

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

Aug. 2, 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, Aug. 2, 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, Secretary Robert Zdon, C. Thomas Paul, John Mathieu, and Lee Schumacher.

MEMBERS ABSENT: Vice Chairman Joseph Budrow and Commissioner David Newton.

OTHERS PRESENT: John De Laura (Zoning Enforcement Officer/Inland Wetlands Officer) and Maria Pettola (Land Use Staff).

Chairman Kealoha Freidenburg opened the meeting at 7:05 p.m.

REGULAR MEETING AGENDA ITEM:

14-13 MOD: Neck Road. Map 12, Lot 103. Owner: Jan Sola Walzer; Applicant: Jan Sola Walzer. Modification of previously approved Regulated Activity Permit #14-13, purpose of modification is to relocate Right of Way across Lot 1 for the benefit of Lot 2 in the Estate of Frances M. Nugent Subdivision, Neck Road.

Chairman Freidenburg stated that the agency received this last month and Commissioners Lee Schumacher, Joseph Budrow and she did a site walk. The Inland Wetlands and Watercourses Agency can act on this, tonight, she stated. David Etzel described the modification as providing a way to move the right of way across to Lot 1, to make it sit further from the house, and in talking to the civil engineer, this design is respectful of the inland wetlands, while also giving a better orientation to the house, making it more attractive. The modification allows for a graceful “S” curve in and out of the site, according to Mr. Etzel. Chairman Freidenburg stated that the proposed line is not that far away from the non disturbance line, and she asked if it could be moved further south; the proposed right of way really does hug the non disturbance line. Mr. Etzel stated that he really does not know how to answer that—they are not seeking forgiveness of the non disturbance line. Chairman Freidenburg stated that the agency has received a letter from Conservation Commission Chairman Heather Crawford, recommending that the area between the proposed right of way and the non disturbance line, which is a distance of four to five feet, be planted with no mow and native grasses, allowing for the removal of invasive species. When a right of way is put that close to a non disturbance line, a split rail fence should be installed to mark it, because with regular use of the right of way, it would be easy to encroach on the non disturbance line, according to Chairman Freidenburg. It is an important inland wetlands to protect, she stated. The letter from Chairman Crawford was shared, and Mr. Etzel asked if it could also be emailed to him, which was agreed upon. Native grasses would provide a buffer; it is in a regulated area, so this would be additional protection, according to Chairman Freidenburg. Mr. Etzel inquired as to the possibility of the Inland Wetlands and Watercourses Agency

approving the modification with two property entrances to Lot 2, because those property owners had to still hear from their architect, as to the better entryway. After much discussion on this question, it was resolved that the Inland Wetlands and Watercourses Agency would only be able to act on the current application, and if anyone wanted to make any changes, they would have to return to the agency with another application for approval. In discussing the condition to be placed on approving the modification application, Chairman Freidenburg stated that there could be twice a year mowing, once in the fall and once in the spring, and only native species could be planted between the edge of the right of way and the non disturbance line. The 50-foot non disturbance line was established in 2014.

Commissioner Lee Schumacher made the motion to approve 14-13 modification, Neck Road, with the conditions of no mow and native grasses and species being planted and placed as a buffer between the edge of the right of way and the non disturbance line, while also removing invasive species, mowing twice a year, in the fall and spring, and maintaining the distances on the drawings presented in the application; that motion was seconded by Commissioner John Mathieu and unanimously approved.

Vote to approve 14-13 modification, Neck Road, with conditions passed 5-0-0.

IN FAVOR: Chairman Freidenburg, Secretary Robert Zdon and Commissioners Schumacher, Mathieu, and C. Thomas Paul.

OPPOSED: None.

ABSTAINED: None.

RECEIPT ONLY:

21-21: 301 Boston Post Road. Map 36, Lot 14. Owner/Applicant: Albert & Tatiana Rojas. Regulated Activity Permit for proposed single family home. Proposed house, well, septic tank, pump chamber and portions of driveway will be within 100' of wetland review area; proposed leaching fields will be located outside 100' wetland review area. Main portion of driveway from Boston Post Road to home site is existing.

Chuck Mandel, representing the applicant, stated that prior approvals received two extensions, and now there is an active permit that expires in September, and no other extension can be granted. The difference between this application and the earlier approved application is that this plan is better, because it moves the septic system 130 feet from the wetlands, instead of the originally approved 90 feet from wetlands, according to Mr. Mandel. He asked the agency to consider allowing Inland Wetlands Officer John De Laura to approve this application as a Section 13, rather than receiving it, then acting on it in September. Mr. De Laura read the Inland Wetlands and Watercourse Agency Regulations relative to this application; he also stated that construction would have to be completed by the September 2021 extension date. Whether to receive the application or allow the Inland Wetlands Officer to approve it as a Section 13, is in the agency's discretion, according to Mr. De Laura. Chairman Freidenburg asked the commissioners what they would like to do, and all were in favor of it becoming a Section 13 approval.

Secretary Zdon made the motion to allow application 21-21, 301 Boston Post Road, to be placed with the Inland Wetlands Officer, so it may be acted on by the officer as a Section 13 approval; it was seconded by Commissioner Schumacher and unanimously approved.

Vote to allow 21-21 to become a Section 13 approval passed, 5-0-0.

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IN FAVOR: Chairman Freidenburg, Secretary Zdon, and Commissioners Schumacher, Mathieu, and Paul.

OPPOSED: None.

ABSTAINED: None.

21-22: 33, 54 and 47 Heatherwood Drive. Map 124, 15, 16, 27 & 28. Owner/Applicant: Town of Madison, Public Works Department. Regulated Activity Permit for replacement of the Heatherwood Drive bridge over Camp Laurelwood Brook.

Professional Engineer Shelley Plude stated that she could share the plans and give any information that may be needed. The work is near the intersection of Concord Drive; there will be state and federal permits received from the state Department of Energy and Environmental Protection (DEEP) and the federal Army Corps of Engineers. The bridge is currently an impediment to fish; plans are to replace the bridge and make minor drainage improvements, as well as fix erosion issues. Once completed, there will be a 28-foot single, clear span. Temporary measures during construction include bypass pipes to control flows. Overall, it will be a much more natural water crossing than what is currently there, and the channel will be opened up more, according to Ms. Plude. The entire project is in the Inland Wetlands and Watercourses Agency upland review area. Temporary sandbags will be installed to contain water during construction. During a 100 year flood, the water will go under the bridge, providing a much better performance than what is currently on site, according to Ms. Plude. Parcels near the bridge include town land and three private property owners; the state Department of Transportation will compensate for easements, she stated. Work is expected to start in April or May and would last six months. This is a tributary to critical water sources, according to Ms. Plude.

Commissioner Schumacher made the motion to receive application 21-22 and discuss it next month; it was seconded by Commissioner Paul and unanimously approved.

Vote to receive 21-22 passed, 5-0-0.

IN FAVOR: Chairman Freidenburg, Secretary Zdon, and Commissioners Schumacher, Mathieu, and Paul.

OPPOSED: None.

ABSTAINED: None.

SECTION 13 APPROVALS: None.

Approval of Minutes ~ Regular Meeting Minutes: July 12, 2021. Site Walk Minutes: July 17, 2021.

Chairman Freidenburg made the motion to approve the July 12, 2021 minutes, as submitted; it was seconded by Commissioner Schumacher and approved.

Vote to accept the minutes of July 12, 2021, as submitted, passed, 3-0-2.

IN FAVOR: Chairman Freidenburg and Commissioners Schumacher and Mathieu.

OPPOSED: None.

ABSTAINED: Secretary Zdon and Commissioner Paul.

Chairman Freidenburg made the motion to approve the July 17, 2021 minutes, as amended, correcting all typos and incorrect spellings of names; it was seconded by
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Commissioner Schumacher and approved.

Vote to accept the minutes of July 17, 2021, as amended, passed, 2-0-3.

IN FAVOR: Chairman Freidenburg and Commissioner Schumacher.

OPPOSED: None.

ABSTAINED: Secretary Zdon and Commissioners Paul and Mathieu.

Remarks: Inland Wetlands Chairman ~ Chairman Freidenburg asked whether Zoom meetings would continue. Inland Wetlands Officer John De Laura stated that the health director is expected to issue an update on Wednesday, and it appears that there will possibly be more Zoom meetings for another month. Chairman Freidenburg stated that the commission will continue with Zoom meetings.

Inland Wetlands Officer ~ John De Laura stated that two wetlands violations have been issued at properties on Strawberry and Green Hill Roads. At Strawberry, the cutting and clearing has stopped, and remediation efforts have been made clear; at Green Hill Road, an arborist with a landscaping company cut down 20 trees, all in wetlands, and the property owner is devastated, according to Mr. De Laura. That property owner has since hired his own arborist, with hopes of rectifying the situation. Chairman Freidenburg stated that hopefully the commissioners will talk about the violations at the agency's next meeting; she asked them to visit the sites beforehand. Mr. De Laura stated that he will send copies of the violation letters and photographs to the commissioners. Mr. De Laura announced that this is Commissioner Paul's last meeting, because he will be moving. Chairman Freidenburg thanked him for his years of service.

Adjournment

Secretary Zdon made the motion to adjourn at 8:34 p.m.; it was seconded by Commissioner Paul and unanimously approved.

Vote to adjourn at 8:34 p.m., passed, 5-0-0

IN FAVOR: Chairman Freidenburg, Secretary Zdon, and Commissioners Paul, Schumacher, and Mathieu.

OPPOSED: None.

ABSTAINED: None.

Respectfully Submitted,
Marlene H. Kennedy
Clerk