

Town of Mansfield
CONSERVATION COMMISSION
Special Meeting of 31 March 2020
Coordinated at the Council Chambers, Audrey P. Beck Building
(Yet-to-be-approved) MINUTES

Members present (at some remove): Mary Harper, Quentin Kessel, Erin King, Scott Lehmann, Chadwick Rittenhouse, Michael Soares, John Silander. *Members absent:* Will Ouimet (Alt.). *Others attending:* Miranda Davis (yet-to-be officially-appointed Commission member), Jennifer Kaufman (Wetlands Agent), Linda Painter (Planning Director).

1. The meeting was **called to order** at 7:03p by Chair Michael Soares. This was a virtual meeting facilitated by Go-To-Meeting software. During the corona virus pandemic, all meetings of Town bodies will take place remotely, by executive order of the Governor. They must be recorded using equipment in the Council Chambers and therefore must be held at a time when it is available.

2. The **draft minutes** of the meeting of 26 February 2020 were approved as written.

3. UConn Hockey Arena EIE. After reviewing comments on preliminary plans for a new hockey arena, UConn commissioned an Environmental Impact Evaluation (EIE) for this project. The new arena would be built on what is now I-lot, SW of the existing Freitas Ice Forum, off Jim Calhoun Way. The current plan, scaled back somewhat from the original, would directly impact (i.e., fill) c.4,900 ft² of wetland. See EIE Fig. 3.5-2 at 3-9.

The Town of Mansfield has no authority over projects on state property, but may submit comments on the final EIE (issued February 2020). {Kessel noted that State statutes do permit the Commission to communicate directly with the DEEP Commissioner, should it so desire.} Included in the packet for this meeting was a memo from Jennifer Kaufman on the EIE that incorporated comments from Linda Painter. The memo notes that the EIE does not provide enough information to assess the project's impact on wetlands or its management of storm-water runoff. The Connecticut DEEP and US Army Corps of Engineers are responsible for assessing these environmental aspects of the project. But the lack of detail regarding wetlands impact and storm-water management in the EIE limits what the Town can contribute to this process.

Silander, who had visited the site and read through sections of the EIE beyond the Executive Summary included in the packet, voiced a number of concerns about the proposal.

- The EIE contains two different conceptual plans: one shown in Figure 2.4-1 (Chapter 2-7) and a more built-out plan, "UConn Hockey Arena, JCJ Architecture" (EIE pdf, p.229). Which is correct? Painter queried UConn and reported that the more modest footprint shown in Figure 2.4-1 is the correct one. However, Figure 2.4-1 does label a large area "Future Expansion," apparently for additional parking. This is disquieting, particularly since such expansion might compromise Wetland 3, the most important of the on-site wetlands, in Silander's view.
- It seems misleading to maintain that "Eagleville Brook would not receive direct stormwater runoff inputs from the Proposed Action Site" when "a perennial watercourse on the extreme northwestern edge of the site [where Wetlands 1 and 3 lie] does eventually drain to Eagleville Brook." (EIE at 3-5) The EIE does not provide a basis for judging that the proposed project is consistent with the Eagleville Brook Watershed Management Plan. What is the quality of current runoff from the site, and how would the project affect it?

- The EIE states (at 3-13) that “A review of CT DEEP Natural Diversity Database (NDDDB) Geographic Information System (GIS) mapping (July 2019) revealed no known rare species within or proximal to the Proposed Action Site.” NDDDB mapping appears to show that such species have been reported in a circular zone that overlaps the Freitas Ice Forum, which would seem to be “proximate” to the site.
- The site includes some stone walls, which are mentioned in the EIE (at 3-31). But no action is recommended to protect, to the extent possible, these “historic cultural resources.”

Rittenhouse wondered if the “retaining walls ... proposed to keep the slope of the parking areas from encroaching into ... wetlands [Nos. 3 and 6]” (EIE at 3-10) would direct runoff away from these wetlands, thereby altering their hydrology. He also noted that the EIE focuses on direct wetlands impacts and does not discuss the implications of development in the upland review area (URA). Wood frogs (a species of “greatest conservation need”) have been seen on the site (EIE at 3-13), and development in the URA could result in loss of habitat for them.

Kessel wondered how runoff from parking areas would be managed, whether, for example, it would be directed through hydrodynamic separators into underground vaults for delayed release. Such questions can’t be answered, as no storm-water management plan is available. The EIE (at ES 1-5) does promise a “stormwater management system that is compliant with the Connecticut Stormwater Quality Manual,” which “would be an improvement over the existing condition [at the site,] as various engineered green infrastructure and Low Impact Development (LID) measures would be incorporated into the project’s site design to encourage, detention, infiltration, or treatment of the stormwater.” (EIE at 3-5).

The Commission agreed unanimously (**motion:** Soares, Silander) to make the following points in commenting on this proposal and the EIE.

The Commission is pleased that this project has apparently been scaled back and otherwise adjusted from what was proposed in June 2019 to reduce its impact on wetlands. The large parking area that would have hemmed Wetland 3 in on the south is now gone, though perhaps not for good, as the conceptual plan in Figure 2.4-1 labels its location “Future Expansion”.

The Commission is also pleased to learn from the EIE that UConn is apparently committed to developing a storm-water management plan utilizing Low Impact Development techniques to reduce the amount of runoff and improve its quality. It would have been more helpful, however, to have a stormwater management plan to review.

More generally, the Commission concurs with the 3/30/20 staff memo on the EIE prepared by Jennifer Kaufman, which concludes that the EIE does not provide enough information to assess the project’s environmental impact on wetlands and Eagleville Brook.

Of particular concern to the Commission are these issues:

- Is “Future Expansion” on Figure 2.4-1 a typo, or does it indicate that this project is merely Phase 1 of some larger project? Is UConn going to deal with parking for hockey matches by running shuttles from its parking garages and other lots? Or does it plan to pave more of the URA at the site, a development that would jeopardize Wetland 3?
- The EIE’s claim that “Eagleville Brook would not receive *direct* stormwater runoff inputs from the Proposed Action Site” (3-5, emphasis added) may be technically correct, but it does not justify neglecting to consider whether the project is consistent with the Eagleville Brook TMDL Plan.
- The EIE’s suggestion that there are “no known rare species within or *proximal* to the Proposed Action Site” (3-13, emphasis added) does not appear to be supported by the Connecticut NDDDB map. Moreover, while the EIE notes that wood frogs have been

observed on the site and are among the species of “Greatest Conservation Need” in Connecticut (3-13), it doesn’t suggest how the project should address this need.

- While the current design of the project does appear to minimize direct wetland impacts, the EIE has little to say about indirect impacts, such as the potential for contamination from parking-lot runoff. In the Commission’s view, the Upland Review Area should buffer wetlands from development, whereas in this case (as in many others) project managers regard it as just another portion of the site available for development.

4. Adjourned at 8:25p. The next meeting will be held when there is sufficient business to justify meeting remotely. Kaufman will make the necessary arrangements.

Scott Lehmann, Secretary, 02 April 2020.

ATTACHMENT

Comment on W1611-1- Application of J.E. Shepard Company and Capstone Collegiate Communities-Construction of a 358-Unit Multi-family Development-1621 Storrs Road and Middle Turnpike (Assessor Parcel IDs 9.23.1, 9.23.7 and 9.23.8)

The Conservation Commission has reviewed W1611-1 and finds that the proposed development may have a significant impact on the wetland and intermittent watercourse. Additionally, the Commission finds that the project as proposed is very likely to contribute adversely to the cumulative impact on the adjacent vernal pool and its aquatic species. Below is a list of our concerns with the current proposed development, followed by corresponding recommendations to ensure significant impacts are avoided:

Site Plan

Concerns: Along the eastern boundary, wetlands off-site were not delineated, and so the location of the Upland Review Area (URA) on the site plan is assumed. Also, the site plans do not show the vernal pool and associated fringe wetlands; these resources are off-property but in the current plans the wetland's URA is on the property and the vernal pool's buffer is at the property line.

- We recommend that the IWA inquire if the applicant or their Soil Scientist requested permission from the owner to access 1641 Storrs Rd (parcel ID# 9.23.4) in order to delineate the wetland. If not, we recommend that the applicant or its representative do so in order to delineate the missing section and revise site plans with the accurate URA boundary.
- We recommend that the IWA require that the site plans show the vernal pool and the delineation of the fringe wetland. These resources should be shown in order to verify the locations of the corresponding URA and vernal pool buffer.

Construction

Concern: The construction phase has the potential to cause significant damage to the adjacent wetland and vernal pool. For the wetland east of the property, this concern is due mainly to the amount of work proposed close to the wetland boundary (discussed below under "Project Scope"). For the vernal pool adjacent to the property, this concern is due to work within the vernal pool basin.

- We support the recommendation by the Town's consultant, Land Tech, that the IWA require the applicant to hire an independent monitor to regularly conduct field inspections and report to the Town Staff on Erosion & Sedimentation control, issues of concern, etc. Inspections should occur regularly, as well as following precipitation events of a size to be determined by the IWA.
- We recommend that the IWA require monitoring of the stormwater management system and methods of bonding for system maintenance and repair should it fail. In all instances, the IWA should ensure that the Town is not liable for system failure.

Stormwater Management

Concern: Land Tech states that the proposed stormwater management system is adequate, yet the project does not consistently adhere to CT DEEP's 2004 Connecticut Stormwater Quality Manual (Manual). In lieu of municipal stormwater guidance for the applicant, it is our reasoning that stormwater guidelines adopted by the State of CT would be the most appropriate standards to follow.

We recommend that the IWA ask Land Tech for clarification regarding their assessment. Specifically, what factors are the basis for the Manual's guideline to have two test pits for every infiltration basin? And, what factors are the basis for the Manual's guideline to have "three feet of vertical distance from the seasonally high water table" and "four feet from bedrock" (CT SWQM)? Last, what is the basis for Land Tech's assessment that the applicant's design is adequate, even though it doesn't meet these standards? For a site with poor infiltration (according to USDA-NRCS) and a project relying substantially on these basins to protect the adjacent wetlands, our objective is to resolve the apparent discrepancy between the Manual's recommendations and Land Tech's assessment.

Loss of the Vernal Pool's Upland Habitat (permanent loss of amphibian species)

Concern: Given the size and proximity of the project, it is likely that the project will have a significant impact that "diminishes the natural capacity of an inland wetland or watercourse to... support aquatic, plant or animal life and habitats" (Mansfield Inland Wetland Regulations, p. 6). This opinion is based on the professional experience of Commission members qualified as a wildlife biologist and wetlands scientist, respectively.

- We recommend that the IWA request any analysis and findings on the vernal pool and its upland habitats and to review those materials prior to a decision on this application. At our meeting on 2/18/20, it was stated numerous times that the vernal pool nearest the property is part of a complex of vernal pools that was studied extensively for the design, permitting, and construction of UConn's Discovery Drive. This included a study of amphibians' movement to and through adjacent uplands. This work was integral in informing DEEP's permit, issued to UConn, as to the permitted developable areas along the east side Discovery Drive (south of the vernal pool). It is not clear why this information or these entities (UConn's Office of Environmental Health and Safety, Fuss & O'Neill, Inc.*) have not been included thus far; it is our understanding that they have direct knowledge of the vernal pool's connections to adjacent uplands, including a potential critical reliance on the subject property's uplands.
- We recommend that the IWA require a reduction of the project's footprint in the Upland Review Area along the southern property boundary (i.e., Buildings 800 and 900).
- We recommend that the IWA require that no stormwater from the development is directed toward the vernal pool's drainage area nor to any infrastructure – such as a rain garden or infiltration basin – in that drainage area.

Project Scope

Concerns: The project as proposed maximizes the parcel's land use in a manner that may significantly impact wetlands. First, it is our interpretation that the project eliminates nearly the entire undeveloped upland in the URA along the eastern boundary. As designed, the URA appears to contain no forested upland as buffer but does contain four buildings (400, 500, 600, 700), the majority of the surface stormwater infrastructure, subsurface infiltration chambers, infiltration basins, an access path, parking, and landscaping. Second, the applicant stated the project as proposed contains 34% impervious cover of the property. In 2012, UConn-CLEAR estimated impervious cover of this drainage basin to be 7%, which is likely higher now and will continue to increase with redevelopment of the Four Corners area. The Commission agrees with CT DEP's 1997 statement that land adjacent to wetlands/watercourses should be regulated because "most of the activities which are likely to impact or affect these resources [wetlands, watercourses] will be located in that area." Despite the stormwater management system's proposed attenuation, the Commission finds the extensive development of the URA to be potentially harmful and would prefer to see a reduced footprint in the project's URAs,

particularly along the eastern property boundary.

- We recommend that the IWA request that the applicant provide the following information: what is the percent area of disturbance within the each of the two URAs on the property?
- We advise the IWA to closely examine the proposed disturbances within the URA. For this review, we ask that Land Tech provide comments to the IWA on why such development in the URA is unlikely to have a significant impact. We suggest Section 1.1 of the IW Regulations be referenced as a summary of the potential impacts and resources that can be impacted.

Wetland (& Habitat) Protection

Concerns: The geometry of the conservation easement differed between the applicant's digital presentation and hard copies shared at our meeting on 2/18/20.

- We recommend that the IWA have the applicant clarify the extent of the proposed conservation easement, which should be contiguous with UConn's easement to the south and contain all wetlands on the subject property, as shown on the last page of the hard copy distributed at the above-mentioned meeting.
- We recommend that, to ensure against impacts to the wetland and the unique species known to inhabit it, the applicant include the upland of 1± acre at the northeastern corner of this property in the conservation easement.

Water Quality

Concern: There may long-term impacts to water quality, as non-point source pollutants are introduced from the proposed development. The wetland adjacent to the property drains northward and eventually joins Cedar Swamp Brook, a stream whose uppermost segment was listed in 2018 by DEEP as impaired (bacteria levels exceeding State standards).

We refer to the above recommendations under "Construction," "Stormwater Management," and "Project Scope" to protect water quality.

*Disclosure: Michael Soares, chairman of the Conservation Commission, is an employee of Fuss & O'Neill. He was hired after the ecological studies for Discovery Drive were conducted and has not been involved in the project. This fact was disclosed to the applicant, intervener, and the other Commission members during the 2/18 meeting and Mr. Soares was not asked to recuse himself.

Approved 26 February 2020.