

Minutes of the September 15, 2004 Meeting  
Conference Room B, Audrey P. Beck Building

Present: Denise Burchsted, Jennifer Kaufman, Quentin Kessel, Lanse Minkler (acting chair), John Silander, Robert Thorson, and Frank Trainor.

Absent: Robert Dahn

Town Staff: Grant Meitzler, Inland Wetlands Agent

Guests: Betsey Wingfield, CT DEP Acting Director of the DEP's Bureau of Water Management; Rob Hust, CT DEP; Corinne Fitting, CT DEP, Mayor Betsy Paterson; Rudy J. Favretti, PZC Chair; Gregory Padick, Mansfield Town Planner; Rich Miller, University of Connecticut.

1. The meeting was called to order at 7:35 PM.

2. The regular order of the meeting was altered so that the DEP representatives might lead a discussion of the DEP's Aquifer Protection Regulations. Wingfield began with a general presentation that used the University of Connecticut Fenton River Well fields as a specific example of aquifer mapping. She explained the Connecticut Aquifer Protection Area Program, its premises, history and relevant regulations. Wingfield also defined aquifer areas (well fields, area of contributions, recharge areas, and indirect recharge areas) and explained how they are protected. Well fields may be owned by the water company, while the areas of contribution and recharge areas are not necessarily owned by the water company, but are subject to regulations. An indirect recharge area is not protected to the same degree because "contamination of the well from that area is less likely and less profound." The DEP justifies its regulatory effort as appropriate for the level of risk of contamination to areas designated as indirect recharge areas. The current policy tries to balance drinking water protection with "home rule," economic prosperity, and property rights.

The DEP's presence at the meeting was largely a result of continued correspondence between members of the CC and DEP regarding the aquifer mapping regulations, specifically the DEP's automatic exclusion of a watershed from recharge area protections if even a small portion of watershed is drained by a perennial stream. (Much of this correspondence is reviewed in the March 1, 2004 CC letter to DEP's Corinne Fitting.) The CC has been frustrated with the DEP's apparent inability to provide any justification for this policy. Furthermore, the CC letter refers to USGS scientists whose knowledge and research show that there is little relationship between the annual and perennial stream designations and their watersheds' contribution to groundwater.

Wingfield indicated that while the DEP was unable to provide the documentation that led to their decision to exclude any portion of watersheds drained by perennial streams from consideration as recharge areas, this was as good a surrogate as they could come

up with. She cast most of the debate as an “acceptable risk” issue, rather than a groundwater one, but she seemed open to the possibility that an alternative surrogate measure could be used other than perennial streams. She asked if the CC could suggest a better approach. Kessel suggested setbacks, perhaps to be used in conjunction with their existing regulations. Thorson suggested that an empirical regression algorithm might be developed.

As an example of a questionable result of the current regulations, Kessel pointed out that the mapping regulation questioned by the CC dictated that an area such as the top of Horsebarn Hill, nearly half a mile from the Fenton River aquifer, be designated as a recharge area. At the same time the regulations deny similar protections to some areas immediately adjacent to the aquifer. It was pointed out that if the DEP is unwilling to delete the perennial stream paragraph from their present regulations, that in this instance, the addition of a minimum setback distance from the aquifer, or the well's area of contribution, would provide better protections than does the existing mapping regulation.

Thorson remains concerned about the utilization of models, including complex methodologies (finite differences modeling, for example) if the underlying premise of the model or input to a model is incorrect or inadequate.

The CC thanked the representatives from the DEP for the extraordinary effort they made in coming to the CC meeting and participating in a lively and informative discussion.

3. Trainor moved, and Burchsted seconded, that the August 18, 2004 minutes be approved. The motion passed unanimously.

4. Burchsted distributed a memorandum she wrote to the CFRG on "LEED" standards which have been developed by the US Green Building Council to help guide sustainable design for buildings. A LEED building meets standards which address storm-water management, energy consumption, use of renewable energy, water consumption, outdoor light pollution and indoor air quality, among many other environmental concerns.

Thorson moved, and Kaufman seconded that the CC supports efforts to make all public building projects in the Town of Mansfield LEED compliant. The motion passed unanimously.

5. Kaufman agreed to write the annual report for the CC and will provide a draft for review at the October meeting.

6. Kessel reported that the Fenton River water levels seemed normal for this dry time of year.

7. Torrey boundary marking update: Kessel reported on an email from Dahn who said that he had all the maps necessary for marking the property, including the Town's previously owned lot at the end of Holly Drive. Dahn and Kessel will pick up the boundary markers and place them this fall.

8. Kaufman reported on the progress of the electron trail guide project. Maps should be available for the CC to review during the October meeting.

9. Stone walls: Kessel reported on another thoughtless and heavy-handed assault on the remains of a stone wall, presumably by the Town's road crew. As far as he could tell, the Town used a front loader to scrape a not very heavy rotted branch from the Codfish Falls Road near his home. His photographs showed a lengthy area of topsoil had been scrapped away and stones from the wall pushed over.

8. IWA Referrals.

a) W1272 - Town of Mansfield - Codfish Falls Road. Map date, revised 9/1/04. This application is for the placement of a drainpipe under the road and associated work required to eliminate a ponding problem on the road. Kaufman moved and Thorson seconded that there should be no significant negative impact on the wetlands. The motion passed unanimously.

b) W1273 - Cheney - Route 32. Map date 9/1/03. This application is for an additional structure at the golf driving range. Kessel moved and Kaufman seconded that there should be no significant negative impact on the adjacent wetlands if appropriate erosion and sedimentation controls are in place during the construction and removed after the site is stabilized. The motion passed unanimously.

c) W1274 - KMC LLC - 851 Middle Turnpike. Map date: revised 8/25/04. This an application for a single family dwelling within about 75 feet of wetlands. Kessel moved, and Trainor seconded, that there should be no significant negative impact on the wetlands if sedimentation and erosion controls shown on the map are in place during the construction and removed after the site is stabilized. The motion passed with five in favor and one abstention.

10. The meeting adjourned at 9:24 P.M.

Respectfully submitted,

Quentin Kessel  
Secretary