

Inland Wetlands and Watercourses Agency

Monday, June 5, 2023 at 7:00 PM

Meeting Held Virtually via Zoom Webinar

MINUTES

VIRTUAL MEETING INFORMATION

[Zoom Link](#)

Webinar ID: 997 6478 2100

Password: 954207

CALL TO ORDER

MEMBERS PRESENT: Vice Chairman Joseph Budrow, Anna Loss, Martin Brogie and Lee Schumacher

MEMBERS ABSENT: Chairman Kealoha Freidenburg, Tom Clancy, Secretary Robert Zdon

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

VC Budrow called the meeting to order at 7:04p.m.

SHOW-CAUSE HEARING

- 1. Town of Madison-Horsepond Road, within Town ROW in front of 103 and 107 Horsepond Rd-** Storm drainage pipe damage and erosion/sedimentation from storm events within watercourse and 100ft upland review area of an inland wetland.

Present at the meeting – John Iennaco, Director of Public Works and Town Engineer.

Mrs. Mannix gave an overview of the damage by stating there's a watercourse on Horsepond Rd with a culvert that outlets to the south side of Horsepond. Due to storm damage, water runoff washed the embankment into the water course, which caused the pipe to disconnect, also causing a lot of sediment to end up in the watercourse. Because the embankment is eroding, it's starting to damage the road, and it's now at the point where repair is needed immediately. So, rather than moving forward in a regulatory process with permits and a waiting period of over several months. Mrs. Mannix states per section 6.3 of the agency's regulations, deposition of materials within a water course is a regulated activity; therefore, they have the ability to look at this damage as violation of this section of regulations, and can order mitigation. She states this is the expedited way to get this situation mitigated. A formal notice was issued to Mr. Iennaco indicating that the town is required to install any necessary temporary stabilization measures to prevent further erosion and to develop and submit a mitigation plan to restore the subject area to pre-storm

damage conditions.

Mr. Iennaco showed pictures of the damage and reviewed the plan for repair which will be completed by the public works department. He states the plan is not only to replace the end section that fell, but the entire pipe all the way back to the catch basin on the other side of the road, which will be done in sections.

Commissioner Brogie asked if a catch basin could be installed on the other side of the road to avoid any overflow altogether. Mr. Iennaco states there's quite a length of uncurbed roadway which would change the flow; furthermore, surveys and a thorough design process would have to be done in order to install another catch basin. Per Mrs. Mannix, this could be something down the road if the adjustments and grade work does not address the runoff, and there are further erosion problems. But at this point, the mitigation order is to restore to pre-storm conditions.

After discussions, agency members agreed to leave the order in place, with a completion date by mid-August.

PUBLIC HEARING

2. **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

The public hearing notice was read as published by the town planner.

Mrs. Mannix states the agency hired a third-party environmental professional to review the application- Davison Environmental.

Present for the hearing – George Logan, soil scientist; Matt Davison; Will Walter, Civil Engineer at Benesch; Bill McMinn, Director of Facilities; Graham Curtis, Chairman of the New Elementary School Building Committee.

Commissioner Brogie disclosed that he has professional relationships with the applicant's engineer and consultant, but feels he is able to provide an objective viewpoint for this application.

Per Mrs. Mannix, the hearing will be left open tonight and go to the July meeting to give Matt Davison time to provide a detailed response by the next hearing date.

Mr. Curtis gave a brief overview / introduction – he states that the Board of Education has been working on a 4-school model for over 10 years, the project was approved last February at referendum, and they've been working on the design phase up until this point. He further states that at the start of the project they expressed a desire to make sure that the septic system protected the wetlands as much as possible. They have also worked with the Madison Land Trust to provide a dedicated parcel separating their parcel from the High School, and to simplify their permitting process with the State. Furthermore, they are looking forward to working collaboratively with the Land Trust and volunteers from the High School on developing pollinator garden areas.

Mr. Walter, professional engineer for the project, reviewed the site plan and explained the design of the site, and its stormwater design. As for utilities on site, there is no public water, so they are planning on extending the public main about a half mile. There is no natural gas, as they are providing a geothermal well field. After reviewing the septic system, Mr. Walter states the Madison Health Department has completed their review and the application has gone to the Department of Public Health for further review and approval.

Mr. Logan, a professional wetland scientist, gave an overview of the wetlands on site and also submitted a wetland's assessment and summary of findings for the record (which was also shared and reviewed for the agency). After reviewing the resources and potential impacts of the wetlands, Mr. Logan states there are no direct impacts and the indirect impacts are minimal. The wetlands would continue to function in similar levels as they functioned under existing conditions.

After presentations, agency members asked questions.

Commissioner Brogie asked about the depth of the groundwater at the western end of the site to where the septic leaching fields are going? Mr. Walter responded 3 ½ ft to 4 ½ ft and the design of the septic system was based upon the most restrictive results from the test pits. Commissioner Brogie asked if the engineer developed a sub-watershed map for the predevelopment and post? To Mr. Logan, he asked about his observations in the field and to confirm if there were any flood plain soils located in the lower field areas. Lastly, Commissioner Brogie asked about custodial cleaning products and what chemicals are typically used in schools. Per Mr. McMinn, the school district uses green products for school maintenance and has made that a part of the program permanently.

Mr. Davison states he has reviewed all the materials that have been submitted and will assist the agency in submitting a letter to address questions and comments from the presentation. Lastly, he asked a few questions about the catch basins on the north-west side and its discharge to the level spreader next to the wetlands?

After further discussions, the meeting was opened to the public. There were no public comments.

Commissioner Brogie made the motion to continue the hearing to the July 10th meeting. Seconded by Commissioner Schumacher and unanimously approved.

REGULAR MEETING

- 3. 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**

Present for the hearing – George Logan, wetland scientist; Will Walter, Civil Engineer at Benesch; Bill McMinn, Director of Facilities; Graham Curtis, Chairman of the New Elementary School Building Committee.

Mr. Walter states they are extending the watermain from Green Hill Rd to the new elementary school's proposed site on Mungertown Rd, which requires a crossing of the Neck River - two reinforced concrete abutments will be constructed adjacent to the existing concrete wingwalls of the bridge and the abutments will be located in the upland area. . He reviewed the plan for the site and further stated there's very little

disturbance, and disturbance is completely outside of the wetlands on both sides. He reviewed the construction sequence / process for the agency. The design was also reviewed and discussed with CT water company.

After further discussions, the following draft resolution was shared:

VOTED that the Madison Inland Wetlands Agency approve application #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 as shown on a set of plans entitled, "Water Main Extension, New PK-5 Elementary School Mungertown Rd, Madison CT" sheets C5 and C5.3, dated 3/6/23 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 submit a revised site plan showing that E&S controls are outside the upland review area.

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 23-33, with the 3 conditions in the draft resolution. Seconded by Commissioner Loss and unanimously approved.

4. **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

Present on behalf of the applicant – Todd Anderson.

The applicant is proposing a three-lot subdivision of roughly 5.7 acres of undeveloped land. The properties will be accessed by three separate driveways off Opening Hill Rd. Mr. Anderson states there's a small depression in the middle of the land that is a potential vernal pool and the wetlands were marked by Richard Snarski. The area was inspected 3 times; March 31, April 5 and April 7, 2023, with the initial delineation on December 7, 2021. He states at the time of the inspections, (checking the vernal pool to see whether there were any species), Mr. Snarski did not find any. However, one of the agency members on the site walk did find tadpoles in that pool.

The applicant is also proposing a fee-in-lieu of open space dedication and will be going before the planning & zoning commission. Furthermore, site development of parcels 2 and 3 would require regulated permit activities and would come before the agency for further approval.

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

VOTED that the Madison Inland Wetlands Agency favorably recommend application **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 as shown on site development plan entitled, "Site Development Plan, AG Rowley Trust, et als Property" Opening Hill Rd & Kachina Way, Madison, CT by Anderson Engineering & Surveying Associates dated April 27, 2023 with the following condition:

1. The applicant shall return to the Agency for regulated activity permits for lots 2 and 3 prior to any site disturbance.
2. That the agency sees the concept to ensure protection of the wetlands; that the agency is encouraging low impact development on the properties and also encouraging another review of the wetlands.

Commissioner Loss made the motion to approve application 23-35 as reviewed in the resolution. Seconded by Commissioner Brogie and unanimously approved

5. **23-36. 53 Copse Rd.**, Map 37, Lot 24, Owner Applicant: Kieran & Kelly Doherty, Applicant: Kieran & Kelly Doherty; Regulated Activity Permit to demolish existing barn and install a pre-built 576 sq ft garage within 100 ft upland review area.

Present for the application – Kieran and Kelly Doherty.

The applicant is proposing to demolish an existing 1,333 sqft barn and install a prebuilt 576 sqft 35 feet from the wetlands and within a 100ft upland review area. Mr. Doherty states a survey of the property was completed along with the wetland delineation. The applicants confirmed that they are not removing any vegetation on the site. They will simply remove the barn and make the area grass. Commissioner Brogie asked about demolition of the barn; Mr. Doherty states the bottom of the barn is all rotted out and its life has come to an end and it is now a safety hazard.

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

VOTED that the Madison Inland Wetlands Agency approve application #23-36. 53 Copse Rd., Map 37, Lot 24, Owner Applicant: Kieran & Kelly Doherty, Applicant: Kieran & Kelly Doherty; Regulated Activity Permit to demolish and removing existing barn and installing a pre-built garage. Existing barn 1,333 sqft. Proposed pre-built garage will be 576 sqft. Existing barn encroaches on side yard setbacks and is 15ft from wetlands. Proposed pre-built garage will be well within side yard setbacks and 35ft from nearest wetland within 100 ft upland review area.

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 installation, 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. Existing limits of lawn shall not be expanded without further approval by the Agency.

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 #23-36 as presented in the resolution. Seconded by Commissioner Loss and unanimously approved.

6. **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 **(Table to July 10, 2023)**

VC Budrow made the motion to table application # 23-20 to the July 10, 2023 meeting. Seconded by Commissioner Schumacher and unanimously approved.

7. **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 **(Table to July 10, 2023)**

VC Budrow made the motion to table application # 23-12 to the July 10, 2023 meeting. Seconded by Commissioner Schumacher and unanimously approved.

RECEIPTS

8. **23-39. Long Shore Ln.**, Map 25, Lot 74-1, Owner: Lili Foggle Applicant: John Paul Garcia – John Paul Garcia Associates; Regulated Activity Application to restore a disturbed area to a pre-disturbance condition and allow construction of a 10' wide trail for the purpose of maintaining and accessing property that is land locked. within 100ft upland review area.

Mrs. Mannix states this application includes both a tidal component and an Inland wetland component; there's also a coastal site plan pending with the planning and zoning commission. She further states this application assumes a significant activity because there's a direct impact to the inland wetlands and asked the agency if there was any need for a third-party review.

During discussions, John Paul Garcia, a licensed professional engineer, joined the meeting to give a brief overview of the application.

The agency agreed to a site walk date of June 17th.

Commissioner Brogie made the motion to schedule the site walk for June 17, 2023. Seconded by Commissioner Schumacher and unanimously approved.

Per Mrs. Mannix, this application will be added to the discussion for the next meeting to determine if this would be considered a significant activity.

9. **23-40. 8 West Wharf Rd.**, Map 26, Lot 5, Owner: Madison Country Club Applicant: Madison Country Club; Regulated Activity to replace existing golf course irrigation system within 100ft upland review area and across a watercourse

VC Budrow made the motion to schedule a site walk for June 17, 2023 and to add this application to the discussion at the July 10, 2023 meeting. Seconded by Commissioner Schumacher and unanimously approved.

VIOLATIONS

10. **144 Neck Rd. Map 24, Lot 1.** Owner: Patrick & Brian H. & Rita Boutilier-Clearing of trees/vegetation and deposition of material (wood chips) within 100ft upland review area of inland wetland and watercourse without regulated activity approval. ***(Request for modification of corrective action order)***

Present – Bob Russo, Certified soil scientist.

Mrs. Mannix states the agency dealt with a corrective action order for 144 Neck Road, where there was a restoration planting and a condition or a directive placed by the agency for the planting of 15-foot-tall shade trees in the area. She states the property owner is requesting a modification of this corrective action order.

Mr. Russo states there was a provision made for planting 15 foot tall trees, red maples, presumably on the site as compensation for the impacts that occurred on the site. He states that is not a prudent idea and reviewed the reasons for that. A report was also shared for the agency

highlighting some of those reasons. Mr. Russo reported that the planting of 15ft tall trees on the site is impractical due to the potential mortality associated with transplanting older trees. Planting 15ft tall trees is impractical due to their height and need for stabilization of the root ball. The soils on the site have a high percentage of organic matter and lack the structure to stabilize the root ball of a 15ft tree prepared for transplant. The owner proposes to use The Pond and Lake Connection company to do Phragmites control on the site for 3 years.

After discussions, the recommendation was modified to 8 - 5 to 7-foot trees at the end of the buffer between the upland and the wetlands; to implement a phragmites management control plan and to include annual reports on phragmites and the survivorship of the planted maples. It was noted that the planting of the trees in the area of the clearing would be left to the discretion of Bob Russo as to where it would be most beneficial.

VC Budrow made the motion to approve the modification as discussed. Seconded by Commissioner Schumacher and unanimously approved.

SECTION 13

11. **23-38 31 Birch Lane**, Map 59, Lot 60 Owner: Sarah Seneca Residential Services, Inc, Applicant: Sarah Seneca Residential Services, Inc, Replacement of existing shed to 8x14 within 100ft upland review area

Approved as Section 13; replacement was in-kind.

APPROVAL OF MINUTES

[April 3, 2023](#)

Per VC Budrow, Guilford was spelled incorrectly on page 6.

Commissioner Schumacher made the motion to approve the minutes of April 3, 2023 as amended. Seconded by Commissioner Brogie and unanimously approved.

[May 1, 2023](#)

Per VC Budrow, he did not vote on agenda item # 4.

Commissioner Schumacher made the motion to approve the minutes of May 1, 2023 as amended. Seconded by VC Budrow and unanimously approved with one abstention from Commissioner Brogie.

[May 13, 2023](#)

Tabled to July 10, 2023 meeting

12. [April 3, 2023](#)

13. [May 1, 2023](#)

14. [May 13, 2023](#)

REMARKS

15. Inland Wetlands Chair Remarks

None.

16. Inland Wetlands Agent Remarks

None.

ADJOURNMENT

The meeting of the Inland Wetlands and Watercourses Agency adjourned at 10:32pm.