March 1, 2012

Special Meeting
5:30 p.m. Land Use Meeting Room

MEMBERS PRESENT: Mr. Bedini, Mr. LaMuniere, Mr. Wadelton
MEMBERS ABSENT: Mr. Bohan, Mrs. Hill
ALTERNATES PRESENT: Ms. Cheney, Mr. Martino, Mr. Papsin
STAFF PRESENT: Mr. Ajello, Mrs. J. Hill
ALSO PRESENT: Mr. Allan, Mrs. Roberts, Atty. Williams, Press

The Gunnery, Inc./22 South Street/#IW-11-40/Athletic Fields
Mr. Bedini called the Special Meeting to order at 5:30 p.m. and seated Members Bedini, LaMuniere, and Wadelton and Alternates Martino and Papsin for Mr. Bohan and Mrs. Hill. He noted only the seated commissioners could participate in the deliberations and that the public could not participate.

Mr. Bedini asked each seated member to report about how he had prepared for consideration of the application. Most had attended the site inspection and all sessions of the public hearing. Those who had not stated they had picked up copies of the documents presented by both the applicant and the interveners and had listened to the recordings of those sessions they had missed. All stated they had reviewed the documents in the file.

Mr. Bedini asked the commissioners to consider conditions of approval as the deliberations proceeded. He said this was not a prejudgment, but noted that if the application was approved, it would most likely need conditions. He said that when the discussion was done, the staff would be asked to draft a motion to approve with conditions. The motion with conditions would be referred to the Commission's counsel for review and then a vote would be taken for or against the motion.

Mr. Allan, the Commission's consultant, reviewed his 2/29/12 report, which addressed issues raised at the last session of the public hearing and questions asked by the Commissioners. These included:

Wood chips:
He agreed that wood chips spread in a 2 inch thick layer on the forest floor would be disruptive to plant growth. He thought it was a good idea to use the chips for erosion control and for temporary stabilization and recommended stockpile areas so they could be used on site. Mr. Bedini asked how thick the wood chips could be spread and not create a disturbance. Mr. Allan stated 2 inches would be OK for stabilization purposes and 1 inch or less for spreading on the forest floor. Mr. LaMuniere noted there was a good layer of leaf litter on site and asked if spreading wood chips on top would be beneficial. Mr. Allan again said it was not a good idea to spread a 2 inch thick layer of chips throughout the forest. Mr. Bedini asked if compost should be mixed in with the wood chips and how long it would take the chips to decompose to compost. Mr. Allan responded that would depend on how fine the wood chips were ground, what other organic material they were mixed with, and how often they were turned over.

2. Soil mapping and testing:
Mr. Allan noted there had been questions about the upland soils and conflicting soils data presented. He briefly reviewed the different information submitted. He noted that REMA had asked what impact there would be if Paxton soil, a Class C soil with a hardpan layer, was found in the project area. Mr. Allen stated that from a hydrological standpoint the applicant had conservatively based the drainage calculations on the presence of Class C soils and so the drainage calculations would not be impacted. Mr. LaMuniere asked what was meant by conservative calculations. Mr. Allan explained the drainage computations had been done to demonstrate there would be no increase in the rate of runoff leaving the site and that Class C soils had already been used so the outcome of the hydrological calculations would not change. Mr. Allan noted a second question raised by REMA was whether Paxton soils, if they were found on site, were suitable material for grading purposes. He explained that although Paxton soils have a hardpan layer, once this layer of compacted soils is broken up it has the same composition as other soils. He said the soil in itself was not unsuitable for fill. Mr. LaMuniere asked how the hardpan would be broken up. Mr. Allan said this would be done by bulldozer. He added that he did not think the different soil types would be mixed on site; that the top layer of soil would be kept separate to use for the top layer on the fields and the hardpan used for the sub layers. He thought the work would be done in 6 to 12 inch lifts and that the more well drained soil would be used for the surface of the fields. He did not think there would be much unsuitable material to take off site. Mr. LaMuniere noted that REMA had stated there would be finer grains in Paxton soils, which would make changes in the erosion control plans necessary. Mr. Allan said this was not so because the erosion controls had been designed to handle the fines and he added that the flocculants added to the plans were an improvement. He noted the flocculant vendor would specify how and where they would be used based on the specific on site soil samples and conditions. Mr. Allan explained that another difference between Paxton and Charlton soils is the perched water table on top of the Paxton hardpan. He noted, however, the applicant had included groundwater control drains in the plans so it would not matter which soil type was found on site. Mr. Allan noted REMA had stated that additional soil tests were needed. Mr. Allan said that adequate erosion control measures would be in place no matter which soil type was present and that groundwater control drains would be installed whether or not groundwater was present. He said REMA stated it was necessary to know the exact location of groundwater so the level spreaders would function properly. However, Mr. Allan maintained that this information was not necessary because the level spreaders were not proposed to serve as infiltration systems, but only to spread out the flow of the surface runoff to prevent erosion. He said there would be no increase in the peak runoff off site resulting from the regrading because the hillside was being flattened, meaning the times of concentration would be slower and more infiltration would occur. He added that if some water did build up in the level spreaders, it would eventually drain out. Because the level spreaders were not designed for infiltration, the erosion control measures were adequate no matter what soils were found on site, and groundwater control drains would be installed no matter what soils were found on site, Mr. Allan said there was no need for additional soil testing.

3. Level spreaders:
Mr. LaMuniere asked if the level spreaders would handle 50 year storms. Mr. Allan responded that as long as the predevelopment runoff rates were not exceeded there would be no problem with erosion. He said he had previously asked the applicant to distribute the flow more evenly between the level spreaders so it would be similar to the predevelopment flow distribution. Mr. Bedini referred to the North Carolina report on level spreaders submitted by REMA and questioned its relevance to this application. Mr. Allan noted their proper design and construction is important. Mr. LaMuniere asked how much chance for problems there would be for level spreaders that had been

designed and constructed properly and maintained. Mr. Allan responded that the slope at the outlet of the level spreader also matters. He said if there was no sheet flow from the level spreader, the buffer would not be as effective. Mr. Bedini noted that in his 2/29/12 letter, Mr. Allan had recommended that the spreaders be monitored for two years and corrections made if necessary. Mr. Allan said he recommended this as a condition of approval. Mr. Wadelton asked if the spreaders would be constructed in fill. Mr. Allan stated that only one would be in fill, the other two would be on the existing grade. He noted that initially they had been in fill, but Land Tech had asked for a revision and the applicant had complied.

4. Hydrological impact on wetlands:
REMA had argued that hydrological changes were proposed, which would result in the diversion of 40% of the water currently flowing to the western wetlands, the wetlands would dry up, and invasives would begin to grow. REMA agreed that surface water was not the issue because these wetlands are mainly fed by groundwater. Mr. Allan pointed out the location of the proposed curtain drain, which REMA said would intercept the groundwater flowing over the Paxton hardpan. Mr. Allan noted that at its closest point the curtain drain was 490 feet from the wetlands and said that curtain drains are not effective more than 25 to 50 ft. downhill. Therefore, he said the wetlands would not experience a change in water level. Even so, Mr. LaMuniere thought it would be a good idea to condition approval on the installation of a level spreader southwest of field #1 so that any discharge of groundwater from the curtain drain could be redirected towards the wetlands. Mr. Bedini asked Mr. Allan to draft this condition.

5. Siltation and pollution impacts to down grade wetlands:
Mr. Allan said the only time there was a concern about fines and sediment off site was during construction. He said that if the erosion controls were implemented per the Ct. Erosion and Sedimentation Guidelines Manual they would be effective. He stated that once the property is stabilized it will be vegetated so not much sediment would be generated and what was generated would settle out in the level spreaders. He said there was plenty of space for infiltration and the collection of sediment and again, recommended the level spreaders be monitored for two years upon the completion of construction. Mr. LaMuniere asked if Mr. Allan thought Dr. Cohen's plan for the treatment of pesticides, surface fines, and fertilizers was a sound analysis. Mr. Allan thought it was, adding that Dr. Cohen is a nationally recognized expert in this field and that he had determined that the amount of herbicides and pesticides that might be contained in any runoff would not be a risk to the down grade streams. Mr. LaMuniere questioned the efficiency of the buffers. Mr. Allan noted that most buffer studies look at big sources of sediment without erosion controls and not at stabilized, vegetated sites like these fields would be. Mr. Bedini asked Mr. Allan if the erosion and sedimentation controls on the plans were adequate to handle the proposed development. Mr. Allan said they were. Mr. LaMuniere noted that Ms. Gadwa said that 800 truck trips would have a negative impact on the wetlands, but he said that using the applicant's figures there would be a maximum of 600 truck trips, which he did not think was a significant number that would lead to significant adverse impacts to the wetlands. Mr. Allan agreed, saying there might be some short term diesel impacts, but he did not foresee any long term impacts. Mr. LaMuniere pointed out that the stream is already impacted by the Rt. 47 traffic and he thought the driveway was far enough away from the wetlands so there would not be a significant amount of pollutants reaching them.

Monitoring was considered. Mr. Bedini asked Mr. Allan how much monitoring he recommended and when it should be done. Mr. Allan recommended at least once or twice a week during

construction and major earth moving periods until the disturbed areas have been stabilized and definitely after every major rain event. He thought that once the fields had been graded, monitoring could be cut back. Mr. Bedini asked if installation of the level spreaders should be monitored. Mr. Allan said it was up to the applicant to provide a clerk of the works for on site monitoring and to file reports with the Commission. Mr. LaMuniere agreed it was important to have someone who would report directly to the WEO.

Mr. Allan said a bond should be required for the erosion and sedimentation controls, for the monitoring of those controls, for post construction monitoring, and for possible repair work. Mr. Papsin asked if the turf management plan should be bonded. Mr. Allan said, no, but the Commission could require periodic reports. He noted that Dr. Cohen had recommended only the use of specific chemicals and said the Commission could make a condition of approval that no others be used and that the plan be reevaluated after three years.

Mr. Bedini asked about the travel of nitrates. Mr. Allan noted it was better to have them drain into the ground than to allow the nitrates to run off with surface flow.

Mr. LaMuniere noted that REMA had been convinced that both an 8 inch layer of sand and a permeable layer beneath the slits would be necessary for the fields to drain properly. He asked if the crumbled Paxton soils would be sufficient or if another layer would be needed. Mr. Allan again stated the soils would be separated in the beginning of the construction process and the better soils would be used on top. He said the permeability of the material would be checked when spread and possibly a layer of pea stone would not be needed.

Mr. Papsin asked if there were any remaining issues regarding the irrigation system. Mr. Allan noted that REMA had been concerned early on that the irrigation well would drain the wetlands, but had realized later that it would not. Mr. LaMuniere briefly discussed the mechanics so that wells with tremendous yields are not required and noted The Gunnery would not take any actions that would threaten its own water supply.

Mr. Bedini asked for an estimate of the amount of the bond to be required. Mr. Allan said the cost to install the erosion controls, to monitor them, to repair them, or to restore damage to the site should be included and he recommended that the applicant's professionals provide the estimate, which Land Tech would then check. All agreed this was reasonable. A letter will be sent to the applicant.

It was noted that Mr. Allan had responded to allegations by the interveners in his 12/5/11, 1/4/12, 2/8/12, and 2/19/12 reports. Mr. Bedini noted that the question of both potential short term and long term impacts had been addressed. Mr. Allan stated there would be no direct impacts and that the short term impacts from construction and truck traffic would be controlled by the erosion and sedimentation control measures.

Mr. Bedini noted the Commission had reviewed the hydrology, the function of the level spreaders, and the seeps on field #2. Mr. Allan noted there had been conflicting testimony on these issues and said it was up to the commissioners to decide which had more merit.

Mr. Bedini noted a review of feasible and prudent alternatives was required only if it was found the proposed activity would impact the wetlands or watercourses. He said if the commissioners agreed this proposed activity would cause no significant impact to the wetlands, there would be no

need to review feasible and prudent alternatives. It was the consensus there would be no significant impact to the wetlands.

Mr. Martino asked if the bond would include a sufficient amount to monitor and correct the level spreaders should they fail. It was agreed this should be covered in the amount of the bond.

The 12/13/11 and 2/6/12 letters from the Conservation Commission were reviewed. Mr. Wadelton noted that many of the issues raised such as preservation of rural character and protection of the viewshed, were not under the Inland Wetlands Commission's jurisdiction. In addition, he noted that the allegations of adverse impacts to the watercourse had not been proven. It was noted the Conservation Commission had recommended that a buffer be planted to protect the watercourse. Mr. Allan stated there was already a buffer in place and that it would make sense to leave it there rather than remove it and then replant.

Mr. Bedini noted that Atty. Marcus had alleged mishandling of the application. He reviewed a timeline prepared by Mrs. J. Hill, which noted that both the legal notice and the notice sent to property owners within 200 ft. had referenced an application to install athletic fields and did not mention the possibility of a declaratory ruling that Atty. Marcus had referred to. Mr. LaMuniere stated, and the rest of the Commission agreed, that Atty. Marcus's claims were not supported by the facts of the application.

Mr. Bedini asked Mr. Ajello to draft conditions of approval based on the discussion. Mr. LaMuniere asked that the commissioners be given the opportunity to review the draft conditions before they are sent to Atty. Olson for review.

Woodchips were again discussed. Mr. Martino wanted to find out whether it would be feasible to use the chips for compost. Mr. Papsin wanted to make sure the chips could be used on site for erosion control. None of the commissioners thought they should be spread on the forest floor. Mr. LaMuniere recommended that other than for use between the two erosion control fences they should be trucked off site. Mr. Allan noted that stockpiles of woodchips should be allowed on site. Mr. Ajello noted that stockpile areas were already shown on the plans.

Monitoring requirements were reviewed. Mr. Allan recommended that the bond remain in place and the site monitored for two years after it was fully stabilized. He also recommended, as did Environmental and Turf Services, that the turf management plan be updated three years after the completion of the fields. Mr. Bedini noted that the turf management plan was part of the application and if there were any changes to it or to any other part of the application, the applicant would have to return to the Commission for reapproval. He said he expected this plan to be followed precisely. Mr. Papsin recommended that periodic monitoring reports be submitted to the Commission. Mr. Bedini agreed that the Commission should receive copies of all inspection reports. Mr. Ajello noted the construction sequence required the applicant to file weekly reports.

Mr. Bedini asked if the submission of as-built plans was a typical condition of approval. Mr. Allan noted that no buildings were proposed and he did not think an as-built was needed for athletic fields.

Mr. LaMuniere wanted to make sure that a pre construction meeting attended by the WEO, certified erosion control consultant, and the contractor was required. Mr. Allan said this was already included in the plans.

Mrs. Hill will consult with Atty. Olson about a motion to address the petitions submitted by the interveners.
Mr. Ajello recommended a condition that disturbed areas shall be fully stabilized by 10/30 and that disturbance be limited during the winter.

Mr. LaMuniere noted that Mr. Klein had stated that work could not be done when Paxton soil is wet, and so a condition that work be done during dry conditions was important. Mr. Allan said the applicant had stated that work would begin after the wet season and that temporary stabilization measures would be implemented if work was extended beyond the dry period.

Mr. Allan was asked whether there should be a limit to the size of the area to be disturbed at any one time. Mr. Allan said that would unduly restrict the construction and noted the plans would have to be submitted to the DEEP.

The bond was again discussed. Mr. Allan stated the exact amount was not needed to act on the application, but had to be in place before the start of construction.

Mr. Wadelton agreed with Mr. LaMuniere that the Commission should have the opportunity to review the draft motion before it is sent to Atty. Olson for review. A Special Meeting was scheduled for 5:30 p.m. on Thursday, March 8, 2012 in the Land Use Meeting Room.

MOTION: To adjourn the meeting.
By Mr. Bedini.

Mr. Bedini adjourned the meeting at 7:25 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Administrator