

## October 27, 2010

6:00 p.m. Main Hall, Bryan Memorial Town Hall

**MEMBERS PRESENT:** Mr. Bedini, Mr. Bohan, Mr. LaMuniere, Mr. Wadelton

**MEMBER ABSENT:** Mrs. Hill

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

**ALTERNATE ABSENT:** Mr. Papsin

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

**ALSO PRESENT:** Ms. Klauer, Mr. Szymanski, Mr. Sabin, Mr. Charles, Ms. Purnell, Mr./Mrs. Solomon, Mrs. Benn

### **PUBLIC HEARING**

Wykeham Rise, LLC./101 Wykeham Road/Request to Amend Permit #IW-08-31

Mr. Bedini called the public hearing to order at 6:00 p.m. and seated Members Bedini, Bohan, LaMuniere, and Wadelton and Alternate Cheney for Mrs. Hill. Mr. Wadelton read the legal notice published in Voices on 10/13/10 and 10/24/10 and the list of documents in the file.

Mr. Szymanski, engineer, summarized the proposed revisions, which included: 1) Dorms #5, #6, #7, and #8 are now proposed where cottages were previously proposed and each of these buildings is now further from or the same distance from wetlands as the cottages were. 2) There is no longer a building proposed near the existing tennis courts. 3) One dorm is now proposed at the top of the hill, which reduces the coverage on the hill by 950 sq. ft. 4) The size of the proposed main building was reduced by 11.5% and its position rotated. 5) There will be a secondary access from approximately station 5+30 to Wykeham Road and it will be constructed of porous asphalt.

Mr. Szymanski then submitted a letter dated 10/27/10, and the revised plans, "Site Development Plan for Wykeham University," by Arthur H. Howland and Assoc., revised to 10/26/10, which, he said, were in response to Land Tech's 10/25/10 review. He explained the revisions to the plans included: 1) He had rectified the lot coverage discrepancies and had removed the patio next to the main building to decrease coverage. 2) To address the problem of clogged outlet pipes in proposed ponds #1 and #2, faircloth skimmers were added to allow the basins to drain slowly. 3) A typical section for a rain garden with soil types was added, as were corresponding notes in the construction sequence. 4) The shading on the plans for porous vs. regulation asphalt were changed to match the legends so it would be easier to see where each would be used. 5) Additional calculations for the sizing of the outlets and for the rip rapped aprons were submitted. 5) The calculations for the ponds and times of concentrations of flows were recalculated per updated TR-55 guidelines based on a maximum sheet flow of 100 feet. He found that based on the new calculations, both ponds have adequate capacity. 6) Based on Land Tech's recommendations, the location of the pond outlets for both pond #1 and #2 were moved. This allowed room for an additional sediment forebay for pond #2.

Mr. LaMuniere said he did not see the justification for moving the major portion of driveway #1 into the wetlands setback. He asked why it wasn't moved just a few feet to the south to keep it out of the regulated area, saying the proposed route would not do much to limit disruption or decrease coverage. Mr. Szymanski said the existing impervious pavement would be replaced with porous asphalt, which would permit infiltration of runoff rather than the direct flow into Kirby Brook, which now takes place. He also stated a vegetated area would be installed between the new driveway and the wetland corridor.

Mr. LaMuniere asked why the proposed catch basins could not be moved 20 ft. to the south to prevent additional disturbance within the 100 ft. setback. Mr. Szymanski stated this would not impact the

wetlands, described the proposed erosion and sedimentation control measures, and advised Mr. LaMuniere to consult with Land Tech. Mr. LaMuniere was not convinced and said the additional plantings could be installed even if the driveway was not moved into the setback area.

Mr. LaMuniere asked what happens to the porous pavement when there is a serious freeze after a rainfall. Mr. Szymanski explained there would be an underdrain system beneath the porous pavement and that due to the open voids in the pavement, the underground temperature would rise to the surface to melt the snow.

Mr. Ajello asked about the maintenance of the faircloth floating skimmer and noted it would be very important to monitor it during any weather event. Mr. Szymanski said that monitoring had been addressed in the previous approval.

Ms. Purnell submitted a letter with attachments dated 10/27/10 and made a lengthy presentation, which included the following points: 1) The Commission needs the specifications for the type of porous pavement to be used because there are limitations depending on the type and the site conditions. When Ms. Purnell asked Mr. Szymanski for this information, he said it had been submitted with the last application. He asked that only the proposed revisions be discussed. Mr. Bedini stated that references to the porous pavement specs that were previously submitted would be OK. Atty. Olson advised the Commission that it could potentially incorporate information from the original application if it determines that a new application is needed. 2) Ms. Purnell said there were three reasons why the Commission should require a new application; the proposed change in use triggers changes to the site plan that require careful evaluation, critical new information for the proper assessment of potential impacts to wetlands and watercourses has come to light, and important information that should have been evaluated during the original application had not been raised or considered. 3) Ms. Purnell stated that Mr. Szymanski's 9/7/10 response to the Commission's request for a detailed written description of all proposed revisions to Permit #IW-08-31 was misleading and "glossed over" differences between the two site development plans. For example, she said the total wetlands acreage and total disturbed wetlands acreage differed in the two site plans and there was no explanation offered as to why this was so. She submitted a copy of the "Overall Site Development Plan," on which she outlined the differences between the regulated and disturbed areas. She also said the total proposed impervious surface differed between the two proposals and she disputed the applicant's coverage analysis. Other differences cited included the planting plans, the building setbacks, the rotation of some of the buildings, the proposed cutting of 30 trees within the riparian buffer, which was not included in the limit of disturbance line, replacement of a green roof with a greenhouse, the location of a swale, location of air conditioning units, and steeper elevations behind the proposed main building.

The clearcutting of the 30 trees was briefly discussed. Mr. Ajello said he remembered that in the first application only the selective removal of dead or diseased trees had been considered. Mr. Szymanski said that either Mr. Branson, a forester, or Mr. Pollock, of Ct. Arbor Services, would be consulted.

Regarding the swale, Mr. Szymanski stated it was existing, but Ms. Purnell said that due to the proposed location of the new main building, it could not exist after construction. Mr. Szymanski said he preferred not to concentrate the runoff as had been done previously.

Mr. LaMuniere noted the Commission should focus on the impact of the proposed revisions and Ms. Purnell responded that was what she was trying to do.

Mr. Bedini noted all of the material submitted tonight would be sent to Land Tech for review. Ms. Purnell said she also would review the applicant's latest submissions. Mr. Wadelton and Mr. Martino asked her to do so as soon as possible.

Ms. Purnell said the number of rooms had increased from 44 guest rooms to 56 dorm rooms, but the

number of parking spaces had remained the same. She said the number of rooms would influence the amount of traffic, which, in turn, would impact water quality and possibly result in more pollution to Kirby Brook. She thought the Commission should know the floor plans of the buildings and the class schedules. Mr. LaMuniere did not think that was the Wetland Commission's business, but Ms. Purnell thought the number of traffic trips per day would impact the wetlands and watercourse.

Mr. Martino asked what the use has to do with whether or not there are differences between the two site plans. Ms. Purnell thought the new proposed use might require further revisions to the site plan. Mr. LaMuniere did not think these could be considered because they were speculative. Mr. Bedini stated the Commission would review the proposed revisions and determine whether they were significant enough so that a new application should be required.

Ms. Klauer noted that the applicant had already paid for one Land Tech review and questioned whether this type of discussion should continue.

Mrs. Solomon responded that this was only the first session of the hearing whose purpose was to provide the public the opportunity to discuss the application.

Ms. Purnell noted another difference between the site plans was that the number of entrances had increased under the proposed plan. She also questioned whether there was enough soils information about the site, stating that the differences in non wetland soil characteristics could impact the runoff calculations.

Mr. LaMuniere stated the amount of traffic to be generated on the porous pavement was a legitimate concern, but he did not see the relevance of the other points raised.

Ms. Purnell questioned whether some of the meadow area would be used for gardening classes as the conversion of meadow to lawn would impact the runoff calculations. Another difference between the plans, she said, was that under Permit #IW-08-31, only three acres could be disturbed at any one time, but under the proposed revisions, 5 acres would be disturbed at one time. She noted this would have a direct bearing on the duration of the construction project. Another difference was that for the water supply the inn had only a pump house, but the school's water system includes an underground vault and two 30,000 gallon tanks. Mr. Szymanski stated that the water system information had been submitted on an 8.5 X 11 sheet at the last session of the public hearing for Application #IW-08-31. Ms. Purnell stated, though, that the location had been changed.

Also, Ms. Purnell said some walkways had been added to the plans, but had not been included in the coverage calculations. She maintained this was an issue because the lot coverage was already approaching the maximum permitted under Zoning. She thought proposed pea stone walkways would have to be paved over for ADA access. Mr. Bedini noted that any time the applicant wanted to make a change in the future, he would have to apply to the Commission. Ms. Purnell read Section 11.02.f of the Regulations, which states that future activities reasonably related to the proposed regulated activity shall be considered by the Commission. She recommended that since the details of the revised plan had not been thoroughly worked out, a new application should be required so that all the information necessary to make an informed decision would be in the file.

Ms. Purnell said the Commission had not yet determined the extent of the off site wetlands and watercourses and that the proposed drainage plans would intercept 35% of the runoff that naturally flows into these areas and direct it away from them. She showed the extent of the wetlands per NRCS soils data and said that the non wetland soils in the area have high groundwater. She spoke about underground drainage, pointed out the location of a spring, well, and a series of wetlands 160 ft. down slope of the Wykeham Rise property line, and noted a watercourse directly down slope of the Wykeham property, which, she said, would also be adversely impacted. Mr. Ajello noted that Land Tech had

addressed the downhill wetlands, but Ms. Purnell stated that Land Tech had not inspected the adjoining property. She submitted several photos of this area, labeled them, and labeled on the site plan where they were taken from.

Ms. Purnell was concerned that the location of three abandoned leaching fields had not been identified in a soils report.

Ms. Purnell noted that the Commission had approved the remediation of the existing buildings in the Wykeham Rise, LLC. affordable housing application, and so said the reuse of these buildings must be considered a feasible and prudent alternative to the construction of the proposed buildings.

Ms. Purnell stated that the impacts to the wetlands and watercourses had been downplayed and the amounts of impervious surface underestimated. She questioned whether the proposed porous pavement would function properly due to its maintenance requirements and the slope of the land and the high groundwater on site. She stated that 77% of the property has slopes greater than 10% and 30% has slopes greater than 20%. She noted if the porous pavement did not function properly, the stormwater runoff calculations would be impacted.

Ms. Purnell said she was very concerned that the non wetlands soils weren't mapped more accurately than shown by the NRCS maps. She thought it crucial to understand the erodible nature of the non wetlands soils on site due to the broad extent of the proposed activities, the steep slopes on site, the seeps and shallow groundwater on site, the locations of the proposed rain gardens and sediment basins, and the duration of construction, which, she said, would be 2 years and 44 days, not counting weather delays. She also noted there were bed rock outcroppings, but said no plans for blasting had been submitted.

Ms. Purnell asked for the size of the area within the limit of disturbance for both the inn and the school and for the soils information on the test pits. She thought the existing driveway to the north could be reused as a feasible and prudent alternative, asked during which phase of construction the Kirby Brook riparian buffer would be cut and during which phase the invasives would be removed, and asked how the original landscaping plan would be incorporated with the new landscaping plans. She stated a new application should be required to resolve all discrepancies.

Mr. Szymanski said he had not yet read Ms. Purnell's letter but asked for substantial evidence that would demonstrate that the proposed revisions are likely to have an adverse impact on any wetland. Ms. Purnell said her letter addressed this and added that 35% of the water that now flows to the offsite wetlands would be intercepted. She again stated she did not yet have all of the technical data required to provide the Commission with exact answers to questions such as whether the proposed driveway would function properly, whether Kirby Brook would "take a beating," whether the upper meadow would remain a meadow and whether that area would impact the runoff calculations. She asked that the Commission study the proposed revisions very closely.

Mr. Szymanski stated the proposed revisions had not been "glossed over" and that Land Tech had done a thorough review and had had only a few minor comments. He said that page 2 of the Land Tech review addressed Ms. Purnell's concerns about adverse impacts to Kirby Brook, adding that the redundant stormwater management measures proposed would adequately protect it. He also noted the narrow woodland buffer to be planted between the new driveway and the brook would be a more effective buffer than the existing lawn. Both long and short term impacts had been considered, he said, and the erosion and sedimentation controls proposed were adequate. He stated the applicant could not be expected to have information about off site wetlands. Regarding Ms. Purnell's comments about impervious surfaces, Mr. Szymanski responded that only 6% of the site would be impervious and typically site analysis is not required for projects under 10%.

Mr. Bedini again stated all new material and the newly raised questions would be sent to Land Tech for review. Mr. Szymanski did not want Land Tech to review any material other than how the proposed revisions would impact the wetlands. Mr. Bedini noted the Commission's attorney would make sure that only relevant matters were considered by the Commission.

Mr. Charles asked if the new commissioners who did not participate in the deliberation of the inn application were supposed to review the entire inn file in order to understand what had been previously approved. Mr. Bedini said they were.

Mr. LaMunier did not think that a possible lack of thoroughness in the review of the inn application was a reason to require a new application for the school. He thought that had nothing to do with the proposed revisions and that many of Ms. Purnell's points related to a poorly presented first application.

Atty. Olson stated the Commission should first determine whether the proposed revisions were significant, and since it had determined that they were not significant enough to require a new application, the analysis should be limited to the revisions and their impacts. She noted the scope of the review was at the Commission's discretion.

Mr. Wadelton asked if there was evidence submitted by Ms. Purnell that the proposed revisions would negatively impact the wetlands either in the short term or the long term. Ms. Purnell cited some of her experience, said, yes, there would be negative impacts, and said she would submit supporting data.

Mr. Charles asked whether the report on the inn application by Mr. Trinkaus, engineer, could be added to the current file as he thought it raised relevant issues. There was some debate about whether this report had addressed the inn or the affordable housing application and whether it had any relevance to the consideration of the proposed revisions.

Mr. Charles also noted that it would make a difference whether the applicant hired an arborist or a forester for advice because a forester would be more likely to save trees. He said he thought that more than the 102 parking spaces proposed would be needed for the school. He warned that projects are not always carried out according to their permits, and so advised the Commission to carefully review an application of this scope.

Because this is such a complex project, Mrs. Solomon asked that the Commission look at everything in the file in greater detail with the goal of protecting the wetlands. She noted her appreciation for Ms. Purnell's efforts and research in working towards this goal. She also asked the Commission to consider the feasible and prudent alternative of reusing the existing buildings.

Mr. Bedini responded that the Commission would get input from its consultants and carefully consider the request. He also noted there was a delicate balance between wetlands protection and a property owner's right to use his land.

Mrs. Solomon again stated this was a very complex project, said she was frustrated by the lack of transparency by the applicant, and urged the Commission to think for itself rather than just go by the consultant's opinion.

Mr. Wadelton said it would be difficult to deny an application that two professionals determined was OK.

Mrs. J. Hill noted that the Commission had not yet determined whether the proposed revisions were significant. It had planned to do so after the site inspection had been conducted and the consultant's report had been received, but to date, this had not been discussed. Atty. Olson said in that case, the Commission would decide whether a new application would be required or whether it would not be required because the revisions were not significant.

Mrs. Solomon asked if there were mistakes made in the original application, would these be factored in when the Commission rules on the current request. Atty. Olson said, no, if mistakes had been made, there should have been a timely appeal, but if there were significant changes in circumstances, the Commission could consider them. Mr. Szymanski questioned whether there had been any significant changes in circumstances.

Mr. Charles stated that feasible and prudent alternatives must be considered. He said that at the time the original application was acted on two of the commissioners stated the Commission had not considered feasible and prudent alternatives, but they would vote for approval anyway.

Mr. Sabin, landscape architect, disagreed with Mr. Charles' earlier statement that often permitted work is not carried out according to the approved plans.

Mr. Martino asked how long the inn permit would be valid. Ms. Purnell stated it was a five year permit.

Mr. Szymanski said he would like the hearing to be closed as the plans had been submitted 50 days ago. Ms. Purnell stated she would like time to thoroughly review the information submitted tonight by the applicant. Mrs. J. Hill noted the Commission could continue the hearing for 35 days without a request by the applicant.

Ms. Purnell again stated she had found more changes to the approved plans than Mr. Szymanski had listed in his letter to the Commission.

Mr. Bedini asked the commissioners if they had all the information they needed to render a decision.

Mr. Bohan asked Ms. Purnell if she had read Land Tech's review. She said she had, but noted it had misunderstood some of the points she had made and so she wanted the opportunity to provide clarification and submit supplemental information. She also asked that the applicant provide the specifications she requested on the porous asphalt to be used for the driveway. Mr. Bohan thought the hearing should be continued.

Mr. LaMunier said he wanted time to carefully consider Ms. Purnell's input, but said he would not consider any information about the mishandling of the inn application.

Mr. Wadelton was in favor of continuing the hearing as long as Ms. Purnell got her information in so the Commission could review it beforehand.

Ms. Purnell said she would not be able to get all her information in and do a complete analysis by 11/3/10.

Mr. Martino agreed to continue the hearing as long as Ms. Purnell's information was submitted as soon as possible.

Mr. Ajello repeated that another difference between Permit #IW-08-31 and the current plan was that a condition of approval had been that no more than three acres may be disturbed at any one time, whereas the current plans specify that no more than five acres may be disturbed at one time. He asked whether it would be appropriate to reconsider the condition at this time. He noted that the three acre limitation might extend the duration of construction. He asked whether Land Tech should be consulted about this condition.

Ms. Purnell again requested soils information and specifications for the pervious surface to be used for the driveway. The applicant stated these were already in the file.

After a brief discussion, it was agreed to continue the public hearing to Tuesday, November 16, 2010 at 6:00 p.m. in the Land Use Meeting Room.

Mr. Szymanski asked what Land Tech would be asked to review. Mr. Ajello said it would review the

revisions unless told otherwise. Mrs. Hill was asked to send all new documents to Land Tech as soon as possible.

At 9:45 p.m. Mr. Bedini continued the hearing to 11/16/10 at 6:00 p.m. in the Land Use Meeting Room.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator