

March 8, 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: Mr. Martino, Mr. Papsin

ALTERNATE ABSENT: Ms. Cheney

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

ALSO PRESENT: Mr./Mrs. Stern, Mr. Dutton, Press

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.

Mr. Bedini noted that at the 3/1/12 Special Meeting the commissioners had discussed possible conditions of approval. One of these, he said, concerned hydrology and the possible change in configuration of a curtain drain. Upon further review of page 6 of Land Tech's 2/8/12 report, he said that it was clear the way the curtain drain had been engineered, it would work fine and would not impact the western wetlands. He noted that curtain drains have a limit of influence of about 25 feet, whereas this curtain drain would be over 400 feet from the wetlands. Therefore, he suggested this condition of approval was not necessary and said that he had asked that it not be included in the draft motion of approval. Mr. Wadelton, Mr. Papsin, and Mr. Martino agreed. Mr. LaMuniere said he, too, had carefully reviewed the data submitted, including the revised map, Land Tech's 2/8 and 2/29 reports, and submissions from Mr. Buck and Mr. Klein and since all of the experts had no problem with the plans for the curtain drain he was OK with it, too.

Mr. Bedini explained that although a motion of approval had been drafted, it did not mean the Commission had already decided to approve the application. He noted it could be voted for or against at the next meeting.

Draft #2 of a possible motion of approval by Mr. Ajello was reviewed.

First paragraph:

It was noted this had been written by Atty. Olson to address the interveners' allegations.

Second paragraph:

It was agreed to use the language in Mrs. J. Hill's 3/6/12 memo and that if approved, the permit would be valid for 5 years. Mr. LaMuniere noted there had been two memos from the interveners; one which alleged improper procedures by the Commission. He said he had reviewed the timeline by Mrs. J. Hill and the data in the file and did not think the interveners' claims were valid. He recommended that a third paragraph be inserted as follows: Whereas, the WWC finds that the interveners' request to deny the application on grounds of procedural errors is not supported by the record. This will be forwarded to Atty. Olson for her opinion.

Condition #1/Performance Bond:

The proposed language was OK.

#2/Consultant's Bond:

There was a question about whether "qualified" or "certified" professional should be referred to. The language was changed per the motion below and Atty. Olson will be asked for her advice. The commissioners agreed that \$5000 was a reasonable amount. There was a lengthy discussion regarding the proposed inspection schedule. Several revisions were made to provide guidelines for the consultant who will be responsible for the inspections, but also to give him the discretion to use his professional judgment to inspect more often should he think it necessary to ensure permit compliance.

#3/Preconstruction Meeting:

Mr. LaMuniere noted this was critical because a preconstruction meeting was not included in the sequence of construction.

#4/Monitoring:

The wording of this condition was revised to make it clear that the site must be monitored seasonally for two years from the time the Commission determines the site is fully stabilized.

#5/Changes to Approved Plans:

Instead of the proposed paragraph, it was agreed to use the usual "boiler plate" language with the addition that any minor changes could be approved by the WEO and reported back to the Commission.

#6/Construction Period:

The language was OK as proposed.

#7/Wood Chips:

Mr. Martino recommended the addition that the wood chips be permanently removed from the site. Also, Mr. Ajello noted that references to spreading wood chips on the forest floor in #2 and #22 of the Sequence of Work for Site Construction should be deleted.

#8/Pesticide and Fertilizer Applications:

Mr. LaMuniere said that herbicides should be included. The last sentence was deleted.

#9/Conditions of Approval:

Changes per Mrs. Hill's recommendations were made. Mr. Ajello requested four copies of the final plans.

#10/Notification:

The usual condition to notify the Land Use Office prior to the start of construction so that the erosion and sedimentation controls can be inspected and approved was added.

The above discussion resulted in the following Draft 3 possible motion of approval, which will be referred to the Commission's counsel for review prior to the next meeting:

Whereas, the Washington Inland Wetlands Commission (WIWC) has considered the petitions of the interveners, their record submissions, and supporting testimony and finds that they have failed to meet their burden of proving that the applicant's proposed activities are reasonably

likely to have the effect of unreasonably polluting, impairing, or destroying the public trust in air, water, or other natural resources of the state, and

Whereas, the WIWC finds that the interveners' request to deny the application on grounds of procedural errors is not supported by the record, The Washington Inland Wetlands Commission approves Application #IW-11-40 submitted by The Gunnery, Inc. for athletic fields at 22 South Street per the plans, "South Street Athletic Fields," 8 sheets, by Smith and Company, dated 10/3/11 and revised to 1/31/12 and supporting documents; the permit shall be valid for 5 years and is subject to the following conditions:

1. PERFORMANCE BOND: The applicants' engineers shall submit an estimate to the WIWC, the amount which represents enough funding to protect the wetland and watercourse resources from sedimentation or other impacts should the need arise. The WIWC and its consultants shall confirm the estimated bond amount to be reasonable. The cash performance bond shall be submitted to the Town by the applicant prior to the onset of construction. The bond shall be held by the Town of Washington throughout the construction and subsequent monitoring periods. These monies may be used by the Town to secure the site in the event that mal performance or neglect by the applicant or its agents is deemed by the WIWC to create a risk of adverse impact to inland wetlands or watercourses. If the Town uses any bond funds pursuant to this condition, the applicant must, within 15 calendar days, replenish or restore the bond to the original amount before construction may continue.

2. CONSULTANT'S BOND: A qualified professional consultant in erosion and sedimentation control and stormwater management, acceptable to the WIWC, shall, on behalf of the Commission, monitor job site conditions for any unanticipated erosion and sedimentation risks, and confirm compliance with application details and the use of best management practices. The applicant shall be responsible for all of this qualified professional's fees for these services and shall, no later than the date of commencement of construction, submit to the Commission a cash bond, which shall be held by the Town and which must be maintained in the amount of \$5,000 throughout all phases of construction and monitoring. The Town shall pay the professional's fees from this bond and the applicant shall replenish the bond to the full \$5,000 amount within 15 calendar days. The professional will issue a report to the Land Use Office, with a copy to the applicant, after each site inspection according to the following inspection schedule:

- * Periodically, but often enough to ensure compliance with the permit and its conditions*
- * During the time of construction of level spreaders and sediment traps.*
- * A minimum of once a week during general construction*
- * After any rainfall event of 2 inches or more within a 24 hr. period*
- * At any time at the request of the Land Use Enforcement Officer or because of mal performance, neglect, or serious weather situations.*
- * Seasonally post construction throughout the monitoring period*

3. A PRE CONSTRUCTION MEETING shall be held on site at which time the construction managers shall deliver detailed and specific construction sequences to the enforcement officer and to the WIWC's consultant. These sequences should adhere to the approved sequences in the plans and be augmented by more specific description and timing.

4. *THE SITE SHALL BE MONITORED seasonally for two (2) full years after the completion of construction and not until the disturbed areas of the site are fully stabilized. The site shall not be deemed to be fully stabilized until the Commission makes a specific finding to that effect, thus signifying the beginning of the post construction monitoring period. Long term maintenance of the stormwater management system shall comply with the maintenance schedule provided by the applicant.*

5. *ANY CHANGE TO THE PLANS as approved must be submitted immediately to the Commission for reapproval, however, minor changes may be approved on site by the Wetlands Enforcement Officer and reported back to the WIWC.*

6. *CONSTRUCTION PERIOD: All excavation and grading shall be performed during a dry season between April 1st and October 1st. Disturbed areas shall be revegetated and/or mulched by October 1st in preparation for winter dormancy.*

7. *Excess WOOD CHIPS shall be removed permanently from the site and shall not be deposited on the forest floor. Wood chips used for temporary erosion control measures shall be collected and removed after use. References in the plans to the spreading of wood chips on the forest floor in #2 and #22 of The Sequence of Work for Site Construction shall be deleted.*

8. *PESTICIDE, HERBICIDE, AND FERTILIZER APPLICATIONS shall strictly follow the Guidelines of the Turf Management Plan submitted by Environmental & Turf Services, Inc. dated 2/2/12.*

9. *ALL CONDITIONS OF APPROVAL shall be noted on the final construction plans. Four copies of the final plans shall be submitted to the Land Use Office and at least one copy of both the motion of approval and of the final plans shall be given to the contractor prior to the commencement of work.*

10. *THE APPLICANT SHALL NOTIFY the Land Use Office at least 48 hours prior to the commencement of work so that the Wetlands Enforcement Officer or the WIWC's consultant can inspect and approve the erosion control measures.*

MOTION:

To adjourn the Meeting. By Mr. Bedini.

Mr. Bedini adjourned the Meeting at 6:55 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator