlands or watercourses are proposed and potential indirect impacts have been mitigated through adequate sedimentation and erosion control measures.

Commissioner Brogie made the motion to approve application # 23-10 Signal Hill Road for a driveway and garage in accordance with the conditions per the April 3, 2023 town staff memoranda; with the following third condition: that the driveway proposed be unpaved. Seconded by Commissioner Loss.

Chairman Freidenburg amended the condition to the following:

The expansion of the driveway be of the same material as the existing driveway.

The amended motion was unanimously approved by the agency.

23-12 175 Fort Path Rd., Map 36, Lot 25. Owner: 175 Fort Path Road, LLC, Applicant: 175 Fort Path Road, LLC C/O Milano Development; after the fact Regulated Activity Permit for modifications made to previously approved commercial building and associated site improvements within 100ft upland review area

Present for the application – David Milano, property owner. Mrs. Mannix gave an overview of the originally approved application from 2017 – a 4-phase industrial light industrial complex, consisting of 5 detached buildings, as building 3 was two separate self-storage buildings. Phases 1 and 2 are completed and certificates of occupancy were issued. For building 3, the applicant altered the design of the buildings and constructed one L-shaped structure instead. Mrs. Mannix states at the time Mr. Milano was seeking final zoning compliance for the buildings, these changes were brought to her attention and there is no record of Inland Wetland Agency or P&Z Commission approval for these changes. The applicant is also seeking approval for a minor footprint modification to building 4, she states the site development plan has been updated to reflect the proposed footprint changes and there are no anticipated impacts to the stormwater management system. Mrs. Mannix further states she met with Michael Harkin, the engineer for this project and Mr. Milano to determine the differences of what was originally approved and what was constructed. The approved site plan was shown and reviewed for the agency.

Chairman Freidenburg asked if the overall impervious surface changed? Mrs. Mannix states according to Mr. Harkin it is a negligible change – a letter from Mr. Harkin dated 3.30.23 was shared for the agency. In that letter, Mr. Harkins reviewed the as-built from Anderson engineering and his original design and calculations, finding that the modifications made are minor in nature and will have no negative impacts on the intent of the original site design.

After discussions, Chairman Freidenburg noted additional information was needed for this application and the as-built should be sorted out. Also, it would be useful information to provide to the agency what changed in the storm water plan since the original approval in 2017, as the reasons for that change should be considered. All agency members agreed – members also wanted to know why did the agency review the change to the detention basin design after approval in July of 2018. Per Commissioner Loss, she would like clarification on the construction notes and members also agreed the calculations showing the differences are needed and would be helpful.

After discussions the following motion was made:

Commissioner Brogie made the motion to table application 23-12 to May 1, 2023. Seconded by Commissioner Clancy and unanimously approved

23-11 Mungertown Rd., Map 56, Lot 1. Owner: Town of Madison, Applicant: Madison Board of Education; Regulated Activity Permit to construct a new elementary school with paved parking lot and associated site improvements within 100ft upland review area ***(Public hearing scheduled for May 1, 2023)***

Mrs. Mannix states 2 out of 3 responses were received for wetland 3rd party review and if a response is not received from the 3rd consultant by April 6th, she asked that the Agency conditionally approve Davison as the consultant. All agency members agreed.

RECEIPT(S):

23-16 Race Hill Rd. Map 141, Lots 5 and 6. Owner: Guilford Sportsman Assoc., Inc., Applicant: Andrew J. Bosse Forestry Service; Proposed Section 4 As of Right application wildlife habitat improvement (USDA-NRCS)

Present for application - Andrew Bosse, consulting Forester from New Hartford, hired by the Guildford Sportsman's Association. Mr. Bosse was hired by the Town of Guilford for a forest management plan, a cost shared through the NRCS and approximately five and a half patch-cuts over the 12 acres of Guilford Sportsman Assoc. is located in Madison. A site map was reviewed which showed the various patch-cuts on the property. Mr. Bosse states there's an existing woods road network on the property, and the patch-cuts are all located in upland areas, and there are some wetlands on a property. He states the idea is to be able to give access to the logging truck instead of having to skid along the road which would create much more soil disturbance and erosion. He further states the NRCS has some rules regarding protecting endangered threatened species, so they have a no cutting rule from April 1st to late August. The trees are currently down and waiting to be processed. Per Mrs. Mannix this is not an application for regulated activity but falls under the agency's regulations in Section 4. After discussions, the following motion was made:

Chairman Freidenburg made the motion that the Madison Inland Wetlands Agency determine #23-16 Race Hill Rd. Map 141, Lots 5 and 6. Owner: Guilford Sportsman Assoc., Inc., Applicant: Andrew J. Bosse Forestry Service wildlife habitat improvement (USDA-NRCS) to be considered an as-of-right activity per Section 4 of the Inland Wetlands and Watercourses regulations. Seconded by Commissioner Loss and unanimously approved.

23-17 144 Neck Rd. Map 24, Lot 1. Owners/Applicants: Patrick Boutilier, Brian H. and Rita E. Boutilier; Regulated Activity Permit application to demolish existing single-family home and construct a four-bedroom single family home, code complying septic system, swimming pool, retaining wall and associated site improvements within 100 ft upland review area

Agency members agreed site walk is needed.

23-19 43 Madison Springs Dr. Map 66, Lot 32. Owner Applicant: Rachel Kelly Voccola, Regulated Activity Permit for removal of an existing deck and construction of a patio and stairs within 100 feet of an inland wetland.

Site walk not needed.

SECTION 13

23-13 33 Wilshire Rd., Map 39, Lot 87/33W. Owner: Ann Scott, Applicant: Michael Doman, P&M Builders, Regulated Activity Permit to construct an 8ft x 12ft addition onto existing sunroom and convert into four season room within 100ft upland review area

Approved as section 13.

23-08 46B Beach Ave., Map 24, Map 217. Owners: Bernard & Morgan Lauzier, Applicant: Bernard Lauzier, Regulated Activity Permit to construct a 32ft x 32ft detached garage with 6ft x 12ft greenhouse with site improvements within 100ft upland review area

Mrs. Mannix states this applicant came before the agency as a clearing violation and the wetlands had been flagged. With adequate erosion and sedimentation controls this was **approved as section 13. 23-14 253 Bartlett Dr.**, Map 100, Lot 1/48. Owner: Todd & Jill Brodie, Applicant: Ryan Dundon, Dundon Construction. Regulated Activity Permit to reinforce and modify existing rear deck within 100 ft upland review area

Approved as section 13.

23-15 821 Green Hill Rd., Map 7, Lot 8. Owners/Applicants: Erin and Charles Mannix, Jr., Regulated Activity Permit to construct 7ft x 16ft open porch to south side of existing barn within 100 feet upland review area.

Approved as section 13.

23-18 19 St. Francis Woods Rd. Map 113, Lot 37. Owners/Applicants: James and Robyn-Allise Hyland. Regulated Activity Permit for septic repair within 100ft inland wetland review area.

Per Mrs. Mannix, this was a septic repair due to failure of the system which also required removal of trees. **Approved as Section 13.**

APPROVAL OF MINUTES:

- Special Walk Meeting Minutes February 25, 2023

Commissioner Brogie made the motion to approve the special walk meeting minutes of February 25, 2023 as submitted. Seconded by Commissioner Clancy and unanimously approved.

- Regular Meeting Minutes February 6, 2023

Chairman Freidenburg noted on page 5, complaint should be changed to compliant.

Chairman Freidenburg made the motion to approved the minutes of February 6, 2023 as amended. Seconded by Commissioner Brogie and unanimously approved.

- Regular Meeting Minutes of March 6, 2023

Chairman Freidenburg noted on page 5, tress should be changed to trees.

Commissioner Brogie made the motion to approve the minutes of March 6, 2023 as amended. Seconded by Commissioner Clancy and unanimously approved.

- Special Walk Meeting Minutes of March 18, 2023

Chairman Freidenburg made the motion to approve the special walk minutes of March 18, 2023 as submitted. Seconded by Commissioner Clancy and unanimously approved.

REMARKS: Inland Wetlands Chairman - None
Inland Wetlands Agent – None

ADJOURNMENT

Commissioner Brogie made the motion to adjourn at 9:28p.m.; seconded by Commissioner Clancy and unanimously approved.

Respectfully Submitted,
Racquel Stubbs