

**WINDHAM INLAND WETLANDS &  
WATERCOURSES COMMISSION**

**Special Meeting**

Minutes for Wednesday, July 2, 2008

**I. Call to Order**

The meeting was called to order at 7:11 P.M. Members present were Chair Susan Johnson, Joseph Marsalisi, James McGill, and Joseph Wagner. Also present were Town Planner James Finger and Recorder Kathleen Wright. Commissioner Martin Brogie arrived later. Mr. McGill made a motion to change the order of the agenda and proceed to Routine Business/Approval of Minutes. Mr. Marsalisi seconded the motion. The vote was unanimous, in favor.

**II. Routine Business**

1. Approval of Minutes - Mr. Wagner made a motion to approve the minutes of 6-12-08. Mr. McGill seconded the motion. The vote was unanimous, in favor.

Mr. Marsalisi made a motion to proceed to Old Business. Mr. McGill seconded the motion. The vote was unanimous, in favor

**III. Old Business**

1. Wetland Violation Complaint re: 369 & 377 Scotland Rd.- review files and observations of site walks Attorney Frank C. Bartlett, Ouellette, Deganis & Gallagher, LLC, Cheshire, submitted a brief and affidavits. ...

Complaint re: 369 & 377 Scotland Rd. because an ongoing violation is not seen in a regulated area. Mr. Brogie seconded the motion. The vote was unanimous, in favor.

**IV. New Business – DISCUSSION/POSSIBLE ACTION**

1. **Windham TSC, LLC – 476 Boston Post Rd., North Windham** application for wetlands permit for activities in upland of Wetland/Bog. Chair Johnson said the board should be aware of a letter from the Dept. of Transportation that came in late and contains recommendations. The letter was passed on to the board. Chair Johnson said we will go ahead with what we have, but issues with DOT may change the drainage design and this will come back before us.

Martin Brogie had a concern on fencing. He said it is still not clear where the proposed fence runs. It is important to the bog in terms of light, noise, and disturbance. He said the wood fence should run from the east end of the crushed stone drainage trench back along the inside of the chain fence all the way to the south east basin to block entire development. The rip rap pool should be isolated from the bog. He proposed that an 8' wooden fence is better than 6' and would help to block heat and dust transfer.

There was a discussion of proposed lights, light packs, and light disturbance.

Mr. Brogie said the plan with Joshua's Trust discusses evaluating whether the storm water detention system would result in mounding and whether flow would reverse during storm events. If the flow is reversed, they will conduct sampling and then provide a remedial plan to address contaminants. Mr. Brogie was concerned about this. He saw risk and he had hoped that some model could have been developed. A remedial mitigation plan was not presented. He said the approach is excellent but it stops short of post-construction mitigation alternatives. Mr. Brogie said his concerns are two-fold: the proximity of the primary activity area to the bog with regard to heat, dust, lighting, etc., and the potential for storm water pollutants to enter the bog with no remedial plan in place.

Chair Johnson made a motion to appoint Mr. Brogie as Vice Chair. Mr. McGill seconded the motion. The vote was unanimous, in favor. Chair Johnson excused herself from the meeting.

Acting Chair Brogie found a mounding analysis for the retention system, which the applicant did provide. Planner Finger said the board must act in 15 days or call another special meeting. Planner Finger handed out recommendations the Town Engineer and Town Planner had used on other projects. There was a discussion of the various bonds to be provided and the time periods that they would be held. Mr. Brogie found he would be more comfortable with a bond with the Town in the event that remediation is necessary.

Mr. Brogie had a concern with the timing of sampling. He thought sampling occurring one hour following a storm event could be unrealistic. He would like a rationale for sampling frequency. He would like the data sent to Joshua's Trust to also be provided to IWWC.

Planner Finger said there are two more weeks to make decisions and he sensed this project will come back because of the DOT issues.

Mr. Wagner said that the oil-recycling container should be under cover.

Mr. Brogie made a motion to approve the application for TSC, LLC, 476 Boston Post Rd., North Windham, specific for plans entitled North Windham TSC, LLC revised 5-29-08, stamped 6-11-08, with specific revised sheets, 6-2-08 vertical set, with conditions, including recommendations one through eleven as recommend by the Town Engineer and Town Planner, to be incorporated into the record. These are as follows:

1. The approval is specifically for the plans entitled "Windham TSC, LLC" for the site work shown on plans prepared by CPH Engineering Inc. as revised and dated 5-29-08, stamped 6-11-08, along with revised sheets dated 6-2-08 vertical set.
2. Silt fence and all erosion control measures shall be installed prior to grubbing, excavation or grading.
3. All rubbish and trash within wetlands and buffer areas shall be removed.
4. A Certified soil scientist shall supervise the work shown on Drawing E-1, and provide a report to the Town of Windham.
5. The Windham Town Engineer or his designee shall inspect the installation of the stormwater conveyance and treatment system in its entirety at the sole expense of the permittee. A cash bond of \$5,000 shall be provided to pay for these inspections prior to the start of construction. Any unexpended funds shall be returned upon completion.
6. A cash bond of \$20,000 shall be provided to the Town of Windham for the construction of those aspects of the project that affect wetlands as well as erosion and sedimentation control issues prior to the start of any work on the project to ensure the work is completed in accordance with the plans and reports. Should the Town deem the work is not performed correctly, these funds will be utilized to perform corrective work. Upon completion of the project and satisfactory stabilization, all remaining funds shall be returned after written request.
7. All drainage control structures and utility installation shall be completed prior to the impervious work being completed.
8. A maintenance schedule shall be provided for the in-line hydrodynamic separator.
9. Design calculations and shop drawings of the separator shall be provided to the Town Engineer.
10. An 8' tall wooden stockade fence shall be installed to prevent any dumping activity, beginning at wetlands flag # 34 as indicated on the plan, and extending to a point just east of crushed stone drainage trench, to run generally east to the end of the chain link fence on the southeast corner of the property.
11. Snow storage exhibit # 5 shows "potential storage areas". The word "potential" will be taken out so that it is communicated clearly to contractors that these are actual snow storage areas.

Additional conditions are:

12. An 8' tall wooden stockade fence, for further mitigating any dumping activity, will extend from # 34 as indicated on the plan, just east of crushed stone drainage trench, to run generally east to the end of the chain link fence on the southeast corner of the property.
13. Snow storage exhibit # 5 shows "potential storage areas". The word "potential" will be taken out so that it is communicated clearly to contractors that these are actual snow storage areas.
14. All data submitted to Joshua's Trust as indicated in the agreement between Joshua's Trust and TSC, LLC is simultaneously submitted to the Town Planner and IWWC for review.
15. Waste oil will be stored indoors, under cover, and provisions will be made so that the public will not be able to drop off their containers in any outdoor area.
16. All peizometers and potential future groundwater monitoring wells will be installed in accordance with DEP site characterization guidance protocols which include the installation of a screened well material interval across the top of the water table, a full sand pack around the screened interval and above the screen at least two feet, a bentonite seal above the sand pack, and a cemented in place locking curb box/stand pipe. REMA Ecological Attachment A indicates that laboratory parameters will be analyzed using EPA methodologies and samples will be kept on ice. Additionally, the samples will be collected using EPA low flow sampling protocols to insure appropriate sample collection and representative groundwater samples. This requires use of a pump and a water quality meter, demonstrating that samples collected are representative of the aquifer once the water quality parameters have stabilized. Well sampling sheets, documenting proper well sample collection procedures, will be submitted to the IWWC.
17. A \$15,000 bond will be posted, for remediation of contaminants that may migrate toward the bog. Should the ground water flow direction be demonstrated not to be heading toward the bog, as soon as that is demonstrated, that bond would be returned to TSC, subject to review and request for bond reduction, pursuant to demonstration that ground water flow is not reversed.
18. Should we enter into the groundwater-monitoring program for contaminants, the rationale behind the proposed frequency and timing of collection of samples from the wells will be properly demonstrated and will be reviewed by the IWWC for approval.

All other documentation, plans, and provisions indicated in the agreement between Joshua's Trust and TSC, LLC stand as a private agreement.

Mr. Brogie stated that in review of this application and in appreciation and understanding of the work that has been done by Joshua's Trust and TSC, LLC, we find that there are no feasible and prudent alternatives for the wetlands permit as outlined in the work proposed, and under conditions of the stipulations stated, we feel that this would be an acceptable application that is protective of the adjacent natural resources. t. Acting Chair Brogie made a motion to approve the application with the stated conditions. Mr. McGill seconded the motion. The vote was unanimous, in favor.

#### V. OTHER BUSINESS

Planner Finger said permits for the Donahue property are due for renewal and this item will appear on the next meeting's agenda.

VI. Adjourn - The meeting was adjourned at 10:05 PM.

Respectfully submitted, Kathleen Wright,  
Recording Clerk, July 10, 2008