

December 13, 2011

Special Meeting

6:00 p.m. Land Use Meeting Room

MEMBERS PRESENT: Mr. Bedini, Mr. Bohan, Mrs. Hill, Mr. LaMuniere, Mr. Wadelton

ALTERNATES PRESENT: Ms. Cheney, Mr. Martino, Mr. Papsin

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

ALSO PRESENT: Mr. Smith, Mr. Buck, Atty. Andrews, Atty. Williams, Atty. Marcus, Mr. Dutton, Mrs. Buonaiuto, Ms. Roberts, Mr. Piscuskas, Ms. Zelenko, Mr./Mrs. Crumrine, residents

The Gunnery, Inc./22 South Street/#IW-11-40/Athletic Fields

Mr. Bedini called the Meeting to order at 6:00 p.m. Mr. Wadelton read the legal notice published in the Waterbury Republican on 12/2/11 and 12/9/11 and the list of documents in the file. Mr. Bedini seated Members Bedini, Bohan, Hill, LaMuniere, and Wadelton.

Atty. Andrews introduced the applicant's representatives; Mr. Smith, Mr. Buck, and Atty. Williams.

Atty. Williams, wetlands intervention specialist, stated that the proposed activities, two athletic fields, two small parking areas, and the extension of the driveway, comply with the Inland Wetlands Regulations and were located to avoid wetlands impacts. He stated that the claims made in the interveners' petitions had no merit and could not be proven. He asked that the 10/12, 10/27, 11/9, and 11/22/11 IWC minutes be included in the record.

Representing the two interveners, Atty. Marcus said he would like an opportunity to review the minutes and would comment on them at a later date. Mrs. Hill noted they were already listed as part of the record.

Atty. Williams submitted resumes for Mr. Smith and Mr. Buck and a copy of the prior IWC permit for the completed portion of the access driveway. He noted the Commission had approved a revision to that permit for an environmental classroom building. He said the 11/28/11 plans had been revised to show the location of an intermittent watercourse, noting that some of the proposed activities were within its upland review area. Atty. Williams stated the property already had a paved driveway, classroom building, and the school's water supply and said the school would do nothing to jeopardize its own water supply. He stated the proposed addition of 4300 sq. ft. of impervious surface would cause no direct or indirect impact to any wetlands or watercourse and said the proposed permanent stormwater management system would reduce the velocity of the runoff and increase its infiltration. He said the proposed location for the fields, driveway, and parking area had been chosen to minimize the amount of tree clearing and earthwork. He also noted that Land Tech's 12/5/11 letter had been reviewed and that some of the wetlands had been reflagged as a result.

Atty. Williams advised the IW Commission about the proper procedures to follow when it receives a petition for intervention. In short, he said the intervenor must provide evidence to prove the proposed activities will cause unreasonable pollution to or impairment of wetlands and/or watercourses and said the Commission must make a separate motion regarding its findings about the intervenor's allegations. He added that the Commission is required to consider feasible and prudent alternatives only if the proposed activity "meets the threshold of impact to the wetlands and watercourses."

Mr. Smith, surveyor, said Smith and Co. had collaborated with Buck and Buck when drafting the plans to make sure there would be no impacts to the existing water system that Buck and Buck had designed. He noted The Gunnery had purchased the 70 acre property in the 1950's, gave a brief history of the

activities on site, and discussed its physical characteristics.

The map, "South Street Athletic Fields," by Smith and Company, revised to 12/9/11 was reviewed.

Mr. Smith noted the wetlands flagging had been done since 1999 in incremental pieces by Mr. Beroz, soil scientist, and said each wetlands flag was not indicated on the drawings. Mr. Smith said Mr. Beroz had recently added two wetland pockets north of the proposed fields and an intermittent watercourse to the plans. He also noted that the location of the wetlands near the hockey ponds and to the SE had been taken from the soil survey because they were not near anything proposed. He also stated the 2 ft. contour map was a class T-3 survey.

Mr. Smith stated that the 225' X 360' athletic fields would be centered on the property in an area with a 14% slope and that the cuts and fills would balance out. 55,000 yards of material would be cut and filled. The 18 ft. wide, 240 ft. long paved driveway extension would have an 8% grade and the parking area, a 1% grade. No curbs were proposed. The maintenance driveway where busses would park would not be paved. Mr. Smith provided many details, which included the location of wooden guide rails, bleachers, handicapped spaces, stairs with handrails, and the limit of clearing line, and he said no lighting was proposed. 12 acres would be cleared. The closest regulated activity to an adjoining property line was 71 ft. Mr. Smith described alternative plans that had been considered and explained the shortcomings of each. He said the proposed location would not impact the school's well fields or the wetlands along Rt. 47. He then reviewed the sedimentation and erosion control plan on sheet #6 and the construction sequence.

Mr. Smith passed out copies of the 11/30/11 letter from MB Soil Mapping, which was already in the file, and reviewed it. He noted the property had been reinspected due to concerns raised by Land Tech, that upon reinspection Mr. Beroz had determined that a wet area located approximately in the middle of the proposed fields was not wetlands, and that Land Tech had agreed it was not wetlands per its 12/5/11 letter. Also on the north side of the property a channel had been identified as a watercourse and flagged and Mr. Beroz had also reflagged wetlands elsewhere at Land Tech's request.

Mr. Smith reviewed the new documents the Commission had not yet seen. 1) Cut and fill worksheet, dated 12/9/11: This sheet showed the areas to be cut and filled and the approx. depth of each cut and fill. It was noted in the SW corner of field #2, approx. 14 ft. of fill would be required. 2) Level spreader plans: He compared the proposed level spreader to the one installed below the Rumsey Hall rink, which he said was functioning well. He circulated a photo of this spreader and said the one proposed would be a similar design. 3) 12/13/11 letter to Mr. Bedini from Mr. Smith and Mr. Rieffenhauser: This letter detailed the latest revisions to the plans. Mr. Smith reviewed the letter point by point.

Mr. Buck, engineer, explained how the three sections of under drains and surface water drains on the uphill side of the driveway and parking area will pick up groundwater and surface runoff. He noted that three level spreaders had been added to the plans to address concerns raised by Land Tech and he described their design and how they would function. He compared the current runoff patterns with those proposed and said the velocity of the runoff would slow down because 1) the field area would have only a 1% slope and 2) grass would slow the flow more than the existing wooded area. He added that because the flow would be slower, more water would infiltrate and, therefore, there would be a 2% to 5% reduction in the peak rate of runoff from the site.

In response to the 12/13/11 letter from the Conservation Commission, Mr. Buck pointed out the location of The Gunnery well fields, briefly described recent improvements to the water system, and noted there are now 6 wells, five of which are in service. He said a temporary diversion swale would be installed to prevent any disturbance from the construction from reaching the well fields and water supply system. He stated that no one's water supply would be jeopardized.

Mr. Smith passed out copies of the drainage report updated through 12/9/11.

Mr. Bedini asked if the pipes to the level spreaders had been sized for a 100 year storm. Mr. Buck said they had.

Mr. Bedini asked for questions and comments from the public.

Atty. Marcus said he would have questions. Mr. Bedini asked him to put them in writing so they could be forwarded to the Commission's consultant.

Atty. Marcus asked Mr. Smith if the overall plan was an A-2 survey. Mr. Smith said it was noted on sheet #7 this was a Class T-3 survey. When Atty. Marcus said he believed that property shown in the SE corner of sheet #2 as Gunnery property was actually owned by Mr. Stern, Mr. Smith said he had researched the deeds where specific dimensions were cited. Atty. Olson noted that ownership is not under the jurisdiction of the Inland Wetlands Commission and asked if the matter was relevant to this application. Atty. Marcus said the application should show the correct acreage and the amount of acreage owned would impact the calculations for the percentage of land disturbed.

Atty. Marcus asked if the existing classroom building was served by any utilities. Mr. Buck said it had electricity only.

Atty. Marcus asked if the well fields were shown on the map. Mr. Buck stated that both the well fields and storage tanks were indicated.

Atty. Marcus asked whether the reduction of grade from 14% to 1% in the area of the fields would result in a reduction in the velocity of runoff or in the amount of runoff. Mr. Buck answered the velocity of runoff would decrease.

Atty. Marcus asked if the runoff would flow to the north directly below the fields. Mr. Buck said it would flow down hill. Atty. Marcus pointed out there are significant wetlands at the bottom of this hill. Mr. Buck stated that while less surface runoff would reach these wetlands, due to an increase in infiltration, the same amount of water would flow into the wetlands as does now. He added there would be no change in the volume of water leaving the site and it would not be possible to detect any impact on these downhill wetlands. Atty. Marcus asked if this would change for a 50 year storm. Mr. Buck said it would not since he had used calculations for a 100 year storm.

Atty. Marcus asked if blasting would be required. Mr. Buck said it would not. He said according to Welti's soil report for most of the site there could be no contact with ledge rock. In the SE corner of field #2 it was possible that 2 to 3 ft. of ledge would have to be removed, but a contractor that had been consulted said it would be removable by conventional mechanical excavating equipment. Atty. Marcus asked if hammering or blasting would impact underground flows. Mr. Buck said it was not likely because water flows over, not through rock.

Atty. Marcus asked if the drawings showed Mr. Beroz's individual wetlands flags. Mr. Smith said they did not, except the 12/9/11 plans show those flags specified in the 11/30/11 letter.

Atty. Marcus asked if all of the wetlands were field sampled. Mr. Smith said some of the wetlands were identified from the SCS map for Litchfield County, some had been identified in the field by a soil scientist, but not surveyed, and others near the well fields had been both field delineated and surveyed 10 years ago. Mr. Smith said because of the scale of the map and where the wetlands were located on the property, not all of the flags were shown, but the wetland boundary was the same as it had been 10 years ago.

Atty. Marcus asked if the wetlands had been field surveyed for the 12 acres that would be disturbed. Mr. Smith answered that had been done in 2001 and again on the site inspection with Land Tech a few

weeks ago. There were no wetlands in those 12 acres, so none were delineated according to Mr. Smith. Atty. Marcus noted that only the intermittent watercourse to the north of the fields had been added to the plan.

Atty. Marcus asked what would happen to the water in the seep area. Mr. Buck stated it would be picked up in the drainage system and conducted through an 8" pipe to the start of the intermittent watercourse. Atty. Marcus asked if that would change the hydrology of this watercourse. Mr. Buck said it would not.

Referring to the cut and fill worksheet, Atty. Marcus asked if the largest cut was 18 feet in the SW corner. Mr. Smith said it was 18.34 ft. in the south center portion of field #1. Atty. Marcus asked if the largest fill area was 12 feet. Mr. Smith said it was 16 ft.

Atty. Marcus requested an electronic disc of the submission so that his engineer could more easily review the plans. Atty. Williams stated that this was not required and that the applicant had not been asked by the Commission to do so. Mr. Smith noted there was no way to sign and emboss electronic versions of the plans and that the State Board had ruled electronic versions could not be issued for that reason. Mr. Bedini noted the IW Regulations do not require electronic versions to be submitted. Mr. Wadeldon said that in the past a similar request had been made and the engineer's insurance carriers would not allow it.

Mr. Piscuskas asked if opponents had to disprove the statements made on behalf of the applicant through scientific analysis. Mr. Bedini said that was correct.

Mr. Piscuskas asked if frozen ground impacts water flow. Mr. Buck said it did because water does not percolate into frozen ground. Mr. Piscuskas said it was common sense that the amount of woodland would effect the hydrology. Mr. Buck said that rainfall either runs over the surface, is infiltrated into the ground, or is evapo-transpired and that there is only a minimal difference when woodland is changed to grass. Mr. Piscuskas noted the massive root structure of trees compared to grass and so questioned Mr. Buck's statement. Mr. Buck said the existing woods were in good shape with relatively low runoff rates and that SCS studies had shown that the proposed type of development would produce slightly less runoff than woods in good condition.

Ms. Roberts asked if plans for turf management had been submitted and said she was concerned that nutrients and pesticides used on the fields would get into the runoff and would infiltrate into the groundwater. Mr. Buck responded that The Gunnery would fertilize as recommended by a turf management expert. He said studies have shown a greater impact to water sources from septic systems than from turf management.

Mrs. Buonaiuto asked how many trees would be cut on the 12 acres to be cleared. Mr. Buck said there was no way to estimate the number. Mrs. Buonaiuto said she was a gardener and so had observed that woodland areas have leaf mulch, which prevents the soil from freezing, while grass areas don't and so she concluded that there would be more winter runoff once the woods were cut. Mr. Bedini noted that was her opinion. Mrs. Buonaiuto said her opinion was based on her experience.

Mrs. Buonaiuto said it was ironic that The Gunnery had placed its environmental classroom building uphill of 12 acres of environmental disturbance.

Ms. Zelenko and Mr. Piscuskas asked for an elevation drawing or a cross section drawing of the proposal so that the impacts of the cuts and fills could be understood. Mr. Smith said he had not prepared one.

Mr. Piscuskas asked if the Commission had ever before considered a project of this scale and asked if it understood the dynamics. Mr. Bedini said the Commission had considered other more complex projects

such as the Rumsey Hall rink and the Montessori School. Mr. Piscuskas said he was not questioning the engineering, but did question the wisdom of the project. Mr. Bedini stated the Commission had also had its own consultant review the plans, that the consultant's questions and concerns had been forwarded to the applicant, and the applicant had responded. He said the Commission considers all technical input from all sources when making its decision.

Mrs. Crumrine noted that in years past The Gunnery had referred to Phase 1, 2, and 3 plans for this site and asked what would happen if once completed, the applicant found it needed more. Mr. Bedini said that any proposed change to the approved plans would have to come back to the Commission for reapproval.

Mrs. Crumrine complained that the presentation was only two dimensional and asked for an explanation of what would be visible from her back yard. Mr. Smith said the fields would be at least 32 ft. higher than the elevation of her house. Mr. Buck said there would be 100 yards of woods between her house and the fields and that if anything would be visible, it would be a 20 ft. high bank planted with no mow grass. He said she would not see the fields.

Mrs. Crumrine said a serious terrace of the natural hillside was proposed and she asked how many dump truck loads of material would be removed. Mr. Buck said that no material would be removed from the site, but approx. 3,500 truck loads would be moved.

Mr. Smith clarified that the Crumrine house would be 606 ft. from the fields, the elevation of the Crumrine house was at 805, while the fields would be at 890.

Mrs. Crumrine stated the project would have a huge impact on the pristine hillside.

Ms. Zelenko noted there is ledge on the hillside and asked if mining permits would be obtained for earth moving and explosives. She also asked if the issue of disturbing vernal pools and impacting underground flows when the rocks are broken up would be addressed. Mr. Bedini asked how she had concluded that blasting would be required.

Mr. Piscuskas noted that blasting is not part of the application and so if it is found they need to blast, they will have to return to the Commission for approval.

Mr. Buck reported that per the Welti borings, almost all of the proposed grading would be above ledge and that most of the area where the fields would be located have 20 ft. of overburden on top of ledge. He said according to the contractor, the minimal amount of rock removal required could all be accomplished by "ripping" and no blasting was anticipated. Mrs. Roberts asked if there was a map that showed the boring locations and Mr. Buck said there was.

Mrs. Buonaiuto asked if the driveway for handicapped access would be gravel. Mr. Smith said it would.

Mr. Piscuskas said in his experience The Gunnery had not been truthful with the neighbors and so he asked that the use of the fields be stated in writing. Atty. Williams said the fields would be used for practices and for JV games. Mr. Piscuskas said it was a poor location for athletic fields and so other areas with less impact to the environment should be explored.

Mr. Bedini stated the public hearing would be continued and asked if it was anticipated there would be a large amount of additional information submitted. Atty. Williams said he had expected the interveners would have submitted their arguments tonight. Mr. Bedini asked that additional materials be submitted at least a week before the continuation date so that the commissioners will have time to review it. After a brief discussion it was decided to continue the hearing to January 11, 2012.

MOTION:

To continue the public hearing to consider Application #IW-11-40 submitted by The Gunnery, Inc. for

athletic fields at 22 South Street to Wednesday, January 11, 2012 at 5:00 p.m. in the Land Use Meeting Room.

By Mr. Bedini, seconded by Mr. Wadelton, and passed 5-0.

MOTION:

To adjourn the meeting. By Mrs. Hill.

Mr. Bedini adjourned the meeting at 8:27 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator