

Inland Wetlands and Watercourses Agency

Monday, August 7, 2023 at 7:00 PM

HYBRID MEETING: Town Campus, Room A & Via Zoom Webinar

MINUTES

VIRTUAL MEETING INFORMATION

Webinar ID: 997 6478 2100

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PUBLIC HEARING(S)

MEMBERS PRESENT: Chair Kealoha Freidenburg, Vice Chair Joseph Budrow, , Anna Loss, and Lee Schumacher

MEMBERS ABSENT: Secretary Robert Zdon, Tom Clancy and Martin Brogie

OTHERS PRESENT: Erin Mannix, Town Planner and agent for Madison Inland Wetland and Watercourse Agency; Maria Pettola, Land Use Official

Chair Freidenburg called the meeting to order at 7:00pm.

1. **23-39. Long Shore Ln.**, Map 25, Lot 74-1, Owner: Lili Fogle 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. ***(Table to 9/11/23)***

VC Budrow made the motion to table application 23-39. Long Shore Ln to the 09/11/23 meeting. Seconded by Commissioner Schumacher and unanimously approved.

2. **23-44. 128 Chittenden Field Ln**, Map 13, Lot 108, Owner: Douglas & Kathy Chittenden; Applicant: Gulick & Co., LLC: Regulated Activity; Construction of detached accessory structure with living space within inland wetland and upland review area. This project also includes installation of underground utilities to the building and removal of existing shed foundation & debris from within the wetlands within 100ft upland review area. ***(Proposal modified, request to remove significant activity designation)***

Present – Travis Gulick on behalf of the applicant and Michael Harkin, professional engineer. Per Mrs. Mannix, this application at the agency's last meeting was deemed to be a significant activity because it was located within the boundary of the inland wetlands and since that time they have

received a revised application and a revised site plan, that shows the detached structure closer to the east. The applicant is seeking reconsideration as to whether or not the agency will look at this revised location and no longer deem it a significant activity. The revised plan dated 07.18.23 was shown and reviewed by Mr. Harkin for the agency.

Per Chair Freidenburg, note 5 on the plan, highlights the additional area within the inland wetland boundary that calls out for the removal of debris and existing foundation and asks what does that entail? Per Mr. Harkin, all work will be done by hand and no machines will be used to pullout the material.

After further discussions, Chair Freidenburg made the motion that application 23-44. 128 Chittenden Field Ln be no longer deemed a significant activity. Seconded by VC Budrow and unanimously approved.

For the next regular meeting, Commissioner Loss asked for a step by step restoration process of the work to be done. Per Mr. Harkin, a construction sequence would be created.

3. **23-46. 47 Deepwood Drive.**, Map 115, Lot 89, Owner/Applicant: Tyler Disbrow, Regulated Activity, Installation of a 21ft round above ground pool within inland wetland. ***(Proposal modified, request to remove significant activity designation)***

Present – Tyler Disbrow. Per Mrs. Mannix, since the last meeting, the applicant has relocated the above aboveground pool. The homeowner amended the drawing, drew to scale and measured where the field delineated inland flags were (the delineation was done by Rich Snarski). The alternate location is on the side of the patio area outside of the inland wetland line, although adjacent to the inland line.

A site plan was then reviewed for the agency.

Per Mrs. Mannix, there is no detail in the plan showing any limits of disturbance or erosion control. Agency members agreed that more information is needed on exactly what is happening with the controls.

After reviewing the significant activity regulations, **Chair Freidenburg made the motion that application, 23-46. 47 Deepwood Drive no longer be deemed a significant activity given the new location of the proposed pool. Seconded by Commissioner Loss and unanimously approved.**

It was noted that there are still concerns as the pool is still close to the wetland. Agency members agreed that more information is needed about the proposed disturbance. Also, what are the erosion control measures during the installation process? Agency members also agreed a site walk is not needed but asked that the applicant submit photos of the yard and an updated site plan.

REGULAR MEETING

4. **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

Present – Attorney Chris McKeon, Professional Engineer, Michael Harkin and David Milano rep for the applicant. Per Mr. McKeon, since the July meeting, Mr. Harkin has completed new drainage calculations and an analysis of the modifications which has been reviewed by the town planner as well as the town engineer. Mr. Harkin then detailed all that information along with drawings and reports that were submitted. The submission included an improvement survey by Anderson Engineering & Surveying Associates and several sheets from Harkin Engineering highlighting approved vs constructed/proposed conditions such as the original building vs. as built plan of the detention basin overlay, plan of storm drainage and grading. Additionally, Mr. Harkin conducted an analysis of the stormwater system and determined that there was no negligible impact on the stormwater system.

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

VOTED that the Madison Inland Wetlands Agency approve application **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; Regulated Activity Permit for proposed and after-the-fact modifications made to previously approved commercial building and associated site improvements within 100ft upland review area as detailed in application documents and site development plan entitled, “Site Plan Modification, Madison Small Business Park”, Fort Path Road, prepared for Milano Properties, LLC, dated June 29, 2018 revised to May 1, 2023 with the following conditions:

1. All original permit conditions of application #17-11 remain in effect.
2. The Inland Wetland Agency’s agent shall be notified at least 48 hours prior to commencement of any regulated activity.
3. 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.
4. Prior to completion of project, the applicant shall submit final improvement survey for the entire development showing all structures, parking areas, landscape islands, and stormwater system.
5. The applicant shall maintain stormwater system, rain garden, in accordance with design engineer’s guidelines.
6. The applicant shall submit verification from a CT licensed engineer that the stormwater management system was constructed in accordance with the approved design plans. This submittal shall be completed prior to the applicant’s request for a Certificate of Occupancy.

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 # 23-12 175 Fort Path Rd with the conditions as outlined in the staff memo dated 08/07/23. Seconded by Chair Freidenburg and unanimously approved.

5. **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

Chair Freidenburg states the public hearing was closed at the last meeting and the agency moved on to discussing conditions. Per Mrs. Mannix, general comments during deliberations included geothermal well construction; stormwater maintenance plan to be updated, including, the inserts that would go into the catch basins; updating the level spreader outlet to incorporate some type of emergent plantings; and the general construction sweeping of the site prior to any construction activities.

The following draft resolution was shared for the agency:

The Madison Inland Wetlands and Watercourses Agency authorizes the regulated activity, as shown within application materials with the following conditions of approval to minimize impacts associated with the proposed regulated activity and protect the inland wetlands and watercourses on this site:

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.
3. 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.

4. An independent erosion and sedimentation control expert shall be retained by the applicant to monitor controls on site and conduct inspections at least once a week and within twenty-four hours of the end of a storm event with a rainfall amount of one inch or greater. This shall include all construction activities as well as geothermal well construction. A report shall be submitted to the Agency's agent within two business days after each inspection. The report shall provide the following information:
 - Date of inspection
 - Amount of rainfall
 - Report of any problems
 - List of action items
 - Resolution of action items

The applicant shall provide the name and contact information of this expert to the Agency's Agent.

5. The applicant shall amend the stormwater system to include emergent planting area at the outfall of the level spreader closest to possible vernal pool. Additionally, the subsurface detention system and stormwater basins shall be inspected by the design engineer during construction to verify consistency with the approved plans.
6. An as-built survey of the stormwater system components shall be submitted to the Agency with written verification from a CT licensed engineer that the system was constructed in accordance with the approved design plans. This submittal shall be completed prior to the applicant's request for a Certificate of Occupancy.
7. A condensed inspection and maintenance chart shall be prepared by the design engineer identifying the inspection, management and maintenance frequency required for each component of the stormwater treatment system, including catch basin inserts. This chart shall be submitted to the Agency's agent for review prior to the applicant's request for a Certificate of Occupancy.
8. A landscape maintenance plan shall be prepared by the design landscape architect for the various planted areas including the manicured lawn, no-mow lawn, upland buffer shrubs and trees, and any stormwater wetland vegetation. This plan shall be submitted to the Agency's Agent for review prior to the applicant's request for a Certificate of Occupancy.
9. The applicant shall note importance of turtle habitats in the area and follow and document compliance with DEEP guidelines for protecting species during construction activities. 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 the stormwater treatment system.
- b. The applicant has adopted alternatives into the design to enhance the quality of the inland wetlands and watercourse on site.
- c. Through the proposed landscape plan, the applicant has established a native vegetated buffer to protect inland wetland resources from direct and indirect impacts associated with adjacent land development.

Chair Freidenburg made the motion to approve application 23-11 Mungertown Rd in accordance with the 9 conditions and other details outlined in the draft resolution presented by town staff. 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

Present – Chuck Mandel, agent for the applicant; Lisa Cantley, applicant and Matt Vogt, contractor for the project from New England Aquatic Services.

Mr. Mandel states this project is for pond maintenance and a functions and values report was done and submitted by Bob Russo. He further states pond maintenance is done routinely by Matt's company in the tri-state area, removing excess vegetation. A picture of the site was shown to the agency along with a site plan that was reviewed by Mr. Mandel. Mr. Mandel continues to say that they are providing a turbidity curtain, with water flows underneath the driveway and a staging area will be to the west. He further states in the conclusion of Bob's report, there will be disturbance of wetlands and there will be removal of some native and some invasive species, but the overall effect would be for the good in regards to removing the invasives.

Mr. Vogt gave a full rundown of what the plan would be and how the equipment for the project will be used for maintenance of the pond. He states the disturbance is from being in the water and pulling out the material which will create some turbidity. However, they have a turbidity curtain at the outflow to block materials from going downstream as much as possible.

Chair Freidenburg states that by taking out the water lilies themselves, they are getting rid of a shading habitat or shading effect and asked if the lilies are aggressive growers and if they expect them to return? Mr. Vogt states the pond also gets its own shading effect just from nearby trees and what they are trying to do is to protect that pond from becoming just a lily pad habitat. So, by removing the roots, you will have some control and there's the potential that there will be some regrowth the following year.

Chair Freidenburg further states there's a lot of aquatic organisms that need emergent vegetation and taking it all out of the pond all at once takes away that habitat. She states the goals for the pond are not clear because if the goal is to keep it clean, then there will be constant disturbance or disruption to the wetland continually every 5 – 10 years. Mrs. Cantley states they have not done anything to the pond in the last 36 years and its growth is out of control and that this will be a one-time removal for them.

Commissioner Loss states there's a consistent habitat underneath and asked if the applicant is proposing any vegetation or plantings for restoration. Mr. Mandel states they are not proposing anything and to let nature regrow itself.

After discussions, it was noted that the agency needs additional information, such as a wildlife survey to be conducted within the pond, the life cycle impacts / ecosystem impacts on the species in the pond, an understanding of the downstream impacts should the turbidity curtain not function the way it should and recommendations for what might happen downstream? Lastly, what species are identified in the NDDB report.

Mrs. Mannix states the applicant would need to grant the agency an extension to the September meeting. Per Mr. Mandel, an email would be sent for the extension.

7. **23-37. 256 Bartlett Dr.**, Map 107, Lot 47. Owner/Applicant: Leanne and Thomas Lewis; Regulated activity permit to remove trees within and adjacent to inland wetland

Present for meeting Leanne and Thomas Lewis.

Per Mrs. Mannix, the applicants are proposing to remove approximately 9 trees within the upland review area and some on the edge of the wetland boundary. Some of the trees have broken limbs, some are rotted and some are leaning on other trees. She further states that the homeowners are worried about safety risks. Staff also performed a separate inspection on the property on August 3, 2023 and spoke again with the owner to verify the condition and location of the trees subject to removal. Michael Grigor, licensed arborist, also provided information to the agency regarding the condition of the trees. After discussions, it was recommended that three trees be planted along the inland wetland boundary.

The following resolution was shared for the agency:

VOTED that the Madison Inland Wetlands Agency approve application #23-37. 256 Bartlett Dr., Map 107, Lot 47. Owner/Applicant: Leanne and Thomas Lewis; Regulated activity permit to remove trees within and adjacent to inland wetland 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. All machinery and truck access shall be from the upland and best management practices shall be used during tree removal to reduce erosion or sedimentation impacts. Should conditions require, the applicant is responsible for installation of adequate erosion and sedimentation control measures in accordance with guidelines as established in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002.
3. All cut trees and brush material shall be removed from the property.
4. Any disturbed soils shall be immediately stabilized with seed and hay.
5. The applicant shall plant 3 wetland tolerant native trees along the inland wetland boundary at a minimum of 4" caliper

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 Loss made the motion to approve application #23 -37. 256 Bartlett Dr using the conditions outlined in the staff report dated 08/07/23. Seconded by Commissioner Schumacher and unanimously approved.

8. **23-43. 251 Boston Post Rd.**, Map 35, Lot 53, Owner/Applicant: My Four Boys, LLC; Regulated Activity application for proposed site modifications for new restaurant use including, outdoor seating area, installation of new septic system, parking lot expansion, driveway reconfiguration, shed relocation, and landscaping within 100ft upland review area.

Present for the meeting – Jeffrey Beatty, attorney; Chuck Mandel, surveyor and engineer and John Cunningham, landscape architect.

Per attorney Beatty, this is a plan development of the former Madison Winter Club site. The proposal includes site improvements such as installation of outdoor seating, new septic system, parking lot expansion, driveway reconfiguration, shed relocation, and landscaping within 100ft upland review area. Per Mr. Mandel, his client, is seeking a 150-seat restaurant and approval was received from the state health department for the septic system. He further states one of the concerns was stormwater mitigation which they originally had no plans for mitigation, but after speaking with staff, they are proposing to capture the increased impervious surface for the parking lot to the west of the existing driveway. He states they can capture enough stormwater to mitigate approximately 8800 square feet of impervious surfaces.

VC Budrow asked how many extra parking spaces are being added? Mr. Mandel states the total required is 44 spaces and they are providing almost 92 spaces. The Inland wetland boundary has been field delineated by Soil Scientist Michelle and a function-value report dated March 18, 2023 was submitted. For the removal of invasive species near the inland wetland proposed along the bank of the Neck River, it was agreed to leave that area as more damage or disturbance could occur while trying to remove the invasive.

Per Mrs. Mannix, her recommendation for the applicant is to review how to properly treat and infiltrate the storm water runoff – agency members agreed that more information is needed to better understand the storm water management. Mr. Mandel will continue to work with the

landscape architect, wetland scientist and return next month as the design team should coordinate landscape features so that all site improvements can be shown on the civil drawings.

RECEIPTS

9. **23-48. 31 Stony Lane**, Map 36, Lot 25-2; Owner/Applicant: Barberrry 12, LLC; Regulated Activity application to construct six (6) detached single family dwellings and associated site improvements within 100ft upland review area.

Per. Mrs. Mannix the application is incomplete as there's no inland wetland assessment or stormwater management plan.

Per the agency's application requirements, an application should contain such information as the agency deems necessary for a fair and informed determination of the issues and the agency shall inform the applicant of such necessary information.

It was agreed that at the next meeting, the agency will go through section 7 and determine what information is needed and request that information from the applicant.

After discussions, **Commissioner Lee made the motion to table application 23-48. 31 Stony Lane. Seconded by Chair Freidenburg and unanimously approved.**

10. **23-49. 24 Old Schoolhouse Road**, Map 63, Lot 18; Owner/Applicant: Kent E. Allen; Regulated Activity, Construction of a single-family residence and associated driveway, subsurface sewage disposal system, water supply well and building utility services within 100ft upland review area.

After discussions, **VC Budrow made the motion that application 23-49. 24 Old Schoolhouse Rd be considered a significant activity and scheduled for a public hearing in September and a site walk on August 19th. Seconded by Commissioner Loss and unanimously approved.**

11. **23-50. Wildwood Avenue Lot 3**, Map 54, Lot 21; Owner/Applicant: East River Woodlands, LLC, Site Plan Modification, to relocate septic system within 100ft upland review area.

VC Budrow made the motion to accept application 23-50. Wildwood Avenue Lot 3 and to schedule for the next regular meeting in September. Seconded by Chair Freidenburg and unanimously approved.

MINUTES

July 10, 2023 meeting – typo for item # 23-37- sidewalk should be site walk.

After discussions, the following motion was made:

Chair Freidenburg made the motion to approve the minutes of July 10, 2023 as amended and the July 15, 2023 walk meeting minutes as submitted. Seconded by Commissioner Loss and unanimously approved with one abstention from VC Budrow.

12. [July 10, 2023](#)

[July 15, 2023 Walk meeting](#)

REMARKS

13. Inland Wetlands Chair Remarks

None.

14. Inland Wetlands Agent Remarks

None.

ADJOURNMENT

Commissioner Schumacher made the motion to adjourn at 10:45Pm. Seconded by Chair Freidenburg and unanimously approved.