

# October 12, 2011

## **Public Hearing – Regular Meeting 6:00 p.m. Land Use Meeting Room**

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

**ALTERNATE PRESENT:** Mr. Papsin

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

**ALSO PRESENT:** Mr. Szymanski, Ms. Purnell, Mrs. Solomon

## **PUBLIC HEARING**

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

Mr. Wadelton reconvened the public hearing at 6:01 p.m. and seated Members Bohan, Hill, LaMuniere, and Wadelton and Alternate Papsin for Mr. Bedini. He then read the list of documents submitted to the file since the last meeting.

Mr. LaMuniere made several points.

1) To ensure optimal monitoring, the erosion control specialist should be involved in all pre construction meetings. Mr. Szymanski, engineer, agreed.

2) The Removal Plan on Sheet RM.1 was detailed, but contained no specific sequencing. He said the plan needed more detail as it has pollution implications, heavy machinery would be used, and the proposed activities are on steep slopes. He asked that details be added to address the spread of debris and to provide erosion control for the removal of all structures, including the tennis courts. Mr. Szymanski stated that the construction sequence showed the erosion controls would be installed before any other work began and that not all of the property would be opened up at once. He pointed out the undisturbed buffer area for Phase I. He also noted that the debris would be loaded into containers and trucked off site. Mr. LaMuniere said he would like this in writing for the record.

3) More trees than indicated on Planting Plan #2, would be removed. Mr. LaMuniere was concerned the proposed replanting would not be sufficient along the Kirby Brook corridor and on the east side of driveway #2. Mr. Szymanski noted that some trees had to be cut due to grading activities. Mr. Szymanski noted the trees along Kirby Brook could be left, but the Public Works Dept. had asked that they be removed. Mr. LaMuniere recommended that the WEO and a commissioner should approve the trees to be cut in this area before the work is done.

4) Mr. LaMuniere asked if there would be an erosion problem at the points where the sheet flow over bituminous surfaces meets the natural soil. He suggested that a narrow belt of grass pavers be installed in these areas to prevent erosion. Mr. Szymanski said the maintenance staff would monitor these areas on a weekly basis, that there would be a minimum amount of sheet flow, these areas were not steep, and they would be fully stabilized.

Mr. Szymanski responded orally to the points raised in Land Tech's 10/5/11 review. Land Tech's review had addressed concerns raised by both Mr. Aubrey and Ms. Purnell.

1) Former septic system leach fields:

Mr. Szymanski agreed with Land Tech that the removal and disposal of regulated waste materials would have to be done per the current laws and regulations and would be coordinated with the Health Dept. But, he added that the testing had found no evidence of waste materials.

2) Wetlands and watercourses delineation:

Mr. Szymanski said he had inspected the areas that Mr. Aubrey had ID'd as additional watercourses on site and he circulated photos of these areas and said there was no evidence of water flowing in them. He said he and Mr. Allan were comfortable with the wetlands flagging.

3) Upland review area:

Mr. Szymanski stated that the applicant had always shown the 100 ft. upland review area on his plans.

4) Drainage report:

Mr. Szymanski disagreed with Mr. Aubrey's claim that the drainage calculations are incomplete, saying that his review revised to 7/22/11 contained all the information that Mr. Aubrey said was not in the file. He said that supplemental swale calculations had also been submitted.

5) Rainfall intensity values:

Mr. Szymanski stated that Land Tech had confirmed the proper values had been used.

6) Test pits:

Mr. Szymanski referred to Land Tech's 12/6/10 review, which stated that the presence of groundwater would not impact the operation of the two stormwater basins or result in the loss of any basin capacity. Mr. Szymanski added that he had not taken credit for the rain gardens when sizing the stormwater basins.

7) Seasonal high groundwater tables:

Mr. Szymanski explained the concern had been raised that the septic system would load pond #1. He said he had done further analysis, which indicated the elevation of pond #1 would not be impacted by any more than 1/4 inch and that Mr. Allan had agreed there would be no impact.

8) Expanded parking area:

Mr. Szymanski stated that previous calculations had been done for bituminous surfaced driveways and parking, so in his 8/31/11 letter to the Commission Mr. Allan found that since there had been no credit for any porous pavements, their removal would have no impact on post development runoff rates or volumes.

9) Possible expansion of parking:

Mr. Szymanski disagreed with Ms. Purnell's concern that enlargement of the pond would limit the future expansion of the parking area. He stated there was never any intention of using this area for parking. If future parking expansion is needed, he said it would be on the flat area near station 7.00.

10) Reassessment of water quality impacts:

Again, Mr. Szymanski said this was not needed because he had never taken any credit for porous pavement.

11) Under estimation of impervious cover:

Mr. Szymanski said that no facts had been submitted to refute his coverage figures and that his coverage calculations had been done by a licensed surveyor, while the coverage figures in the Assessor's Office had not been done by a trained professional.

12) Water quantity and quality treatment measures:

Mr. Szymanski stated that currently there are three non treated direct discharges into Kirby Brook, whereas his plan proposes a line of redundancy treatment measures such as wet ponds, vegetated swales, forebays, rain gardens, etc.

13) Enhanced water quality treatment of porous asphalt:

Mr. Szymanski said Land Tech had addressed this issue in its 9/25/08 review letter.

14) Test pit data:

Ms. Purnell had complained that this data was not in the file. Mr. Szymanski said he had supplied this information in his 11/18/10 letter to the Commission, but it was now missing from the file.

15) Wet ponds:

Ms. Purnell had stated that further clearing was needed to install the proposed pipe, but Mr. Szymanski said the limit of disturbance had not increased from the previous approved plan.

16) Forebay:

Mr. Szymanski was glad the enlargement of the forebay to 9.6 times larger than the required size had been acknowledged.

17) Required riparian buffer width:

Mr. Szymanski stated that a 100 ft. width was not always required. He said he had a position paper, which stated the exact required width is disputed and should be determined on a site specific basis.

18) Thermal impacts:

Mr. Szymanski read from page 5 of Land Tech's 10/5/11 letter, which stated there would be less thermal impact to Kirby Brook under the proposed conditions than currently exists.

19) Impacts on groundwater:

Mr. Szymanski stated that Land Tech did not anticipate negative impacts to the groundwater associated with the stormwater basins.

20) Phasing:

Mr. Szymanski noted that Land Tech thought the proposed maximum 5 acre disturbance limit was reasonable.

21) Stockpile in tennis court:

Mr. Szymanski said per Land Tech's recommendation, he had removed the Phase 2 top soil stockpile in the tennis court area because it was not needed. He offered to cross it out and initial the plan. He noted this had been the only change made in response to Land Tech's latest comments. At this point Mr. Szymanski crossed out the stockpile in the SE corner of the tennis court, and initialed and dated this revision. He also labeled the photos he had submitted.

22) Pollution of rain gardens:

Ms. Purnell was concerned that the runoff from the proposed metal roofs would pollute the rain gardens. In his 10/5/11 letter, Mr. Allan stated that it was prudent to use the rain gardens to collect the contaminants rather than to let them discharge directly into the wetlands and watercourses.

23) Monitoring and enforcement:

Mr. Szymanski noted that the monitoring recommended by Land Tech in its 9/20/11 letter was OK with the applicant.

24) Limit of disturbance:

There had been a concern that the limit of disturbance for each phase had not been shown to extend to Wykeham Road. Mr. Szymanski noted that the work done in each phase would be stabilized before work in the next phase would begin.

25) Feasible and prudent alternatives: Mr. Szymanski stated these had been discussed in detail at the last meeting. He said that Ms. Purnell had not proven that the proposed activities would have a substantial adverse impact on the wetlands and watercourses and so consideration of feasible and prudent alternatives was not required.

26) Ultimate construction on the site:

Mr. Szymanski stated this was not in question since detailed plans had been submitted.

27) Installation of additional impervious surfaces:

There had been a concern expressed that impervious surfaces beyond those proposed on the plans and approved by the Commission would be needed and installed. Mr. Szymanski stated that an as-built would be required upon completion of the project.

Specifically addressing Ms. Purnell's 10/5/11 letter to the Commission, Mr. Szymanski gave the following responses. 1) Incomplete documentation for request: Ms. Purnell had claimed the applicant had not submitted all of the required information per Section 8.08. Mr. Szymanski stated that the approved activity had not yet commenced on site due to the pending lawsuit and noted the permit had not yet expired. He also stated there had been no changes in the facts or the circumstances so a new narrative had not been submitted.

2) Invasive plant management plan:

Mr. Szymanski said this was still proposed.

3) Reduction of ecological benefits associated with #IW-08-31 approval:

Ms. Purnell stated the proposed amendment would reduce the ecological benefits, while Mr. Szymanski said no one had stated what those benefits were and that Land Tech had found the proposed plans provided adequate protection of the wetlands and watercourses and would not result in any adverse impacts.

4) Sheet flow from the lower parking lot and porous asphalt:

Mr. Szymanski stated that Ms. Purnell's concerns had already been addressed in his responses to Mr. Aubrey and Land Tech.

5) Tree clearing:

Regarding Ms. Purnell's claim that additional areas would be disturbed due to clearing in the Kirby Brook riparian buffer and planting to provide screening for adjoining property owners, Mr. Szymanski stated that he had already addressed this concern.

6) Application detail:

Ms. Purnell complained that the application lacked sufficient detail, but Mr. Szymanski said the plans were detailed throughout.

7) Farm roads:

Mr. Szymanski stated the farm roads were not surfaced and had not been included in the lot coverage calculations.

8) Clearing along Kirby Brook:

Mr. Szymanski agreed that a representative of the Commission would meet with Mr. Sabin to help identify the diseased trees to be cut before the work is done.

9) Required buffer:

Mr. Szymanski stated the existing lawn was within 20 to 30 feet of Kirby Brook and a large portion of the upland review area along the brook would not be disturbed. He said the proposed large meadow and restoration area will provide a larger buffer than now exists.

10) Increasing separation distances:

Mr. Szymanski said this was suggested as a way to decrease potential down slope disturbances, but he said this had not been tied to how the proposed activities would adversely impact the wetlands.

11) Short term impacts:

Mr. Szymanski said Ms. Purnell had implied the short term impacts would be great, but had not cited

what they would be.

12) Erosion control measures:

Ms. Purnell had said that due to the difficulties of this site; friable soils, steep slopes, and the expanse of the areas to be disturbed the Commission should review information from the Center for Watershed Protection re: the success rates and functions of erosion control measures. Mr. Szymanski stated the erosion controls would be maintained as proposed and that Ms. Purnell's claim that they would fail was based on speculation.

13) Stormwater management measures:

Ms. Purnell stated the proposed stormwater measures were not consistent with guidance from the Ct. DEEP and in her 10/5/11 letter she cited six specific ways the proposed plans did not meet the DEEP specifications. Mr. Szymanski argued that materials from the DEEP say "should", not "shall," and so it is guidance, not requirements.

14) Lot coverage:

Mr. Szymanski stated that the Assessor's property cards should never be used to calculate lot coverage because there is no guarantee that they are accurate.

15) Long term impacts to Kirby Brook:

Mr. Szymanski stated that while Ms. Purnell says the proposed activities will result in long term thermal impacts to Kirby Brook, she does not address the thermal impacts from the current direct discharges into the brook. He stated that Mr. Allan found there would be no long term thermal impacts.

16) Flood storage capacity:

Although Ms. Purnell thought that there would be long term impacts due to the reduction in flood storage capacity due to the buried water supply infrastructure, Mr. Szymanski noted that Mr. Allan was OK with the proposal.

17) Mr. Szymanski stated that many of Ms. Purnell's concerns were speculative and that she had cited no specific substantial adverse impacts that would be the result of the proposed plan.

Questions were taken from the commissioners.

Mr. Papsin asked if the stumps of the cut trees would be removed. Mr. Szymanski said they would be flush cut.

Mr. LaMuniere said he would like to check the vicinity of wetlands flag #49 to see if there is a channel there. Mr. Szymanski noted there is a swale there and some erosion.

Mr. LaMuniere noted that the gravel parking area would become pond #1 and that he had not seen any debris in this area. Mr. Szymanski said there was an old appliance and some brush there.

Mr. Wadelton asked for comments from the public.

Ms. Purnell noted the proposal is a substantial one and said the Commission still did not have all the required information with which to render a decision about whether it could cause significant impact to the wetlands. She referred to Section 2.44 of the IW Regulations and asked the Commission to consider changes to the plans that would allow what the applicant wants but with greater protection for the wetlands and watercourses. She noted the steep grades and high groundwater table on the property. She noted that Land Tech had found that the plans would "mostly" mitigate the proposed impervious surfaces, but asked if they would be completely mitigated. She questioned how the applicant had arrived at 9.7% for the existing lot coverage. She listed her training in ecology and biology and stated that based on her training she had many concerns. In brief: 1) There are existing watercourses that are

not shown on the site plan. 2) The runoff from Bell Hill Road in the southeast corner of the property meets the definition of an intermittent watercourse; it had been identified as such by Jody Chase in a previous application. 3) There are springs behind the existing main building and these have been documented from information in the Swiss Hospitality file. 4) There is an existing well upslope on the adjoining Risley property. 5) The existing farm road has been identified by Mr. Aubry as an intermittent watercourse. 6) These existing watercourses add to the upland review area. 7) Ms. Purnell expressed her concern about the area of the abandoned septic fields, noting the file did not include any auger hole locations, depths, or soil conditions for this area. 8) She reminded the Commission that she had previously submitted information on contaminants and porous pavement and said she hoped all of the proposed porous pavement would be deleted from the application as she did not think the site conditions were favorable for its use. 9) She could not find any test pit data although she had searched several times and Mr. Szymanski maintained that it was in the file. She said that although Land Tech's report implies it received this information, the data in the file does not support Land Tech's findings. 10) No soils profiles had been submitted for the septic area. She was concerned that there would be leakage into the subsurface soils. 11) She was also concerned that there would be more runoff due to the removal of the porous pavement and that the stormwater basins were limited because they were wedged in between two wetlands. 12) The impervious pavement now proposed would require the use of more sand and salt. 13) The use of the driveways by snow plows, additional traffic, the increased number of students and all attendant services would result in more wear and tear on the driveway and she said she did not understand why the Commission did not view this as an obvious problem. 14) She stated that some of the runoff would flow through the wetlands. 15) Regarding riparian buffers, Ms. Purnell commented that she had submitted information from both the DEP and the Stormwater Manual. 16) Ms. Purnell noted that the Commission had agreed in its discussion of the previous Wykeham Terrace application that there would be short term impacts (turbidity) and stressed that was for an application that was going to reuse the existing buildings. She maintained that the current application would have many more short and long term impacts because a much greater scope of work was proposed. 17) She urged the Commission to give more thoughtful consideration to feasible and prudent alternatives because she thought there was a way to have a quality educational facility with a different configuration that would provide more protection for the wetlands and watercourses. 18) She questioned why the Commission had not enforced its requirement for preconstruction water quality monitoring for Permit #IW-08-31.

Mrs. Solomon voiced her concern that all of the details for the initial inn application had not been well thought out and so asked the Commission to thoroughly review the plans now. She said the applicant's reluctance to share information, refusal to extend the public hearing, and the lack of maintenance of the property worried the neighbors. She asked that the Commission require explicit safeguards and monitoring because the project is so complicated and is proposed on a difficult property.

Mr. Szymanski again stated that the sediment forebay had been oversized so there was no reason to fear the need for future expansion. He said there were already thermal impacts to Kirby Brook due to the direct discharges into it. He stressed that Land Tech had reviewed all the plans and had found there would be no adverse impacts to the wetlands.

Ms. Purnell referred to the minutes of the IWC Wykeham Terrace approval and the Swiss Hospitality Inst. file information to support her statements and said she had submitted a precipitation report for 8/08, which showed there had been less than normal precipitation for that month and that had impacted the groundwater levels. Mr. Szymanski objected to the last minute submission. Ms. Purnell stated it was not new information, but supporting data for issues she had already brought up. She said she was being held to a higher standard than Mr. Szymanski who had been permitted to submit photos and to revise his plans at the table tonight in violation of Section 10.06. The commissioners had no objections

to accepting Ms. Purnell's submissions.

There were no further questions or comments from the commissioners.

**MOTION:**

To close the public hearing to consider the request by Wykeham Rise, LLC. to amend Permit #IW-08-31 for a school at 101 Wykeham Road.

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

Mr. Wadelton noted the Commission would not vote on the application tonight because it would need time to review all of the documentation in the file and closed the hearing at 7:25 p.m.

**REGULAR MEETING**

**ALSO PRESENT:** Mr. Sabin, Ms. Zelenko, Mrs. Crumrine, Mr. Law Mr. Szymanski, Mrs. Solomon, Mr. C. Smith, Mr. Buck, Atty. Andrews, Mr. Neff, Mr. Calabrese, Mr./Mrs. Getnick, Mr. K. Smith, Mr. Lyon, Mr. Piscuskas

Mr. Bedini called the Meeting to order at 7:37 p.m. and seated Members Bedini, Bohan, Hill, LaMuniere, and Wadelton.

**MOTION:**

To include the following subsequent business on the Agenda:

New Applications:

E. Oberndorf/151 West Shore Road/#IW-11-41/Restore Shoreline Wall, Replace Dock.

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

**Consideration of the Minutes**

The 9/28/11 Regular Meeting minutes were accepted as corrected.

Page 3: Under Rumsey Hall School: Mrs. Hill noted that the minutes should include that several of the school staff were present and that Mr. Farnen, headmaster, gave a presentation of the proposal.

Page 4: Under Seitz: 2nd sentence: The minutes should state there was a lot of water under the house and coming through the floor.

It was noted that all permits that had not expired by 5/11/11 were now valid for 9 years from the date of approval. **MOTION:**

To accept the 9/28/11 Regular Meeting minutes as corrected.

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

**Pending Applications**

Steep Rock Assoc./120 Bee Brook Road/#IW-11-21/Bridge:

Mr. Bedini recused himself as he had not attended the last session of the public hearing. Members Bohan, Hill, LaMuniere, and Wadelton and Alternate Papsin were seated. Mr. LaMuniere stated that he had reviewed all of the materials, noted that corrections had been made as a result of the Milone and MacBroom review, and said the aesthetics of the gabions was not under Inland Wetlands jurisdiction.

Mr. Papsin noted the request to mark all trees to be cut had been addressed. It was noted that the engineers were still studying the merits of whether sheet pilings or micropiles would be used. Mr. LaMuniere thought the only remaining issue was the location of the dewatering basin. **MOTION:**

To approve Application #IW-11-21 submitted by Steep Rock Assoc. for a bridge at 120 Bee Brook Road per the set of maps and drawings, "Pedestrian Bridge Crossing the Shepaug River at the Hidden Valley Reservation," by Gray Organschi and TPA Design Group, dated July 11, 2011 and revised to

9/23/11; the permit shall be valid for 9 years and subject to the following conditions:

1. the design team, in consultation with the Inland Wetlands Commission or its representative, will identify a location for the dewatering basin and add the details to the erosion control plan,
2. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
3. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
4. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mr. LaMuniere, seconded by Mrs. Hill, and passed 5-0. Mr. Bedini was reseated.

Brown/127 West Shore Road/#IW-11-31/Application for Exemption:

Mr. Sabin, landscape architect, reported that Atty. Kelly would forward revised plans to Atty. Olson for review. He submitted the 9/28/11 letter from Atty. Kelly and photos. Further discussion was tabled until after Atty. Olson has an opportunity to review the revised plans.

Rumsey Hall School/201 Romford Road/#IW-11-34/Reconstruct Student Center and Dining Hall:

It was noted the consulting bond had been posted and it was hoped the review by Milone and MacBroom would be ready for the next meeting.

Malamed/115 River Road/#IW-11-36/Dredge Pond:

Mr. Neff, engineer, represented the applicant. He noted that although the pond had been cleaned five or six years ago, a tremendous amount of material had been deposited due to the recent storms. He circulated photos of the site. The plans, "Pond Cleanout Plan," by Mr. Neff, dated 9/26/11 were reviewed. Mr. Neff indicated the excavated material would be spread on the property in a location clear of any wetlands or watercourses and then seeded and mulched. He estimated 200 cu. yards would be removed. No increase in the size of the pond or change in the side slopes was proposed. Mr. Neff explained that to drain the pond the water would be pumped around it and that the duration of work would be a couple of days. Mr. Neff said the same access for equipment would be used as had been approved in 2005 and he noted the location of the dewatering basin on the east side of the pond. He said the work would be done before winter. MOTION:

To approve Application #IW-11-36 submitted by Mr. Malamed to dredge the pond at 115 River Road per the map, "Pond Cleanout Plan," by Mr. Neff, dated 9/26/11; the permit shall be valid for 9 years and is subject to the following conditions:

1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

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

## **New Applications**

Coleman/112 Walker Brook Road South/#IW-11-39/Replace Pipe, Install Swale:

Mr. Szymanski, engineer, represented the applicant. The plan, "Improvement Location Plan," by Arthur H. Howland and Assoc., dated 9/30/11 was reviewed. Two activities were proposed; 1) installation of a 120 to 150 foot long grass lined swale outletting to a rip rapped apron, which would discharge into the woods and 2) removal and replacement of an 8 inch PVC pipe with a 15 inch pipe near the pond. It was noted the pond would be pumped down while the construction was in progress and that this would be a one day project. Mrs. J. Hill noted the required conservation easement form, construction sequence,



and erosion control plan had not been submitted.

Getnick/237 West Shore Road/#IW-11-38/Correct Erosion of Existing Swales:

Mr. Calabrese, engineer, presented the plan, "Proposed Repairs to Drainage Swales," by Calabrese Engineering, dated 10/5/11. He described the existing site conditions; one large swale along the east side of the property was eroding and water from two minor swales was flowing towards the house. Mr. Calabrese said the proposal was limited as work was proposed only for the eroded areas; one of which was just 12 feet from the house. For the main swale he proposed a small basin with plunge pool that would outlet over a rip rapped level spreader. The depth of the plunge pool would be 2.5 feet. He said he would like to use the material excavated here to construct a berm to prevent the water in the two minor swales from flowing towards the house. He pointed out the limit of disturbance line, access for equipment, construction sequence, and planting plan. Mr. Calabrese noted the work would be done during dry conditions, and that if not done soon, temporary measures such as rip rap would be needed over the winter. Mr. LaMunier thought the small basin would fill quickly with sediment. Mr. Calabrese agreed and said it would require periodic maintenance by hand. Mr. Calabrese said he would submit the conservation easement form as soon as possible. The commissioners were familiar with the property and agreed a site inspection was not necessary.

Town of Washington/30 and 36 Tompkins Hill Road/#IW-11-39/Replace Culvert:

Mr. Lyon, First Selectman, and Mr. Smith, Director of the Highway Dept., were present. Mr. Smith stated he had drawn a plan according to Mr. Neff's recommendations to replace the two existing culverts with one 48 inch culvert and to realign the road slightly to bring it more in line with the existing right of way. He said the road had washed out due to Hurricane Irene, was now closed and impassible, and was a high priority. Mr. Smith's sketch plan, "Tompkins Hill Culvert Replacement," dated 10/12/11 was reviewed. Mr. LaMunier asked if any rip rap would be installed and Mr. Smith said it would. It was noted that 50 yards of material would be removed at the inlet end and used at the discharge end of the pipe and that the rip rap pad would contain an estimated 50 cubic yards of rip rap and would be at least a foot thick. Mr. Smith wrote the rip rap information on the sketch plan. Mr. Bohan thought the work was an emergency repair needed for public safety and the other commissioners agreed. Mr. Smith said the Town hoped to get the work done before the plants close in November.

**MOTION:**

Given the fact there is an emergency situation; to waive the two week waiting period and to approve Application #IW-11-39 submitted by the Town of Washington to replace the culvert at 30 and 36 Tompkins Hill Road per the plan, "Tompkins Hill Culvert Replacement," dated 10/12/11; the permit shall be valid for 9 years, and is subject to the following conditions:

1. that the Land Use Office be notified at least 48 hours prior to the commencement of work so the WEO can inspect and approve the erosion control measures,
2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and
3. any change to the plans as approved must be submitted immediately to the Commission for reapproval.

By Mr. LaMunier, seconded by Mr. Waderton, and passed 5-0.

The Gunnery School/22 South Street/#IW-11-40/Athletic Fields:

Atty. Andrews, Mr. Smith, surveyor, and Mr. Buck, engineer, represented the applicant. The plans, "South Street Athletic Fields," 7 sheets, by Smith and Company, dated 10/3/11 were reviewed. Atty. Andrews noted the school had acquired the property in the 1950s and that it was currently the site of its water system and environmental classroom. Two athletic fields in the center of the property are proposed. Mr. Smith noted the property has 1132 ft. of frontage on South Street and 988 ft. of frontage on Rt. 47. He pointed out the location of adjoining property owners, the wetlands flagged by Mr. Beroz,

soil scientist, the 100 ft. wetlands review line, and the existing 1100 ft. long driveway. He advised the Commission that all disturbance would be outside the 100 ft. wetlands review area. In addition to the fields, a 240 ft. paved driveway, a gravel parking lot, and stairs to the fields were proposed. He reviewed the various grades and elevations proposed and said the detailed plans included erosion control measures and best management practices during construction. Mr. Bedini asked if any work would be done to the existing driveway. Mr. Smith said, no. Mr. Buck reviewed the drainage plans. A swale would prevent water from flowing onto the parking lot. He detailed the system of underdrains and level spreaders and stated that very little impervious surfaces would be added. He explained that the creation of the two large level fields would slow the existing runoff allowing more of it to percolate into the ground. He said that the volume of runoff as well as its velocity would be reduced and this would result in "less than zero impact" off site. Mr. Bedini asked about the proposed regrading. Mr. Smith pointed out the impacted areas, noting that the clearing proposed was required due to the necessary grading. He stated 11.4 acres of the 70 acre property would be disturbed and that the closest activity to wetlands was 126 feet away. He said the proposed driveway and parking area would follow an old wood road. Mr. Smith noted that alternatives had been considered in the past for the driveway, but said the sight lines off Rt. 47 were not as good as on South Street and any access from Rt. 47 would have to fight the grades and would disturb more of the natural features. Mr. Bedini asked the Commission to consider whether it had jurisdiction since all proposed activities were outside the 100 ft. review area. Mr. Bohan noted that in addition, the drainage would not flow into the wetlands. Mrs. Hill noted the Commission specifies in its Regulations that it may extend its jurisdiction in the case of steep slopes. Mr. LaMuniere said this was true, but only in cases where the drainage flows to the wetlands. All agreed the proposed activities were out of the upland review area. Mrs. Crumrine stated that a few years ago The Gunnery had drilled wells, which resulted in more water flowing onto her property. She noted it now proposed to clear the steep hillside and asked if it would fall under the Commission's jurisdiction if wetlands were created. Mr. LaMuniere stated that increased drainage does not create wetlands. Mrs. Crumrine said the plans were incomplete because they did not include vertical elevations. Mr. Smith said they were included. Mrs. Crumrine asked why the Commission was not concerned about the steep grades. Mr. Bedini responded that if there are steep slopes with runoff flowing towards a stream or watercourse, then the Commission can extend its jurisdiction, but if not, and the activity will not unduly impact the wetlands, it is not under the Commission's jurisdiction. Ms. Zelenko, adjoining property owner, asked if The Gunnery had made a 3-D model, measured how much earth would be removed, or done a wildlife analysis. Mr. Bedini stated that wildlife was not under the IWC's jurisdiction. Ms. Zelenko noted that a stream flowing from her property was not shown on the map and she noted a petition had been submitted requesting a public hearing. Mrs. Crumrine asked if the wetland information had been submitted by the applicant. Mr. Bedini said the wetlands had been flagged by a licensed soil scientist who reviewed the entire property. Mrs. Crumrine asked when this had been done and noted the Commission had never held a public hearing for activities on this site. Mr. Bedini advised the neighbors that if they hired a consultant who could show the proposed activities would adversely impact the wetlands, the Commission would review the application, but at this point it had no jurisdiction. Ms. Zelenko said there were many concerned neighbors with questions about runoff, wildlife and the environment and said she thought the request for a public hearing had to be granted. Mr. LaMuniere explained that legally the Commission could not conduct a hearing unless the proposed activities would impact the wetlands. He advised Ms. Zelenko that her concerns were legitimate, but should be raised before the Zoning Commission. Atty. Andrews noted The Gunnery would soon apply to the Zoning Commission and a public hearing would be required. Mr. Bedini said he would consult with the Commission's attorney about how the Commission should handle petitions for hearings to consider matters out of the Commission's jurisdiction, but he advised the neighbors to direct their questions to The Gunnery as using a public hearing as a means to communicate with the school was not the best means of communication. Mr. Wadelton noted that if the IWC held a public

hearing that only wetlands issues could be discussed. Atty. Andrews noted that several years ago The Gunnery had presented a master plan, which included the two athletic fields, and said more drainage controls had been added since that time. Mr. Ajello said he would check the wetlands maps and the DEEP's natural community map and would walk the site to look for the stream not shown on the map. Mr. Smith said the stream was indicated and pointed it out. Mr. Ajello asked why infiltration was not proposed rather than the level spreaders. Mr. Buck responded that more runoff would infiltrate after the fields were installed than now does. Mr. Smith added the field would be sod, not artificial turf, there would be no mowing below the parking area, that a meadow mix would be planted on the slopes, and that the drainage report would show that the calculations had been done for a 100 year storm. He also referred to Sheet #7, which showed there was a lot of Class A soil below the proposed fields.

Oberndorf/151 West Shore Road/#IW-11-41/Restore Shoreline Wall, Replace Dock:

Mr. Sabin, landscape architect, represented the applicant and presented his undated sketches, "Oberndorf Dock and Wall Restoration," and "Cross Section, Oberndorf Wall Renovation." He proposed to reconstruct approximately 30 ft. of the dry laid sea wall and to replace the dock. A natural granite slab would be used to anchor the dock, which would extend 44 ft. from the shore. The reconstructed wall would be dry laid. The crumbled stone would be dismantled, the base would be reset, and crushed stone and filter fabric would be installed behind the wall. The wall would be approximately 3 ft. high and would be no taller than the walls on the adjacent properties. A silt boom would be used during construction and the work would be done during the winter while the lake was drawn down. The reconstruction would be done by hand except a machine would be used to dig out behind the wall. A site inspection was scheduled for Tuesday, October 18, 2011 at 5:00 p.m.

**Other Business**

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

The commissioners will review the file and discuss this matter at the next meeting.

**Enforcement**

Doherty/214 Calhoun Street:

The buildings have been demolished and the erosion controls are in place.

Erhardt/57 West Shore Road:

Mr. Ajello will soon inspect the project for compliance with the approved plan.

Frankland/173 Litchfield Turnpike:

Mr. Ajello said the work was well done.

Hochberg/15 Couch Road:

Mr. Hochberg made an offer to settle the citation, but the Commission noted that citations are issued per Town ordinance and there can be no negotiating. The Selectmen's Office will have to schedule a hearing.

Lake Waramaug Country Club/22 Golf Links Road:

Eighty percent of the work is completed and there had been no soil disturbance on site.

Lanyi/105 West Shore Road:

The owners will soon apply to revise their permit.

Regional School District #12/159 South Street:

The pond repairs have been completed. There has been no response from the Roxbury Soccer Club regarding the clearing done or the proposed entry near the lower soccer fields. Mr. Bedini asked Mr. Ajello to inspect the fields to see if any more work had been done.

Wang/110 Blackville Road:

The notice of violation filed on the Land Records has been released.

No executive session was needed.

MOTION:

To adjourn the Meeting. By Mr. LaMuniere.

Mr. Bedini adjourned the Meeting at 9:35 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator

---