

October 4, 2012 Wetlands Protection Committee Meeting

Recorded and transcribed by private citizens.

Committee Members: Eric Seaborn, Chair; J. Stanley Waugh; Jay Hammerness; Robert Collins; Diane E. Torres, Asst. NRC Director

For the Club: Arthur Kreiger, Michael Toohill, Phil Cordiero, Paul DeYesso,

For the Citizens: Patrick Garner, Wetland Scientist

Wellesley Country Club Public Hearing, NOI 324-647

Eric: OK, so, for the Applicant, we had 4 questions, we directed to you last time. How do you want to proceed? Do you want to answer the questions now? Do you have a presentation, or are the questions answered in the presentation.

WCC: The presentation answers those questions; I was just going to start by reminding the committee, if you needed reminding, or what the 4 questions were.

Eric: Yes. That'd be great, that would be good.

Art Kreiger: I'm Art Kreiger of Anderson and Kreiger representing the Country Club, Mike Toohill now from BSC is here, Paul DeYesso from the Club.

The four questions were, you wanted construction details on the drainage basin, you wanted to know whether it could be moved out of the inner riparian zone and if not, why not, you wanted explanation of the needs for access to the Comfort Station/Lightning Shelter, that is other than people actually needing it for vehicular access and you wanted to know whether the path could be constructed of things other than gravel and how wide it actually needed to be, how could it be minimized. Mike's going to answer those questions. He has submitted a letter to Diane which I know you haven't seen, this is the letter, so he's going to walk you through it and address the questions in the process.

Toohill: Here are 2 sets of the revised plans that I've submitted with the letter; I know those didn't come through to you today. I have paper copies of the letter if the Committee members want that to follow along and I've got paper copies of the revised plans. Those are the revised 3 sheets. This is the letter, which is what's up on the board, and these sheets are going to be up there in a second. Diane, do you need two?

Diane: This will be fine I already have the electronic copy.

Jay: Are these different?

Mike: What's that?

Jay: Are these different? Different?

Mike: Did I give you two? Gave you too many.

Eric: Do you have a copy to provide to Mr. Garner?

Mike: I do.

Diane: Mike, the small plan, too, could I have one of those? So this is all the material, these 3 things, these large plans, this and this is what you have tonight?

Mike: This is just 11 by 17's of what I first submitted; they are easier to see I've got them up on the screen as well. OK.

Sorry for the delay, I thought it would be easier if I put everything up on a PP projector rather than people trying to crowd around 24 by 36" plans. This is the letter that I just submitted that Pat has a copy of as well, and as Art said it responds to the four questions that the Committee asked, and I also responded to some of the questions that Pat had in his letter of the 14th I think the day after the hearing, so there are responses actually to Patrick's letter in here, as well. Just stepping through, and Diane had one additional question as well, so just stepping through these are the 4 questions, just go through them in order, the first one I think Jay you were asking for, provide construction details on the drywell drain at the end of proposed swale

(3:36)

Jay: Yes

Mike: OK, Of course I wind up picking the wrong one but let's try it, there we go zoom in a little bit for you, Detail # 9 I think it is which is kind of in the top center of the detail sheet which is the 3rd sheet in that package.

Jay: I see it.... drywell drain.

Mike: Is a detail of the drywell drain. It's literally just extra infiltration at the end of the system, so that's what's up on the screen as well. Let's see if we can blow it up a little more for everybody. Course I went too far. So this is the drywell drain, this one that's kind of in the top center of the screen right now, so the infiltration swale will terminate into this drywell drain that just stops the remaining flow and brings it down into a very conventional drywell pit with a little dome cover on top of it. So pretty simple the whole infiltration system has, and I think Phil Cordeiro who is the engineer, there he is back there, from Allen Majors, Phil's here with us as well, he had another meeting in the building here tonight so he's joining us. A lot of the plans we're looking at are Phil's plans, so the drywell drain and swale system will infiltrate 100% of the 100-year flow from the watershed, so everything gets infiltrated on the site. That's the detail that you asked for.

?: Mike, How big is the structure itself?

Phil Codeiro from Allen Majors Engineer: What you see on the top is just a 12" raised dome structure essentially a catch basin or an area drain if you want to call it that, to an 8" perforated pipe going down ... very small ...

Citizen: Where is that located on the lot?

Mike: I'll show you that in a second, that comes up next.

Citizen: What is the capacity?

Eric: You said a 100-year storm?

Mike: Yeah, the whole system, the swale and drywell infiltrates the hundred-year event.

Phil: Exactly, you have to look at the package as a whole, the infiltration swale is there, the dry well, that's what gives us the 100 year, it's the whole package.

Jay: So all the water doesn't flow down here, it gets in the ground in the swale, somewhere along the swale, and what doesn't comes to the drywell.

Mike: Right, and if you remember correctly, the build area, which is outside of Riverfront Area, which is the Comfort Station itself and the pathway, there's a separate infiltration system that deals with the impervious surface up there, it infiltrates that into chambers...

Jay: ... and that stays basin.

Mike: And that stays

Jay: Out of the riverfront

Mike: It's on the opposite side of the comfort station I'll show you that. It's on the opposite site of the CS from the Riverfront Area.

Citizen: What is the capacity of this ?

Phil: You know in terms of volume, I don't have an answer for that. It's a (only 8") pipe, (?) it's wrapped in (embedded stone?), which is only 24" wide in diameter, so we're 2 feet deep by 24" in diameter it's not very large volume, the reason for that is we're not recharging a very large volume runoff in the area. I don't have the discreet number of the volume is in that structure, again I'm looking at as the big picture, not just that little drywell.

Citizen: So that's supposed to capture the runoff? Because right now it's hard path, I don't know the last time you looked at the samples in the road...

Eric: I think there are other changes that it would be helpful to get through.

Mike: Why don't we get through all the answers and I'm sure that

Eric: Let's go through the...

Jay: What, You can't see? Well, I think we're going to let him proceed w/o questions then do questions. I know we all want to jump in. I'll shut up too.

Mike: So the 2nd question is / was can the infiltration swale and the drywell be located moved out of the riparian zone? And I'll get to that plan, we have accomplished that, If you remember from last time the very end of this is the drywell up here where my hand is moving around this drywell is actually located here right outside of the trees the black locust area, this is all a disturbed area up in here... We moved the drywell and swale back out of the inner RZ so all of the work for the system now is in the outer RZ. So this is the swale that we're talking about, backing out just a little bit, ... this is the entire watershed is delineated by this line on the outside, all of the impervious surface here,

(9:05)

and this impervious surface, where is where you get most of your runoff is being infiltrated, there are chambers down here underneath the driveway, the pathway that goes into the CS so there's an infiltration system here that separates all this out? (or south?). So what this is handling, it's handling you can see the grades coming down this way, it's handling, you can see the grades, it's handling any of the overland flow from this area is getting into this infiltration trench and as Phil

said the system works as a total package, so we're not trying to direct the water down you know a hardened ditch into a dry well, we're infiltrating all along this entire system. And the drywell kind of the terminus of the system.

Stan: It might be 10% of the water

Mike: It's going to depend on during frequent storm events you're probably not going to get any flow going into that drywell because it'll be, infiltrated either... remember this is all restored area in here, I can show you the restoration plan so it'll be either infiltrated into this area up here or if it runs off it'll be infiltrated into the trench probably even before it even gets to the drywell. So that was...

Eric: (to citizen) Let's just get through...

Citizen: Can I get the general orientation?

Mike: Oh, yes, I'm sorry, this is ... the Community Gardens are up here, this is Brookside Road over here, this these are there are golf tees back here, the existing Porta potties if you know where they are, are right back in here, and this is the CS, so there's a bunch of pine trees as you look in, so these area the pine trees in there and this is the entrance way that comes in, correct, this is the black locust trees, here and this is all vegetated up all the way up to the Community Gardens entrance... this is the street? ...OK?

Jay: Picture?

Clarifying orientation... those pine trees, gardens, the area used for other private use... over the course ... dry well is actually, ... this plan has been changed... out of the RZ vs. in it? Can you move it out of the inner RZ? And so we did. Thanks, Phil.

Mike: So the 3rd question is what are the uses for the access to the site? And there are several uses for the access, the first and one of the most important is emergency access. This point as we noted before is the furthest away from Club house, it's one of 5 numbered access points on the course that are used by EMT Fire and police in case of an emergency out on the course, it's posted, this is actually entrance #1.

(12:58)

That's the first and most important uses for this access point. The second is obviously we have to get in and out of here to do construction of the CS but following construction of the CS there might be a need for periodic maintenance, especially of the water / wastewater systems, we have a grinder pump, we have sinks, we're not talking about bringing in toilet paper, bringing in soaps that can be brought in from the course, but if we have a plumber, electrician or somebody that needs to get in this is the place for them to get in to get to that facility that is right there. The third is this access point has long been valuable to golf course operations routine operations like mowing occur on the course, the mowing equipment, actually, if you remember the Academy Brook Project, the AB project flows through a culvert, under a fairway, so the mowers can actually cross over AB at that point to get to this corner, this is a kind of an isolated corner, it's cut off by AB by the property line by Brookside Road so the one area where they can get across beside

using cart path bridges which larger equipment can't use, is to go across that fairway. On occasion it's much more advantageous to bring backhoe if it's needed or another piece of equipment in through this access point to get to these particular golf holes, and I did check with the golf course superintendent, I think last time I was asked how frequent it was going to be something like once a week during golf season during the summer, and he corrected me, he thinks it's going to be something more on the order of once a month. So it's probably much less frequent than I had presumed. So those are the primary uses. We do want to again reiterate that this particular access point has been in existence since the 1960's, it's been used for golf course operations, I think it was used when they built these golf holes out here, originally, since it was a farm, and that's how they got in to build some of these golf holes back here.

Citizen: This is a core issue, I don't want to interrupt the flow through, but I think, and correct me if I'm wrong, I know Eric, you had comments in it in August, Stan, you had comments in September, Jay as well; can we just agree that FOB has not proven that that pathway didn't exist and the CC has not proven that that pathway did exist? Can we just reach an agreement that it has not been proven to exist or not exist?

Eric: I think we essentially said at the last meeting is that we saw, there have been assertions made by both sides, and there were photographs, aerial photographs, and other, and it was decided we can't make a determination.

(15:47)

Citizen: Can we have that reflected on the record that the Committee cannot make a determination that it existed or did not exist?

Krieger: Actually, I'd like to go on the record. First of all, I... presentation... get through... I don't know why the Committee needs to make that determination, we don't need to make that in order to make a determination that we do need to make, though.

Eric: I think we stated at the last meeting that we were not going to consider that as a question because we just can't determine it.

Citizen: So that's a determination.

Eric: It's in the meeting notes. The record, so...

Citizen: Eric, I would just like to say that I've lived here for 46 years ...

Eric: Let's just get through the presentation.

Citizen: I can give you...

Eric: You do have 10 minutes, we're going to give you presentation, let's just finish these questions.

Mike: Ok so the 4th question that the Committee was, can the gravel path be wholly or partially removed and what would an alternative be, and I think there was a member of the audience last time that, I forget the gentleman's name,

Jay: Dean Behrend

Mike: was making some suggestions, and we looked into and have investigated the grass pave system that he was talking about and that's what we now propose to do, so if I could go back to the correct plan and zoom in a little bit.

Jay: And Patrick also suggested a system; did you speak to that in his September 14th?

Mike: No. No this is the system that we chose to use. It serves the same purpose as the system that Patrick is talking about. It stabilizes the sub-grade, exactly what he was talking about doing, you stabilize the sub-grade, you put material on top of the sub-grade so you can grow vegetation through it and it has the effect of slowing down flow and allowing infiltration through the system and this particular system that is what it is designed for. It's designed to be put ...

Jay: Show us on that where you are talking about

(17:43)

Mike: Where I'm talking about doing it? So let me zoom back out a little better so we can see it.

Eric: So this is the access from the road, Brookside Road.

Mike: Correct.

Eric: So this is what you're talking about right now?

Mike: Correct

Eric: So if you can describe that system.

Mike: Actually we have a detail of it, too. That's the location; I want to show you the location of the system. It's shortened. And all the gravel, remember there's gravel that goes from there all the way up slope.

Jay: Currently

Mike: Currently. We're talking about taking that out.

Committee: It's 35' in and 16 feet wide.

Mike: 16' wide.

Committee: Just so we're clear.

Mike: The current gravel path is 16' wide, the current entrance gravel area is 16' wide that will allow us to maintain that 16' width, that allows for two emergency vehicles to come in and to get off the road and get onto that pad. And that's exactly what that is, that's essentially a stabilized pad to get in off the road. That's the grass paver system 16 by 35.

Eric: Ok. Can you describe the grass-paved system?

Mike: Sure. (Too far, beauty of pdf's). And Phil, you can feel free to come up and jump in.

Phil: I can also do it if you'd like. It's a grass paved system it's a fiberglass preformed chambers, little circles that all connect together, you can see on the right side, you would lay that over a stabilized base, and you would put sand there

and then plant material, loam and seed, loam and sod, and what the result is, is it's a green area of grass, but the fiberglass mats hold it in place and make it stable enough for vehicles to drive over, to make it so emergency vehicles, fire trucks, in conjunction with the stabilized base underneath it ... Very simplistic system, but it serves the purpose of being green, being porous, and allow truck traffic to go onto it.

Eric: Ok, it looks, is this 8" in depth?

Phil: Yes. It is.

Eric: Ok. And that's the sub-base, which is compacted sand, gravel? ... structure?

Phil: Correct

Eric: And then, what are the rings made of?

Phil: And then on top of that, those are the fiberglass rings that I was referring to.

Eric: How tall?

Phil: I believe they are about an inch and a half in height.

Citizen: Picture a thick side of a milk crate is that it?

Phil: Yes, you could think of terms of the milk crate, but milk crates are a little heavier, beefier, but think of the black plastic ... for lack of a better term. And then you fill those rings with sand, then loam and seed and then it's allowed to root through the porous openings of the mat and then that's your surface.

Citizen: Is it fair to say that the substrate is the roadway? It just has the plastic on top of the sand?

Phil: Well what you think of a typical roadway would be a 6-12" compacted base on top of that you would put 2-3" of asphalt, wearing surface and binder, in this case we have made a base and putting porous material on top of it we need something for the grass, for the soil to reside allowing the grass to take root and that's what those chambers do, they give it that area to hold, allow the grass to root and grow and then you maintain it ... it's just like normal grass, you just cut it...

21:34

Jay: So if I walk by or drive by what I'll see is grass.

Phil: You, there'll be an indication of the rings beneath it, obviously the grass can't grow through the rings, it grows, in the voids spaces between them, so if you look

Mike: You'll see a matrix, yeah

Phil: Stabilization that's very common of these porous pavers when you deal with a concrete paver, manufactured product that you know it's there, from a distance you may not know it's there, if you're standing on it you'll definitely know it's there.

Eric: Ok.

Citizen: So given that you're prohibited from mowing within the Wetlands Area, how would that be maintained?

Phil: Well, this gets into a situation where what's there now is gravel which requires no maintenance, at the request looking at alternatives to put something like this in there now we need to maintain the grass.

Stan: Can I ask a question? Could you put something else besides grass? Natural growth? Natural weeds? Whatever

Phil: Well, again it is an emergency access point and you can't have them drive over...

Stan: Well you can drive over those things and you don't have any problem, right?

Citizen: Again, it's not an emergency access point, which is the core issue... we talked last time, the fire department don't require, they require, at most they'd like a pathway to get a stretcher down, but they don't need a driveway.

Citizen: Certainly not something 16' wide.

Citizen: This is the core issue.

Eric: 16' strikes me as narrower, or not much wider than is what there now.

Citizen: Well what's there now shouldn't be there.

WCC: It's 16 feet.

Eric: That comes back to the question that we can't make a determination.

Citizen: Right. And if you can't make a determination, which we've already decided... all they're allowed, under the law is a pedestrian pathway. If you can't make a determination, we already decided that. The law says in the absence of proof, all they are allowed is pedestrian pathway.

Jay: Let's move on with a description of what they're presenting then we can ...

Eric: After the 35' what was from that point towards the CS? Because before you had that proposed gravel path.

Mike: We've got that, so what we're doing is taking everything out this becomes part of that restoration area, this is where the path was, remember? So all that comes out and that becomes part of the restoration area.

Eric: There is presently gravel there, that was part of the... all that comes out and that is all restored with planting.

Mike: Yes

Eric: This is all restored as opposed to what was presented last time.

Mike: What was proposed last time was to maintain the existing gravel path, right

Jay: But this will, because it's compacted now in a sense, will support let's say a pickup truck?

Stan: What will, gravel?

Jay: No, there is no gravel. What he's presenting is the gravel's gone.

Mike: Yeah, we're taking the gravel out, going to re-grade it

Jay: re-grade it

Toohill: put some loam in, and put the seed mix in. So here's the grades, we're going to grade it to these grades, so that the pitch falls to the infiltration basin, which is does now, we want to maintain that, so this will not be the same kind of stable base that we have now driving in.

Jay: But you're assuming that that will support at least a pickup truck or small piece of equipment that you use upstream, not upstream, but on the other section of the golf course, right? Because I mean you've presented an access area that will support those, and you've said you wanted to continue to be able to use this, so then this area here will support a (pickup truck) without damage to the area.

Mike: If you recall, that's where it all started. That was earth up in there when we started...

Jay: I just want to understand what you are saying.

Stan: If you don't want to grow over with grass, whatever, would you need the swale at all, and the drywell? Because the rain would be absorbed into the ground, slowed down by the plant growth, I don't know the answer to that?

Jay: Well I think he's saying he's got an answer to that we've seen the problem now,

Stan: It's bare now.

Jay: Well no, it's growing back. Last time I was there it's filling in.

Mike: It's vegetated

Jay: May not be great growth but there's growth.

Stan: (I won't hold you up)??

Jay: is that it?

Mike: Those were the 4 questions that you had and then Diane had asked just one additional question, she asked us to resubmit the bylaw form so I did that as part of the letter and then for comparison purposes I put a copy of the original bylaw impact calculation form on the letter so we've got the two of them on there. I can put them on the screen if you want...

Jay: I just have two quick questions: you're saying frequency of use. Frequency of use is once a month, perhaps twice a month during your maintenance season, this is about the same as people are parking on the garden next door, so relatively minor frequency. What about size of the vehicle? What are we talking about here? Pickup trucks? We're not talking about dump trucks?

Mike: Not after construction... I mean during construction they'll have to bring equipment in obviously to build the comfort station but after that, we're talking about the biggest piece of equipment is probably like a back hoe

Toohill: Right

Jay: Backhoe or pickup. Just so we all know.

Patrick: Mike, Mike, did you mention a backhoe. You mention the occasional use of a backhoe? We're talking pickup trucks?

Jay: No. I think we're saying two: a pickup and a backhoe? Infrequent pickup truck. Infrequent.

Citizen: And what would the backhoe be used for?

Citizen: Last meeting they said once a week.

Toohill: I clarified that now.

Citizen: Once a week or once a month, or once a day?

Stan: Can we address the elephant in the room here for a minute? In no way shape or form do I think this committee wishes to restrict your ability to access that spot because I think the photographs you showed a year and a half ago, aerial photographs, show clearly show the break in the woods.

Citizen: That 2010 photo which I think you're referring to that shows the paths in the dirt, the clump of grass in the middle, in the grass that's from 2010, that aerial photograph you really can't see anything.

Stan: No you can't. All I could see was the break in the woods, then you could see two very primitive paths that led into what was clearly the farm.

Citizen: Not 16 feet wide.

Stan: No, no, two narrow, two narrow tire track paths.

Citizen: And I actually think that was further up Brookside, I don't think that's in the same location.

Stan: In my memory it was there. Your folk's position is that there was no road there. Before Academy Brook.

Citizen: My position is stronger. I can tell you for an absolute fact that road started in 2000 as a path, did not exist before the Riverfront Act and I can give you a sworn affidavit from me and two other colleagues who will tell you that that road didn't exist, it's not grandfathered.

Kreiger: An affidavit's in the other direction, and that's exactly where you don't want to go, that's exactly where you don't want to go.

Eric: That's why we can't go there.

Kreiger: I'm now talking to the Chair

Citizen: As was this gentleman, as was this gentleman.

Kreiger: As Mike pointed out, this letter addresses the questions raised by Patrick Garner as well in his letter of September 14, and so if you want to hear the answers to some of those questions we might as well finish that presentation.

Eric: Yeah that would be good because I was going to ask for some initial reaction from Mr. Garner, next, so if you want to address some of those ...

30:48

Mike: Pat made a point that he felt that the AA needed to be updated to reflect the current proposal and he had several points underneath that assertion that we addressed, the first was can the access to service the CS be provided w/o driving

from Brookside Road Riverfront Area (RA) and that's what we were talking about, that the routine service can be done from on the golf course there may be need for an electrician or plumber or somebody to come in from that access point to get to it, so that's the answer, that's the answer.

Citizen: Why couldn't that be from the cart path?

Committee: That's their answer

Mike: Can utilities, particularly the proposed sewer force line be run through the Town community gardens parcel thus not impacting Brookside, and our answer is that the utility, the sewer, water electric routes were chosen based upon available infrastructure that's out in the public way that's nearest to the CS the force main is proposed to be routed through an area that is proposed for restoration and is going to be in the shoulder of the road and in the road and to the extent practicable is going to be completely outside of the RA, it has to cross into Riverfront because that's where the intersection of Oakland and Brookside is. This routing that we proposed does not require easements, routing utilities through the CG would require an easement from the town impair the Gardens and be impracticable, it doesn't get us closer to a point that we that we need to get to, we need to get to a waste water manhole - the closest manhole is up at the intersection of Oakland and Brookside so that's why we routed that. So therefore it's not a practicable and substantially equivalent economic alternative to the proposed routing under the Rivers Act. Can the CS itself be sighted in an Alternative location? Mr. DeYesso last time actually addressed that, we'll address it again here this point is the furthest point away from the Clubhouse it's a point where right now there is an emergency telephone for that very reason. There's an emergency access coming off Brookside this is where the porto potties are right now actually. This is the area that makes the most sense. If we start to move it further interior to the club even if we could put it further in, we have to get to water and sewer and W&S is available in this area, so the CS itself is completely outside of RA and it's really it's ideally situated for the Club's purposes.

Citizen: Question for an educational point? Question? The point you made last time was you wanted it in that location because it was the furthest point from the Clubhouse from a safety standpoint.

DeYesso: We might be able to move it further into the course; however, as Mike pointed out we'd still be in front of the CMT asking for permission for the same ... utilities...

Jay: same lines

DeYesso: If I moved it 300 yards towards the Club house there's still no place for me to get/grab utilities so I'm still coming the same way. I could move it 500 yards, move it 600 yards, I'm still trying to get to utilities.

?: Water, drain...

34:25

Mike: Patrick asked what are the additional access uses... we talked about that previously since the Committee actually asked the same question, and can all

infrastructure within RA absolutely be minimized within the 100' the inner riparian zone and specifically he was pointing out as he did in the meeting on Sept 13, moving the drainage and remainder of the storm water out of the inner Riparian Zone which we have accomplished.

Jay: In moving it out I'm concerned that I guess would like to know whether or not you've changed dramatically the swale itself, have you dug it deeper have you changed in any way the landscape?

Mike: No, we've just shortened it.

Jay: You shortened it, so you've accomplished that goal.

Mike: Phil, you can jump in... The swale, there isn't enough runoff out here to warrant having to put in storm water mitigation. The swale is to prevent issues that we all know have been causing problems down towards the end of the access.

Jay: I'm more concerned with good storm water management from that watershed than I am from the impact to the stream across the road bank, ok?... and so the location I think should be dictated by the storm water and the minimal amount of change to the contour so that it should be about some 100-foot that is based on something across another road bank. All right? So... But he's saying there's no difference. If we can accomplish it, fine, but.

Patrick: From a drainage point, engineering solution, I think they've accomplished it. But...

Jay: They've accomplished your concern, but I would have gone with the other had they demonstrated that it was more helpful to the watershed itself, OK?

Mike: Pat just had a few other comments, he made suggestions, some design change suggestions. The first of which was to move the swale, which we've accomplished. The 2nd was to change the design of the access to Brookside Road, which we've talked about, we've talked about using the grass paved system, that's how we've addressed that comment, the third was to change the proposed mix in the swale from wet mix to a more upland seed mix, my take is the purpose of seed mixes is to get an area stabilized, get an area going, we're not trying to make sure that everything in that mix grows in that ditch. If we want to add a different mix, a more upland mix, that's fine. The purpose is to stabilize it and the purpose is to serve as an infiltration swale.

Eric: You're talking about in the swale?

Mike: In the swale itself. Pat had comments on two of the mixes, that one in the swale itself, wet mix not being appropriate because there is so little storm water that goes during normal flow events that we don't have a wet enough system that it's going to support a fat wet hydrophytes community and that may be the case. We can actually overspray with some of the other materials as well and then the plants that want to take will take. It's just a matter of stabilizing.

Jay: I read that and I can't make a judgment on that I do not know.

Patrick: I can assure you the mix that they...

Jay: At the end of the day whatever the applicant presents, and then our ability to go back and say it didn't work, and make a change

Jay: it's pretty knowledgeable I have no ... expertise, not my field...

Patrick: These are very minor...

Mike: The applicant is saying that it has no problem, more backup species ... I can't...

Eric: We have a required growing period anyway... we would be monitoring...

Jay: So I think we have to put the burden on him.

Mike: Yup.

Jay: He's listening to you but...

Mike: I understand Patrick's point about seed mixes don't grow as they are intended to grow, I've seen that as well. This particular application, this seed mix we proposed fairly well mimics a lot of the plants that we see out there. I think it actually stands a really good chance of growing out there and again the purpose is to provide that initial growth, you're going to get other species coming in, you'll get in migration from the adjacent areas and that's fine, that's what we want, we want this area to be stabilized. That's the whole point. Those were all the comments that were in from the committee and in Mr. Garner's letter.

(40:14)

Eric: Ok. So again to Jay's question, if you drive by and look into the opening, access point you'll see initially, you'll see green growth entirely if everything goes as planned, if you look closely you'll see a matrix pad parking pad access pad I don't know what the correct terminology is for 35' feet by 16', a swale that's I think you said 22" deep I think you said, no, I'm sorry, it's 22' long by 1 foot deep, 22' deep, ha, ok, and then ending in a capped infiltration point. OK. And during construction, what types of equipment will be running in and out of here to till this system, re-grade, it's going to be, what's the, what type of equipment will be heading in there?

Mike: for the comfort station??

Eric: For the Comfort Station and for re-grading and digging the swale, setting up the pad and all.

41:46

Mike: OK, Phil you can help me with the CS construction, block structure?

Phil: Standard construction that you'd see... if we do the grass pave system, we have to excavate out, stabilize base, remove the gravel, we're talking an excavator, dump truck, short dump truck to haul material away, typical pickup trucks, whatnot, in order to build the CS probably a concrete truck to pull a slab for the CS, and that's about it.

Citizen: Where would the materials be hauled to? Where would the materials be hauled away to? That would have to be determined. What would you take out of there?

Jay: I think our orders always state that it has to go to a legal site.

Citizen: sometimes that has happened along BR so,

Jay: You mean it's deposited along Brookside Road?

?? Engineer?: I would say that we haven't had this discussion you know, we have a course that uses these materials I would suspect they would want to retain some of them, be the gravel, the stripped top soil from other purposes, we have materials storage elsewhere on site and I suspect we would want to pursue that before we give material away .

WCC: it's to be determined.

Jay: I think our orders state that they use it on site or it go to a legal site.

Citizen: This is how it all started for me. When the Club House was built, I said, "This is great, they need a new clubhouse," they just kept coming with machines, kept coming with machines, and that's what I am concerned about. I love the plan on its face, but it's the usage of the local neighborhood by the Club in commercial industrial ways that is just on its face not neighborly and we wish the club would take a change in perspective, like I read and hear about Clubs doing, and I see posted on websites, all these We want them to be a good neighbor and it just isn't to run construction equipment up and down and keep getting abusive about it. That is happening now. Maybe it's stopped I don't know, but I just know that it's happened in the past.

Eric: What's the projected time period, length of time for construction? You know, for finishing this project? Do you have any idea when it?

Mike: This project is being bid along with the other projects that Phil is working on which are outside of the jurisdiction so they're going to time it with those other projects, OK?

Eric: Do you have a length of work for this? Do you have an estimate of how long?

Mike: Oh this? A month?

Phil: 45-60 days at most. It's not a whole lot of work

Mike: It's not a big.

Phil: To this gentleman's point, about construction, I mean, it's not an industrial operation, if we were building a house here or elsewhere along Brookside, it's that the same type of equipment, so we're not coming in gangbusters to build a skyscraper; it'll be an excavator, loader, as I mentioned, that's exactly what you'd get for a single family residential home.

Citizen: But you don't ... own ... property down the street trucked it back and forth back and forth, that's what happens, (truck noises...) so there's a difference you know, I understand, I get it, you pull stuff out, it goes away it doesn't continue to drive up and down the road all day.

DY: I don't think we've done a cut and fill analysis; my guess is there's not a lot of materials.

Eric: No

Citizen: Relative to what happened before, this is very minor, it's a perspective.

Engineer: I would say 60 days.

Jay: Realize that the plan that they have put forth is really two projects: they are putting it together because the two come together for us. One is their new CS and the utilities, and the only thing that's going through the riverfront are the ditches. The other is to complete the Academy Project. Now remember the Academy Project was not something they wanted to do. The Town put through a larger culvert in Lincoln, Windsor Road, took the flooding that affected those neighbors and gave it to these guys. And they spent a lot of money and a lot of equipment... so I think you know when we're looking at it, we have to realize that this is the closing of that project which I don't think they really wanted to do, they were forced to do it because the Town took the flooding project and put it on their property. And then, putting in this Comfort Station.

(46:51)

Citizen: Jay, as you've said, Stan said very directly... they've taken out the gravel; the Elephant in the room is the roadway. I think we said very clearly at the last meeting that the Friends of Brookside are supportive of the plan as it relates to the CS, appreciate the fact that based on our expert's suggestions and other individuals in the room, suggestion, that it's out of the RZ, infiltrations... a great piece of progress... we're comfortable with properly done piping and sewerage exiting, are there better approaches, who knows? Frankly, that's pretty minor. The issue is the roadway. Because the roadway, in addition to the what it does to the land, and the construction of the roadway, the uses of the roadway, and the continued,... that's what's led to some of the dumping issues we've had in the past, that have been corrected, but that's because that access is there, that's the issue. And we've had the discussion earlier in this meeting that there's no evidence to support the fact that there wasn't a road there, no evidence to support there was, we just can't determine, so if we can't determine, the burden of proof is on the applicant, and we can't determine if it was there, then it can't be kept there. (And it can't be enlarged.) It needs to fall back to a pathway. At 16' wide, whether it be concrete slabs with or fiberglass with sand holes, that's a roadway, they continue to bring large equipment, we heard large equipment to access parts of the course, that's a roadway, and that's not allowed under the law.

Jay: That's my, my concern, also. And it seems to me that we probably can't as a committee say you can't have this size, or you have a frequency, or what have you, I don't think we can define that because it gets very hard to deal and to modify, enforce, to monitor. All we can do is look at the carrying capacity of this entrance design so it seems to me that we focus on the design and then how that supports frequency, how that supports weight, size, what have you.

Citizen: And I believe that under the law a pedestrian pathway is what is allowed under the Rivers Act

Jay: Well, I... that's a

Citizen: That is the law.

Eric: I'm not comfortable making that determination.

Citizen: We already did make that determination by saying you can't determine.

Eric: That is a legal determination that we'd need to get.

Citizen: I suggest that's what we'll have to do, if it doesn't happen here...

Jay: Shall we hear?

Citizen: Absolutely.

Eric: I'd also like to point out that there's nothing about this project if it's approved or not approved -- this committee has enforcement responsibilities, ok, so if this project is approved and the Club is accessing that and doing damage to the resource area and we go out there and see that if it's brought to our attention we go out and and see it, we have enforcement options which you've seen us use, we've used it, we're not turning over any authorities if we approve this project. It's incumbent on us to keep an eye on this site ok, but there's nothing that's saying we're going ahead and approving this project go ahead and use it however you want, drive however you want.

Citizen: If you are approving this project as designed as a roadway, you are in essence telling them they can use a roadway, and that's the core issue. That's the core issue.

Citizen: And we both agree we can't agree on the opening. But what we're saying, what the Club has said, that they have 3 reasons for having this opening, one is emergency, and we've talked to planning, we've got the fire dept, the committee itself has looked at the emergency issues, we've all determined. The 2nd is...

Jay: Let's have a statement from the person who's going to speak... it's running awful late and some of us are, last time we did this it was just too much for me, I'll be very frank with you, and I had to drive to NY the next day, I don't want to do that again.

51:32

Let's move this thing along.

Citizen: So we'll try and get you to drive to someplace closer... I just want to say, aside from the roadway, I like what they've done. I don't have a problem with it. But it's the roadway. I've lived here for 46 years. I've walked that road a lot. And that driveway didn't exist. I know for a fact. It did not predate the RA. Therefore, it is not grandfathered. It is subject to regulation, it's been widened, and 16' is crazy, so if they can't prove it, Steve is right, the law is clear, we can show it to you, it's defensible. That's too big. And you're right about the emergency access, you called the fire department last time, that's what you told us.

Jay: Yes, yes,

Citizen: They're not going to drive a fire truck over that. Do you know how much a fire truck weighs?

Jay: I don't think they are. They might.

Citizen: 28 tons. Fully loaded fire truck. It's not a...

Jay: It's not the fire truck, it's the ambulance.

Citizen: They are still pretty heavy.

Stan: They said they wouldn't need it, either.

Jay: No, I don't think they are. But that doesn't mean that they wouldn't want to be able to get the 4-wheel stretcher out.

Citizen: We don't need a fiberglass path with grass growing over it. We really feel the basic problem here is the lack of an AA. It never happened. The history, I have it here, I can go through it if you need me to, but basically

Jay: I can speak to that point of Alternatives.... it doesn't matter. I can speak.

Citizen: The road is new. It's not part of the original NOI. It's implied. In the swale, in the basin, but it is not explicitly stated. And here we are just assuming that it was there when it wasn't. They can't prove it. I don't think it should be allowed to go through. And I also have a letter from 101 residents, not just local but from all over the town who are very upset about this, and actually I think it's probably more now because every time we check our mail it's gone up, this is when we did it at 6 o'clock, it was 101, and it's growing. They are not happy. They use that roadway a lot. For recreation, for other things, and it's an eyesore. And even with this proposed solution, it's still this wide path that didn't actually exist. It's wide enough to put 2 cars passing each other. 16' is pretty wide.

Citizen: I've lived 55 years in town, road did not exist. 24 years.... years... others... No road.

Eric; let's not ...

Jay: 45 years!

Citizen: This is valuable wildlife habitat...

Let's let Mr. Kreiger... Mr. Garner:

Kreiger: The neighbors keep saying "Well you can't prove if it's grandfathered," we haven't tried to prove that because you said you didn't want to address that issue. We don't think we need to prove that to get permission to do this project, so we have not tried to prove it, we can, and I still don't think this ought to be going, if it gets raised on appeal, if a DEP hearing officer or a court needs to make a legal determination in two years from now so be it. It's not that we can't prove it, affidavits, etc., we haven't burdened you with those tonight for this issue.

Eric: Wait, wait, I want to hear what he says

Kreiger: but we've lost the forest through for not just the trees but for the egg on the nest, leaf on the branch of the trees. We're deep in the details. Here's the performance standard for the RA. The applicant has to prove by the preponderance of the evidence that no practicable and substantially economic alternatives (that's the Alternatives Analysis that you've heard about) that would lessen, I'm paraphrasing, that the work will have no significant adverse effects on the Riverfront Area's protected interests. That's the performance standard.

Citizen: Mr. Kreiger, where is the alternatives analysis? Did you provide that for us, because we haven't

Kreiger: As we've talked about for the entire two years, I was first here in October 2010 ...

Citizen: As were we...

Jay: I'll talk to the AA.

Kreiger: to the extent that it is required, for a project, because the AA, the regulations say that an AA has to, can be commensurate with the impact and scope of the project, this is a small project. You've heard alternatives analysis about whether the CS itself can be moved, the utilities can be moved, gardens... the Alternatives have been adopted in terms of moving parts of the system, making pervious as was suggested We haven't just, but we've adopted alternatives that people have suggested so the AA, in fact the adoption of AA has been done. Jay, If you want to speak to the point of the AA that's fine, but to the point, the suggestion that we need a whole matrix, as we would have for the original project, I think it is ridiculous, we would ask... we think that we've now answered your 4 questions, as well as Mr. Garner's, and that we would ask the committee to decide.

Jay: The AA, there are two points, 2 places, when it speaks to alternative analysis, and I'll read it: the scope of the alternatives under consideration shall be commensurate with the type and size. Basically, it's saying: let's be reasonable. Once again, when you review it, be reasonable. Now Pat and I've worked, you've provided a whole variety of sites, I've said, for the MF, they had to do a big matrix, and really do a comprehensive, OK, that's appropriate for that. What they've done here I believe is appropriate. Given the statement, the scope. I think they've done an AA. And an AA really, if you want them to go by, that the letter of the law here, they can say what we're doing is, they can pull apart their design, and say, we've got 3 trenches going in, that's the NOI. The other project is closing out the Academy. The access is with closing out the Academy, not with the other. So I think they've answered the AA. That's my judgment.

58:36

Citizen: With the exception of the roadway, again that's why; FOB is very supportive of the plan, with the exception of the additional roadway. We believe the roadway, in addition to being detrimental to the area, in addition to not being allowed under the law...

Jay: So we're only talking about the roadway.

Citizens: Yes. Yes.

Jay: The AA we're done. That's been settled. We agree on that.

Citizen; You've just said that, everyone has said that they like the plan, and has said it would be perfectly acceptable if it was a path. Just make it a path. That's the request of the FOB as I'm hearing it, and the Club should hear that, being the good neighbor that they are. And shouldn't you ponder that: and if it's really that valuable to have this minimal usage thing that sits there? Then it would seem to me reasonable that a path could substitute than a larger roadway. And that ends the discussion about what existed when, cause I happen to think they're right, that if it

gets pushed, the road wasn't there and there's a whole other can of worms to open up. It just should be considered.

Patrick: I would suggest that the access be allowed to build the Comfort Station, considered to be temporary access, upon completion of the CS completion of the utilities, that it be returned back to it's natural state, and that solves access to construction needs, solves access for utility needs,

Eric: The natural state though is you're assuming is a sealed access point. So there's no access or a path.

1:00:23

Patrick: I can't speak for the FOB, but I think a path ...

Eric: ok I think

Citizens: They are allowed a pathway...

Patrick: The objection is to a vehicular access...

Citizen: This is really valuable wildlife habitat. I have a picture of a turtle swimming in that puddle, that storm water puddle, thinking that it's the brook or something; I mean the animals use that.

Eric: Well, yeah.

Patrick: I think we're at a point where the engineering solutions are acceptable. They've done a lot of good work, I'm familiar myself with the grass-pave, it's a great solution for many applications, but usually it's used in parking lots where you need a large impervious area and so it here...

Jay: It's a secondary parking lot, so

Patrick: But as an engineering solution here it's not appropriate in this location. This is an inner Riparian Zone to a Riverfront, even if it's on the other side of the road. FOB has well documented that it's used heavily by wildlife ... it has all of the interests that are enumerated in the act, they still are there and they've been good with the drainage element ... but by insisting on keeping a permanent roadway through there when there's no proof that there was ever really one there...

Jay: But you know that the Committee the applicant does not have to request a determination, the Committee by itself can determine that in fact the interests aren't there because of that road. And I think common sense says that boy they've been really degraded.

Patrick: They can be restored.

Jay: No the road bed by itself.

Citizen: But the Animals use the road...

Citizen: But it is the road that they've...

Jay: Common sense says that the road impacts that value of that area. I mean,

Patrick: resource not

Eric: I think the point is, I think you're stating from the Wetlands perspective of protecting the values this is a, essentially a very good project. The issue then becomes use of private property, and this committee is not qualified to make that determination I think Mr. K. brought up the good point that if this is appealed, that's where you want to take it, it would have to go to somebody with far more expertise, particularly the DEP, I would say, or somebody to make that legal determination, I think that's outside of our purview unless we had clear evidence one way or the other, and we've already said we don't.

Garner: ?? Mr. Kreiger stated he could provide that information; our reaction is that if he can, he should... ??

Kreiger: But again, you don't need that to decide this case.

Eric: That's what I'm trying to say

Kreiger: The neighbors keep getting you to try to decide the case on that basis. You can decide on the basis of regulation and performance standards set out in the regulations this... first of all, the notion that we are going to get a temporary access to build the comfort station and then not be able to get a pickup truck in there to maintain it is ludicrous. I don't see

Citizen: Why do you need a pickup truck? Please help us try to understand. We're just trying to understand, what maintenance do you need with a pickup truck that you can't take over a cart path with a trench cart that fits on a path? How are all these courses all around the country, all around the world, maintained? Ocean front properties, they're not bringing boats up ocean front golf courses up roads to maintain them, they bring things down cart paths. That's what you do. And the fact that you want to bring in heavy equipment continually over this area is not within your rights it's not within the law.

Kreiger: We've heard continually over the area, you've heard that it's maybe once a month for maintenance, I'm not an expert in comfort station maintenance, there's lots of things, that's not one of them.

1:04:26

Citizen: And it's an unpermitted use.

Kreiger: It does not have a significant impact, interests.

DeYesso: Our greens keeper tells us he needs access to this, we spoke, to this approximately once or twice a month, it may be a backhoe or maybe a pickup truck. We feel that we've addressed, kind of stabilizing this area... I guess if I said, fine, I won't build this, I'll just build a nice grassy area the first time a pickup truck drives here in the spring we have suddenly have muddy ruddy pickup trucks stuck there, now I've created a washout area we've tried to address that - the infrequent use, and I will not say it's zero use, I will not, we need the use there, but the infrequent use that we're going... the first time that we ever drive that pickup truck over the grass or a backhoe, you've ruined everything that you've planted up there and created a big mud ball, and we don't want to create that, and the whole reason we're building this is so I don't create a mud hole.

Citizen: Access this from the cart path. Don't drive...

DeYesso: I can't drive a backhoe 30,000 yards over the golf course.

?: I don't think you're hearing anything

I don't think you're hearing anything

Citizen: Can I suggest just one quick thing? ... I understand the lawyer's point you don't have to determine if it was there... but could the Board ask the Club if it needs to happen, and that answers the question for me anyway. If they can prove it was there and then we know we don't have anything to talk about after that on appeal, now would seem the time to do it. .

Patrick: ... appeal ... That's the crux of this whole thing.

Citizen: Plus we talked to the DEP and they said the burden of proof is on the applicant to show what the path looked like at the time they're claiming, and I think that we can just know that they have changed that access since 2007 at the time of the Academy Brook, never mind since 1996. They have enlarged, ... I just.

Stan: We need an opinion that is above and beyond our committee.

Eric: I mean, you realize the conundrum here, it's private property, in one sense,

Citizen: But in the Wetlands, Riverfront

Eric: Our regulations.

Citizen: It's within your jurisdiction...

Eric: It is within our jurisdiction, but not within our jurisdiction to say you can never have access to your property because.

Citizens: But we're not, we're just saying make them put the road in the project and then subject it to an alternatives analysis. We think the road itself...

Jay: We're not going there we've already settled that at least I have

Citizen: But to Steve's point, this is clearly written in the code, in the law, they can have a pedestrian path right, w/o the proof that Patrick has mentioned.

Jay: You're talking about performance standards

Citizen: No, no very clearly in the law it indicates that in the event there was no roadway they are allowed a pedestrian pathway

Jay: Where in the law?

Citizen? Do you have that?

Eric: I still think that's a determination... that's a legal opinion.

Eric: There's a question of this, is this a roadway?

Jay: I'm ready to ...

Citizen: This is the letter; too, by the way, you have an earlier one, now twice as many signatures. You can read the highlighted sections of the law.

Kreiger: When you look at that, can you tell me what you're looking at? That talks about a pedestrian pathway?

Section 310 C

Jay: I'm not going to look at that tonight, jeez, it's 11 o'clock, I'm (going downhill?)

Eric: So, Stan, what is your reservation?

Stan: My reservation is just what they are talking about, if in fact it cannot be shown that there was a road there prior to 78 or 76, or 78

'96 Riverfront Act

Stan: '96, I'm sorry, then in fact they can't put a road in by law. At least I think that's what it says. That's to me got to be determined. And I can't do that.

Kreiger: Can I ask what section? Page you are looking at?

Jay: Seems to me ... two fold... can you come up and point out exactly?

Citizen: Sure. What they're saying in this, anyone who files a NOI has the burden to demonstrate area is not significant to protection... and such structures as allowed, grandfathered, certain areas are grandfathered; they are not, maintenance of such structures is allowed in its existing condition

Jay: I don't consider this a road. A road is a driveway.... (lots of inaudible conversation)

Citizen: In its existing condition cannot be expanded, cannot, OK, and

Eric: Yeah, this is 310: 10.58

(10:14)

That's Riverfront, OK, and then where, Section 6, let me show it to you...

I don't know...

Grandfathered or exempt, so where did you go from there... 10.58.6,

Notwithstanding, certain activities are grandfathered or exempt. So then where did you go from there... some of these things are grandfathered.

Jay: So that says notwithstanding provisions certain activities are grandfathered...

Citizen: But they are not grandfathered

Jay: so these are things that are permitted,

but they are not grandfathered,

Citizen: and what is permitted is a pedestrian pathway, you're in the right section, because that didn't have a path, and they can't prove it

Because they didn't have a path, and they can't prove it.

Jay: Now wait a minute, the logic says, notwithstanding, things, these things are grandfathered, these things are what we permit, it isn't saying what we don't permit...

Citizen: So at most they can have a pedestrian pathway.

Jay: No, it just said you can do that, if you read that, these are things that can be grandfathered, it doesn't deny anything.

Citizen: So activities subject except for minor activities including unpaved pedestrian walkways for private use.

Kreiger: I'm sorry, where are you?

Jay: It says notwithstanding certain Activities are grandfathered. subject to regulation,

Jay: These regulations are grandfathered, actually grandfathered... it doesn't pretend to be.

Eric: I think this is proving. ... He's asking (citizen) to be continued? Do we want to continue? Do we want to ask them to prove anything?

No no, They have

I don't think we disagree...

Jay: This is what's permitted by grandfathered. You're twisting it. If you want to object to our.

The DEP says...

Kreiger: I think you are not understanding the paragraph... I know understand the paragraph they are talking about. What they are talking about is a provision that says if you are doing a minor pedestrian pathway you are not subject to regulation. We wouldn't have to be here at all for the road if the road, if this entry were a minor pedestrian pathway that's the regulation. It's not that, we agree it's not that let's assume it's not grandfathered. That means that this is now subject to the performance standard that I read you before. It doesn't mean that you can't do anything above a pathway; it means you are subject to the rest of the regulations

Citizen: Which would include an AA on the roadway.

1:13:13

Eric: And we're saying we've accepted this as an AA, we, the committee. You haven't...

Citizen: No we clearly haven't.

Kreiger: I understand the argument about AA, I understand but the argument that has to be rejected is the notion that a partial AA all we get is a pedestrian pathway. Period that is not based on the regulations. They can have their argument about AA, and you've dealt with that, but this other argument is absurd.

Jay: Well not absurd, it just doesn't stop

It's wrong... not absurd

Citizen: The burden of proof is on the applicant to show what was there.

Jay: They're not calling into... they're not asking to be grandfathered. They're not asking to be grandfathered. So they don't have to prove they're grandfathered.

Citizen: He just said, assuming it's grandfathered, so I

Jay: He's not asking to have it grandfathered, therefore he doesn't have to prove it

Kreiger: We are simply subject to the rest of the performance standards, the rest of the regulations,

Jay: That's not what ... he's asking for

Citizen: In letters they've said that they we grandfathered, so

Kreiger: Well we think that's true, also, but as I've said repeatedly, you don't have to find that to permit this project under regulations. We meet the performance standards. We meet the performance standards for the Riverfront Act, those are the ones...

Eric: That's all we require.

Jay: Whether you meet them, you're advocating that you meet them; I think it's up to us to decide if you meet them...

Kreiger: of course, we're asking.

Jay: But I think that's the issue, whether or not you do.

Kreiger: that's right.

Citizen: So can I ask Patrick a question? Might be educational, at least for me? What are the standards required for putting a parking lot or a roadway through the Riverfront Area?

Patrick: We're into a classic disagreement on what the standards are.

Jay: No we're not. No, no. He's simply asking you to define what the standards are. So go ahead and tell what the standards are, what's allowed.

Patrick: The essence of AA is that the applicant, the burden on the Applicant, show that there are no alternatives to the use of the roadway,

Jay: We've gone through that. And then what?

Eric: Let him finish, Jay

Patrick: Then the committee or commission evaluates that analysis and determines. if it's adequate. But in this case the point we're trying to make is that the major impact is to the inner riparian zone we've got a 16' wide permanent H 20 loading structure that's being proposed, we're hearing testimony that even after construction of the CS they're going to have to bring backhoes in and out of there, for what purpose? For what purpose would they bring a backhoe in to maintain the CS?

Eric: Well I think ...

Patrick: I can imagine an occasional pickup truck but even that, the CS can be accessed through the cart paths, throughout fairways system, so that's a stretch, but I can hear the argument, a permanent 16' wide zone that is never going to return to any sort of resemblance of the natural environment, in my opinion, in a very sensitive area, that wildlife depends on, is reaching, environmentally it's a real reach. I can fall back and begin to rationalize a 6 or 8' wide for a single vehicle, I can't imagine them ever having 2 club related vehicles ever need passage over there.

Jay: Can you cut it down to 8'?

Patrick: Which would be the only explanation for something 16' wide, so I would be mystified about what the real ulterior motive is here, and why we have to have it so wide, why essentially there's even a permanent road structure being put in and even if it's only 35' long it's, I'm hearing the arguments and I think everyone is trying to cooperate here late at night, but this is beyond my experience in terms of Riverfront intrusion an area that clearly didn't have this level of intrusion prior to 2000.

Jay: But what my little cheat sheet says is after the AA, settled that, or at least I have, says WPC may allow alteration of up to 5,000 square feet or up to 10% Right?

Citizen: *May...*

Jay: Clearly if they've? That's really the performance standard. At the end of the day,

Garner: The core of the WPA states that you try to avoid impacts first and second, if you can't you should try and minimize.

Jay: Yes

Garner: That's not what's happening.

Kreiger: Jay, let me answer your question. The point of 16' was to be able to have two emergency, 2 vehicles pulled off Brookside, you don't want them parked on the shoulder, even a wheeled stretcher, they want to get off the roadway so that was the point of 16'. If the committee wants to go less than 16, 8 is cutting it pretty tight. If the committee wants to go to 12 that's fine. I don't think there's an issue with 16', but if the committee wants to go narrower we can do it.

Jay: I think our observance of the way that the fire trucks would respond, the fire trucks would come and the ambulance would come and they'd all park on Brookside, they'd shut it down. Who cares?

Kreiger: For a major thing, yeah.

Jay: If they come that's what they're gonna do. If you're talking about 16' for emergency vehicles, emergency vehicles aren't going to go through.

WCC: Well there's 16' of grave there now.

Jay: If you can live with 8' or 10'... then we'll speak to that issue.

Citizen: Or 6.

WCC: That's the problem. I said 12 and you say 8... Now we're hearing 6... now 3... "Sold" So we can get emergency unicycles in there to service....

Committee member (We've lost sight of the reason)

WCC: The fact is the difference between 8 and 16 regarding performance standards.

Jay: Are you comfortable with basically the grandfather thing, which from my point of view they're citing is incorrect because... they're exempt?

Eric: They're not asking to be grandfathered.

?: Does that make a difference?

Eric: It does, (yeah) because now they're just asking, do we meet the performance standards and did you accept the AA and my opinion is they've done enough alternatives.

Jay: Because of the size and scope of this. If we're talking about the maintenance facility, we're not, but size and scope makes a difference. Talking about the facility then full matrix. In which he (Garner) played a part in. For this, what they've presented as AA meets my size and scope.

Eric: (mine, too)

Jay: May not meet yours, but meets mine. I only speak for me. I don't speak for Stan...

Citizen: Can I just ask you to just consider the valuable things this that buffer provides to the water supply...

Eric: We have to by law,

Citizen: the area, to the recreation on the road, to just the natural aesthetic.

Committee: We have, that's the intent of the law. We have been there 4 or 5 times, We know this area almost as well as you folks who live there. Come on.

Citizen: I think what you're down to from what I'm hearing is you want to approve the project and the question comes down to what is the minimally acceptable width of the roadway?

Jay: Well, I want to approve it but this is the crucial design factor, that design, they got rid of the gravel, I think this is a very interesting solution to that whole area. It solves the problem of closing up the thing. I'm getting close to saying yes I would approve it.

Citizen: And I think it can be made substantively better with narrowing, shortening, whatever the appropriate is...

Eric: You've made that opinion clear. I just. Do you have something else to add or are you just? All right... This is the last comment, I think we need to make a decision. I'd like to hear from Stan (Brooks) if you have any other further reservations but...

Stanley Brooks: Better get it all in there, huh? Better get everything in! I personally don't agree that the AA has been satisfied, just my personal opinion ...

Jay: No, no, I think we can have different...

Stanley Brooks: Because I haven't seen any alternative. Another question I had is, I don't know what the life expectancy of fiberglass is, and when it breaks down what does it turn in to, and when it does break down where's it going to go? We are talking about the town's drinking water supply, directly across the street directly from where this is happening. (only got one opportunity to speak... checking my notes to get everything in) I personally still, again this is just me, but looking at the topography of this whole thing, I'm not sure why this runoff isn't being collected

and sent southwesterly as opposed towards the road. The topography in both directions from my review of the plans earlier is that it's the same, so why are we sending it in the direction of the road and the resource area instead of away from the resource area?

Mike: It's the way everything pitches.

(1:23 ish)

Phil Cordiero, Engineer: It's all going towards the resource area, that's what we targeted, the way we designed it, the resource areas. You want the stormwater runoff to feed the resource area and that's what it does. That's why everything is headed towards Brookside Road, towards the wetland area, towards the river. So we're mimicking that natural path. We're intercepting it, we're going to recharge as opposed to letting it run off, but that's the natural path.

Stanley Brooks: And as far as fiberglass degrading and winding up?

WCC: Mike you want to take that?

Engineer: I think we can all chime in, the longevity of these chambers, I don't think any of us will be around when they breakdown... we use fiberglass tanks for underground fuel storage, they meet the fire code, I don't think breakdown is a very real concern here.

Stan: But they might break down mechanically?

Engineer: In terms of cracking?...

Stan: Yes from the weight of the vehicles.

Engineer: I don't think ... They are designed for the weight of the vehicles. I don't think that's a possibility either. The real crux to any, and I don't want to use the term roadway here, because that is the wrong term, this is a driveway, but the crux to any vehicle wearing surface is the sub base, so we have installed a sub base, and then the chambers sitting on top of it, just supplementing it.

Citizen: I know we won't be around when it breaks down, but our kids and our grandchildren, it's right over our aquifer.

Eric: But the road also breaks down and lets off volatiles and all kinds of ...

Citizen: It's about the roadway, it's about the wetlands, and we've heard whether it's one way traffic, two way traffic, is it a huge truck... if I could just hear from the Club what the minimal acceptable width is for this area that would be helpful.

WCC: It's really an operational issue. But I said we'd probably be comfortable with 12, I thought 8 was pushing it, six is too tight. We don't want to be driving on the edge of this thing, we will be worrying about degradation, breakdown, ruts, so if it's 12, the Club's comfortable with that, less than that gets a little difficult.

Eric: They are offering 12. I don't think it's reasonable for us to get into a numbers game. It doesn't change in my mind.

WCC: Does that change how it complies with the performance standards? Whether it's 10 feet wide, twelve feet wide... 80 feet wide, does it change?

Eric: It doesn't change it in my mind.

WCC: We're offering that...

Jay: I think it changes in the sense, it gives you a sense of the type of vehicle that would be able to access through here so that goes to my 2 questions of frequency and size. So yeah, the narrower it is.

WCC: It is not our intention to have kind of this two way traffic 20 trucks passing each other in the night there, so I guess the reason 12 makes sense is it'll probably accommodate the largest piece of equipment our greens keeper has but not allow for us to bring in two 18 wheelers bring them side by side again that's not our intention.

Citizen: Can I ask a question? What about bright lights? Are you going to install some lighting? I meant for the cars?

Night golfing? Have to go to the bathroom in the dark. (laughter) People have been doing that for 60 years!

Eric: Let's finish up.

WCC: In a way, the size and frequency of vehicles is a red herring because the work in the RA is the driveway, in fact vehicular use is not going to affect the Riverfront Area.

Citizen: Except with respect to the neighborly issue that's all.

WCC: Neighborhoods, I understand. So we've gotten off into the size of the roadway and with the frequency of type of vehicles. That's not the issue, the issue is whether or not the driveway will have an impact. We're willing to narrow it a little bit, but where I don't want to go then is explicit conditions on size or frequency or use because that's not the Wetlands interest.

Eric: No, no, I said that earlier, that would be addressed in enforcement if there's damage to the Resource Area.

WCC: That's right.

Citizen: Can frequency of use be addressed?

Eric: If there's damage to the RA.

WCC: We'd be willing to go to 12 feet and I'm asking you to close this and vote and then.

Eric: I think we need to close.

Jay: I just want to make one comment: at the last meeting somebody said what's the big picture here? And you know, I look up and down Brookside and I walked over and looked at the parking lot on the pond, on the pond. That parking lot is asphalt. The runoff goes directly with no filtration into the pond. I think if the FOB are really interested in the water quality in the wetlands area one could spend some time and effort getting the town to address the issue of the lack of filtration of the runoff, I think that -

Citizen: There's actually a far larger issue if you really want to get into it.

Eric: Which we don't.

Being a chemist I can tell you a lot of scary stuff.

Jay: So I'm just saying

Citizen: This isn't the issue here. We're talking about this.

Jay: You look at what's out there.

Citizen: We're talking about this. Let's stick to this.

Jay: I think about other issues in that area and I'm just saying, you folks have put a lot of time and effort, you've hired somebody I ask you to step back and look at the big picture, there are two issues here from my point of view looking at that area, one is that parking lot, and the 2nd is the septic discharge.

Citizen: We're not done yet.

Citizen: I'd just like to say that we've addressed with other town boards.

Jay: I wish you'd put your time and effort into that. Stan and I tried to help on the question on the septic. We sent a letter. We got a letter. metza metza response. And we also got a metza response on the Victory Garden. So I'm just throwing it out. I know I do it every time.

Citizen: I would like to respond because you do bring it up We've gone not just to you on the septic issue but to the other town boards, the water, the DPW and I would just like to go on record to say that the gardens are organic, the town land they have to sign they will only to use organic matter. We are talking about a new degradation to wetlands.

Eric: Applicant has requested to close, we are at a point we need to close and vote on this. OK. So... Jay, how, I mean... you're...

Jay: I'm ready to vote.

Citizen: May I ask why does the vote have to happen tonight? Why does the vote have to happen tonight?

Eric: Because we don't want to go on and on with this.

Citizen: So many people who are against this... (yeah) who have signed something. I would think that that would create a lot of weight, you should really take responsibility as being protectors of the water supply, we have a 101 people who don't want this to go through, who want to protect our water supply, this is not a simple thing that you can just say, all right, it's 11 o'clock let's vote and get this over with, I think that's a wrong tactic to take.

Jay: Sir... I have gone out there, I have read all this stuff, I have put hours into this thing don't tell me I haven't put time on this. That's it.

1:32:04

Citizen: I'm saying ...

Eric: We're done, we're done... Let's vote, Jay, up or down? Yes? We're approving the project or we're saying we're not.

Citizen: Did I just not say something or not?/ Was I just totally ignored?

Eric: Yes.

Citizen: OK, Well that's great.

WCC: Can we ask for a vote on the project?

Citizen: It's a public hearing...

Eric: Is there a motion to close the hearing?

Jay: I'll make that motion.

Stan: I'll second.

Eric: All in favor -

Stan: I'll reluctantly say "Aye."

Eric: All right, the hearing is closed. What we're going to do now is circulate the order of conditions?

Jay: No, no, we've closed the meeting, we haven't decided whether we're approving this.

Eric: OK, That's what I was trying to get at. We're voting, now let's vote. Well, yeah.

Diane: A draft?

Eric: That's what I'm trying to say. Jay, do you want another step where we vote to say our opinion of what we're approving or not.

Jay: Yeah... yes.

Eric: The standard practice is to circulate the OOC and then vote to issue, which is the approval. You want to do it that way or have an up and down vote?

Jay: Oh you want to ...

?: I don't know.

Jay: I think for the benefit of these folks we ought to make a decision on yeah, state our opinion.

Eric: That's perfectly reasonable. How do you vote?

Jay: Well, I vote to accept this project in this design realizing that it's doing two things... its addressing their NOI and it's also closing out the Academy Brook. Right?

1:33:45

(at least this piece of it)

Jay: and I think that there may be some legal administrative stuff in terms, you should be filing a certificate of compliance for the Academy Brook

WCC: Correct, we have other conditions in the OOC for AB that we need to address besides this hearing, which we will be addressing.

(Citizen - will those in any way affect?...)

Jay: In voting to accept it and say we can condition this I want that to 12... 12' width, they made the offer and we're, I'm accepting it so that's my stance.

Eric: I approve it with the 12' as offered by the Club.

Stan: Yes

Eric: Is that how you feel?

Stan: Yes.

Eric: So we've voted to approve this project the process now is that we'll circulate a draft OOC and if there are no problems in this period to make comments back and forth at the meeting we will vote to issue the OOC.

WCC: The only condition I've heard is the plans have been filed the only other is the 12' instead of 16'? (jumbled)

Eric: Correct.

Jay: I'm a little, this plan is how you, is part of your NOI filing so we're approving it as a NOI filing. You will also resubmit this plan in a sense showing the Order of, ... showing the ... change. ... plan change- For the completion. That will be a different filing.

Complete set of plans for completion of plans for Academy.

WCC: We'll bring in a complete set.

Jay: You'll incorporate probably the same plan. We'll bring in a complete set

?: For the completion of Academy Brook.

Jay: This is kind of a combo presentation here and so we're really looking at it to accomplish things, two tasks. So he'll have to resubmit basically that plan once again when we do it, completion ... approved it.

Gardner: Michael is suggesting a new set of plans but now that you've closed the hearing legally you can't consider new information.

WCC: No it's just going to reflect what they are conditioning, they've conditioned, they want this changed to 12' they can condition that I have to submit a plan

Garner: But the problem is the public process is now turned around.

WCC: No, they can condition it - it's done all the time. They can condition that I have to resubmit a plan showing that this is a 12' width.

Kreiger: Or you can just limit it to 12' and not require a new plan. We would typically of course want a plan reflecting the conditions.

Jay: The other is in a sense that that design is really the AB completion it's not really for this NOI.

?: They haven't made the case...

Jay: that's my interpretation. Well, ok, it solves 2 things.

Kreiger: Mr. Chairman, the committee has voted. Let's be clear with that at least. The committee has conditioned, it may come up with others... is there anything else you need from the applicant tonight?

Committee: I don't believe so, no.

WCC: Thank you for all the time and efforts on this, committee members, efforts on this, the project was improved as a result of some of the comments, thank you.

Eric: Thank you everybody, you know, we all... not everybody got what they wanted.

Citizen: May I make a few suggestions that may come into conditions that are pretty practical? Construction should be accessed through the course, obviously some construction materials will need to come through this pathway, if we can minimize the traffic through this area as part of the construction that would be beneficial, in particular I think of the cement truck dumping the slab, if that's pumped in so the truck remains on Brookside rather than traversing the area further than compacting I think that would be beneficial

Jay: That's a long way to pump... I don't think you can do that. Can you do that?

Engineer: We certainly could pump it I mean it's not very practical for this application I mean it's only a few hundred feet off the road you could absolutely back the truck up pour the slab and leave. Concrete pump is very expensive.

Jay: You're saying you just drop it. They don't pump.

Engineer: I don't think a pump is very practical in this application.

Jay: Be thankful that we're leaving because I was going to give you a little analysis of The Merchant of Venice play and the pound of flesh, next time. Let me state just quickly, you've already had two pounds of flesh?

Citizen: I've got a few more than that but thanks.

Jay: No, I mean you've already gotten two pounds.

Stan: Are we adjourning?

Eric: Is that it for the evening?

Jay: There's also a bit about mercy in here too.

?: Quality of mercy is constrained? Yes, yes...

1:39:29