

**Town of Mansfield
CONSERVATION COMMISSION
Meeting of 20 August 2008
Conference B, Beck Building
MINUTES**

Members present: Peter Drzewiecki, Quentin Kessel, Scott Lehmann, Joan Stevenson, Frank Trainor. *Members absent:* Robert Dahn, John Silander. *Others present:* Grant Meitzler (Mansfield Wetlands Agent).

1. The meeting was **called to order** at 7:33p by Chair Quentin Kessel.
2. Draft **minutes of the 21 May 08 and 16 July 08 meetings** were approved as written.
3. **Torrey Property.** Kessel attended the 08/11/08 Town Council meeting and reported that the Torrey Property is now officially named the "Torrey Property".
4. **IWA referrals.** The field trip for these referrals is 26 August. Lehmann will go and convey by e-mail any new information that might alter the CC's comments on these proposals.

W1410 (St. Marks Episcopal, N. Eagleville Rd.) Reconstruction and enlargement of the church's parking lot is proposed. A wetland above the lot on adjacent UConn property drains through underground pipe across the church property to Eagleville Brook (at this point also piped underground). A curtain drain around the parking area will connect to this system; a sand & oil separator should improve water quality, relative to the current situation, according to Meitzler. The CC agreed that wetlands impact was unlikely to be significant (motion: Kessel, Trainor; all in favor save Drzewiecki, a member of the congregation, who abstained).

W1411 (Chovnick, Stafford & Cider Mill Rds.) A 30x40 ft two-story addition for a motorcycle showroom is proposed; in addition, a 6-space parking area above and about 20 ft from Cider Mill Brook would be re-graded and paved so that runoff is directed away from the stream and into a dry well in gravel. The CC agreed unanimously that no significant wetland impact is to be expected from this project, as long as standard erosion controls are employed during construction (motion: Drzewiecki, Trainor).

W1412 (Bagwell, Chaffeeville Rd.) Mr. Bagwell proposes to restore a decrepit 15x18 ft structure, enlarging it with a 10x10 ft addition on concrete piers; an old driveway to the site from Chaffeeville Rd. would be re-graded to provide access. The structure is quite close to wetlands, but the CC observed that most of the work would be on existing foundations, so the project would probably involve little additional impact. It agreed unanimously that no significant impact on wetlands was expected, as long as standard erosion controls are employed during construction (motion: Drzewiecki, Trainor).

W1413 (BT Partners, Storrs Rd.) An enlargement of the gravel parking area for St. Paul's Collegiate Church by 10 spaces is proposed for a flat area left by an old gravel operation. The CC agreed unanimously on the following motion (Kessel, Trainor): The CC is concerned about adding additional parking spaces at this site, in view of its proximity to the wetlands of Cedar Swamp (about 40 ft away) and the potential for automotive contamination. It requests that the IWA review comments made by the CC and others in 1996, when the parking area was enlarged.

W1414 (Crossen, Storrs Rd.) This is a re-submission for Windwood Acres, Mr. Crossen's proposed 6-lot subdivision on Rte. 195 near Baxter Rd. The two brook crossings have been redesigned as recommended by the DEP: a single larger culvert instead of two smaller ones would increase runoff capacity at each crossing and permit animals to pass more easily under the roadways. The CC agreed unanimously (motion: Lehmann, Kessel) to make the following points in commenting to IWA:

With respect to its comments on the original proposal (W1397), the CC

(1) accepts the judgment of Professional Soil Scientist John Ianni that the alternative wetland crossing it had suggested investigating would have a greater impact on wetlands;

(2) notes that its other reservations are not addressed by this resubmittal, though the new culvert design improves on the original: "The Commission notes that extensive wetlands limit development to three houses along Rte. 195, unless wetland crossings are permitted. The crossings proposed had a potential for significant impact on wetlands, particularly the one involving the merged driveways, which would require contouring."

5. Membership. The CC still needs two alternate members. Drzewiecki has suggested Catherine Carlson, who should be invited to attend the September meeting.

6. Administrative Procedures. Kessel will remind the Town Manager that the CC awaits his approval of its updated administrative procedures.

7. Commendation for Jennifer Kaufman. The CC commends Jennifer Kaufman for her service on the Commission and for acting as its liaison to the Town (a job now being assumed by Greg Padick).

8. White Oak Septic Easement. The CC's statement on the proposed White Oak Septic Easement (approved by e-mail following the July meeting) is attached. At its 08/04/08 meeting, the PZC recommended against granting the easement. The CC should have a representative present when the matter comes before the Town Council, which will make the final decision.

9. Adjourned at 9:06p.

Scott Lehmann, Secretary
25 August 08; approved 17 September 08

Attachment: White Oak Statement

TO: MANSFIELD PZC & TOWN COUNCIL
FROM: MANSFIELD CONSERVATION COMMISSION (CC)
DATE: 29 JULY 08
SUBJECT: WHITE OAK CONDOMINIUM ASSOCIATION SEPTIC EASEMENT

Background. The information packet for the CC's 01/16/08 meeting included a letter dated 12/20/07 to Charlotte Pyle at USDA NESC from Mansfield Parks Coordinator Jennifer Kaufmann. In her letter, Ms. Kaufmann explained that, as part of a plan to repair failing septic systems at the White Oak Condominiums off Mansfield City Rd., the Town had "tentatively agreed to give [the White Oak Condominium Association] a sanitary sewer easement on approximately 7.6 acres of the Town-owned Dunhamtown Forest" for a leaching field. She went on to request technical assistance in re-vegetating the land, which would be cleared of trees and shrubs and remain so.

The CC objected to the proposed easement on substantive and procedural grounds in a 01/19/08 memo to the PZC and Town Council, which was e-mailed to Town Planner Greg Padick and Town Manager Matt Hart. Mr. Padick responded by e-mail on 01/22/08, suggesting that "the Conservation Commission may not have been fully informed about this proposed easement issue" and requesting that the memo not be forwarded to PZC and the Council until the matter could be "reviewed again at the next CC meeting," to which the CC agreed. At its 02/20/08 meeting, the CC heard a presentation on septic problems at White Oak from Mr. Padick, Mr. Hart, Henry Torcellini (Gardner & Peterson Associates), and Scott Glennon (White Oak Condominium Association), after which it decided to defer comment until such time as Town staff had a definite proposal for PZC and Town Council.

That time has now come. The requested sanitary sewer easement has been reduced to 5.5 acres – 2.5 acres for the leaching field, the remainder for access roads (construction, maintenance, monitoring). A nitrogen dilution easement on an additional 8.5 acres is also requested; this land is to remain undisturbed.

Statement. The CC continues to have serious misgivings about this proposal in its present form:

1. The proposed sanitary easement betrays a public trust. The land in question was purchased with funds authorized by Mansfield voters specifically for the purchase of open space for the benefit of all the Town's residents. The proposed easement allocates some of this land to private use, without compensatory purchase of open space land elsewhere.
2. Granting such an easement would set a bad precedent, inviting other requests for special treatment. If it's OK for a private landowner to use part of a town-owned forest for a septic system, what objection can there be to permitting other private landowners to clear-cut pieces of town-owned open space in order to pasture horses or to open up the view?

3. The whole affair seems to have been conducted *sub rosa*. Neither the CC nor the other advisory committees with responsibility for open space (Parks Advisory, Open Space Preservation) were informed early in the process. The only gesture toward public notice appears to be a brief and unspecific reference in the Town Manager's Report to the Council at the end of its long meeting on 05/24/04: "There is currently a problem with a condominium association that is having a septic system problem. The Town owns land beside it, and may be asked to use the land for a community septic system." No comments or questions from the Council are recorded in the minutes for this meeting.

4. It is not clear whether alternatives to the proposed easement have been thoroughly explored. The Town Planner claims in his review comments (07/16/08) that "the project engineer [Mr. Torcellini] has appropriately considered all potential on-site and off-site alternatives for sanitary system repairs" and that "[u]se of the adjacent Town land appears to be the only feasible and prudent alternative for needed repairs." This may be so, but supporting evidence has not been shared with the CC. In particular, it is unclear which non-abutting properties were considered and why they were found to be unsuitable.

Notwithstanding these problems, it seems clear that this project is essentially a "done deal". As Wetland Agent Grant Meitzler observes in his 07/17/08 memorandum, "The design of this system has been an extensive process and has taken several years to reach completion." Whether by design, inattention, or topography, the Town is now in a position where it is going to have to approve the White Oak Condominium Association's use of a portion of Dunhamtown Forest for a new septic system.

As for what can be salvaged from the situation at this point, the CC recommends:

A. No net loss of Town open space. In one way or another, Town open space appropriated for this project should be replaced. The issue of whether the Town's concern for affordable housing warrants subsidizing a new septic system for White Oak Condominiums is not the CC's business. However, the CC recommends that:

- If the Town judges that a subsidy is appropriate, it should not be hidden as a grant of Town open space. Instead, the Council should (1) add to the Open Space Fund funds sufficient to purchase 5.5 acres of open space elsewhere in Mansfield and (2) identify them in the budget as a subsidy to the White Oak Condominium Association.
- If the Town judges that a subsidy is not appropriate, it should require the Association to pay the fair-market value of the easement into the Open Space Fund. In this case, it may be more appropriate to lease the sanitary easement land to the Association, with the rent going to the Open Space Fund.

B. Greater openness and better communication. The CC should have been briefed on the situation in June 2004, when Mr. Torcellini requested and was granted permission to

dig test holes in Dunhamtown Forest. The CC cannot make the recommendations concerning “development, conservation, supervision and regulation of [the Town’s] natural resources,” including “municipally-owned open space,” that it is encouraged by statute (§7-131a) to make, if it is presented with a *fait accompli*. Moreover, members of advisory committees like the CC are likely to conclude that they are wasting their time if referrals are *pro forma* and advice is sought only as window dressing, as it appears to be the case here.