

Town of Mansfield
CONSERVATION COMMISSION
Meeting of 19 February 2020
Council Chambers, Audrey P. Beck Building
MINUTES

Members present: Quentin Kessel, Scott Lehmann, Will Ouimet (Alt.), Chadwick Rittenhouse, Michael Soares. *Members absent:* Mary Harper, Erin King, Genevieve Rigler (Alt.), John Silander.

Others present: Jennifer Kaufman (Wetlands Agent). **W1611-1 Applicants:** David Fresk (J.E. Shepard Co.), Tom Cody (Robinson & Cole), Geoffrey Fitzgerald (Bohler Engineering), Michael Klemens (Michael W. Klemens LLC), Eric Davison & Michael Klein (Davison Environmental). **W1611-1 Intervener:** Robert Sitkowski (UConn), Mark Branse (Halloran & Sage), Scott Angus & Steve Normandin (NV5). **W1611-1 Peer review:** Chris Allan & Rob Pryor (LandTech).

1. The meeting was **called to order** at 7:02p by Chair Michael Soares. In the absence of three members, Alternate Ouimet was entitled to vote at this meeting.

2. The **draft minutes** of the meeting of 18 December 2019 were (1) amended to replace “Environmental Studies and Landscape Architecture” with “Environmental Studies, Natural Resources & the Environment, and Energy & Environmental Management” in the penultimate sentence of item 4, and (2) approved, as amended, without dissent. {The regular January 2020 meeting was cancelled.}

3. IWA referral: W1611 (J. E. Shepard Co. & Capstone Collegiate Communities).

{Kessel disclosed that he is negotiating sale of a barn with Robert Sitkowski at UConn. He said he would abstain from voting on any recommendation to the IWA regarding W1611-1 and would recuse himself and leave the meeting if anyone present objected to his participating in discussion. Representatives of the applicants and intervener said they had no objection, so Kessel did not get the evening off. Soares also disclosed that he’d worked on other projects with some of the firms involved in this application, and invited objections to his participation in the Commission’s consideration of this application. Again, no objection was voiced.}

The applicants seek a wetlands permit for a multi-unit housing project on a 19.23 acre parcel that extends in an irregular band from 1621 Storrs Rd (Rte.195) around the southern one of the “Four Corners” to Middle Turnpike (Rte.44) between CVS and Key Bank. The proposal calls for 358 units in ten 3-4 story residential buildings, a 5-level parking garage with 482 spaces, and an additional 187 parking spaces adjacent to the residential buildings. Access would be from Rte.44. A large wetland lies to the NE of the proposed development. No work in wetlands is proposed, but 2.64 acres of the upland review area (URA) would be disturbed. Buildings 300, 400, 500, 600 & 700 are wholly or partially in the URA; building 700 is approximately 50 feet from wetlands at its closest point. The storm-water management system calls for infiltration basins between these buildings and the wetland; their construction would involve work as close as 16 feet to wetlands.

a. Applicants’ presentation.

Tom Cole, attorney for the applicants, reviewed the history of the proposal, noting that its current form incorporates modifications of what had been originally proposed (in August 2019) to address issues raised in LandTech’s peer review of that proposal, which was commissioned by the IWA.

Geoff Fitzgerald summarized the current version of the proposal, with particular attention to aspects of it of interest to the Commission.

- The storm-water management system (similar to the one built at Storrs Center) is designed to limit post-development runoff volume and peak flows to pre-development levels. Storm-water, collected in deep catch basins, will be directed via hydrodynamic separators to large-capacity underground vaults, thence distributed to sand infiltration basins, with overflow into the wetland via level spreaders.
- The original footprint of the development was reduced (after consultation with Michael Klemens) to preserve habitat near an off-site vernal pool, located between the south edge of the parcel and Discovery Dr. Most of the non-developed portion of the parcel would be protected by a conservation easement.
- An old root cellar on the parcel (just west of building 500) would be preserved. Small trees and soil atop its roof of large stone slabs would be removed and replaced with blueberry sod.

According to **Michael Klemens**, an authority on vernal pools, “critical habitat” for amphibians that make use of a vernal pool extends c.750 ft from it. About a quarter of critical habitat for the off-site vernal pool is on-site, and protecting it is important, especially since a good bit of the rest has, in Klemens’ view, been compromised by construction of Discovery Dr. He was pleased that the applicants had responded to his concerns by (1) reducing the original footprint of the development, (2) agreeing to a conservation easement that takes much of the remainder of the parcel off the table for any future development, and (3) incorporating into the project’s design an effective barrier to keep amphibians out of the development.

Eric Davison defended his report on “Wetland function and values” from e-mailed comments by Commission member John Silander (2/14/20) to the effect that it was “rather slim on site details,” particularly when compared with an assessment done in connection with the Storrs Lodges application. In Davison’s view, the Storrs Lodges proposal required a more thorough assessment of wetland function and values because that project had direct wetland impacts, an on-site vernal pool, and state-listed species issues, none of which occur in connection with the applicants’ proposal.

Q & A

- Q (Lehmann): What is the proposed amphibian barrier made of, and how long would it last? A (Klemens): It’s a plastic material; the condition of the barrier must be monitored and repairs made if it is found to be compromised.
- Q (Kessel): What maintenance would the storm-water management system require?
- A (Fitzgerald): Catch basins and hydrodynamic separators need periodic cleaning; they are accessed by manholes. The underground installations are very robust and should last at least 100 years.
- Q (Rittenhouse): Silander notes that streams in the wetland are not delineated. Would delineation trigger provision of a protective buffer for them? A (Davison): Watercourses within wetlands fall under the broader protections afforded to wetlands, so no additional protection would be gained by delineating these streams.
- Q (Soares): How is maintenance of the amphibian barrier and storm-water management system to be implemented? A (Fitzgerald): This is the responsibility of the property owner; there will be a maintenance agreement.
- Q (Soares): Are there any data that permit assessment of the impact of Discovery Dr on the ecology of the off-site vernal pool? A (Klemens): It’s difficult to figure out what is

going on from data collected by various people; there's also a lot of natural variation in amphibian populations, so it's hard to discern trends over a relatively short time period.

- Q (Lehmann): Concerning water quality, the Storm Water Management Report addresses reducing the TSS (total suspended solids) load of runoff, but says little about TDS (total dissolved solids). Why is this, given that there is a lot of pavement in the development to be de-iced in winter? A (Fitzgerald): The development's contribution to any ecological problems attributable to de-icing would probably be insignificant, relative to what ConnDOT dumps on Rte.44.

b. Intervener's presentation

Mark Branse, attorney for UConn, stated that the University's challenge to this application issues from its interest in (1) seeing that development of the Four Corners area – the gateway to UConn – is well-done and (2) protecting the off-site vernal pool, in which UConn has invested a lot of money for an amphibian underpass and barriers on Discovery Dr. The University's position is that the application, as it stands, is deficient and that more needs to be done to justify granting a wetlands permit for the development. Atty. Branse cited John Silander's comments (see above), which were submitted completely independently, in support of this position.

Scott Angus questioned the accuracy of the 150 ft boundary of the URA delineated on the applicants' site plans. He also maintained a row of 3-4 story buildings above the wetland would likely create an edge effect, altering the wetland's ecology.

Steve Normandin observed that the applicants' storm-water management plan relies heavily on the five infiltration basins. It is important that infiltration rates in these basins be sufficient to limit runoff to no more than pre-development levels, if the applicants' stated aim is to be achieved. However, in Mr. Normandin's view, there is insufficient evidence for assurance on this point. Two infiltration test pits at the location of each basin (as recommended by DEEP) would have provided a reasonable basis for judgment, yet only five test pits in all were located in these locations. Moreover, there was considerable variation in the results for individual test pits, suggesting that infiltration rates can vary considerably across relatively small distances. He urged additional infiltration testing at the basin locations to insure that the proposed basins are appropriately located and sized. The "Potential Seasonal High Groundwater Table" for basin 1 appears to be at the level of the basin floor, suggesting that it might not absorb any storm-water at certain times of year.

In conclusion, Atty. Branse urged the Commission to agree that a more thorough study is needed. He also called attention to LandTech's conclusion (in its letter of 2/13/20 to Jennifer Kaufman) that "the potential effects to groundwater have been minimized to the extent practicable based on the site conditions *and the extent of the proposed development*" (his emphasis). He suggested that the Commission should not be satisfied with the best that can be done for wetlands, given the size of the development, but should ask what kind of development is appropriate, given a desired level of wetlands protection.

c. Peer review presentation

Chris Allan briefly reviewed LandTech's role in assessing the wetlands impact of the proposal and the history of its back-and-forth with the applicants on issues of concern. He said that the applicants had been very responsive to LandTech's concerns, and is now satisfied that the infiltration basins will work as advertised and not discharge storm-water in a way that alters wetland hydrology.

Q&A

- Q (Soares): Do the peer reviewers have anything to say about concerns expressed this evening on behalf of the intervener? A (Allan): LandTech was engaged to review the applicants' proposal and is generally satisfied that its concerns about the original proposal have been adequately addressed by the applicants in the final version of the proposal.
- Q (Lehmann): Are additional test pits then not needed, contrary to what the intervener claims? A (**Rob Pryor**): The "two-test pits" recommendation cited by Mr. Normandin is a guideline, not a requirement. In LandTech's view, the applicants have made a reasonable judgment about infiltration, and a margin of safety has been built into the design of the storm-water management system. Even if part of a basin has high groundwater, it is likely that the average groundwater level in it is lower.
- Q (Ouimet): What's under the sand and gravel in the infiltration basins? Are the basins to be created by cut-and-fill? A (Fitzgerald): Yes, they will be formed by cut-and-fill. To the extent possible, the enclosing berms would be carved from undisturbed ground, rather than just piled up, so as to minimize erosion.
- Q (Lehmann): The size of the development leaves a narrow buffer between it and the wetland – much narrower than the 100 ft recommended by the 2004 Connecticut Stormwater Quality Manual (at 4.3) – increasing the risk of wetland impacts during (and maybe after) construction. What assurance can the applicants offer about this? A (Cody): We considered whether shrinking the development would lower the risk of a significant negative impact on wetlands and decided that it would not. A (Fitzgerald): In terms of stormwater management, you can't do better than to limit flows to pre-development levels, and this design does that. A (Allan): Construction will need careful monitoring. LandTech made suggestions for reducing the risk of damage to wetlands during construction, which were accepted by the applicants. A (Cody): The developer has agreed to third-party monitoring during construction.

The Commission thanked the presenters and briefly considered putting together a comment on W1611-1 for the IWA. However, fatigue and the late hour suggested that it would be preferable to authorize Soares to draft a comment for discussion, amendment, and approval at a special meeting.

4. Adjourned at 10:17p. Commission members who attended this meeting will assemble at 6:30p on Wednesday, 26 February 2020 for a special meeting to consider and approve comments to the IWA regarding W1611-1. This meeting will be followed by a special meeting of the Commission regarding W1612 (Mansfield Non-profit Development Corp., multi-unit development at 113-121 S. Eagleville Rd), commencing at 7:00p.

Scott Lehmann, Secretary, 20 February 2020.