

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

April 5, 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, April 5, 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, and David Newton.

MEMBERS ABSENT: Lee Schumacher.

OTHERS PRESENT: John De Laura (Zoning Enforcement Officer/Inland Wetlands Officer), David Anderson (Director of Planning and Economic Development), Christopher McKeon (Attorney), John Cunningham (TEC Landscape Design, Inc.), R. Richard Snarski (Professional Soil and Wetlands Scientist, New England Environmental Services), Charles Mandel (Thomas A. Stevens & Associates, Inc.), and Michael Ott (Professional Engineer and Land Surveyor, Summer Hill Civil Engineers and Land Surveyors PC).

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. Continued from March 1, 2021.

Attorney Christopher McKeon, representing the applicant, stated that they had been made aware, at the last meeting, of an additional wetlands, to the southeast of the site, that they may want to look at, as well as the fact that an intervener has filed with a couple of reports. As a result, the intention is to submit additional reports, data, and plans, and Mr. McKeon stated that he expects to file them shortly, so that all of the information is available at the May 3, 2021 Inland Wetlands and Watercourses Agency public hearing. Since the applicant's additional reports will be filed in advance of the May 3, 2021 public hearing, Mr. McKeon requested that the intervener file whatever they intend to file, in advance of the May 3rd public hearing, as well.

Commissioner C. Thomas Paul made the motion to continue the public hearing for application 21-03. 856 Boston Post Road, to the next meeting, May 3, 2021, at the applicant's request; it was seconded by Commissioner David Newton and unanimously approved.

Vote to continue the public hearing on application 21-03 passed, 6-0-0.

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

OPPOSED: None.

ABSTAINED: None.

REGULAR MEETING:

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.

Zoning Enforcement Officer and Inland Wetlands Officer John De Laura asked that the agency move this item to later in the agenda, to accommodate a later arrival of the applicants' representative.

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.

John Cunningham of TEC Landscape Design, Inc., agent for Brian Geremia, stated that there was a site walk, and he asked to share the screen to review the application plans. Plans were shared with the public. Plans are to put a swimming pool at the back of the house, along with a basketball court. To do so, they would like to remove a little bit of wetlands that everyone was able to view on the site walk, according to Mr. Cunningham. It is full of invasives, he stated. Plans are to remove 300 square feet of wetlands, return it to lawn, and add 1,500 square feet of wetlands, which are attached to an existing wetland on the site, according to Mr. Cunningham. Professional Soil Scientist and Professional Wetlands Scientist R. Richard Snarski will be on site to ensure the hydrology is correct, and plans are to plant native species which are native to Madison, while also eradicating the invasive species on site. Chairman Freidenburg asked Mr. Snarski if he had an average depth that would be sought for the wetlands, since it is pretty shallow in some areas. Mr. Snarski stated that, on average, it will be six inches lower, to make it a wetland. The pool elevation is at 34 feet and the beginning of the wetlands is at 34 to 33 feet, according to Mr. Cunningham. All of the invasives will be removed, as well as all of the root mass of the invasives, according to Mr. Cunningham. Chairman Freidenburg stated that on the site walk, they talked about a follow-up monitoring plan for the created wetlands, and she suggested a three-year minimum monitoring plan, to ensure the created wetlands is acting as it should. If a three-year monitoring plan is put in place, an additional two years could be added, to bring the total to five years, according to Mr. Cunningham. Chairman Freidenburg expressed agreement with the five year option, suggesting that the agency consider adding a monitoring program of three years, with the possibility of two more, for five years. Commissioner Paul asked when the planting would begin. Work would take place in the spring planting season, according to Mr. Cunningham. Commissioner Newton stated that he thinks this is a really good project.

Commissioner Newton made the motion to approve 21-07. 81 Liberty Street, with the condition that the newly created wetlands be monitored for three years, with the possibility of extending that two more years, for a total of five years; it was seconded by Commissioner Paul and unanimously approved.

Vote to approve application 21-07, with the condition, passed, 6-0-0.

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

OPPOSED: None.

ABSTAINED: None.

20-27. 54 Bishop Lane. Map 50, Lot 4. Owner: George Noewatne, Sr.; Applicant: George Noewatne, Jr. Regulated Activity Permit for removal of tree stumps in the 100 feet wetland review area. Receipt.

Applicant George Noewatne, Jr. stated that this is for his father's property at 54 Bishop Lane. There were two large trees on the property, which were pushed over by a wind storm, 15 years ago, and two large stumps remain at the edge of the pond, according to Mr. Noewatne. He would like to get a backhoe and push the stumps back to where the two trees once stood. He shared photographs of the tree stumps with the public. Chairman Freidenburg stated that she did notice that the photos were taken in the winter, and it is hard to see what is in the path of those two large stumps. The south stump is about 24" in diameter; the tree was uprooted, and Mr. Noewatne stated that he would like to push the stump back so that its roots go back in the hole from which they came; the two trees came out of that wetland, and they could easily go back there. The north stump is 30 inches in diameter and contains a large root ball, according to Mr. Noewatne, who stated that he would like to move the two stumps because they are a safety hazard, especially when anyone visits the area and wants to put a boat into the pond. The two stumps are in a precarious position; they're hanging there, Mr. Noewatne stated, adding that he did not want to do anything within that wetland boundary without approval. Commissioners expressed a desire to see the site, and Mr. Noewatne was agreeable to that.

Commissioner Newton made the motion to receive application 20-27. 54 Bishop Lane and schedule it for the next meeting, with the recommendation that the commissioners all individually take a look at the site; it was seconded by Commissioner Paul and unanimously approved.

Vote to receive application 20-27. 54 Bishop Lane passed, 6-0-0.

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

OPPOSED: None.

ABSTAINED: None.

21-09. 1023 Boston Post Road. Map 29, Lot 6. Owner: Donald W. Keene; Applicant: Christopher McManus Custom Builders, Inc. Regulated Activity Permit for installation of a septic system within 100 feet of an inland wetland. Receipt.

Charles Mandel, agent for Christopher McManus Custom Builders, Inc., stated that plans are to convert a workshop on the site of a private residence into accessory living units. Plans were shared with the public. Mr. Mandel estimated there will be little effect on the wetlands, and he asked if this application could be decided on a Section 13 basis. A new septic system is proposed, and the leaching fields will be well over 100 feet from wetlands. The unit will have only one bedroom, according to Mr. Mandel. The wetlands ends at the property line, Inland Wetlands Officer John De Laura stated, and while he is sure it meanders somewhere, Mr. De Laura stated that he does not know where it goes, after the property line. Mr. De Laura stated that he would be comfortable with approving it as a Section 13.

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Commissioner Newton made the motion to allow Inland Wetlands Officer John De Laura to handle application 21-09. 1023 Boston Post Road as a Section 13; it was seconded by Secretary Zdon and unanimously approved.

Vote to allow application 21-09. 1023 Boston Post Road to become a Section 13 passed, 6-0-0.

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

OPPOSED: None.

ABSTAINED: None.

21-12. 56 Tuxis Road. Map 27, Lot 61. Owners/Applicants: Diane J. & Daniel E. Dolan. Regulated activity permit for removal and construction of driveway, garage, covered porch with new construction of front entry within 100 feet of an inland wetland. Receipt.

Charles Mandel stated that the applicant is proposing to remove the existing garage to add a small addition to the front of the house and put in a new 30' x 25' garage. The site is mostly all lawn, and plans are to install a gravel driveway; storm drains will be installed to capture the first inch of rainfall. In the back, there is a 41.7 foot existing three-season porch, and plans are to put in a foundation for a breakfast nook—a four-season room. If there is a site walk, Mr. Mandel stated that he would be sure the site is staked and that the wetlands are flagged for the Inland Wetlands and Watercourses Agency. Since the site is pretty close to wetlands, Chairman Freidenburg stated that it is probably a great idea to do a site walk. Inland Wetlands Officer John De Laura stated that he would schedule a site walk.

Secretary Zdon made the motion to receive application 21-12. 56 Tuxis Road, and that a site walk be scheduled for the agency; it was seconded by Commissioner Newtown and unanimously approved.

Vote to receive application 21-12. 56 Tuxis Road passed, 6-0-0.

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

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.

Licensed Professional Engineer and Land Surveyor Michael Ott stated that plans are to install a swimming pool, patio and retaining wall. This lot was created in the mid-80s, and the topography slopes east, beginning with a 95 foot elevation at the house, down to an 85 foot elevation, which is the reason for building the retaining wall. A handful of trees will be removed, and most of the retaining wall will be done by hand; it is a reinforced earth segmented wall, according to Mr. Ott. There will be no concrete work, no steel reinforcements and no concrete trucks to build the wall; the wall's blocks will be set by hand, according to Mr. Ott. Mr. Ott described the engineering aspects of the work involved in making the wall, including the system of dewatering that will take place, if it is needed; a geosynthetic bag would comprise the containment system, and in the dewatering process, the sediment and water are pumped into the bag, which is located on a flat surfaced, crushed stone bed. Water makes its way from the bag back into the wetlands, and the sediment stays in the bag, until it is removed. A mini-excavator

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will be used during construction. The swimming pool is shallow, about three to three and half feet deep, perhaps up to five feet deep. Anything excavated to install the pool will get loaded onto a truck and carted away, according to Mr. Ott. The retaining wall will just fit in with the natural grade, Mr. Ott stated. Chairman Freidenburg asked if anything will be planted, after the wall is constructed, since it is closest to the wetlands, the area will be disturbed, and the handful of trees will be removed, creating more light, which would result in the growth of invasive species. It should have a restoration plan, she stated. A planting plan could be submitted to Inland Wetlands Officer John De Laura, if that would be agreeable, according to Mr. Ott. Chairman Freidenburg answered in the affirmative. This is a heavily wooded wetland, Mr. Ott stated.

Vice Chairman Budrow made the motion to approve application 21-05. 141 Opening Hill Road, with the condition that a planting plan be submitted to John De Laura, to keep the terrain below the retaining wall to preserve the ground; it was seconded by Commissioner Newton and unanimously approved.

Vote to approve application 21-05. 141 Opening Hill Road, with the condition, passed, 6-0-0.
IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and Commissioners Paul, Newton, Mathieu.
OPPOSED: None.
ABSTAINED: None.

SECTION 13 APPROVALS:

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. Approved March 11, 2021.

The Inland Wetlands and Watercourses Agency first saw this in February; the 15-day appeal period passed, and it is a small shed attached to the house, according to Inland Wetlands Officer John De Laura.

Approval of Minutes ~ Regular Meeting of March 1, 2021 and Special Meeting of February 16, 2021.

Vice Chairman Budrow made the motion to accept the minutes, as amended, for March 1, 2021, changing Page 1, the second sentence to read correctly, as follows, *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 southeast.* The motion was seconded by Commissioner Newton and unanimously approved.

Vote to accept the minutes of March 1, 2021 as amended, passed, 6-0-0.
IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and Commissioners Paul, Mathieu, and Newton.
OPPOSED: None.
ABSTAINED: None.

Vice Chairman Budrow made the motion to approve the Feb. 16, 2021 minutes as submitted; it was seconded by Secretary Zdon and unanimously approved.

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Vote to accept the minutes of Feb. 16, 2021 as submitted, passed, 6-0-0.
IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and
Commissioners Paul, Mathieu, and Newton.
OPPOSED: None.
ABSTAINED: None.

Remarks: Inland Wetlands Chairman ~ None.

Inland Wetlands Officer ~ Mr. De Laura stated that he issued three violations for cutting inner upland or inner wetlands; there's been a cease and desist order, and everyone will have to explain what they were doing without approval.

Adjournment

Commissioner Paul made the motion to adjourn at 8:30 p.m.; it was seconded by Vice Chairman Budrow and unanimously approved.

Vote to adjourn at 8:30 p.m., passed, 6-0-0
IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and
Commissioners Paul, Newton, and Mathieu.
OPPOSED: None.
ABSTAINED: None.

Respectfully Submitted,
Marlene H. Kennedy
Clerk