

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

Nov. 1, 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, Nov. 1, 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), Town Planner Erin Mannix, and Maria Pettola (Land Use Staff).

Chairman Kealoha Freidenburg opened the meeting at 7:01 p.m.

REGULAR MEETING AGENDA ITEMS:

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.

Chairman Freidenburg stated that this was received last month, and deceased and dying trees in this wetland area are to be removed; the commission was hoping to receive more information from an arborist to see the need for these trees to be removed. Property Owner Jeremiah Long stated that the trees have beech tree disease, and an arborist came out and marked all the trees, there is a hand drawn plan, and 12 numbered photographs were submitted. Commissioner Lee Schumacher asked Inland Wetlands Officer John De Laura if he spoke to Mr. Long about the agency's desire for an arborist's report. Mr. De Laura stated that the only information available is what is currently in the file, and the agency has brought this up before, that it wants more detailed information. What needs to be included in the record from the arborist is why the trees have to come down, how they will be removed, as well as more detail on the type of machinery that will be used, according to Chairman Freidenburg. Commissioner David Newton asked whether the stumps are going to be removed. Mr. Long stated that it is his assumption the stumps would remain. Mr. De Laura stated that he had this conversation with the arborist—also needed would be the type of oil that will be used, the disposition of the debris and the stumps, and the average height of the 12 trees. If the arborist does not feel comfortable providing that information, then Mr. De Laura stated that another arborist should be called to provide it.

Secretary Robert Zdon made the motion to receive this application 21-27, 77 Joshua Trail; it was seconded by Commissioner Schumacher and unanimously approved.

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

IN FAVOR: Chairman Freidenburg, Vice Chairman Joseph Budrow, Secretary Zdon, and
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Commissioners David Newton, Schumacher, and John 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.

Chairman Freidenburg stated that the agency received this last month and requested extra information. Criscuolo Engineering, LLC Professional Engineer James Pretti stated that they were asked for something from the wetlands scientist, which was submitted to Inland Wetlands Officer John De Laura. Chairman Freidenburg stated that a revised plan and an upland restoration planting document were received; plantings are mostly native, and it is all good.

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

Vote to approve 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 Drive. Map 54, Lot 21. Owners/Applicants: Hilary and Michael Delaney. Subdivision Referral to build a three-lot subdivision.

Chairman Freidenburg stated that this application was received last month, the agency had more questions, and more documents were submitted. This is a simultaneous application with the Planning and Zoning Commission, and a referral is needed from the Inland Wetlands and Watercourses Agency to the Planning and Zoning Commission for this three-lot subdivision on Wildwood, according to Town Planner Erin Mannix, who stated that she did submit a report. That report includes: that there is a request to change the plans for the driveway, so that it accommodates the three lots; identification information of the soil scientist who flagged the wetlands; and a request that the site be reviewed by the Madison Health Department to confirm the viability of the septic systems, according to Ms. Mannix. All of this information should be received by December, according to Ms. Mannix.

Commissioner Newton made the motion to table application 21-30, Wildwood Drive, until December; it was seconded by Secretary Zdon and unanimously approved.

Vote to table Wildwood Drive 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.

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This application was received last month, and the agency asked for more information, which the applicant provided, Chairman Freidenburg stated. There has been significant interest from neighbors in this project, and under those circumstances, the Inland Wetlands and Watercourses Agency has often offered to provide a public hearing, Chairman Freidenburg stated. Town Planner Erin Mannix stated that the land use office has received multiple letters of interest, and she cited Section 9-10 of the agency's regulations, which provide for a public hearing for three reasons: upon receipt of a petition bearing 25 signatures within 14 days of the application; when the agency feels there is a significant impact on wetlands; and public interest. Some of the multiple letters received reference planning and zoning issues, while others reference inland wetlands and the potential impact of the development, according to Ms. Mannix. Should a public hearing be conducted, those items and letters will become a part of the public record; if there is no public hearing, the letters will be received by the agency as correspondence, according to Ms. Mannix. This multi-family residential development is being offered under the state statute governing affordable housing. Secretary Zdon stated that there are twenty letters, and the first couple of letters seem to have sewage and run-off questions. Chairman Freidenburg stated that a public hearing would be conducted, but the zoning issue is completely not under the Inland Wetlands and Watercourses Agency's purview. Secretary Zdon stated that he did not think any of the commissioners heard any concerns about sewer run off. Chairman Freidenburg stated that she asked very detailed questions about the way the wastewater treatment plan will work; the agency definitely asked for more information, which was provided. A public hearing would give the applicant a chance to hear the concerns and an opportunity to address those concerns; the letters are public, so the applicant has access to those letters, Commissioner Schumacher stated. Secretary Zdon, Vice Chairman Budrow, and Commissioner Mathieu spoke in favor of having a public hearing.

Secretary Zdon made the motion to move application 21-31, 35 Cottage Road, to a public hearing on Dec. 6, 2021; it was seconded by Vice Chairman Budrow and unanimously approved.

Vote to move 35 Cottage Road to a Dec. 6, 2021 public hearing 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

21-32. Warpas Road. Map 71, Lot 1; Owner/Applicant: Madison Land Conservation Trust. Regulated Activity Permit to install a 12-car gravel parking area for trailhead at Lowry Community Woods parking lot.

Chairman Freidenburg recused herself from the application, because she is a member of the Madison Land Conservation Trust. Inland Wetlands Officer John De Laura stated that this is on the agenda as a Section 13, but it is not a Section 13; it is for receipt, and the applicant needs to present the application to the agency. There is a generic site plan, and Mr. De Laura stated that he is encouraging the applicant to present more detail at the Inland Wetlands and Watercourses Agency's next meeting. There is enough information to receive the application, according to Mr. De Laura.

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Commissioner Newton made the motion to receive application 21-32, Warpas Road, and to have it on the agenda for the Dec. 6, 2021 meeting; it was seconded by Commissioner Mathieu and unanimously approved.

Vote to receive 21-32, Warpas Road, passed, 5-0-0.

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

OPPOSED: None.

ABSTAINED: None.

ENFORCEMENT

645 Green Hill Road. Map 84, Lot 1 / 2. Owner: Alexander Klein. Discussion of violation of unauthorized activity, follow up from September 13, 2021.

Thomas Craig from Madison Earth Care stated that five sugar maples and five red maples will build back the canopy. Plans are to remove the stumps and the logs during the restoration; 10 trees would be part of the remediation plan, and some additional work will be done to finish off the project, according to Mr. Craig. Eighteen yards of clean top soil will be brought in to fill the holes left behind by the stumps, and natural wood chips will be used to protect against invasives, according to Mr. Craig. Inland Wetlands Officer John De Laura, when asked for his opinion by Secretary Zdon, stated that it is realistic; these trees are four to five feet, and what was taken out of there was quite larger than that. It is a credible plan, Mr. De Laura stated. Secretary Zdon also asked if there should be a maintenance plan. The agency often asks for a maintenance plan; generally, it has specified in the past that it should be monitored a year out, possibly longer, to make sure the restoration is holding, according to Chairman Freidenburg. A survival rate of 80 percent is used, and monitoring is extended to five years; in addition, a written maintenance plan will have to be submitted, Mr. De Laura stated. It is a disturbed area, now; even with wood chips, invasives will grow, according to Chairman Freidenburg. To remediate the wetlands, the sugar and red maples will be planted where all of those trees were cut out, according to Mr. Craig. Chairman Freidenburg stated that it will probably be helpful to have a map to see what is happening within the regulated inland wetlands area. It was reported that additional work will be done on an old stone wall, but that work was not included in the original plans, therefore the commissioners suggested the work on the stone wall become a Section 13, with approval needed from the inland wetlands officer.

Commissioner Newton made the motion to accept the restoration plan as presented for the area that was damaged, and the agency requests a maintenance plan be submitted to Inland Wetlands Office John De Laura, setting aside the existing stone wall for a Section 13; it was seconded by Commissioner Mathieu and unanimously approved.

Vote to accept the restoration plan and submit a maintenance plan, and also to make the existing stone wall a Section 13, passed, 6-0-0.

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

OPPOSED: None.

ABSTAINED: None.

RECEIPTS

21-33. Randi Drive. Map 73, Lot 65-38. Owner: Jodie Raccio Small. Applicant: Jacob's Escape, LLC. Regulated Activity to construct single family dwelling, driveway, septic system, well and associated site improvements within 100 foot upland review area.

This application came into the land use office Friday afternoon, and it is for receipt, in accordance with state statute, according to Town Planner Erin Mannix. It is for a regulated activity to construct a single family home, driveway, septic system, well, and associated site improvements within a 100-foot upland review area. If an application is received in the land use office 24 hours before a meeting, it is officially received per state statute, according to Ms. Mannix, and the commission has 65 days to act on the application.

Coastal Resiliency Commission Update.

Coastal Resiliency Commission Chairman Henry Maguire and Coastal Resiliency Commissioners Walter Welsh and Graham Curtis presented an update on efforts of the Coastal Resiliency Commission to make adaptations for the state mandated requirement that the sea level will rise 20 inches by the year 2050. Tides are coming in higher, flooding along the town roads and on various properties are becoming more prevalent, and there is a concern for what this might mean to rivers, lakes, and inland wetlands, according to Chairman Maguire. The state has charged towns to create coastal resiliency plans, which Madison has done, and the Inland Wetlands and Watercourses Agency might have common interests with the Coastal Resiliency Commission, according to Chairman Maguire. Capital projects are already under way to address sea level rise. Commissioner Curtis, who is the Coastal Resiliency Commission's Technical Committee chairman, gave a review of infrastructure projects under consideration, including: Middle Beach Road; Garnet Park Road; Great Hill Road Extension; Middle Beach Road sea wall; East and West Wharf sea wall; dunes at Surf Club; intersection of Island Avenue and Middle Beach Road; and Garvin Point sea wall, for which there is a \$73,000 grant received to repair. Not on the list are sanitary systems and sewers, but the Coastal Resiliency Commission is working with the Water Pollution Control Authority on that, according to Mr. Curtis. Projects are constantly evolving and include the following, which are under consideration: Town engineering center; Neck Road access; sea wall at Neptune Avenue and Webster Point; emergency exit from Surf Club; Boston Post Road tidal flooding near railroad tracks; elevate and set back Surf Club building; historical outfall pipes across the dunes; and Neck Road, private road access. In addition, the Boards of Selectmen and Finance have set aside \$500,000 as seed money for projects, according to Mr. Curtis. Over time, protecting the wetlands will be important for the whole town, stated Walter Welsh, who is chairman of the communications committee. Chairman Freidenburg thanked the Coastal Resiliency Commission for its presentation and stated that some of the pieces where the Inland Wetlands Agency might be interested, directly, would be in the area of septic systems and wastewater.

Approval of Minutes ~ Regular Meeting Minutes, October 4, 2021

Commissioner Schumacher made the motion to approve the Oct. 4, 2021 minutes; it was seconded by Commissioner Newton and unanimously approved.

Vote to approve the Oct. 4, 2021 minutes 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.

Remarks: Inland Wetlands Chairman ~ A report about a former commissioner was relayed by Chairman Freidenburg.

Inland Wetlands Officer ~ No report.

Correspondence ~ None.

Adjournment

Vice Chairman Budrow made the motion to adjourn at 9:02 p.m.; it was seconded by Commissioner Mathieu 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 Commissioners Newton, Schumacher, and Mathieu.

OPPOSED: None.

ABSTAINED: None.

Respectfully Submitted,
Marlene H. Kennedy
Clerk