

December 22, 2009

Special Meeting

5:00 p.m., Land Use Meeting Room

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

MEMBER ABSENT: Mr. Bedini

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

ALSO PRESENT: Mr. and Mrs. Solomon, Mr. Klauer, Mr. Sonder, Mr. Lyon, Mr. Charles

Mr. Wadelton called the meeting to order at 5:00 p.m. and seated Members Bohan, Hill, LaMuniere, and Wadelton.

Mr. Wadelton explained that Ms. Purnell's review had been submitted at the last session of the public hearing, it had been sent to the Commission's consultant for review, and the consulting report had then been referred to Atty. Zizka, who reviewed it to make sure it did not include any new information that could not be considered after the close of the hearing. He read the letter from Land Tech dated 12/21/09.

Mr. LaMuniere read his prepared statement in support of the application, which he said was based on his review of this file and general knowledge from previous applications for this property. He concluded by recommending several conditions of approval. (See attached statement.)

Mrs. Hill agreed, saying that the Commission's consultant had concluded the project could be completed without permanent damage to wetlands and watercourses and that appropriate measures were proposed to cope with temporary impacts. To deal with possible negative impacts to Kirby Brook, she recommended as a condition of approval to require water quality testing both just above and below the site, taken before, during, and for several years after the completion of work. Mr. LaMuniere agreed and also thought it was important to conduct this monitoring after the sediment basins were functional. Mrs. Hill thought the testing should be done in a similar manner to the testing that had been required for the Montessori School permit. Mr. Ajello agreed the sample sites just above and below the property were critical, pointed out that the tests should be conducted at the same time each year, and noted that such testing would not take into account any impacts to wetlands along the boundary line. Mr. LaMuniere noted that prior to the commencement of construction, the entire stormwater drainage system was required to be in place, and said he did want testing while there was ongoing construction. Mr. Ajello did not think short term testing would be meaningful, but that it was the monitoring for long term impacts that was important. Mr. LaMuniere suggested that a bond be posted for a period of three years, similar to what had been required of the Montessori School, and returned to the property owner after monitoring had proven the system was working effectively.

Erosion and sedimentation control measures were briefly discussed. Mr. Bohan noted there would not be a lot of disturbance and Mr. LaMuniere pointed out these areas on the site plan revised to 11/3/09. Mr. LaMuniere thought the specific plans for the end of the drainage system were well done, but said they must be properly installed and the disturbed areas grassed. Mr. Ajello stated the proposed erosion controls would protect the site and would handle even the short term impacts of access by construction vehicles. Mr. Bohan said he was satisfied with the proposed erosion controls and sequence of construction.

Mr. Wadelton objected to a condition of approval for water quality testing unless the Commission established what would be tested for at which locations, how often, under what conditions, what company would be used, etc. He argued it could not include an open ended condition in the approval because it would not be fair to the applicant. He also noted that long term analysis of the data collected

would be necessary in order to interpret any “spikes” in the test results. He noted his experience in the field of air and water quality and said it was too late to develop meaningful baseline data. Mr. LaMunier pointed out that the Commission already had some information from Ms. Chase in a previous application that found Kirby Brook was healthy. Mr. Wadelton objected, saying her conclusion had not been based on monitoring, but had been a presumption. Mrs. Hill stated that a lab such as Hydro Technologies would know what to test for and where the testing should be conducted and she disagreed with Mr. Wadelton that it was too late to gather baseline data. She recommended that the Commission consult the Montessori file to determine what should be tested for. Mr. Wadelton objected, saying the two sites had nothing in common. Mrs. Hill pointed out what they had in common was the waters of Connecticut and the potential for impact to those waters. Mr. Wadelton stressed that if an exact condition of approval was not specified, the condition would not be valid. Mr. LaMunier said he supported a condition requiring water quality monitoring, but said he would be more concerned if DEP approval of the septic system was not required. Mr. Wadelton responded that approval of the septic system was not under the Commission’s jurisdiction. Mr. LaMunier and Mrs. Hill thought water quality monitoring would be an additional safeguard for the public, but Mr. Wadelton again stated that such a condition must specifically list all that the applicant would be required to do.

Mr. LaMunier recommended a \$15,000 bond.

MOTION:

To approve Application #IW-09-39 submitted by Wykeham Rise, LLC. for affordable housing at 101 Wykeham Road per the set of plans submitted and supporting technical data, 24 sheets, prepared by Arthur H. Howland and Associates, entitled, “Wykeham Terrace,” dated 7/10/2009 and revised to 11/3/09 subject to the following conditions:

1. no work is to start on site until the Commission has received written notification that DEP has approved the septic system as is or with required modifications and that the driveway traversing it to give access to the southern part of the property is not detrimental to, and will not endanger its functioning over the long term,
2. a cash bond in the amount of \$15,000 shall be posted before the start of the project and it shall be returned when the project’s basic infrastructure including the driveway extension, sedimentation basin, and other erosion and drainage and stormwater control elements are in place and all disturbed areas have been stabilized,
3. any further modification to the present application shall be returned to the Commission for review, and
4. the duration of the permit shall be 5 years.

By Mr. LaMunier, seconded by Mrs. Hill, and passed 4-0.

MOTION

To adjourn the Meeting. By Mrs. Hill.

The Meeting was adjourned at 5:47 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,
Janet M. Hill
Land Use Administrator