

October 9, 2008

Public Hearing

October 9, 2008

7:00 p.m. Land Use Meeting Room

MEMBERS PRESENT: Mr. Bedini, Mrs. D. Hill, Mr. LaMuniere, Mr. Picton, Mr. Thomson

ALTERNATE PRESENT: Mr. Wadelton

ALTERNATE ABSENT: Mr. Bohan

STAFF PRESENT: Mr. Ajello, Mrs. J. Hill

ALSO PRESENT: Mr./Mrs. Federer, Mrs. Clark, Atty. Hill, Atty. Strub, Mr. Allan, Atty. Olson, Mr. Klauer, Atty. Fisher, Mr. Szymanski, Mrs. Peacocke, Mr. Caroe, Ms. Giampietro, Mr. Goodin, Mr. Rickert, Mrs. Solomon, Residents, Press

PUBLIC HEARING

Wykeham Rise, LLC./101 Wykeham Road/Application #IW-08-31/Site Development for Inn/Con't.

Mr. Picton reconvened the Public Hearing at 7:00 p.m. and seated Members Bedini, Hill, LaMuniere, Picton, and Thomson. He noted the list of documents submitted at the last session of the hearing and since the last session.

Mr. Picton read a statement regarding how the Inland Wetlands Commission fulfills its responsibilities and what factors it considers, such as impacts, feasible and prudent alternatives, specific site conditions, and measures for wetlands protection when reviewing an application. He noted in this application there were many proposed activities that require careful review due to the sloping site and proximity to wetlands and he advised the public that the Commission would give each due consideration and would use the same standards in this case as it uses to judge all other applications.

Due to very recent revisions by the applicant, the following options for processing this application were considered: 1) ask the intervenor and other interested parties if they need more time to review the latest material, and if they do, continue the hearing now and reconvene at a later date, 2) have the Commission consider whether the process was flawed because a final, complete application was not available at any point during the process, and 3) continue with the public hearing now.

Atty. Hill, representing the intervenor, said he would not request an extension and that Mr. Goodin, intervenor's engineer, was present to respond to the latest plans. However, he added that a development of this intensity does not meet the Regulations, that Mrs. Chase's environmental review applied to the first submission, but not to the subsequent revisions, and that under Section 7.11 of the Regulations, the Commission should vote to close the public hearing and then vote to deny the application without prejudice, which would leave the applicant the option of returning with a complete application when he is ready.

For the applicant, Atty. Fisher stated the latest revisions were not major, dealt with traffic flow, and had been made to address comments by Land Tech and the Zoning Commission.

Atty. Hill responded that this was not a minor change; that an entrance had been eliminated and that enlargement of the remaining entrance would require work near Kirby Brook. He said this was further evidence that the plan had not been well thought out and the application should be resubmitted.

Atty. Strub represented the Ewings, adjoining property owners. He said that each revision of the plan had been major, for example, the change in lot coverage from 17% to 10%, and had resulted in significant changes so that the Commission was now essentially considering a new application. He did not think interested parties had enough time to review the revisions and noted that at the 8/13 session of the hearing, the Commission's counsel, Atty. Zizka, had said it was late in the process for changes, but even so, further revisions had been submitted on 9/9 and 10/8. He submitted a letter to the Commission dated 10/9/08.

Mr. Picton noted that all of the revisions impacted the feasible and prudent alternatives, which the Commission still had to analyze.

Mr. Federer, intervener, noted that the Commission had asked that all documents be submitted by 9/25 so that there would be time for analysis before the 10/9 session of the hearing and said it was frustrating that last minute submissions had been made throughout the process.

The map, "Overall Site Development Plan," by Arthur H. Howland and Assoc., revised to 10/8/08 was reviewed. Mr. Szymanski, engineer, said five basic changes had been made since the last meeting in response to Land Tech's 10/1/08 letter. 1) A revised landscaping plan had been submitted to address concerns about the removal of invasive plants along the streambank. 2) Silt fence will be installed instead of the originally proposed hay bales. 3 and 4) Meadow grasses will be planted between duplex #3 and the downgrade woodland and down hill of and between quads #2 and #3. 5) Water sampling will be done and will be modeled after the process used for the Montessori School application. There was also the addition of a temporary sediment trap with a grass lined swale at catch basin #62. Mr. Szymanski noted that the access to the property had existed for over 100 years and that although he did not think it was unsafe, he had eliminated the upper access to appease the neighbors. He said the remaining existing access would be used and the banks rip rapped, with no impact to Kirby Brook. Regarding feasible and prudent alternatives, he said the upper access pavement would be taken up and the area restored, not a significant change, but an improvement in his opinion.

Atty. Hill responded that the entrance had, indeed, been used for 100 years, but not for a development of this size. He also said that installing rip rap would impact the brook.

Mr. Goodin said he would make a short presentation to list his concerns about the latest revisions and had a longer presentation to make if the hearing would not be continued as he had not had an opportunity to address the revisions submitted during the last two months. He presented the map, "Site Development Plan," by Arthur H. Howland and Assoc., revised to 9/18/08, which he had colored and written notes on. The points he raised included several zoning concerns. His relevant wetlands issues included the following: 1) The excavation proposed to improve the sight lines along Wykeham Road would be done near a catch basin that empties into Kirby Brook, but no erosion controls were proposed. Mr. Picton said he had specified that those details were to be included in the plan. 2) The existing driveway width at the remaining access was not wide enough to adequately handle two way traffic and widening it would require tree cutting and work along the streambank in the regulated area. 3) Mr. Goodin said that applicants are required to submit a "complete, best" site plan and then show feasible and prudent alternatives with less or no impact, but that Wykeham Rise, LLC. had not done this. He explained the feasible and prudent alternatives must be discussed so that the Commission can determine whether there is a better design. Mr. Picton agreed that feasible and prudent alternatives would be discussed during the hearing.

Mr. Picton asked the commissioners for their opinions about the three options for handling the hearing and application. Mr. Bedini did not think discussion should be cut off without all parties having had a chance to speak, but he also stressed that final plans were needed in time for the intervener to review and rebut and for the Commission to get answers to all questions.

Mr. LaMuniere noted that the Commission had given a 9/25 deadline for the submission of new material, but since the applicant had not complied and had submitted significant changes, the public had to have the opportunity to respond. He suggested a new time limit be set.

Mr. Thomson asked, if the hearing were closed tonight, would the Commission have the right to ask Land Tech to “boil down” technical issues and report back at the next meeting. Atty. Olson said analysis of documents submitted and issues already raised would be OK, but no new independent opinions could be submitted. She also urged that since Mr. Allan of Land Tech was present, the Commission should try to get his technical responses on the record now. Mr. Picton feared that determining the difference between the interpretation of existing information and the development of new information could be a problem.

Mrs. D. Hill thought everyone should have the opportunity to speak tonight. She asked Mr. Picton if he thought alternatives for the Commission to consider had already been submitted.

Mr. Picton thought the alternatives should be presented and the hearing closed tonight. He noted that Land Tech’s job was to advise the Commission about whether the applicant had met its Regulations, and the Commission’s job was to determine whether the project could be carried out successfully.

Mr. Szymanski reviewed Mr. Goodin’s map and made the following points. 1) Mr. Goodin had not shown the entire length of driveway to be removed. The elimination of this driveway section would reduce the impervious asphalt by 2100 sq. ft. 2) Mr. Goodin’s recommendation that the discharge from pond #2 be directed into the existing wetlands system did not take into account that there is little cover in that system now and the velocity of the outflow would result in erosion into the wetlands and into Kirby Brook. 3) Mr. Szymanski noted that the pipe currently discharging directly into Kirby Brook is causing erosion and the plans to stabilize this section would be an improvement and would not increase the potential for erosion in this area. 4) Mr. Szymanski stated that the proposed driveway is close to wetlands, but there are already impacts from the existing driveway. He said the plans called for increasing the buffer along the brook, installing grass lined swales, and using porous asphalt to improve, although not eliminate, the impacts.

Mr. Szymanski said the applicant had already submitted a plan for feasible and prudent alternatives on Sheet EC.2. He said that leaving the site as it exists would be a feasible and prudent alternative and that if the applicant did so, the project would not be under the Wetlands Commission’s jurisdiction.

Mrs. Peacocke, adjoining property owner, read her letter dated 10/8/08 in which she stated that feasible and prudent alternatives to lessen the scope of the activity must be considered. She said the applicant had rejected the idea of designing the facility so it would be located outside the 100 ft. upland review area and that the applicant had said it could open using the existing structures without Wetlands jurisdiction. She said this was incorrect because there is no grandfathering provision for adverse impacts and no vested right to continue a regulated activity on a protected wetland. She cited several court cases. She also raised the question of baseline data, saying the site had been empty for 8 years and so comparing proposed impacts to the previous school’s impacts was not relevant. She said the applicant had failed to provide the base line data that was needed for the Commission to analyze the precise impacts proposed and then to compare them with those resulting from the feasible and prudent alternatives. She noted that Mr. Szymanski spoke often of mitigation, but said avoidance of impacts was always the better plan.

Mr. Goodin circulated copies of technical data on bioretention facilities, sensitive watercourses, energy dissipators, and design criteria for stormwater ponds, the 9/19/08 letter to Mr. Szymanski from Mr. Black of Water System Solutions & Design, Inc., and his 9/25/08 report and 10/9/08 letter, which contained sixteen items he said the applicant had not addressed. 1) He stated the only feasible and prudent alternative that had been submitted was to use the existing plan and that this was not adequate.

He thought the use of the portion of the existing driveway farthest from the wetlands should be considered as a feasible and prudent alternative, for example, because this area was already cleared and would require less grading and other disturbance. He also maintained that a number of the facilities proposed, such as the driveway width at the remaining entrance, are inadequate for the proposed use and so will need to be expanded in the future, resulting in more impacts to the wetlands. He reviewed several feasible and prudent alternatives that he thought should be considered. 2) Regarding sight line improvements for Wykeham Road, he stated that no plans for that work had been submitted, no erosion controls were proposed, and the grading would go over the catch basin that empties into the wetlands. 3) The items listed in the Judea Water Company's 9/19/08 letter had not been detailed on the plans. He also thought plans for a new, larger water line to accommodate the sprinkler system would be needed, but had not been provided. 4) He said the proposed outlet pipe to Kirby Brook with rip rapped pad on a 10% slope was not designed per DEP guidelines, would fail, and was reason enough to deny the application. He discussed alternative discharge plans. 5) Mr. Goodin objected to the Ideal methodology used for the design criteria of the detention ponds and urged that the state method be used so that it could be determined whether or not the proposed basins are adequate. 6) Mr. Goodin expressed his concern that the plans did not adequately address thermal impacts to Kirby Brook. 7) He complained the applicant did not provide a maintenance access around the entire detention pond, aquatic bench, safety bench, and pond drain per the DEP Manual. 8) Mr. Goodin argued that the applicant had not properly designed the rain gardens per the DEP Stormwater Quality Manual, nor had he proven they would function properly. 9) The applicant did not provide a site specific lawn maintenance program. He gave examples specific provisions that he said should be included. 10) Mr. Goodin said that design criteria for the septic system have not been submitted. 11) The applicant did not provide a detailed list of each proposed activity that would impact the wetlands. 12) Mr. Goodin stated that because the application had been revised so many times, a revised environmental impact statement by Mrs. Chase should be required. 13) Mr. Goodin stated DEP guidelines call for 100 ft. buffers along brooks, but the plans propose significant development within 100 ft. of the brook. 14) He stated that Mrs. Chase had not checked to determine whether the detention ponds had been designed per DEP guidelines before she concluded that there would be no adverse impact on water quality. 15) Mr. Goodin recommended that the application be withdrawn and resubmitted so that the revised wetlands crossing could be fully reviewed. 16) He complained the public had not had adequate time to review and respond to the revised plans.

Mr. LaMuniere noted that in his 9/25/08 letter, Mr. Goodin stated that buildings were proposed in the septic reserve area. He asked him to point out this area. Mr. Goodin said the 1991-1992 state approval for the Swiss Hospitality septic system showed the exact location of the reserve fields and the nitrogen dilution area, which were no build zones, and he would submit it for the record if the Commission wanted it. Mr. Picton said the Commission would review this plan.

Mr. Picton referred to p. 3 of Land Tech's 9/25/08 report and asked several questions, including what would happen if water was diverted from a buffer that was designed with a natural function to protect the wetland, what would the ratio be of the redirected water to the renovated surface, how would the renovated surfaces work in the winter, if you divert a large watershed into a small vegetated facility and it works in the summer, will it also work in the winter, and what is the ratio of reengineered flow paths? Mr. Szymanski said it was difficult to provide such detailed information when it was not asked for ahead of time. He said all of the points in the Land Tech letter had to be reviewed as a whole because the stormwater management system was comprised of many parts functioning as a whole. Mr. Picton agreed, but said the Commission must also review each component.

Mr. Picton asked about the installation of the porous pavement on compacted sub layers. Would the runoff filter through the top, but not the bottom layers? Mr. Szymanski responded that although the

permeability of the top layer of soil may be affected, at 8 to 12 inches below, the permeability is still intact, even if large vehicles have driven over it. He briefly explained the installation process.

Mr. LaMuniere said the Commission would review the plans both as a whole and point by point. He asked for comments by Mrs. Chase about Dr. Klemens' points on wetlands dependent species.

Regarding slope analysis, Mr. Picton asked what the actual slopes would be around the proposed development within 100 ft. of wetlands on steep slopes and how much steeply sloped land would surround each regulated activity. Mr. Szymanski said he had provided the information the Commission had requested. Mr. Picton said then he would measure it on his own.

Mr. Picton asked if the installation of detention pond #1 would affect the water table of the immediately adjacent wetlands. Mr. Szymanski stated that the water from the wetlands would not flow laterally and the cut for the pond would only be about 6 ft. into the water table. Mr. Allan said it would depend on the elevation of the wetlands in comparison to the outlet control structure. Mr. Picton thought the difference was 10 ft. and noted that he had asked this question previously, but it had not been addressed.

Mrs. Chase stated that her comments to Dr. Klemens were included in Mr. Szymanski's 9/26/08 letter. Mr. LaMuniere noted that Dr. Klemens had raised specific questions and the Commission would have appreciated specific responses to his criticisms.

Mr. Picton noted that one question Mrs. Chase had not responded to was the impact of plants and animals on the physical character of the wetlands and said she had not responded because Mr. Szymanski said this issue was outside the Commission's jurisdiction. He countered that Atty. Zizka had not eliminated the Commission's jurisdiction in this matter. Mrs. Chase voiced her concern that the Commission was over stepping its legal jurisdiction. She stated that her report was based on her field work in mid May and early June and that whenever she did not have baseline data, she assumed there were good quality habitats and good water quality present. She said her main concern was the preservation of the water quality and hydrology of the wetlands. She said the installation of silt fence, especially if it was staggered, would not eliminate wildlife, but could reduce its numbers and the diversity of species. Mr. Picton asked if she thought the presence of wildlife has an impact on the physical function and character of the wetlands. She said the chemical character of the wetlands would be impacted and that without the component of functioning as a wildlife habitat, the wetlands would not be the same.

Mr. LaMuniere asked if Mrs. Chase had concluded that the proposed work would not negatively impact the wetlands and wetlands dependent species. He also clarified that just because she had not seen fish when she was on site, it did not mean there were no fish there. Mrs. Chase said she had observed the brook to be a good quality habitat, although she did not see any fish. She stated that the project would not alter the physical character, function, or integrity of the wetlands found on site today and that they would be maintained, not altered.

Mr. Picton thought it would be helpful if the Commission had been provided with more detailed data regarding the pre construction baseline water quality of the stream for post construction comparisons. He said the comparisons could be used to determine if any changes had occurred and if so, adjustments to correct the impacts could be made. He said data such as the diversity and extent of the wildlife population and the soil and water levels in the wetlands would be helpful. Mr. Szymanski said he would provide this information.

Atty. Strub pointed out that Mrs. Chase could have inspected the site several times since May-June so that she could have provided a more accurate report. Mrs. Chase responded that since she had highly rated the quality of the wetlands system, additional visits could only have confirmed this or lowered the

rating.

Ms. Giampietro, who lives across the street from the site, said she observed fish in the brook in May and June.

Mrs. Ewing, an adjoining property owner, also saw fish there.

Mr. Szymanski briefly addressed the 16 points raised by Mr. Goodin. 1) He stated that there would be impacts to the wetlands whether the site was used as it is now or developed as proposed. Mr. Picton pointed out, however, that the site was now stable, but would not be during construction. Mr. Goodin said there was likely to be a significant potential for much larger impacts than those occurring now if the proposed development was not done properly. Mr. Szymanski asked whether the applicant would have had to come to the Commission for approval if he proposed to use the site as it exists today. Mr. Ajello responded that activities within 100 ft. of wetlands and watercourses are regulated. Mr. Szymanski asked the Commission to observe the pipe between wetlands flags #13-#15 and tell him that removing this point discharge would not be an improvement. Mr. Picton said this sounded like an enforcement matter that could be addressed without developing the property. Mr. Szymanski said the Commission could not ignore the existing impacts and said his 9/28/08 letter looked at those impacts and alternatives. These impacts included the following: Kirby Brook buffer: This is as narrow as 5 ft. in some areas and the plans call for an increase to 50 ft. wide. Tennis court: When the retaining wall fails, the soil will impact the wetlands. The applicant proposes to remove the court and restore the area to its natural grade. Drainage system discharge at flag #14: The pipe will be completely removed. Gravel parking area: The access is 10 ft. from the wetlands and the parking area is partly in wetlands. Mr. Szymanski said the area would be restored and replanted and utilized for the detention pond "with minimum disturbance by humans." Retaining wall and lawn: The wall near flag #37 is within 10 ft. of the wetlands and the lawn at flags #36-#38 is currently being mowed. The plans call for the removal of the dorm, restoration of the area, and the planting of a meadow grass buffer. NE corner of the septic system: Based on the Ct. health code there can't be a cut less than 50 ft. downhill of a septic system. For this site, the cut is proposed in the only place that can be used to access the upper portion of the property, although it is slightly closer to the wetlands. Development in the forested area: Mr. Szymanski said the applicant had tried to minimize the development of forested areas by reducing the number of proposed buildings, moving the development a greater distance up hill from the wetlands, providing rain gardens for infiltration, and will restore temporary site disturbances with meadow grass. Existing meadow and lawn areas. He said that currently there is unimpeded stormwater flowing over the field, but that the increased buffer will allow more infiltration. Wetlands pocket: This pocket, flags #48-#52, has invasive species, which will be removed and the area restored. East of the proposed main building: This area is now lawn and paved path and has a propane tank in the wetlands. These will be removed and the area restored. Existing service access to Bell Hill Road: This will be eliminated and the area restored. Downhill wetlands: In the area of wetlands flags #64-#66 the existing pavement will be removed and the area restored. Decrease in density: Mr. Szymanski stated a decrease in the proposed density of the development would not decrease the impacts to the wetlands. He agreed there was a potential for impacts during construction, but said the plans ensure there will be no likely impact. He referred to the construction sequence and said an independent inspector would be hired to monitor the site on a weekly basis and after storms with more than 1 inch of rainfall to protect against short term impacts. Mr. Picton asked that it be made clear to all contractors that all of the protective measures must be correctly installed and maintained. 2) Mr. Szymanski stated the work to be done to improve the sight lines along Wykeham Road was not on the applicant's property, but said he would meet to discuss it with the Board of Selectmen on 10/16. He said this plan was submitted on sheet #SL-1.

Mrs. Peacocke noted that Mr. Szymanski had reviewed the benefits of the project, but asked him to address feasible and prudent alternatives. Mr. Szymanski said he could propose to do nothing or

remove the existing buildings and replace them with a hayfield. Mr. Picton said this would not be suitable from the owner's perspective and suggested the buildings could be moved so they would not be located on such steep slopes. Mr. Szymanski responded that the period of construction was the main concern and there would be little potential for long term impacts once the disturbed areas were stabilized. He said that a plan with no development within 100 ft. of the wetlands would limit the potential for development on the site and he pointed out on the Site Development Plan the location of the unregulated areas. He said the applicant had considered locating the main building on the southern portion of the property, but since the neighbors would have objected on aesthetic grounds, only smaller buildings had been proposed there. He also noted that because sprawl was a concern, the number of buildings had been reduced to fifteen. Mr. Picton asked why the buildings closest to the wetlands hadn't been the ones eliminated. Mr. Szymanski said that the applicant could consider removing them, but the key was maintaining a 50 ft. wide vegetative buffer.

Mr. Allan said he had reviewed the plans and had determined that from an erosion and sedimentation control standpoint the applicant had done a good job protecting against short term impacts close to wetlands. He added that the proposed buffers, stormwater management system, and rain gardens would provide effective treatment of runoff to protect the resources in the long term. Mr. Picton worried that if the erosion controls were not executed and maintained properly there would be adverse impacts.

Mr. Allan briefly discussed the ratio of watershed to buffer and said the majority of runoff would infiltrate. He also noted there was "redundancy" built into the stormwater management plans to address any problems that might arise.

Mr. Ajello noted that Mr. Allan had not had an opportunity to review the latest revisions, but asked if he had any comments. Mr. Allan said the amount of roadway had been reduced and there was no increase in potential impacts.

Mr. Szymanski continued to address Mr. Goodin's concerns. 3) He submitted the map, Proposed Underground Water Tank Location Map," dated 10/9/08 showing the locations of the pumping station north of pond #1 and the underground storage tanks. He also noted that the existing 6" water line would be adequate because so much water would be stored on site. 4) Mr. Szymanski noted the rip rap apron for pond #1 is on a 35% slope, and said he would consider recommendations by Land Tech such as shortening the pipe or moving it up the hill. 5) He stated the plans go a step above the DEP guidelines and that the calculations had been provided to prove the detention ponds would work. 6) Mr. Szymanski responded that the impervious surfaces on site had been reduced by 30% and the runoff from them would infiltrate and be cooled underground before reaching the brook. Mr. Goodin argued that the issue was not about runoff, but about the water in the ponds heating up. He called for a redesign of the detention ponds and for plantings around them. Mr. Szymanski said there was existing vegetation and that the plans had to be reviewed as a whole and the entire impact considered, not just the impact of one component. A brief discussion regarding baseline data followed. Atty. Hill argued that the property could be used today for a single family dwelling or for a use under a prior Special Permit. Any other use, he said, would require a Special Permit, which would require improvements to the infrastructure. 7) Mr. Szymanski said that per its 9/9/08 letter, Land Tech found the proposed aquatic bench was adequate. 8) Regarding the rain gardens, he noted that he had never taken any credit for them in the drainage calculations; they were redundant facilities. He also said they would work in the winter. 9) Mr. Szymanski was willing to add the specific items recommended by Mr. Goodin to the lawn maintenance program. He said the fertilizer used would be based on the actual soils on site. Pre, during, and post construction water quality monitoring will be done and a log will be maintained. 10) Mr. Szymanski noted that he had requested that Ms. Von Holt, local sanitarian, be included in the meetings with the DEP and that she had confirmed that the applicant is proceeding in the proper manner with the septic plans. Mr. Picton noted there is no design on record at this point. Mr. Szymanski

noted the 1991 plan approved for the Swiss Hospitality Inst. is the plan of record. Mr. Goodin submitted a copy of that plan and pointed out that the proposed development encroached on the reserve area as it had been approved in 1991. Mr. Szymanski thought there were other reserve areas available. Atty. Olson noted that the authenticity of the map had not been established; it was not certified or signed. Mr. LaMuniere asked what would happen if the DEP prohibited building in the septic reserve area. Atty. Olson responded that the applicant would have to modify the plans. 11) Mr. Szymanski stated that a list of each proposed wetlands disturbance had been provided in the list of feasible and prudent alternatives on pp. 23-27 of his 9/8/08 letter. 12) Mrs. Chase said she did not need to write another report to address the revised plans as there would be no different impacts as a result of the changes. Mr. Goodin pointed out an area where it was proposed to rip rap directly into the brook and said this would be a direct impact. Mr. Szymanski said he had discussed this stabilization measure with Mrs. Chase who could supervise the work if the Commission thought it necessary. 13) Mr. Szymanski agreed that development was proposed within 100 ft. of the brook, but said it was a reduction when compared with what now exists within 100 ft. of the brook. 14) Mr. Szymanski said he reviewed the plans with Mrs. Chase who was "comfortable" with the design of the detention basins. He said water quality protection was provided and it was not necessary for Mrs. Chase to respond to all of Mr. Goodin's concerns. Mr. Szymanski concluded that the plans provide both short and long term protection of the wetlands and watercourse.

Mr. LaMuniere asked if the two way driveway crossing should be widened as Mr. Goodin recommended.

Mr. Thomson asked Mrs. Chase if she had concluded there would be no significant impact to the wetlands or watercourse.

Atty. Fisher noted that Mr. Picton's concerns about the proper installation and monitoring of the erosion controls and adherence to the approved construction plans were valid. He suggested the Commission could approve the application with detailed conditions like it had done for the Montessori School and said the applicant would file the approved plan with conditions on the Land Records. He noted that monitoring would be up to the Commission, but said that ongoing water quality testing would be done, and that the applicant would abide by all of the legal mechanisms in place. Mr. Picton recalled that even with detailed conditions, the Montessori School construction had not been carried out properly and damage to the wetlands had resulted.

Mr. LaMuniere said the Commission would likely require a "full time monitor" to oversee the project for at least two full years.

Mrs. Solomon asked if the property was sold if future owners would be required to adhere to the same approved plan and conditions. Mr. Picton said they would and that the approval and conditions would be part of the Town's permanent record and recorded on the Town Land Records if that is a condition of approval.

Mrs. Solomon asked about short term impacts. Mr. Szymanski explained that four construction phases were proposed and that each would be stabilized before work on the next phase would begin. He said the construction would take two years. Mrs. Chase said her conclusions about water quality had been based on the proposed erosion control plan, not on the duration of construction.

Mr. Picton noted that the Commission would discuss both whether the erosion controls proposed were adequate to accomplish their required task and possible conditions of approval after the close of the public hearing.

MOTION: To close the public hearing to consider Application #IW-08-31 submitted by Wykeham Rise, LLC. for site development for an inn at 101 Wykeham Road. By Mrs. Hill, seconded by Mr.

Bedini, and passed 5-0.

Mr. Picton closed the public hearing at 11:21 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator