

## **August 1, 2008**

**MEMBERS PRESENT:** Mr. Bedini, Mrs. Hill, Mr. LaMuniere, Mr. Picton

**MEMBER ABSENT:** Mr. Thomson

**ALTERNATES PRESENT:** Mr. Bohan, Mr. Wadelton

**STAFF PRESENT:** Mrs. J. Hill

**ALSO PRESENT:** Atty. Fisher, Mr. Klauer, Residents

Wykehan Rise, LLC./101 Wykeham Road/#IW-08-31/Site Development for Inn

Mr. Picton called the Special Meeting to order at 4:03 p.m. and seated Members Bedini, Hill, LaMuniere, and Picton and Alternate Wadelton for Mr. Thomson. He stated the purpose of the Special Meeting was to discuss whether the Commission would hire Dr. Klemens to help the Commission develop its review of the application and come up with all of the relevant questions and issues that the commissioners themselves may not have the background to come up with. He said this was done, Commission funds would be used. He noted he had received an email from Atty. Zizka regarding the procedure the Commission should follow in this matter. He explained he did not want to wait until the August 13th Meeting to resume the discussion begun on July 23rd because there was a 35 day time frame in which the Public Hearing had to be concluded unless the applicant requested an extension. He thought the Commission needed input from the consultant to ensure an orderly decision making process and that this would be in the best interests of both the applicant and the Commission.

Mr. Picton said he had communicated with Dr. Klemens regarding his availability and Dr. Klemens had indicated his interest in working on the review. Mr. Picton stated that at this point the Commission did not know whether or not the application was deficient. He thought professional assistance was needed to identify issues, make sure all the necessary questions were raised, and to properly frame any questions. He recommended that the Commission hire Dr. Klemens for a first phase, limited review that would focus only on determining the issues to be addressed. He said Dr. Klemens would not do any independent verification, conduct field work, attend the Public Hearing, or write a comprehensive report for this limited review. Once the Commission had a list of all of the relevant wetlands issues, it could then decide whether to have Land Tech or Dr. Klemens review the application.

Mr. LaMuniere thought Dr. Klemens would raise issues that were not under the Inland Wetlands Commission's jurisdiction. Mr. Picton responded that the Commission could specify that only ecological issues related to the quality and character of the wetlands and watercourses could be considered.

Mr. LaMuniere said he thought Land Tech was capable of doing this type of review. Mr. Picton thought that Land Tech was qualified by resume, but so far had not offered this type of analysis or any analysis but a review of the proposed stormwater management system. He said that Land Tech had written that it could investigate further if it received questions from the Commission, but he was concerned about this approach because the commissioners are lay persons without the ecological background to know what specific questions should be asked.

Mr. Bedini noted that the Commission also has trouble framing questions so that they lead to complete answers rather than to more questions. Mr. Picton agreed that the questions had to be asked in the right way so that complete, comprehensive information was the result.

Mr. Bedini thought Mr. Picton's recommendation for the limited work by Dr. Klemens before deciding which consultant would do the application review was a good one.

Mr. LaMuniere agreed there were additional questions that should be asked and referred to Mr.

Goodin's 7/23/08 letter for examples. He said again, however, that he was concerned about the scope of

Dr. Klemens' work. He also noted Atty. Zizka had recently advised the Commission that an applicant has only to prove that the proposed activity will cause no additional harm to the wetlands. Mr. LaMunier said he thought the proposal would improve the wetlands on site. Mr. Picton also thought the Commission needed guidance to ensure a proper inquiry regarding feasible and prudent alternatives.

Mr. LaMunier said the Commission should carefully consider whether to spend \$2000 of Town funds and cautioned that it could set a precedent. Mr. Picton said he could check with the Town Attorney to find out whether the \$2000 could be charged to the applicant. He also said he thought \$2000 was cheaper than paying for a consultant to attend all of the Commission meetings.

Mrs. D. Hill thought that as chairman, Mr. Picton was entitled to consult with Dr. Klemens and to make strong recommendations. Noting that the Commission must progress with its review of the application, she said she would agree with his recommendation.

Mr. LaMunier noted the Commission had worked with Dr. Klemens in the past and had found his input to be valuable, but said in this case he did not think it was necessary because he did not see any threat to the existing wetlands.

MOTION: To approve the engagement of Dr. Klemens for development of the method of inquiry and identification of issues and questions to guide the Inland Wetlands Commission's review and deliberation and decision making process for Application #IW-08-31 submitted by Wykeham Rise, LLC. to construct an inn at 101 Wykeham Road at an expense to the Town from the Commission's consulting budget not to exceed \$2000. By Mr. Picton, seconded by Mr. Bedini, and passed 4-1. Mr. LaMunier voted No because he thought the senior partners of Land Tech were capable of this kind of review, he did not understand the rationale for this broad inquiry as the Commission's jurisdiction is only wetlands and watercourses, and he said that the applicant had only to prove there would be no additional harm to the wetlands and watercourses and he thought not only would there be no additional harm, but the proposal would, in fact, improve them.

MOTION: To adjourn the Meeting. By Mr. Picton.

The Meeting was adjourned at 4:35 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill Land Use Coordinator

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