

Inland Wetlands and Watercourses Agency
Monday, May 1, 2023 at 7:00 PM

MINUTES

VIRTUAL MEETING INFORMATION

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REGULAR MEETING

MEMBERS PRESENT: Chairman Kealoha Freidenburg, Tom Clancy, Secretary Robert Zdon, Vice Chairman Joseph Budrow, and Lee Schumacher

MEMBERS ABSENT: Anna Loss and Martin Brogie

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

1. Call To Order

Chairman Freidenburg called the meeting to order at 7:04pm.

2. **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.

[23-06 Application Documents](#)

Present for application – Matt Popp, landscape architect and professional wetland scientist; Viktoriya Bayster, property owner; and Mark Davis, professional engineer.

Mr. Davis spoke with the neighbor at 32 New Rd – Mr. Ross McCartney and states they came to an agreement about the site drainage. The drainage plan was then shown and reviewed for the agency; according to Mr. Davis, soil tests were done for the storm water system - two test pits were dug and a percolation test completed next to the pits. The results of those tests showed no issues with the retention system and it should function as designed. Mr. Davis further reviewed the steps for tree removal and how the installation of the drainage pipe would be completed. Per, Mr. Davis, the finalized plans will also be submitted to Amtrak for comments. Mr. Popp states the landscape plans were revised to reflect the changes that were made to the site.

Chairman Freidenburg asked, based on the newly revised plan, is the pipe now on top of the slope? Mr. Davis states they are as far away from the slope as they could be. Commissioner Schumacher then asked how deep is the pipe? Mr. Davis responded about 8-9ft deep. Mrs. Mannix asked if all activities would occur in the easement area – Mr. Davis states yes and a route will be built from the start of the pipe to the end of the outlet. Chairman Freidenburg asked will the vegetation be monitored? Mr. Davis states yes, as they are responsible for maintaining that area.

The chair states the final plan would be sent to Amtrak for comments and wondered if there's anything that Amtrak would ask that would impact the wetland. Mr. Davis states their biggest concern is tree removal and any impacts it would have on the railway. She further requested that their comments be shared with the town planner and agency.

From the public – Ross McCartney – 32 New Road had a few comments / questions. Mr. McCartney asked about the tree removal plan and if any of the trees would be replanted. Mr. Davis states tree removal would be a step by step process and the trees would not be replaced due to the piping underneath, but bushes would be placed there.

After further discussions, the following draft resolution was shared:

VOTED that the Madison Inland Wetlands Agency approve application **#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 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. That no stockpiles be permitted within the 100ft upland review area during construction activities.
4. That the applicant shall submit a maintenance plan for the stormwater management system to the Inland Wetland Agent prior to any site disturbance.
- 5.

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 Schumacher made the motion to approve application 23-06. 14 New Road with the conditions listed in the draft resolution and the applicant should submit comments received from Amtrak to the agency and Town staff. Seconded by Commissioner Clancy.

Both Chairman Freidenbug and VC Budrow agreed with the additional condition as any comments received should be added to the record.

The motion was unanimously approved.

3. **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.

[23-12 Application Documents](#)

Present for application – Dave Milano, property owner; and Michael Harkin, professional engineer. Mr. Milano reviewed the project, stating the building that is in question is building #4 and verbal and written approval was received from the wetlands agent to proceed with construction of the building. Mr. Milano then reviewed emails sent to Mr. DeLaura stating the changes that would be made to the building. Chair Freidenburg, states the agency has not seen any of those changes that were authorized in 2021. Mrs. Mannix confirms there are records of correspondence between Mr. DeLaura and Mr. Milano but there are no plans or documentation of such changes.

Mr. Harkin then reviewed his revised as-built plans for building 4 and building 3 dated 5.1.23. He states the land surveyor was on site last week, which allowed him to revise his calculations and stated based on the plan there's no increase of impervious surface.

An original site plan that was approved by the Inland Wetland Agency (last revised 6.29.18) was shown for the agency, which showed the detention basin in question. Mr. Harkin then shared the permit set that was submitted to the P&Z commission (dated 10.25.18). He states the first detention basin was designed for a two-year storm event. However, P&Z approved the plan based on the town engineer's comments. The revision doubled the size of the basin as those revisions were based on the requirements of the town engineer. VC Budrow asked if this was another modification that did not go back to the wetland agency. Mr. Harkin states, it did not go back to P&Z and wetlands as there was no additional construction occurring to an area that was not already being disturbed.

After discussions, Commissioner Schumacher states a drawing is needed that shows all the

changes made. Chair Freidenburg agreed and states the agency needs to see what the site was before and what it is now, despite communication challenges.

Mr. Harkin states it seems a survey is needed of the entire site – storm drainage, detention basin etc. and such process could take 6-7 weeks.

After discussions, it was noted that an updated survey showing existing conditions and proposed changes is needed to understand what is happening on the site.

Mrs. Mannix further states, an as-built of the site showing storm water drainage, the buildings and paving will allow Mr. Harkin to update storm drainage calculations and will show what has happened between the 3 phases and what is proposed for the last phase.

VC Budrow would also like to include spot elevations and grades on such plans.

Lasly, Mr. Harkin requested a punch list of the required items.

4. **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
[23-17 Application Documents](#)

Present for application – Robert Sonnichsen, professional engineer; Bob Russo, certified soil scientist and Patrick Boutilier, property owner.

A site plan of the site was shown and reviewed for the agency by Mr. Sonnichsen. Bob Russo who delineated the inland wetlands, reviewed the site and states it's a developed residential neighborhood and the wetland line reflects such use. He further states there are no direct wetland impacts, the soils are permeable and storm water runoff will infiltrate the soils. As for construction impacts, erosion and sedimentation control measures should be properly maintained. The current / existing silt fence is functioning well and there's no evidence of erosion occurring.

VC Budrow asked if there was any consideration of a smaller house with the pool next to the east. Mr. Sonnichsen reviewed the layout of the house and states it is designed as a one-floor retirement house. The floor plan was also reviewed for agency members.

Mrs. Mannix asked if the applicant is proposing any storm water infiltration? Mr. Sonnichsen states they will use roof top infiltration around the perimeter of the house but they do not have the dimensions of the roof to give precise measurements and will modify the plans to show such adjustments – that could be a condition of approval.

Mrs. Mannix asked what is the need to remove the white oak tree beyond the silt fence and if the fence is serving as a limit of lawn. She further asked if there's a way to demarcate the upland line from the natural buffer. Mr. Sonnichsen states there are no leaves on the tree and he's worried the tree will not survive. He further recommends a row of plantings to demarcate the buffer area. Per Chair Freidenburg, the buffer needs to be clear that it's a demarcation and not just decorative plants. Commissioner Schumacher agreed as details on what is going to make up the buffer and where the lawn exists should be clear on the plan.

Commissioner Clancy suggested using boulders on the site with incorporated plantings from the

wetland scientist to define the buffer. After discussions, Mr. Boutilier suggested putting one or two granite boulders located at the garage at the 8ft marker and Mr. Russo will add plantings for delineation of the buffer.

Earlier, Mr. Sonnichsen mentioned that five trees along the eastern boundary would possibly be removed due to grading associated with the site. Chair Freidenburg asked for clarification and further stated the agency would like to see modifications with respect to the buffer and storm water management. Mrs. Mannix states the commission will have to determine if that is something they would like to condition and to have such plans submitted to agent prior to any site disturbance.

After further discussions, the following resolution was shared for the agency:

VOTED that the Madison Inland Wetlands Agency approve application #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 as shown on site development plan entitled, "Proposed Site Plan 144 Neck Road, Madison, CT", by Waldo & Associates dated 3/24/23 revised to 4/26/23 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. That the applicant physically delineate on site the limit of maintained lawn from the wetland buffer area with either boulders, fencing, shrubs or similar equivalent.
4. That the applicant shall install adequate storm water management for any increased impervious area on the site. The applicant shall submit updated plans to the Inland Wetlands Agent reflecting stormwater management system prior to any site disturbance.

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 Clancy made the motion to approve application # 23-17. 144 Neck Rd with conditions as outlined in the staff resolution. To add to # 3 condition – a combination to delineate the limit of lawn from the buffer area with a combination of boulders and plantings, the applicant shall also install adequate storm water management for any increased impervious surface from the lot or the roof. Seconded by Commissioner Schumacher.

Per Chair Freidenburg, keep the agency apprised of the trees and the need to take them out as discussed at the meeting.

The motion was unanimously approved as amended.

5. **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.

[23-19 Application Documents](#)

Present for application – Mike Ott, professional engineer and licensed land surveyor. Mr. Ott states a previous application for this site was approved by the agency – a proposal to relocate existing septic system from the yard to accommodate the installation of an in-ground pool. He further states a permit was issued for this application and the applicant is now before the agency for modifications of the original permit. The applicant proposes removal of an existing deck and to construct a patio in the pool area. A revised plan dated 3.1.23 was reviewed for the agency where Mr. Ott showed the difference between the previously approved plan and the new modifications. After discussions, the following draft was shared for the agency.

The applicant came before the Agency in February with a proposal to relocate the existing septic system from the rear yard to the front yard to accommodate the installation of an in-ground pool. The Agency approved the proposal 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.
3. Prior to any site activity, the applicant shall submit a revised site development plan showing pool equipment, utility lines and fence location. Fence shall be located within existing lawn area.

Draft resolution:

VOTED that the Madison Inland Wetlands Agency approve application #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 Drive, Madison, CT with the same condition previously stated in the February 6, 2023 approval.

Commissioner Schumacher made the motion to approve application # 23-19. 43 Madison Springs as outlined in the draft resolution with the conditions listed. Seconded by Commissioner Clancy and unanimously approved.

6. **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 (**Extension granted, request to table PH to 6/5/23 mtg**)
[23-11 Application Documents](#)

Chairman Freidenburg made the motion to table application # 23-11. Mungertown Rd to June 5, 2023. Seconded by Commissioner Schumacher and unanimously approved.

RECIEPT(S):

7. **23-20. 730 Durham Rd.,** Map 95 Lot 59. Owner Applicant: Lisa H & James P. Cantley: Applicant: Thomas A. Stevens & Associates; Regulated Activity Permit, Restoration of existing pond within 100 ft upland review area
[23-20 Application Documents](#)

All agency members agreed site walk is needed.

8. **23-33. Green Hill Rd.,** within public ROW, Owner Applicant: Town of Madison, Applicant: Madison Board of Education; Water main extension crossing the Neck River within 100 ft upland review area
[23-33 Application Documents](#)

Site walk not needed.

9. **23-35. Opening Hill Rd.,** Map 76 Lot 6, Owner Applicant: A. G. Rowley Trust, Et als c/o Roger L. Gould, Applicant: Anderson Engineering & Surveying Associates; 3 lot subdivision referral
[23-35 Application Documents](#)

All agency members agreed that a site walk is needed.

Application #23-36, 53 Copse Rd was added to the agenda for receipt– **all commissioners agreed a site walk is needed.**

SECTION 13

10. **23-31. 99 Bartlett Dr.**, Map 108, Lot 1/40. Owner: Michael and Rachel Felberbaum, Applicant: Robert Murphy. Regulated Activity Permit to build an 18ft by 9ft addition, on sonotube footings, to rear of existing garage for office use within 100ft inland wetland and watercourse upland review area

[23-31 Application Documents](#)

Approved as Section 13.

11. **23-32. 130 Chittenden Field Ln.**, Map 13, Lot 107. Owners: James and Elizabeth Flynn; Applicant: Gulick & Co; Regulated Activity Permit for septic repair within 100ft inland wetland and watercourse upland review area

[23-32 Application Documents](#)

Approved as Section 13.

12. **23-34. 463 Summer Hill Rd.**, Map 131 Lot 1, Owner: Camp Laurelwood, Applicant: Anthony Camposano, Regulated Activity Permit to construct 10' x 15' deck on cabin on S-4 within 100ft upland review area.

[23-34 Application Documents](#)

Approved as Section 13.

13. Approval of minutes: April 3, 2023, and Site Walk April 15, 2023

The Minutes of April 3, 2023 were tabled to the next meeting.

Chair Freidenburg made the motion to approve the site walk meeting minutes of April 15, 2023 as submitted; seconded by Commissioner Schumacher and unanimously approved.

REMARKS

14. Inland Wetlands Chair Remarks

None.

15. Inland Wetlands Agent Remarks

None

ADJOURNMENT

Commissioner Schumacher made the motion to adjourn at 10:18pm; seconded by Commissioner Clancy and unanimously approved.