

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

May 17, 2021

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

A Special Meeting of the Madison Inland Wetlands and Watercourses Agency was conducted on Monday, May 17, 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, John Mathieu, C. Thomas Paul, David Newton, and Lee Schumacher.

MEMBERS ABSENT: Secretary Robert Zdon.

OTHERS PRESENT: John De Laura (Zoning Enforcement Officer/Inland Wetlands Officer), David Anderson (Director of Planning and Economic Development), Christopher McKeon (Attorney), Keith Ainsworth (Attorney), Gregory Nucci (Architect), John Cunningham (TEC Landscape Design, Inc.), Richard Hosley, Jr. (Realty Securities Consulting; Explosives), David Lord (Certified Soil Scientist and Environmental Consultant), George Logan, (REMA Ecological Services, LLC), Steven Trinkaus (Licensed Professional Engineer, Trinkaus Engineering, LLC), and Michael Ott (Professional Engineer and Land Surveyor, Summer Hill Civil Engineers and Land Surveyors PC).

Chairman Kealoha Freidenburg opened the meeting at 7:00 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 May 3, 2021.**

Chairman Kealoha Freidenburg stated that hopefully everyone on the Inland Wetlands and Watercourses Agency has reviewed the materials, and she requested that presentations be brief.

Attorney Christopher McKeon stated that he represents the applicant; he introduced the proposed development professionals who would be responding to questions and issues that had earlier been raised, and he gave a summary of previous meeting events. Additional documents, updated plans, and letters responding to comments from the public and the intervener are among the materials that have been filed into the public record on behalf of the applicant. At the conclusion of development professionals' presentations, everyone would like to hear from the interveners, and, finally, according to Mr. McKeon, he would conclude with his remarks. Each of the applicant's development professionals gave a summary of their credentials, their professional backgrounds and their resumes.

John Cunningham, of TEC Landscape Design, Inc., stated that he is not a wetlands expert, but he has submitted a letter requesting that anything used in the development's community garden be

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organic. Concerns have been raised about an off-site wetlands in the southeast corner of the proposed development. The use of organics in the garden would be a much better solution; the southeast wetlands is 60 feet from the property line and 80 to 90 feet from the first impervious surface, according to Mr. Cunningham, who stated that they do not believe any water from the project will have any impact on that wetlands. Commissioner Lee Schumacher sought more details about the garden. The garden, in the right hand corner, is in the northeast corner of the proposed development, according to Mr. Cunningham, who shared the plans. It will have an all pervious washed stone base with a green area around it, which is proposed to be lawn, and the entire area will be all permeable, according to Mr. Cunningham; 80 to 90 feet in the garden area is permeable and more than 50 feet from the garden is also permeable. Chairman Freidenburg sought specifics about the garden—whether there would be vegetables, flowers, and if residents would have their own plots. Those types of details would be dependent upon how a homeowners association would regulate the garden, according to Mr. Cunningham. It is going to be a community garden; it is going to be all organic, it is in a permeable area, and it is raised, Mr. Cunningham stated. Plans show details of raised steel planters 30 feet by five feet by 24 inches in height, and in the landscape plan, the planters sit on a washed stone base; the green element is being suggested to be lawn, and there will be a fence around the garden to prevent animals from entering the garden, as well as to prevent people from walking on others' properties, according to Mr. Cunningham. Richard Hosley, Jr. of Realty Securities Consulting, explosives, stated that he has had multiple submittals into the record, which Mr. McKeon sent to the agency. He presented details of the mandatory pre-blasting compliant plan, gave an executive summary of the geologic setting, and also talked about the particulars involved in blasting and rock removal. Rock at The Ledges is referred to as The Waterford Group, Mr. Hosley stated. He shared plans and photographs of the site, scientific descriptions of the rock, and presented topography details. There is an impenetrable body of rock that acts as a barrier to the groundwater and helps to contain the aquifer and the wetlands, according to Mr. Hosley. Runoff will shed north to the backyard of The Ledges estate, he stated. The rock area runs 14 feet north to south and 30 feet east to west, he stated, adding that 75 cubic yards of rock is to be removed in that area. Rock removal area number four is outside the 100 foot wetland review area, he stated. Mr. Hosley shared the specific number of feet, square feet, and cubic yards of volume that will be removed on the development site. Blasting and explosives energy will not migrate beyond the designated limits of rock to be removed, groundwater will not migrate into the wetlands, and adjacent structures, be it a well or a house, will be preserved, according to Mr. Hosley. In sharing a chart that showed 49 blasting permits issued in Madison since 2010, Mr. Hosley stated that The Ledges project falls well below the average of past removal quantities per project for blasting permits issued. The blasting is not potentially dangerous to the wetlands or animals, he stated. This is essential in his submittal, Mr. Hosley stated, that based on his experience as a third generation explosives engineer, blasting for The Ledges can realistically be conducted without causing damage to the adjacent properties or wetlands. The pre-blast plan, the blast design and review are required, along with other mandated records, and they have all been submitted into the record for this application, according to Mr. Hosley. Chairman Freidenburg asked whether, in his opinion, this is a minor project, and whether Mr. Hosley had a range of numbers indicating the location of this project. Mr. Hosley stated that he looked at the average size; it is typically 500 yards of material. For this project, Mr. Hosley gave 407 yards, according to Chairman Freidenburg. Five hundred cubic yards of rock is much lower than average, according to Mr. Hosley. Commissioner Schumacher asked about sound monitoring and blasting vibration. There shall be seismographs set up between the blast site and the nearest structure of concern, Mr. Hosley stated—the nearest structure of concern could be a well, or it could be a home. Many can be set up in arrays to predict ground vibration over distance, he stated. While he is not sure, Mr. Hosley stated that at some point in the future the water main that serves the main house on the

site will need to be removed, refreshed, or repaired, and he does not believe that it is down to grade; it may require blasting to lower it to grade. In terms of the seismographs, they monitor air over pressure and ground motion; these units are calibrated and analyzed, according to Mr. Hosley. The Inland Wetlands and Watercourses Agency has a second review letter that was submitted by Steven Trinkaus, licensed professional engineer, of Trinkaus Engineering, LLC, according to Michael Ott, licensed professional engineer and land surveyor of Summer Hill Civil Engineers and Land Surveyors PC. Mr. Ott began to address the south side of The Ledges estate building, which he calls the south side catchment area, or the southern catchment area. They were unable to take measurements of the location of the wetlands to the southeast, Mr. Ott stated. The southwest is in town records, according to Mr. Ott. Regarding the wetlands from the southeast, permission was requested so that the applicants' engineers could see how far it is from the property boundary, but permission was not granted, Mr. Ott stated. Though it had been mentioned that the measurements could be obtained using laser devices or reflectorless mode, there is no way that they could achieve a guarantee of the proper distances; no one would be able to tell if such a device is measuring something beyond the flag on the site, and licensed land surveyors do not feel comfortable doing it that way, according to Mr. Ott. They estimate the southeast off-site wetlands are 60 to 70 feet from the property boundary—conservatively, say it is 50 feet, Mr. Ott stated. Within the upland review area, the large carriage house building is being removed, and it is being replaced with a garden; those activities are in the 100 foot review area of the southeast wetland, according to Mr. Ott. Today, impervious consists of the pavement and the building, Mr. Ott stated. There is approximately 7,500 to 7,400 square feet of impervious surface, and the carriage house is 54 feet away; in front of the carriage house there is 12,700 square feet of impervious surface. Plans are to remove 1,725 square feet, which is the carriage house, and 2,900 square feet of pavement—in that removal they have an increase of 1,000 or 1,200 square feet of pervious surface, according to Mr. Ott. The carriage house building is, at closest, four feet from the property boundary; they are removing the carriage house building and pavement; the closest impervious surface that drains to that wetland is 110 feet, Mr. Ott stated. The closest impervious surface is 160 feet away from the wetland, he stated. They are removing the building and that pavement and replacing it with a community garden and lawn, according to Mr. Ott. Regarding the storm water management system, they need to make sure that they capture the surface water runoff, and they are going to do that, according to Mr. Ott. While curbing has been suggested, Mr. Ott stated that they do not want to do curbing. They have changed the grading a bit, raised it up a bit, so runoff could not bypass that wetland but run into it—so that was a good comment, he stated. All of the state Department of Energy and Environmental Protection (DEEP) storm water manual requirements have been met, and the subsurface system has been designed to temporarily store the water quality volume for the contributing catchment area; that storage has been made for a two year rain event and a five-year rain event, Mr. Ott stated. Therefore, the runoff is being stored and infiltrated for a two-year event. There are very small increases in each of the storage events; Madison regulations do not have a zero increase in peak rate of discharge, as other towns have, according to Mr. Ott. The drainage area of one off-site wetland is some four to five acres; Mr. Ott stated that he has visited the site during significant rainfall to watch the storm water; it will not cause a problem downstream or to the culvert of East Wharf Road. Surface water does not pond to any significance to the wetlands in the southeast, Mr. Ott stated; that off-site wetland does not provide a storm water retention function...to any significant depth or quantity. There is no requirement to do earth work volumes for this site, but Mr. Ott stated that he did take a look at what is required for the infiltration system. Chairman Freidenburg asked if there is a maintenance plan, referencing a portion of the plans which state that inspections shall be made on storm events; she asked if the inspections would be just during construction, or for all times beyond construction. Inspection of erosion controls would take place during construction; post

construction, there is a general operational and maintenance plan that is included in the appendix of the storm water management plan, Mr. Ott stated. Commissioner David Newton asked what is the organization to ensure this maintenance plan is followed, and Mr. Ott deferred to Mr. McKeon. The protocol for organic gardening and other conditions could be incorporated into the rules and regulations of a homeowners association, but if there is one owner, there would be no homeowners association, according to Mr. McKeon. It can be a condition of approval that would ensure the maintenance of the storm water management system and the organic use of pesticides and fertilizers in the garden, according to Mr. McKeon. After the project is built, if conditions are put into the project's approval, it would be a violation of the permit, if such conditions are not followed, according to Mr. McKeon. A resident had submitted a question seeking an explanation as to how the pump systems for the septic system were sized; the appropriate steps were used to determine this, according to Mr. Ott. The state Public Health Department requires that the pump systems be designed to have an emergency storage area, in the event of a power outage—it has to be a whole day's wastewater storage area, and pump stations have to have an audible alarm, Mr. Ott stated. If they exceed the one day storage, the property owner has to have the wastewater pumped out, according to Mr. Ott, who added that he confirmed that the wastewater systems are under the regulations of the town of Madison. Vice Chairman Joseph Budrow asked if the proposal gets built, will there be a lot less storm water and pollutants from the property than there are now? No, impervious cannot be increased and then result in less pollutants; it's pretty unusual that you could answer yes to that question, Mr. Ott stated. David Lord, certified soil scientist and environmental consultant, stated that he does have a few comments in response to issues and questions raised in the last public hearing. First, he has not been able to enter into adjacent properties, in order to address concerns in relation to those properties. In addition, a comment was made that statements are being couched in phrases such as "should," or "do not believe," and "I believe there should be," but wetland science is not a computational science, Mr. Lord stated. Information may be gathered by basing it on an existing character of the subject property and the existing character of the adjacent property, according to Mr. Lord. A comment was made about potential vernal pools on adjacent properties, he stated, adding that he was not able to investigate adjacent properties to confirm the vernal pools. Vernal pools are populated by animals that will also breed in wooded swamps; in Connecticut, obligated species, which only breed in vernal pools, are the spotted salamanders, the wood frogs, and the fairy shrimp, according to Mr. Lord, who stated that he has attached habitat photographs to his report. Photographs show the density of the development near the southeast off-site wetlands, and there are grass lawns and impervious surfaces on adjacent properties, according to Mr. Lord. A comment was made that the cumulative impact should be considered; in discussing that, Mr. Lord stated that generalized flow patterns flow around, though, and under the tennis court and continue in a south southwesterly manner, before discharging in a culvert on East Wharf Road. Mr. Lord stated that he was not able to look at that pipe—it takes water from the west side of the tennis court and moves it to the east side. With all of the safeguards available in this proposed development, all of the commissioners should feel comfortable in knowing that there will be no adverse impacts to the functioning of the southeast wetland, now, or in the future, according to Mr. Lord. Chairman Freidenburg asked whether there are any questions for Mr. Lord; when there were none, Mr. Hosley asked for permission to share the screen, which was granted. Mr. Hosley shared a list of blasting permits in Madison, and he stated that in the 98 years in which his firm has been in the explosives industry, it has worked on or bid on these projects, and they are well over 500 cubic yards of rock volume.

Attorney Keith Ainsworth was called upon to address the commissioners. Mr. Ainsworth stated that the current owner of The Ledges property was the previous owner of the tennis court, so there would be prior knowledge. There are certainly quantifiable aspects to wetlands, one can

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quantify species, and one can calculate pollutants, he stated, while also noting his professional expertise. In terms of the off-site wetlands, data, which includes the wetlands delineation, a map with photographic image, and an overlay, has been submitted into the record, according to Mr. Ainsworth. Permission was not granted on adjacent property, due to an incident in which the applicants' representative trespassed and, in doing so, had previous access, which is why permission was not granted, according to Mr. Ainsworth. In addition, without permission, someone dug fresh wetland pole holes on another adjacent property, according to Mr. Ainsworth. Maintenance protocols have not been made, nor are there protocols for the use of organic pesticides and fertilizer; none of that is in the record, Mr. Ainsworth stated. It is to be decided later and enforced by the homeowners association, or perhaps, by the town, he stated. The molecules of nitrates are exactly the same for organic fertilizer as non-organic; organic fertilizers create their own set of problems, according to Mr. Ainsworth. He cited case law in which it was found that there can be adverse impacts on wetlands located outside the 100 foot review area; such wetlands can have resulting physical impacts; the off-site southeast wetlands have been identified for the applicants and the commission. The development may have significant impact on the southeast wetland, thus requiring that the applicant provide a feasible and prudent alternative to the development, according to Mr. Ainsworth. A commissioner has suggested that one might want to reduce the number of units, as an alternative, according to Mr. Ainsworth. Steven Trinkaus, licensed professional engineer, Trinkaus Engineering, LLC, gave a summary of his professional expertise. The southeast wetlands is of concern because sand and gravel can dissipate a lot of water, and there are no infiltration rates that have been done, according to Mr. Trinkaus. The Ledges is private property, and it is extremely likely they will use sodium chloride rock salt, and if not using deicing agents, they will use sand, according to Mr. Trinkaus. It is likely that the sand will discharge into the infiltration system, and that will eventually clog the system, he stated. Even if there is pretreatment, the pollutants from the driveways and roof areas will be directly discharged through the underground gallery system; the sand and gravel does not provide treatment, Mr. Trinkaus stated. Basically, water is being dumped into a very permeable pot; it will eventually get to that wetlands, and with additional delivery trucks, increased pollutant loads will ultimately reach the wetlands, according to Mr. Trinkaus. With no curbs to guide the water flow, it is going to go where it wants to go, and a curb or structure is really needed to direct the water to its intended destination, according to Mr. Trinkaus. A treatment system and some type of vegetative system is necessary or the storm water management system will have water entering the inland wetlands, according to Mr. Trinkaus. George Logan, of REMA Ecological Services, LLC, soil scientist with a wetlands and wildlife concentration, summarized his educational background and professional expertise, and began his presentation by addressing concerns about the storm water management system, giving details about three test pits which were dug close together, including the elevations, the distance to the southeast wetlands, and the sands and gravels that were noted as being present. He shared wetlands delineations, a map, and a sketch, which had the location of the tennis court and the wetlands, as well as the adjacent houses, which are all a part of this watershed; the majority of the wetland is not developed, according to Mr. Logan. In addition, Mr. Logan shared *Table 5, entitled Percent Dissolved Fraction for Various Heavy Metal Concentrations Found in Urban Runoff (1985)*. Metals do not dissolve; without pretreatment, there is going to be a concentration of these pollutants into the southeast wetlands, according to Mr. Logan. They concentrate in the environment; they do not flush through, he stated. In talking about organic fertilizers, what is important is how it is put down and how much is put down, because it is going to travel to the southeast wetlands and then down to the tidal wetlands, according to Mr. Logan. When utilizing pesticides or herbicides, it is important to use a Northeast Organic Farming Association (NOFA) certified or accredited organic professional, according to Mr. Logan. There is no final answer as to what is going to go on in the garden area, Mr. Logan stated. When the

building is removed, no one knows what is going to happen on that site; there should be a protocol as to how to protect those wetlands, once that building is removed, according to Mr. Logan. This development will have unreasonable impact to natural resources, and it will have a cumulative impact over time, Mr. Logan stated. Vice Chairman Budrow sought the reasoning behind the adjacent property owner having a wetland delineated but never mapped. Mr. Logan explained that the minimum unit to map is one and half to two acres; a lot of these smaller wetlands are not mapped by the federal government; the federal government took maps and tried to map hundreds of acres at a time, and it was done decades ago, for farmers. If this wetland is 50 to 70 feet off the premises of Ms. Whitehead, then Vice Chairman Budrow questioned if the water is going to shoot out, pollute the wetlands, and then pollute Fence Creek. Mr. Logan described the scenario when the water leaves the outwash and hits the bedrock; while he stated that he cannot prove this convincingly, in his professional opinion, he knows the water's coming that way. Mr. Ainsworth stated that this application has sufficient deficiencies that justify denial.

Mr. Anderson and Chairman Freidenburg invited the public to speak. Robin Phillips of 880 Boston Post Road discussed blasting volumes and the storm water management system. Rock removal was portrayed by Mr. Hosley as minor, Mr. Phillips stated; 78 cubic yards is 180 tons of rock, and, in total, there are 407 cubic yards of rock, comprising 930 tons. The blasting is equivalent to 930 elephants, resulting in the carting away of 30, maybe 40, school bus loads of rock, Mr. Phillips stated. This is not a minor rock removal project, he stated, and there are no alternate plans, according to Mr. Phillips. The storm water management system plan is 59 pages long, and there is no information on how many or what type of trees will be removed; there is also no way to calculate the amount of water that those trees currently take in, according to Mr. Phillips. There is plenty uncertainty about this project, he stated. David Franks of 18 East Wharf Road expressed a concern about the impact of runoff. He stated that his house was built in 1923, and there are photographs that he submitted to the Inland Wetlands and Watercourses Agency on March 1, showing that the water is not a minor runoff, as Mr. Ott asserts. Margaret Zambarano stated that she lives next door to the proposed development; there is above ground ledge that can be seen, which travels to the back of the garage, and she asked where will the water go, from duplex numbers four and five? With no other comments from the public, Chairman Freidenburg stated that everyone has heard from the applicant and the intervener, now Chris McKeon wants to talk, and so should Keith Ainsworth; she reminded everyone that this is a public hearing and not a courtroom. Chairman Freidenburg also stated that she would like to talk to the rest of the commissioners and see if this can be moved along. Mr. McKeon stated that the applicant has a team of experts who have looked at this site, and they have more experience than anyone he knows. What they have presented to the Inland Wetlands and Watercourses Agency is that the system they have designed has no impact on the wetlands, and this development has been built to accommodate that off-site southeast wetland, which it does, according to Mr. McKeon. In terms of the applicant having prior knowledge of the drain pipe in the tennis courts, neither of the previous tennis courts owners, Faith Whitehead being one, ever installed this drain pipe, nor is there a permit for it, according to Mr. McKeon. The drain pipe and the tennis courts are off site and not a part of this application, stated Chairman Freidenburg. Regarding efforts to gain permission to visit adjacent properties, Mr. McKeon stated that there were at least two requests by Ms. Whitehead to an adjacent property owner to access the site, and they were denied; in addition, they specifically sought access to both wetlands off site and they were denied that access. Mr. McKeon began to address the issue of the applicant having to provide a feasible and prudent alternative, with reference to the impact on the southeast off-site wetlands, which was raised through case law cited by Mr. Ainsworth. There was potential concern for that wetlands from the southeast, Mr. McKeon stated. The Inland Wetlands and Watercourses Agency knew what the applicant's proposal was and how infiltration would be

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handled, with reference to the southwest corner, according to Mr. McKeon. It was decided by the inquiries Inland Wetlands Officer John De Laura received and that Mr. Anderson received, that a public hearing should be scheduled, due to the public interest in the proposed development, according to Mr. McKeon. One of the court cases referenced by Mr. Ainsworth was a direct wetland impact case—the agency made a finding that it may have an impact, and that is what triggered the applicant to show that there was an absence of a feasible and prudent alternative, according to Mr. McKeon. State law provides that if there is a public hearing, due to a signed petition, or if there is a finding of a significant impact on wetlands, it is only then that an applicant would have to provide a feasible and prudent alternative, according to Mr. McKeon, who stated that the water going into that off-site wetland area will be infiltrated. A feasible and prudent alternative has to result in less of an effect on the wetlands; but this development will have no effect on the wetlands, according to Mr. McKeon. Mr. McKeon stated that he is requesting that the Inland Wetlands and Watercourses Agency focus on what it needs to find—what it needs to look at. The proposed activities have no impact on the wetlands on the site, because there are no wetlands on the applicant’s property, Mr. McKeon stated. Testimony and reports from well respected professionals state that there will not be adverse impacts on the wetlands, on either off-site wetlands, Mr. McKeon stated, adding that they urge the commission to grant this permit to allow it to proceed. Mr. Cunningham stated that any type of fertilizer on any of his projects is done by a licensed professional. Mr. Ott stated that the removal of trees is not typically covered in a storm water management report. There was a concern that the applicant plans to fill or raise the ground elevation to construct units four and five, but Mr. Ott stated that in studying the plans, it can be seen that no one is raising the ground surface elevation. If the wetlands agency thinks about this development proposal, plans are to remove a building and pavement; in addition a leeching field is being removed, and there will be no more subsurface leeching fields, according to Mr. Ott. In the last revision of his storm water management report, Mr. Ott stated that it shows that storm water is going to move quickly because of the sands and gravels; test pits were done by him and the health department. Regarding the soils to the rear, Mr. Ott stated that he does not think that the movement of water through these soils will be rapid, if anyone were out in the field and observed these soils. For types of fill, stone materials have to be carefully chosen; it is a mixture of topsoil, leaf compost and sand, Mr. Ott stated, adding that they neglected to put that in the report, but he wanted it on the record. It is at the adequate depth, according to Mr. Ott. Chairman Freidenburg called on Mr. Hosley, who stated that, for the record, in his lifetime, he did walk the property without direction and he did not realize the tennis courts were not a part of the property. Mr. Hosley also stated that they did not assume anything, when they were investigating the blasting. Chairman Freidenburg stated that at this point there have been insinuations about trespassing, but this board does not deal with that—let’s stick to the wetlands issue, she stated. Mr. Ainsworth stated that Mr. Ott provided new information, and then he asked if Mr. Ott had done a sieve test. Mr. Ainsworth stated that he cannot respond to new information or to something for which he has no evidence. The 2018 appellate court case does apply to this application; a feasible and prudent alternative has to be presented; it is mandated, Mr. Ainsworth stated. There are multiple reasons why this application will have impact on the wetlands; this application should be denied, or done right, so that it has no impacts on the wetlands, Mr. Ainsworth stated. Mr. Anderson stated that if the agency has questions, take those, and then close the public hearing. Commissioner C. Thomas Paul stated that he is disappointed in dealing with the community garden; the use of organic fertilizers and pesticides can directly have an adverse effect on that wetland, even though it is not directly on the proposed development property.

Commissioner Schumacher made the motion to close the public hearing on 21-03. 856 Boston Post Road; it was seconded by Commissioner John Mathieu and unanimously
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approved.

Vote to close the 856 Boston Post Road public hearing passed, 6-0-0.

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

OPPOSED: None.

ABSTAINED: None.

Commissioners need to figure out where they are at, in terms of the impacts on the wetlands, according to Chairman Freidenburg, who opened the discussion.

There is one task, and that, in a common sense way, is to limit the impact on two off-site wetlands, according to Vice Chairman Budrow, who stated that he thinks the project is designed so that there will not be adverse impact on those wetlands, with these plans. He stated that he does want the curbing installed. There will be plenty of opportunities for the town engineer to ensure that the designs are followed, and the special exception process will tighten the ship, Vice Chairman Budrow stated. In the special exception process, he suggested that the garden plans be hit hard with conditions, to prevent water from hitting adjacent property. Commissioner Newton stated that Mr. McKeon gave a good summary, and he stated that he was impressed with Mr. Hosley—he knows his blasting. The septic system is over 400 to 500 feet away from the wetlands, Commissioner Newton stated, adding that he thinks the wetlands are going to be fine with this project going on. Commissioner Paul stated that his concern is the garden and that it should have only organic fertilizers and no pesticides. Commissioner Mathieu stated that there is no way that can be enforced; that is one of the problems. Chairman Freidenburg stated that it is unclear if there will be a homeowners association. Vice Chairman Budrow stated that regarding providing feasible alternatives, zoning allows five or six units on the property, so the applicant has that going for them. Vice Chairman Budrow stated that he is not a fan of the blasting, and he wishes the neighbors had put that wetlands on a map, when they delineated it. Chairman Freidenburg stated that she does not think a good point was made with organic versus non organic. In addition, the storm water management plan has a detailed maintenance plan, and it is a critical feature of storm water management, according to Chairman Freidenburg.

Vice Chairman Budrow made the motion to approve application 21-03. 856 Boston Post Road for the two new buildings and property, with the conditions that regular maintenance of infiltrations take place (twice a year), that there be curbing to ensure proper flow of water, and that there be a rain garden or a depression to keep water in the garden area. The motion was seconded by Commissioner Newton, and it passed.

There is not an engineering plan for a rain garden or a depression, but they will have to come up with that, Chairman Freidenburg stated.

Vote to approve 21-03. 856 Boston Post Road, with conditions, passed, 5-0-1.

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

OPPOSED: None.

ABSTAINED: Commissioner Paul.

REGULAR MEETING AGENDA ITEMS:

PZC 21-08. 42 Pleasant View Avenue. Map 24 Lot 223. Owners/Applicants: John and Laura
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Hardy. Application for Lot line revision R-3 district. **Subdivision Referral.**

Michael Ott, licensed professional engineer and land surveyor, stated that this was approved and an additional lot was created; now the owners want to sell the additional lot, so the application is a lot line revision. Because there is wetlands on the lot, Mr. De Laura and Mr. Anderson thought it should go before the Inland Wetlands and Watercourses Agency, according to Mr. Ott. It shifts the lot line 12 feet, he stated. Mr. Ott shared the plans; the applicants want to put the house on high ground; he suspects that this will return to the inland wetlands agency as an application for grading. No vote is needed on this, according to Chairman Freidenburg.

Remarks: Inland Wetlands Chairman ~ No report.
Inland Wetlands Officer ~ No report.

Adjournment:

There was no other business that came before the agency, so Chairman Freidenburg closed the meeting at 10:12 p.m.

Respectfully Submitted,
Marlene H. Kennedy
Clerk