

**MINUTES
CONSERVATION COMMISSION/
INLAND WETLANDS AGENCY
WATERTOWN, CONNECTICUT**

PUBLIC HEARING
Veterans Memorial Park
Nova Scotia Hill Road

Time: 7:00 P.M.

Date: Thursday, April 16, 2009

Place: **Watertown High School Technology Center**
324 French Street
Watertown, Connecticut

1. Call Hearing to Order

The Chairman called to order the public hearing at 7:17:31 PM

2. Roll Call

Vice Chairman, Mr. Donato Orsini executed the roll call.

Present: Chairman, Mr. Edwin Undercuffler
Vice Chairman, Mr. Donato Orsini
Mr. Michael Genovese
Mr. Joseph Polletta
Alternate, Ms. Denise Russ

Absent: Secretary, Mr. Thomas Murphy
Alternate, Mr. Michael Brown
Ms. Martha Sturgis

Also Present: Wetlands Enforcement Officer, Mr. Moosa Rafey
Town Engineer, Mr. Chuck Berger
Land Use Secretary, Mr. Chuck Bezio

The Chairman seated Ms. Denise Russ for absent regular member Ms. Martha Sturgis.

3. Hearing of Applications

- B. Application #666 of the Town of Watertown Department of Public Works for construction of an indoor recreational facility (metal building) and associated parking area at Veterans Memorial Park Nova Scotia Hill Road, Watertown, CT.**

Recess or adjourn the Public Hearing must be closed by May 21, 2009.

The Chairman read the legal notice into the record.

TOWN OF WATERTOWN
Legal Notice

The Conservation Commission/Inland Wetlands Agency of the Town of Watertown will hold a public hearing at 7:00PM on Thursday, April 16, 2009 at Watertown High School Technology Center 324 French Street, Watertown, CT to hear and act upon the following applications deemed as significant activity by the Conservation Commission Inland Wetland Agency pursuant to Section 2.1 (ddl-7) of the Watertown Inland Wetlands and Watercourse Regulations.

Application #666 of Watertown Public Works Department to conduct the following regulated activities associated with the construction of an 100' X 200' indoor recreational facility (metal building) at Veterans Memorial Park Nova Scotia Hill Road, Watertown, CT.

1. Disturbance of approximately 540 Sq. Ft of inland wetland and 22,534 Sq. Ft of regulated upland review area for construction of a 20,000 Sq. Ft building, parking area, and on site detention pond.
2. Installation of erosion and sediment control measures within inland wetlands and upland review area.
3. Discharge of storm runoff into regulated areas.

Dated at Watertown, CT this 2 day of April 2009

Dated at Watertown, CT this 9th day of April 2009

Tom Murphy, Secretary
Conservation Commission! Inland Wetlands Agency

The Chairman advised the public that the public will be permitted to speak on wetland related issues. The Chairman advised the public that Planning and Zoning issues can not be discussed because this Commission does not have jurisdiction.

Town Engineer Chuck Berger was present on behalf of the Town for the Parks and Recreation and Public Works and submitted into the record the letters sent out to abutting neighbors and the green cards. Mr. Berger revised plans and reviewed the revisions with the Commission. Mr. Berger gave a brief overview of this project with the Commission.

Project Overview

The project consists of the reconstruction of a 100' x 200' metal building to be used as an indoor recreational facility in the Veterans' Memorial Park on Nova Scotia Hill Road in Watertown, Connecticut. The building was a former riding stable that was dismantled and removed from a farm in Southbury by a local contractor at no cost to the Town of Watertown, the current proposal is to reinstall the building on a concrete footing in an undeveloped portion of the park, using town forces for the site plan, permitting, site work and excavation and backfill tasks. January 2008 the Town accepted the building. February 2008 the Town received STEAP Grant to reconstruct the building.

Site Development

The site is located in the northwestern section of Veterans Memorial Park. The total acreage of the property is 96.371 acres. The area is in Zoning District R-90 and Special Permit Section 21.3.9 of the Zoning Regulation allows for "Buildings, uses and facilities of the Town, State or Federal Government and the Fire District". In the mid 1990's the park was significantly developed in general accordance with the Master Plan developed by Milone & McBroom Inc.

In addition to the building, the Site Plan will include parking and an access drive from the existing park roadway system. Section 63.5.1 of the Town's parking regulations allows the Planning and Zoning Commission to determine the parking requirements for "Public or Semi-Public buildings not otherwise listed". The proposal currently provides for 100 parking spaces. Landscaping plan will also be provided to the Commission to review. The limits of disturbance will be specified to maintain the current wooded buffer which exists between the proposed building location and the park access roadway. Additional landscaping will be provided adjacent to the building and within the parking area and islands.

All utilities will be located underground. Electrical service will be provided from Nova Scotia Hill Road, the water and sewer facilities will be provided by the Watertown Water and Sewer Authority through a connection to the existing facilities located adjacent to the existing bathroom facility.

The site plan will be designed in accordance with the 2002 Erosion and Sediment Control Handbook and the 2004 Stormwater Quality Manual. A separate drainage report will be prepared demonstrating no increase in stormwater flows from the development through the use of a stormwater management pond and detention facility.

Regulatory Impacts

Preliminary discussions have taken place with the Commissions regarding alternative locations within the park. A Site plan and Special permit application will need to be reviewed by the Planning and Zoning Commission.

MINUTES FOR 04/16/09 PUBLIC HEARING
Veterans Memorial Park - Nova Scotia Hill Road

There are mapped inland wetlands in the vicinity of the proposed building and site development and an Inland Wetland permit will also be required. A soil scientist has been hired and verified that the identified wetlands as shown on the Master Plan are accurate.

A General Permit for Stormwater for construction activities will also be required from the Department of Environmental Protection. Previous work at the park has indicated that there are no listed endangered or threatened species nor are there any archeological or historic impacts.

Sequence of Operations

The town of Watertown Public Works Engineering Division will prepare a site plan for the project. This site plan will be utilized to obtain the necessary Stormwater, Health Department, Inland Wetlands and Planning and Zoning permits. The Engineering staff will prepare the necessary permit applications and appear before the Commissions. Concurrent with the permit applications an architect/engineering firm will be hired to prepare the final structural and architectural plans to be utilized to obtain a building permit.

The Highway Division of the Department of Public Works will be the lead on clearing and grubbing the site, stripping and stockpiling topsoil and boxing out the parking area and roadway. Highway will then prepare the building foundation area for forming and pouring the concrete. During the concrete operation, Highway will excavate and install the underground utilities to the building. Once the foundation has been cured and backfilled, a subcontractor will erect the metal building and roof. The interior work will then be finalized and the flooring system installed as well as the final site work, the Engineering Division will provide construction inspection and materials testing services. It is anticipated that local contractors and vendors will be solicited by the Watertown Parks and Recreation Departments as well as by the organized sports groups using the facilities to provide interior furnishings and assistance. It is anticipated that during the final site design process that low impact construction techniques will be incorporated as feasible. Among the items to be evaluated will be full cut off solar lighting options, waterless sanitary disposal systems, rain gardens for stormwater management and porous concrete or paving blocks for water infiltration.

Building Uses

During the preliminary project consideration phase, meetings were held with the youth Spring Sports programs. Testimonies from these organizations are found many of the Town's sport programs have to rent space from indoor facilities to accommodate their needs. The youth and adults sports organizations will benefit and are willing to participate in the operational expenses that will occur with this building.

Once the building is reassembled multiple groups will be able to utilize the facility for recreational and leisure activities. The usage will include but not necessarily be limited to active recreational use such as Soccer, Lacrosse, Little League, youth Softball, Field Hockey, Pop

MINUTES FOR 04/16/09 PUBLIC HEARING
Veterans Memorial Park - Nova Scotia Hill Road

5

Warner Football, Cheerleading, indoor Frisbee, mini-golf and other active recreational activities. Passive recreational and leisure activities may also take place. The building will allow four seasons of activities that are currently limited by weather.

Other than recreational equipment, the building will not be utilized for maintenance equipment storage or Public Works equipment storage.

The hours of operation are proposed consistent with the Watertown Recreation Department. All youth activities will end by 9pm and any adult activities will end by 10pm.

Mr. Berger noted that applications were submitted to the Planning and Zoning Commission and this Commission in July 2008. Mr. Berger also noted that in August 2008 this Commission along with the Planning and Zoning Commission, Park and Recreation Commission and the Town Council has a site walk. Mr. Berger noted that at this meeting the location of the building as proposed at the time was a concern because of the overhead power lines. Mr. Berger explained that at the recommendation the prior application was withdrawn and the location of the building as been moved 95' from the overhead power lines and 55' from the easement. Mr. Berger also explained that the parking lot was moved 45' from the overhead power lines and 5' from the easement. Mr. Berger noted that the project proposes 540' direct wetlands impact for grading and the accessway. Mr. Berger advised the Commission that there is 27,116 sq. ft. of upland review area impact being proposed. Mr. Berger advised the Commission that the detention pond is up against the wetlands. Mr. Berger advised the Commission that the detention pond is a wet bottom design.

Chairman Undercuffler expressed concerns with the location of the detention ponds.

Mr. Berger advised the Commission that they have a limited number of drainage structures encouraging overland flow.

Mr. Polletta asked if the catch basins being proposed in the parking areas have any provisions to prevent oils from cars before tgoing into the wetlands.

Mr. Berger stated "Not at this point in time." The pond is designed to treat the run off in a natural environmental way with plantings.

Mr. Polletta asked if the water from the parking lot pond could end up in the detention pond.

Mr. Berger stated "Yes." It is design to provide water quality improvements in accordance with the 2004 Manual.

Mr. Rafey asked if there is going to be any pre treatment.

Mr. Polletta expressed concerns with oil spills. Mr. Polletta expressed concerns with the protection being proposed for oil and other contaminates entering the basin.

MINUTES FOR 04/16/09 PUBLIC HEARING
Veterans Memorial Park - Nova Scotia Hill Road

6

Mr. Berger noted that there is no significant pre treatment being proposed at this time. Mr. Berger explained how the drainage system will work. The pond will serve for flood controls and to renovate the storm water run off through the use natural wetlands plantings.

Mr. Berger explained how these areas will serve as natural wild life habitats. Mr. Berger reviewed the Planting Plan with the Commission. Mr. Berger advised the Commission that the town has hired a structural engineer to assist them in putting the building back together and for the foundation of the building. Mr. Berger advised the Commission that there is a proposed area to be used for bottled water, candies and soda, the Park and Rec is still undecided on what to put in that area of the building.

Mr. Polletta expressed concerns with the footprint of the building being in the wetlands.

Mr. Berger stated that the building foot print is not within the wetlands, there is grading and an access road that is.

Mr. Orsini noted that the impact to the wetlands is due to the Commission deciding to move the building's location away from the overhead power lines.

Mr. Berger noted that last years decisions were a balancing act between building in the wetlands and building closer to the overhead power lines. Mr. Berger explained the flow of water after the project is built.

Chairman Undercuffler asked if Sean Hayden of the Northwest Conservation District has any comments.

Sean Hayden of the Northwest Conservation District noted that the tonight is the first time he has looked at the project. Mr. Hayden noted that he welcomes the opportunity to review the proposal and report back to the Commission on the storm water management plan.

Mr. Rafey advised the Commission that Sean Hayden of the Northwest Conservation District needs to be hired first as a third party reviewer. Mr. Rafey advised the Commission that he had spoken with Mr. Berger and was told that the project may not have the funds to review the project by a third party.

Mr. Berger advised the Commission that he would need to speak with the Town Manager on the fees for the third party reviewer because they are using grant funds. Mr. Berger advised the Commission that they have expenses already for the structural engineer and a traffic report.

Jeff Aldridge of 519 Nova Scotia Hill Road

Mr. Aldridge was present and spoke against this project. Mr. Aldridge submitted the following Presentation Outline dated 04/16/09.

MINUTES FOR 04/16/09 PUBLIC HEARING
Veterans Memorial Park - Nova Scotia Hill Road

7

The Big Picture

The proposed erection of this building is in violation of the spirit and the letter of previous agreements and understandings that established and developed Veterans Park as open space recreational park and conservation area is the very kind of proposal that gives an Inland Wetland Agency and Conservation Commission its mission.

We are not talking about someone's tennis court or driveway marginally encroaching on a wetland. We are talking about an enormous metal building as big as an airplane hangar and just about as pretty, with commercial concessions, acres of parking lots for day and night car and truck traffic, with constant illumination to disturb wildlife and the people who own property near the Park. There will be sewage and plumbing and heating utilities brought in to further disturb the land, all being plopped right into a wooded, wet, conservation area. This isn't a small encroachment. It's not a variance on the original charter for the Park. This is a major affront to protected land and the agreements, contracts, grants and good intentions that set it aside as recreation and conservation land.

Just to be precise, I certainly understand this land was never intended to be solely a nature preserve. That's not the argument here. Its intended purpose, which was set in motion by the last private citizen owners of the land, was as a mixed use conservation and recreation area. This building flies in the face of the original open space charter and completely subverts the conservation part of the Park's mixed use purpose. It should be rejected by the Inland Wetland Conservation Committee out of hand for what it is and what it does. The Inland Wetland Conservation Committee's very purpose is to block ambitious agendas that pay no mind to conservation, especially when conservation is the product of other people's planning and sacrifice.

The Park's Charter

I hate to invoke Louise and Harold Lattin's good names but their plans and intentions for the Park have relevance here because their intentions were expressed in covenants that were made to acquire the land and keep it as an Open Space a mixed use recreation and conservation area.

Louise and Harold owned the land along the eastern side of Nova Scotia Hill Road and sold the land to a developer in the late 1960s for a pittance with the understanding that the Park land would pass to the Town and remain a mixed use recreation and conservation area an Open Space. Louise was a brilliant and extremely generous woman. She was a Wellesley graduate who dedicated her early career to immigrant education and assimilation in Newark, NJ during the Depression. The middle part of her career probably 30 years was as the Town Librarian in Watertown and the curator of the Town's Curtis Collection. She spent the latter part of her life as a dedicated conservationist before being a conservationist was cool. Harold was a successful businessman with GE. They certainly knew the value of the land they were selling cheaply. They didn't need the money and they certainly knew what they were doing in setting in place the chain of events that passed the land to the Town in a restricted use way. But I can guarantee that if they knew the Park was to be developed with utter disregard for wetlands or woodland or and with complete indifference as to how access and use of the Park would affect their family and their neighbors on Nova Scotia Hill, they would have simply put the land in trust or kept it. There would be no Veteran's Park.

MINUTES FOR 04/16/09 PUBLIC HEARING
Veterans Memorial Park - Nova Scotia Hill Road

8

Things Have Changed on NSHR Since This Project Was Proposed A developer is putting 80 to 100 high units very high density development on 24 acres at the base of NSHR, and this commission has to consider the impact of that in the face of the possibility of mining acres of protected watershed in the Park.

The Park was designated as conservation land to be the lungs to protect the water table and be a watershed within an area that is abutted to east by industrial property which is always a threat to water table and robs watershed just by being there. It would be unconscionable to diminish watershed in protected area when immediately adjacent development is going to do that anyway.

The DEP and the Town Conservation Inland Wetlands Responsibility

I am going to push this back upstream to the DEP and fix responsibility with the DEP if I can because I don't think the grant administrator, David Stygar, who was very gracious and professional when he spoke to me understood all the implications of this before he and I spoke. I can't believe that an Agency with as much reputed clout as the DEP would pass the buck so readily but it seems they relinquished power on this to the local level when they can. The way I understand it, the people who dispense the STEAP grant go the DEP for help with grant writing and administration. But the DEP doesn't address environmental or conservation problems when they don't have to they leave that authority and adjudication power to the local Conservation and Inland Wetland Commissions and to Planning and Zoning. If it bounces out of those commissions it goes back to the DEA by way of the courts.

So it does come down to this Committee and Planning & Zoning whether the violation of the Open Space Charter for the Park is challenged in courts and with Planning and Zoning or whether it stops here.

One Other Thing

If someone gives you a \$1,000,000 house and you have a family of four and your income is \$40,000 per year, you can't afford to keep it. (As a matter of fact, you are probably going to find out that it wasn't free at all more likely the benefactor was probably trying to unload a white elephant on you.) If the costs of assuming the house and getting it up an operational don't break you, the maintenance costs will. Either way, you won't be able to keep it and feed and educate your kids at the same time.

The unjust irony of this project continuing as the Town Times is declaring in its headlines that the schools will have to cut \$1 .5 million from its budget has to hit you right between the eyes.

So this belongs to the Conservation committee. Let's not let a lack of conviction on its part add to the Town's fiscal woes while a protected areas is mined.

Chairman Undercuffler asked if he had copies of the agreements.

Mr. Aldridge submitted the original agreements into the record. Mr. Aldridge reviewed the agreements within the Commission.

MINUTES FOR 04/16/09 PUBLIC HEARING
Veterans Memorial Park - Nova Scotia Hill Road

9

Mr. Aldridge noted that the land was conveyed to the Town for conservation and recreation and any changes require DEP approval. Mr. Aldridge advised the Board that the park serves an important water shed purposes.

Chairman Undercuffler noted for the record that the building itself will not to be in the wetlands. Mr. Aldridge noted that there will be severe wetlands impacts with the parking lots, grading, 100,000 sq ft of impervious surface with the building itself.

Roberta Baker of 519 Nova Scotia Hill Road

Ms. Baker expressed concerns with not being able to discuss issues other than Wetlands. Ms. Baker stated that she wanted to address the Commission on Conservation issues.

Chairman Undercuffler noted that Conservation issues are acceptable to discuss. Chairman Undercuffler noted that Planning and Zoning Commission issues like traffic impacts is not under this Commission jurisdiction.

Ms. Baker was present and read the following letter into the record.

Thursday, April 16, 2009

Conservation Commission/Inland Wetlands Agency Meeting

The Public Works Department has an application before you asking your permission to disturb approximately 540 Sq Ft of inland wetland and 22,534 Sq. Ft of upland review area for construction of a 20,000 Sq. Ft building (which is approximately a half an acre) and parking area (for approximately 100 cars). This is not stated in the application, however after attending a planning and zoning meeting last September and a Recreation Commission meeting 2 weeks ago this is the planned size of the parking area. What is not stated in this application is the request to cut down several acres of trees and to destroy the lush carpet of ferns growing in that area under the trees. And it does not request the right to destroy the habitat of the woodland animals that live in that area of the park. It, also does not request the right to place this enormous building and parking lot over one of the very few nature trails to be found in Veteran's Memorial Park.

As commissioners of the Conservation Commission, as well as, the Wetland Agency, I believe it is your responsibility to protect and preserve this lovely, quiet, treed area of the park and maintain its natural beauty. Next week on April 22 our country will be celebrating the 39th Earth day. A very special day to commemorate and reaffirm our commitment to the environment, of protecting the air, land, and water and all that live within. Then on Friday the 24th of April, Arbor Day will be celebrated, a day for planting trees to reaffirm their importance to the environment and to our lives in general.

MINUTES FOR 04/16/09 PUBLIC HEARING
Veterans Memorial Park - Nova Scotia Hill Road

10

The long range goal for Watertown as stated in the Plan of Conservation & Development, Effective December 28, 2007 is to and I quote "acquire more suitable land for recreation in more densely populated areas of town with parcels of recreation located on main roads and not accessed from within subdivisions" end of quote and I am adding perhaps not on small country roads. This plan lists 30 areas of land to possibly be purchased for additional open space recreation.

The plan states that acquiring land adjacent to the greenway (which I understand is in the planning stages) will create significant unified town resources of both passive and active spaces. Perhaps wiser use of the \$500,000 from the STEAP Grant would be to purchase additional land for future development of fields for active open space recreation instead of disrupting 540 Sq. Ft of regulated wetlands and 22,534 Sq. Ft of upland review in Veteran's Memorial Park.

I was able to acquire a copy, on the internet, of the State of Connecticut's, position statement, concerning, I quote, Activities that can adversely affect adjacent wetlands and watercourses include, but are not limited to the following: land clearing, soil compaction, excavation, fill, changes in run off volume and pollutant discharge." All of the above will have an adverse affect in this area of Veterans Memorial Park.

I have read 2 documents of Open Space Grant Agreements that the town of Watertown has agreed to in the past, upon receiving State of Connecticut money to improve the open space land in Veteran's Memorial Park. A 1996 agreement provides in paragraph 1," The Municipality agrees to complete improvements to Veteran's Memorial Park, a public outdoor recreation area located within the territorial limits of the Town of Watertown."

Most of these improvements have been implemented. Paragraph 3 of the 1996 Open Space Grant agreement states: This land is to be used for public recreation, municipal open space, conservation or preservation of cultural or natural resources, agriculture, and/or natural resource education and shall not convey or covet said land to any use other than recreation or conservation. In the state open space documents the land is designated as open space recreation and conservation. From all that I have read, destroying the natural woodland habitat for the purpose of constructing a closed space indoor recreation facility and huge parking lot would be in total opposition to the open space grant agreement and also to Watertown's long range plan, set forth in December 2007.

I urge this commission to deny approval of application # 666 of the Watertown Public Works Department on the grounds that what is proposed in this application is in violation of the Open Space Grants Contracts of the state of Connecticut dated 1969 and 1996. It is also in opposition to Watertown's Plan of Conservation and Development Effective December 28, 2007. Destroying this beautiful area of the park will have negative ramifications both environmentally and aesthetically.

Respectfully submitted by Roberta Baker

Tom Traver of 771 Park Road

Mr. Traver was present and reinforced what has already been said. Mr. Traver advised the Board that Ms. Latin was one of the very first Chairman of this Commission. Mr. Traver advised the Commission that one sign says Latin Ponds and Natural Trails. Mr. Traver noted that this large building, parking lot, wide road and detention basin will cause seeping and run off if you look at the contour lines despite the basins. The contours are flowing towards Latin Pond and Jericho Broke that flows to Jericho Pond that flows to the Naugatuck River. This is a continuous uninterrupted corridor for wildlife. The proposal is going to clear cut 5 acres of wooded wetland areas. The proposed area contains many of these natural trails. Mr. Traver reported that he lives a mile away and uses the park for walking, hiking and cross country skiing, and reported that this a beautiful area. This building will have a tremendous footprint on this natural nature area. This development will interrupt this continuous corridor used by wildlife. I propose that this development be put somewhere else. Mr. Traver urged the Commission to hire Sean Hayden of the Northwest Conservation District as a third party reviewer and to take him on the site walk with the Commission. Mr. Traver submitted photos into the record. Mr. Traver advised the Commission that there is a vernal pool in the proposed developed areas.

Mr. Rafey requested to know the location of the vernal pool.

Mr. Traver advised the Commission that the location is near the location of the building and the accessway.

Frank Vetti of 20 Malory Road

Mr. Vetti noted that if this application should be approved the Commission is basically saying that wetlands do not matter. What does matter who is building, and what the Commission they are building. It seems to me that we are setting a prescedent for further development and abuse in the wetlands. I have been looking at land to build a house on and I spoke to Mr. Rafey in the Planning and Zoning office and he told me that you can not even cut the grass. He told me I can not touch the wetlands area I can not dump even leaves. Mr. Rafey explained all the things I can not do but the Town wishes to do this project? Since this is for the Town you can do whatever you want? I want to know is it who you know or how much you willing to pay in order to determine whether you can build on wetlands. I think where there is room for consideration, then this means there is room for abuse of consideration. The public best interest is not always what determines the actions taken.

Chairman Undercuffler asked Mr. Vetti the location of the property that he discussed with Mr. Rafey.

Mr. Vetti noted that he has discussed several properties in town with Mr. Rafey that had wetlands on them. Mr. Vetti reported that he was told that they had wetlands and they have the buffer zone and that there can not be activity in the buffer zone without permission from the Commission.

Mr. Rafey noted for the record that Mr. Vetti could do any activity within the wetland area with permit from this Commission.

Mr. Vetti asked what determines from this Commission on whether I can cut, grass in wetlands. There should be only black and white without any gray areas. There is too much gray area in this government that we have and with this gray area there is abuse. This means who you are or what you are willing to pay makes a difference. I have seen 10 buildings being built in this town and regulations call for if you have 6 buildings you need sidewalks. An entire new development was just built with no sidewalks and has 10 buildings. Why is this? Because the man gave the town some land.

Chairman Undercuffler noted that we are getting away from Wetland related issues.

Mr. Vetti said it is a wetlands issue when it depends on who you are and how much you are willing to pay to get your project approved.

Chairman Undercuffler ruled Mr. Vetti out of order because he is not talking about wetland issues. Chairman Undercuffler advised Mr. Vetti that if he wished to speak on wetland issues then he can continue.

Mr. Rafey advised the Commission that he had met with Mr. Vetti and that he had mentioned to him could not do work in the regulated area without a permit from this Commission. Mr. Rafey noted that there is a definition in the Regulations regarding regulated activity and that the removal of vegetation from the wetlands is a regulated activity, that is why I told him he could not cut any grass in the wetlands.

Mr. Vetti stated that we can drive cars and other activity on wetlands but we homeowners can not have any activity.

Arlene Traver of 771 Park Road

Ms. Traver asked if the new regulations affect this application.

Mr. Rafey explained that the 100 ft regulated setback area is part of the proposed revisions to the Wetland Regulations that the Commission has been reviewing and holding public hearings on. Mr. Rafey advised Ms. Traver that the revised regulations have not been approved yet.

Chairman Undercuffler noted that the only difference is between the current regulation 50' setback regulated area and the proposed 100' setback regulated area is the area to be reviewed by the Commission.

Mr. Rafey noted that any activity outside of the 100' regulated area that has an adverse impact to the wetlands requires review by the Commission.

Ms. Traver expressed concerns with this setback area and noted that it was confusing to her.

Roberta Baker of 519 Nova Scotia Hill Road

Ms. Baker wanted to clarify the donation of this building because she spoke last week at the Town Council meeting and noted that she read the minutes and this building was not donated

purposely for the indoor recreation. Ms. Baker advised the Commission that the donor said that he hoped it might be used for indoor recreation. Ms. Baker noted that there other people in town who would like to use this building for truck storage for their millions of dollars worth of trucks. She noted that the Commission should not think that this building must be used for recreation. She expressed concerns with the capacity of the of this detention pond since the proposal is to level acres of trees that absorb the water.

Mr. Berger advised the Commission that the capacity of the detention pond is for the 100 year storm.

Ms. Baker expressed concerns with the detention pond overflowing. Ms. Baker advised the Commission that this land is not level and hasis slopes by the road and the hill.

Mr. Berger noted for the 100 year storm they have provided 42,081 cubic feet of storage.

Ms. Baker expressed safety concerns with having this pond with such great capacity which obviously is going to be rather deep. What are the safety factors with this proposal? She advised the Commission that at the John Trumbel project they wanted a little pond area when she was a teacher there to be used for nature walks and they would not allow it they fenced it in because of it capacity. Ms. Baker expressed concerns for the people and the children using the park.

Mr. Berger noted that they have not proposed a fence, but do not think that it would any problems installing a fence.

Chairman Undercuffler expressed concerns with how deep the pond will be.

Mr. Berger noted that this pond would have a total depth in a 100 year storm of 6'.

Ms. Baker expressed concerns with the length of time the pond would disburse after the rain event. Ms. Baker noted that the water would be sitting there causing safety issues.

Mr. Berger noted that the water would not be sitting in the pond for days.

Ms. Baker noted that the pictures submitted show water being retained in that area for a prolong time without rain. Ms. Baker expressed concerns with the fact that the safety factors have not been considered at this point. Ms. Baker expressed concerns with the treatment process as proposed. What is the treatment process and method of this water? Ms. Baker also noted that Luckys pond overflows into the road all the time.

Mr. Berger explained to the Commission how they proposing to treat the storm water on this project. Mr. Berger advised the Commission that the method that is being proposed is widely used and is a method recommended in the DEP 2004 Water Quality Manual. Mr. Berger advised the Commission that the plan is to create a detention pond and through a series of 2 ponds with a small pond at the outlet of the pipes that feeds into the pond with a forebay that collects the heavey sediments. Mr. Berger noted that whatever is collected in the run off will drop into the

MINUTES FOR 04/16/09 PUBLIC HEARING
Veterans Memorial Park - Nova Scotia Hill Road

14

forebay first. Mr. Berger explained that as the water level increases the water will flow over the forebay into the rest of the pond with the contaminants either settling out being absorbed or being taken up into the plantings that are placed along the edges of the water. Mr. Berger noted that this is a preferred method of storm water treatment.

Geline Souilliard of 516 Park Road

Ms. Souilliard was present and expressed concerns with how far off the road the location of the detention pond will be. Ms. Souilliard stated for the record that she is opposed to this project because she walks the park every day and it so beautiful and she feels that it is one of the Towns gems and to disturb that is awful. Ms. Souilliard noted that the building is distasteful. Ms. Souilliard asked how close is the retention pond is to the road?

Mr. Berger explained the location of the retention pond. Mr. Berger noted that it is about 40 feet from the road. Mr. Berger discussed the landscaping plan that proposes several trees and conifer trees in this area. Mr. Berger noted that there is clearing and disturbance proposed and there is a proposed attempt to create a buffer.

Ms. Souilliard expressed concerns with seeing the building from the road.

Mr. Berger noted that the building will be seen from the road. Mr. Berger reviewed the planting plans with the Commission. Mr. Berger noted that the planting plans have a series of evergreen proposed along the existing access road to assist in screening the building. Mr. Berger advised the Commission that the building is 32' height and will be higher than the trees planted.

Audience made comments in audible.

Chairman Undercuffler advised the public that he can not permit the audience to have conversations with the person speaking and presenting to the Commission.

Mr. Berger apologized that Lisa Carew from the Park and Recreation for not being here this evening because she may have been able to answer some of the questions the public has asked. Mr. Berger said he was not prepared to respond to the intent of the Conservation Easement. Mr. Berger advised the Commission that Ms. Carew maybe able to better respond to the conservation easements. Mr. Berger advised the Commission that he is moving forward on the direction of the Town Council. Mr. Berger advised the Commission that he believe the acreage to be clear cut is less than 5 acres but he would look into this and get back to the Commission. Mr. Berger also said that he would investigate the vernal pool issue that was brought to his attention. Mr. Berger advised the Commission that he would update the maps to address the public concerns with the 100' regulated upland review area.

Mr. Rafey asked Mr. Berger if he would be investigating the legal issues.

Mr. Berger advised the Commission that he can not request legal assistance with out speaking with the Town Manager first. Mr. Berger stated that with the level of interest in this project an attorney should decide the intent for the parcel based on the legal documents submitted.

MINUTES FOR 04/16/09 PUBLIC HEARING
Veterans Memorial Park - Nova Scotia Hill Road

15

Mr. Rafey wanted to know if the Commission should ask for the legal opinion or is the applicant going to?

Chairman Undercuffler said the Commission would ask for the legal opinion.

Nancy McCelley of 895 Park Road

Ms. McCelley expressed concerns with what the floor of the proposed project will be, is cement, Astro turf.

Mr. Berger advised the Commission that it is Park and Recreation's long term goal to have Astro turf. Mr. Berger advised the Commission that he does not believe the project budget does not have the money in order to install the Astro turf. Mr. Berger noted that she had received donations already for the Astro turf.

Ms. McCelley asked what is the definition of open spaces does it mean open spaces or does it mean asphalt and buildings? Ms. McCelley stated that she can not understand how a building can be on land designated for open space.

Chairman Undercuffler noted that open space is a very general term. Chairman Undercuffler stated that Conservation Easements are restrictive that can not be built on or developed.

Mr. Rafey noted that farm land is considered open space or a cemetery can be open space. Mr. Rafey noted that open space can be used for recreation also.

Ms. McCelley expressed concerns that this building will be used only for permitted use and for by permit only and a commercial operation.

Mr. Rafey noted that the building will be used for recreation only.

Mr. Berger noted that the building will be used the same way as any other field in Town.

Jeff Aldridge of 519 Nova Scotia

Mr. Aldridge gave the Commission guidance to the definition of open space. Mr. Aldridge advised the Commission that under the 1969 grant the municipality would maintain said land for conservation and recreation purposes.

John McCally 895 Park Road

Mr. McCally asked if the Commission is aware that this building is 50 year old steel or older. Mr. McCally asked if this building is covered with lead paint. Mr. McCally expressed concerns with the lead paint getting into the wetlands and watercourses. Mr. McCally said that this is something the Commission should look into.

MINUTES FOR 04/16/09 PUBLIC HEARING
Veterans Memorial Park - Nova Scotia Hill Road

16

MOTION: Alternate, Ms. Denise Russ moved to ask the town manager to obtain legal advice on the open space and conservation restrictions on this property.

SECOND: Mr. Joseph Polletta.

VOTE

AYES:

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

NAYS: None.

MOTION UNANIMOUS PASS T 5-0.

MOTION: Mr. Joseph Polletta moved to have a site walk on Saturday May 9, 2009 at 9:30 am.

SECOND: Alternate, Ms. Denise Russ.

VOTE

AYES:

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

NAYS: None.

MOTION UNANIMOUS PASS T 5-0.

MOTION: Mr. Joseph Polletta moved to continue the public hearing to May 14, 2009.

SECOND: Alternate, Ms. Denise Russ.

VOTE

AYES:

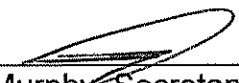
Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese, Joseph Polletta; Alternate, Ms. Denise Russ.

NAYS: None.

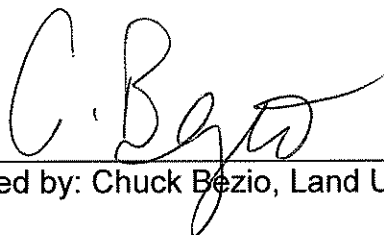
MOTION UNANIMOUS PASS T 5-0.

MINUTES FOR 04/16/09 PUBLIC HEARING
Veterans Memorial Park - Nova Scotia Hill Road

Attest:



Tom Murphy, Secretary
Conservation Commission
Inland/Wetland Agency



Approved by: Chuck Bezio, Land Use Secretary