

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

Oct. 4, 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, Oct. 4, 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, Secretary Robert Zdon, John Mathieu, David Newton, and Lee Schumacher.

MEMBERS ABSENT: None.

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

Chairman Kealoha Freidenburg opened the meeting at 7:02 p.m.

REGULAR MEETING AGENDA ITEMS:

21-25. 66 Wildcat Springs Road. Map 74, Lot 9/48. Owners/Applicants: Kelly and Seth Matton. Regulated Activity Permit to install a 20 x 40 in ground pool and 12 x 20 pool house with paver patio and fence in a within a wetland review area.

This was received last month, and so it may be voted on, according to Chairman Freidenburg. A representative from Aquatic Pools visited the site and took measurements from the waters' edge of the pool to the closest flagged wetlands, which is 52 feet, and also from the corner of the pool house to the wetlands line, which was 51 feet, according to Kelly Matton, owner and applicant. Commissioner David Newton asked whether any trees will be removed, since it appears the swimming pool will have fall and spring leaf debris. Ms. Matton stated that none of the trees have to be removed. If any have to be removed, they would consist of two small, skinny trees, according to Ms. Matton. In the event that any trees have to be removed, the Inland Wetlands and Watercourses Agency would have to be notified, according to Chairman Freidenburg. There are no plans to remove any trees, but if that changes, the agency will be told, according to Ms. Matton. Chairman Freidenburg asked if all of the soil and erosion control measures will be in place, and Ms. Matton answered in the affirmative. Site plans and photographs were shown to the agency. The site does slope at the tree line, and Inland Wetlands Officer John De Laura stated that he will condition the permit to indicate that a silt fence must be placed at the tree line.

Commissioner Newton made the motion to approve application 21-25, 66 Wildcat Springs Road as submitted, with the conditions that a silt fence be placed at the tree line, that all of the soil and erosion control measures are in place, and that no trees be removed without an application to the Inland Wetlands and Watercourses Agency; it was seconded by Vice Chairman Joseph Budrow and unanimously approved.

Vote to approve 66 Wildcat Springs Road passed, 6-0-0.

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IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Robert Zdon, and Commissioners Newton, Lee Schumacher, and John Mathieu.

OPPOSED: None.

ABSTAINED: None.

21-27. 77 Joshua Trail. Map 123, Lot 50. Owners: Carol Ann and Jeremiah Long; Applicant: Jeremiah Long. Regulated Activity Permit to remove diseased and dying Beech Trees within a wetland review area. **RECEIPT**

In the absence of the applicants, Inland Wetlands Officer John De Laura spoke. The applicants want to remove 13 trees, two of which are in wetlands. Most of the trees are very close to wetlands, and some are beech, according to Mr. De Laura, who stated that a report is necessary from an arborist, to assess the trees, the damage to them, and to explain why they need to be taken down. It will benefit the homeowner to get this report for the Inland Wetlands and Watercourses Agency to review, he stated. Mr. De Laura, who walked the property with the homeowner, suggested that the homeowner also submit photographs of the trees to the agency.

Vice Chairman Budrow made the motion to continue application 21-27, 77 Joshua Trail, until the applicant is present, which means receipt is pushed off until next month; it was seconded by Commissioner Newton and unanimously approved.

Vote to continue 77 Joshua Trail passed, 6-0-0.

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

OPPOSED: None.

ABSTAINED: None.

21-29. 46B Beach Avenue. Map 24, Lot 217. Owner/Applicant: Bernard Lauzier. Regulated Activity Permit to remove damaged trees, brush, misc. junk, lawn seeding and installation of a vegetable garden within a wetland. **RECEIPT**

This is in response to a violation, Chairman Freidenburg stated. Professional Engineer and Land Surveyor James M. Pretti stated that the property owner, Bernard Lauzier, bought the property over a year ago, and it had been abandoned over seven years ago. The site had become very overgrown, and the property owner had cut down trees that had vines all over them, Mr. Pretti stated. Debris consisted of cut stone, gutters, pieces of pipe, broken tree pieces that were grown over, and there is a scar on the site, where the debris area was removed, Mr. Pretti stated. Plans were shown to the agency. The house is approximately in the middle of the site, and the view is to the south—smaller trees, not very old, and possibly planted by the former owner, were choked out by vines, according to Mr. Pretti. At the northern end of the site, there are a number of trees the property owner did not remove, and he had vines cut off of the trees to save them, Mr. Pretti stated. The property owner purchased winterberry to plant at the western edge, but they have not been planted yet, due to preferring to speak to the Inland Wetlands and Watercourses Agency, first, according to Mr. Pretti. At the eastern edge of the site, the property owner planted 30 different trees, some saplings, pines, and others, according to Mr. Pretti. Commissioner Schumacher asked what criteria the homeowner used to save some trees and remove others. The ones choked with vines and some that were broken were removed; healthy trees are still there, Mr. Pretti stated. The view is to the south, so the desire is to not have anything there, Mr. Pretti stated. Photos were shared with the agency. The property owner's plans are to seed the area and put in a vegetable garden, according to Mr. Pretti. All of the activity took place in the regulated

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activity area, Chairman Freidenburg stated. Mr. Pretti responded in the affirmative. Generally, the Inland Wetlands and Watercourses Agency does not encourage lawn up to wetlands; there are often other options, rather than grass, Chairman Freidenburg stated, adding that Mr. Pretti's client wants to seed the area and put in a vegetable garden. Secretary Zdon stated that normally the agency sees a plan showing the wetlands boundary and what will be done to remediate this. Verbally, the agency is hearing what they want to do, but normally, the agency asks for a restoration plan, Chairman Freidenburg stated. Inland Wetlands Officer John De Laura stated that he agrees with Secretary Zdon, and he stated that his suggestion would be a planting plan to restore; the application is credible. The commissioners are saying that just seeding is not enough, Commissioner Schumacher stated. The commissioners want to be more thoughtful as to what should be planted, according to Chairman Freidenburg. Secretary Zdon stated that Mr. Pretti should get together with Mr. De Laura for guidance, and then the applicant has to come back with some sort of plan showing the wetlands boundary, as well as the uplands. Mr. Pretti stated that he will call his wetlands scientist and have him suggest something that they can run by Mr. De Laura; within the next two weeks, he could have the wetlands map back to Mr. De Laura.

Commissioner Schumacher made the motion to receive application 21-29, 46B Beach Avenue and discuss it next month; it was seconded by Commissioner Newton and unanimously approved.

Vote to receive 46B Beach Avenue passed, 6-0-0.

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

OPPOSED: None.

ABSTAINED: None.

21-30. Wildwood Avenue. Map 54, Lot 21. Owners/Applicants: Hilary and Michael Delaney. Subdivision Referral to build a 3 lot subdivision. **RECEIPT**

This is a referral to the Planning and Zoning Commission for a subdivision; this probably would be received as an application, tonight, and heard on Nov. 1, stated Inland Wetlands Officer John De Laura. Professional Engineer James Galligan presented the plans for a three-lot subdivision, consisting of 10.7 acres, with Lot 1 a little over two acres, Lot 2, 5.5 acres, and Lot 3, 3.1 acres, and they will all be considered frontage lots. The property is on Wildwood Avenue, but the parcel will be accessed from Sheep Pasture Road, at the north end of the site, according to Mr. Galligan. There is a peninsula or a knoll in the middle of the parcel that divides the wetlands, and an upland area that separates the two. Lot 1 will be accessed from Sheep Pasture Road and Lot 2 and Lot 3 will be accessed by a common driveway; a gravel driveway is being proposed—there will be no pavement, Mr. Galligan stated. There will be no fill in the wetlands and no disturbance to the wetlands, but the knoll will be flattened to result in three flattened lots, according to Mr. Galligan. A landscaped buffer with native plants will buffer the driveway and the wetlands; on the west side of the parcel a sloped embankment will be created, into which significant plantings will be placed, to support the wildlife, according to Mr. Galligan. Soil erosion control plans were also presented; the parcel will be separated from the wetlands with silt fencing, and anti tracking pads will be in place, according to Mr. Galligan, who stated they are introducing the project to the agency and would like to receive input from the commissioners. Chairman Freidenburg asked whether the natural diversity data base map had been consulted, to determine whether the site exists near any. Mr. Galligan stated that they could recheck that. Restorative plantings will be placed from the 40 to 50 foot area, by the landscaping engineer.

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The restorative plantings will be on both sides, but more will be on the west side; it is within the 40 to 50 foot buffer area of the wetlands, Mr. Galligan stated. Upland plants will be placed in there, he stated. Chairman Freidenburg stated that it will be great to see the species list; she asked who is going to maintain the landscaping and the plantings, and if there is a plan to monitor the landscaping. Mr. Galligan stated that they will put together a monitoring plan for the agency. Vice Chairman Budrow asked that a referral of this plan be sent to the State Department of Energy and Environmental Protection (DEEP) for a natural diversity data base review. Whether this land is in the natural diversity data base is needed, and Chairman Freidenburg asked if there will be any trees taken down. Mr. Galligan stated that only within the silt fencing line, for the driveway, will trees be removed; the wetlands areas will remain untouched.

Vice Chairman Budrow made the motion to receive application 21-30, Wildwood Avenue with the request that it has to be referred to DEEP for a natural diversity data base review; it was seconded by Commissioner Schumacher and unanimously approved.

Vote to receive Wildwood Avenue passed, 6-0-0.

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

OPPOSED: None.

ABSTAINED: None.

21-31. 35 Cottage Road. Map 31, Lot 5. Owner/Applicant: 35 Cottage Road, LLC. Regulated Activity Permit to construct a multi-family residential development and associated site improvements within 100 feet of a wetland. **RECEIPT**

Professional Engineer and Land Surveyor Michael Ott stated that also present are Richard Gentile, on behalf of 35 Cottage, LLC, and Landscape Architect Abigail Adams, as well as Professional Wetland Scientist and Professional Soil Scientist Eric Davison. Mr. Ott shared the plans for the Cottage and Mill Apartments, which will be located at the intersection of Cottage and Mill Roads, where the old granite marker exists; the site has a pond on it. There are currently two buildings on the site, which will be demolished; there is no pavement on the site; instead, there is a large, stone surfaced parking lot and driveway, according to Mr. Ott. Plans are to construct a one building multi-family structure that will provide 18, one-bedroom units. There will be two driveway entrances, a parking area out front, sidewalks, storm water management facility, septic tanks, pumping system with leaching fields, and lighting in the parking area. There is an extensive landscaping plan; being proposed is the construction of storm water wetlands all around the edge of the pond, Mr. Ott stated, who gave detailed information on the storm water management system and plans, including how the septic system will work on site. Roof water from the building is considered clean by the state Department of Energy and Environmental Protection (DEEP), and it will be discharged directly into the storm water wetland, Mr. Ott stated. Chairman Freidenburg stated that there are 18 units with one bedroom, so she is assuming that site can handle 18 bedrooms with three tanks. Mr. Ott answered in the affirmative. The first two tanks are very large septic tanks, and these two tanks are sized to handle the daily designed waste water flow; both the town health department and the state Department of Public Health have to review and approve the system, according to Mr. Ott. A residential pump station is incorporated in the septic system, and it has a high level alarm system, which consists of an audible and visual alarm, that activates when there is a power failure, and from the time that alarm sounds, the facility has to have 24 hours of storage; within that time frame, either the power has to be restored, or a backup power generator is used, though the

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backup power generator is not required, according to Mr. Ott. Registered Soil Scientist and Certified Professional Wetlands Scientist Eric Davison presented the plans for the storm water wetlands adjacent to the pond, whether there will be plantings, and how they will be maintained. The pond is approximately 13,000 square feet in size—it is isolated and has no inlet or outlet, according to Mr. Davison. The pond level is maintained at a steady fashion, and it maintains at a pretty consistent level, Mr. Davison stated. There is a steep drop off, and the landscape consists basically of lawn grasses out to open water; Mr. Davison stated that his best guess is that it is approximately eight feet in depth, in total, in the center. The rest of the site drains directly into the pond, and the northern portion of the site is woodland; it is a small, narrow patch of forest, Mr. Davison stated. Most of the vegetation in that area is invasive, including invasive tree species and invasive bramble, he stated. There is some native vegetation, he stated. A biological sampling of the pond was taken in the spring for egg masses and in the summer, with seine netting to capture larvae; a small population of spotted salamanders—24 egg masses—was found, and Mr. Davison stated that his best guess is that they migrated from the west. Bull frogs and green frogs were found at very high densities, he stated; also found were a tree frog and a small snapping turtle. Mr. Davison stated that his report, with photos, is included in the overview of the wetland condition. Vice Chairman Budrow asked what effect does Mr. Davison think this development will have on the wildlife. What has been found on site are disturbance tolerant species; the spotted salamander, however, is not living in its normal space, which would be a vernal pool, and this pond is not a vernal pool, according to Mr. Davison. Mr. Davison stated that he just does not think this pond is a long term habitat for the spotted salamander, but the other species will live in this urban pond. Plans are to convert the lawn to native vegetation; the wetland buffer will improve the habitat for animals, and there is a really detailed planting plan to nativize this site, according to Mr. Davison. Registered Landscape Architect Abigail Adams shared the landscape plans and discussed the types of native and ornamental species that will be planted on the property. At the Mill and Cottage Road corner, there is a massive beech tree that they are trying to maintain; a lot of existing vegetation will be removed and replaced with the native and ornamental plants, according to Ms. Adams. A row of maples will be planted along Mill Road for streetscaping, and there will be a split rail fence into the site; the back of the buildings will have some lawn. Buffer plantings have been developed, and plans are to keep the buffer areas beautiful for four seasons of interest by the apartment dwellers, according to Ms. Adams. In the storm water wetland area, there will be Joe-Pye weed and native species to create a habitat and food source, according to Ms. Adams. On the western side, there will be canopies of shrub plantings; a portion of the curb will be dropped, so the salamander can get over that curb, she stated. At the northern end of the site, there will be pine trees and evergreens added as a backdrop to the pond, she stated; a no mow mix is planned, as well. Chairman Freidenburg asked if they anticipate adding a monitoring plan, and Ms. Adams stated that one is not included in this submission, but a monitoring plan, with a maintenance plan, can definitely be done.

Commissioner Schumacher made the motion to receive application 21-31, 35 Cottage Road; it was seconded by Commissioner Newton and unanimously approved.

Vote to receive 35 Cottage Road passed, 6-0-0.

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

OPPOSED: None.

ABSTAINED: None.

SECTION 13 APPROVALS:

21-26. 115 Boston Post Road. Map 44, Lot 34. Owners/Applicant: William & Bette Kreiger. Regulated Activity Permit to construct new garage in place of previous garage in a wetland review area.

About four to five months ago, it was approved to put on an addition to a single family residence, as well as a deck; the architect thought there was no wetlands, but there was a watercourse, and this resulted in the deck being 15.3 feet from the edge of the watercourse, with the house 29.2 feet from the watercourse, according to Inland Wetlands Officer John De Laura. The replacement of the garage, to a three-car garage, in relatively the same place, is approximately 48 feet from the closest flag, according to Mr. De Laura. There is grass and a very gentle slope, according to Mr. De Laura; erosion control barriers are being installed, and plans will be updated to have them show the location of the soil erosion control measures.

21-28. 21 Scenic Road. Map 115, Lot 68. Owner: Harold & Mary Annicelli; Applicant: Michael Camarota, Camarota Sanitation & Excavation. Regulated Activity Permit for a septic system repair in a wetland review area.

This is a system, possibly installed in the 1970s, that has failed; it is in a single family residence; plans comply with the health department, according to Mr. De Laura. The new system is in the same place; the failed system will be excavated, a new system will be installed, and no new materials will be added, according to Mr. De Laura.

Approval of Minutes ~ Regular Meeting Minutes, September 13, 2021.

Vice Chairman Budrow made the motion to accept the Sept. 13, 2021 minutes, as amended, with a typo in the 14th line of the application for 645 Green Hill Road, “it is expect,” being changed to read, “it is expected,” and two lines from the bottom, wherein it stated “actual wetland mediation,” be changed to read, “actual wetland remediation.” It was seconded by Commissioner Schumacher and unanimously approved.

Vote to accept the Sept. 13, 2021 minutes, as amended, passed, 6-0-0.

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

OPPOSED: None.

ABSTAINED: None.

Remarks: Inland Wetlands Chairman ~ No report.

Inland Wetlands Officer ~ Regarding 645 Green Hill Road, the agency asked that the property owner put together a restoration plan; he is doing that, and it will be at the agency's November meeting, according to Mr. De Laura.

Adjournment

Commissioner Newton made the motion to adjourn at 9:02 p.m.; it was seconded by Secretary Zdon and unanimously approved.

Vote to adjourn at 9:02 p.m., passed, 6-0-0.

IN FAVOR: Chairman Freidenburg, Vice Chairman Budrow, Secretary Zdon, and

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Commissioners Newton, Schumacher, and Mathieu.

OPPOSED: None.

ABSTAINED: None.

Respectfully Submitted,
Marlene H. Kennedy
Clerk