

# AGENDA

Mansfield Conservation Commission  
Wednesday, July 15, 2009  
Audrey P. Beck Building  
CONFERENCE ROOM B  
7:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Opportunity for Public Comment**
4. **Minutes**
  - a. June 17, 2009
5. **New Business**
  - a. IWA Referrals:
    - W1218- Town of Mansfield- Birch Road Bikeway
    - W1435- Bachiochi- 78 Mansfield Hollow Rd- In ground Pool
    - W1436- Gaffney- 125 Wildwood Road - 90' x 30' Fire Pond
  - b. Northeast Regional Management Area Water Supply Forum on 7/14/09 (6/26/09 Letter from Department of Health; 7/15/09 email from M. Reich, Willimantic River Alliance)
  - c. Eagleville Brook Impervious Surface TMDL Project- 7/14/09 Stakeholders meeting (7/2/09 Memo from G. Padick, Director of Planning)
  - d. Other
6. **Continuing Business** (see 7/18/09 memo from Director of Planning)
  - a. 2009 Windham Regional Land Use Plan
  - b. Protecting Mansfield's Aquifers
  - c. CL&P "Interstate Reliability Project" - (6-23-09 Letter from Tony Mele, Project Manager)
  - d. Proposed UConn Composting Facility
  - e. Ponde Place Student Housing Project (Portions of Supplemental Information Report submitted to Department of Public Health)
  - f. Natchaug River Basin project
  - g. 2009 Draft Update: Planning Acquisition and Management Guidelines
  - h. Other
7. **Communications**
  - a. Minutes
    - Open Space (6/16/09)
    - PZC (6/15/09 and 7/6/09)
    - IWA (7/6/09)
  - b. May/June 2009, CT Wildlife
  - c. Spring 2009, The Habitat
  - d. Other Correspondence
8. **Other**
9. **Future Agendas**
10. **Adjournment**

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Town of Mansfield  
**CONSERVATION COMMISSION**  
Meeting of 17 June 2009  
Conference B, Beck Building  
**(DRAFT) MINUTES**

*Members present:* Quentin Kessel, Scott Lehmann, John Silander. *Members absent:* Robert Dahn, Peter Drzewiecki, Joan Stevenson, Frank Trainor. *Others present:* JC Beall, Katrina Higgins, Grant Meitzler (Wetlands Agent), Greg Padick (Town Planner).

1. The meeting was **called to order** at 7:40p by Chair Quentin Kessel.

2. The draft **minutes of the 20 May 09 meeting** were approved as written.

3. **IWA referral W1433 (Beall & Higgins, Wormwood Hill Rd).** The applicants propose a single family house on a wooded lot on the S. side of Wormwood Hill Rd., about 500 ft. from the Ashford town line. (The lot is the “first cut” from one of the Green family parcels.) Portions of its driveway and septic system lie within 150 ft. of (and uphill from) a small wetland, c.120 ft. away at their closest points; the reserve septic system lies wholly within 150 ft. of the wetland, c.80 ft. away at its closest point. The wetland is probably not a vernal pool, as it appears to contain standing water only briefly. A **motion** (Kessell, Silander) finding no significant wetland impact as long as the erosion and sedimentation controls shown on the map are in place during construction was adopted – Kessell & Silander voting in favor, Lehmann (a friend of the applicants) abstaining.

4. **Windham Region Land Use Plan.** The Windham Council of Governments (WinCOG) is updating its 2002 Regional Land Use Plan for towns in the Windham Region. According to Town Planner Greg Padick, this plan is purely advisory. However, granting agencies pay attention to it, so any inconsistencies between the regional plan and state & town plans should be resolved before the 2009 update is approved. The Town aims to submit its comments to WinCOG by 06 August.

WinCOG’s goal is to keep the region attractive; the regional plan’s strategy is to encourage development in certain areas and to conserve the rest. Proposed land uses are shown on maps. Padick pointed to two areas in which Mansfield’s land-use plans and what these maps call for are not compatible:

- The regional plan calls for preserving the area S. of Pleasant Valley Rd. and W. of Mansfield City Rd. from development, while Mansfield proposes a mixture of preservation and development.
- The Warren property off Maple Rd. is now under contract for an assisted living facility, so this area would be intensely developed, though it is not identified as a development area on the regional map.

Padick suggested that CC members look carefully at the text and maps of the proposed 2009 update (available online at [www.wincog.org](http://www.wincog.org)) before the Commission’s 15 July meeting, with a view to formulating comments for the Town at that meeting.

5. **Common driveways.** Padick indicated he would be happy to discuss “Common driveways: their use and abuse” at another time.

**6. Aquifer protection.** Padick reviewed the status of stratified drift aquifer (SDA) protection in Mansfield. The only SDAs in town that fall under state's aquifer protection program are the Willimantic and Fenton River well-fields – the state regulates only SDAs with existing wells serving 1,000 or more people. Most of the other SDAs in Mansfield are in areas zoned 2-acre residential, which, in Padick's view, provides sufficient protection for them. The significant exceptions are the Storrs and Pleasant Valley areas, where more intense development could degrade SDAs.

Padick believes that present regulations, if modestly updated, would provide adequate protection for SDAs. An Aquifer Protection Overlay Zone setting forth special rules for development in aquifer areas is not needed, in his view. The prohibitions on certain kinds of development found in the Tolland and Ridgefield overlays can be achieved by zoning regulations. In particular, permitted uses of the Pleasant Valley zone can be restricted by prohibiting certain activities and/or requiring applicants to show that the activities they propose will not threaten the aquifer.

At the same time, Padick pointed out that most towns protect aquifers to protect water supply, whereas Pleasant Valley has access to all the water it needs from Mansfield Hollow Reservoir. At some point, the cost of increased aquifer protection will exceed its benefits. Protection for SDAs would be enhanced by prohibiting trucks carrying fuel oil and other hazardous materials on roads over these aquifers, but few would judge such a trade-off to be acceptable.

Padick suggested that the CC consider at its July meeting what changes to the Town's zoning regulations are needed to protect SDAs, and communicate its recommendations to him. He would then aim to provide a draft of revisions for consideration at our August meeting.

**7. CL&P Interstate Reliability Project.** CL&P's filing with the Connecticut Siting Council will be put off until fall, Padick reported.

**8. Ponde Place.** As far as Padick knows, the Ponde Place developers don't yet have a well permit from the Department of Public Health, which has asked them to study the effect of withdrawals on the movement of ground water from the old UConn chemical landfill.

**9. Blight.** Silander observed that many of the houses along Hunting Lodge Rd. are in poor shape and asked what the Town could do about it. Padick indicated that the Quality of Life Committee is working on it. The root of the problem, in his view, is a shortage of suitable off-campus student housing, which creates pressure for conversions.

**10.** The meeting **adjourned** at 9:05p. Next meeting: 7:30p, Wednesday, 15 July 09.

Scott Lehmann, Secretary  
18 June 09

# Renewal Request

APPLICATION FOR PERMIT  
MANSFIELD INLAND WETLANDS AGENCY  
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268  
TEL: 860-429-3334 OR 429-3331  
FAX: 860-429-6863

FOR OFFICE USE ONLY  
File # W 1218  
Fee Paid \_\_\_\_\_  
Official Date of Receipt \_\_\_\_\_

Applicants are referred to the Mansfield Inland Wetlands and Watercourses Regulations for complete requirements, and are obligated to follow them. For assistance, please contact Grant Meitzler, Inland Wetlands Agent at the telephone numbers above.

Please print or type or use similar format for computer; attach additional pages as necessary.

## Part A - Applicant

Name Town of Mansfield, Dept of Public Works

Mailing Address 4 S. Eagleville Rd

Storrs Mansfield, CT Zip 06268

Telephone-Home N/A Telephone-Business 429-3331

## Title and Brief Description of Project

Birch Road bikeway (crosswalk - W1218 permit expired)

Location of Project Birch Rd (4A to Houtrey Lodge)

Intended Start Date Late Fall 2009

## Part B - Property Owner (if applicant is the owner, just write "same")

Name Town R/W - purchased associates

Mailing Address \_\_\_\_\_

Zip \_\_\_\_\_

Telephone-Home \_\_\_\_\_ Telephone-Business \_\_\_\_\_

Owner's written consent to the filing of this application, if owner is not the applicant:

Signature \_\_\_\_\_ date \_\_\_\_\_

Applicant's interest in the land: (if other than owner) \_\_\_\_\_

Part C - Project Description (attach extra pages, if necessary)

- 1) Describe in detail the proposed activity here or on an attached page. (See guidelines at end of application – page 6.)

Please include a description of all activity or construction or disturbance:

- a) in the wetland/watercourse  
b) in the area adjacent to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is off your property

Construction of 8" bituminous pavy along the east side of Birch Road between Houtay Lodge Road & route 44

One culvert will be extended near the roundabout

.11 AC of work in wetlands (two areas)  
.44 AC of work in buffer area (" " )

- 2) Describe the amount or area of disturbance (in square feet or cubic yards or acres):

- a) in the wetland/watercourse  
b) in the area adjacent to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is off your property

.11 AC of work in wetlands (two areas)  
.44 AC of work in buffer area (" " )

- 3) Describe the type of materials you are using for the project: bituminous paving, gravel, topsoil, seed, plastic drainage pipe, metal sign posts

- a) include type of material used as fill or to be excavated removed materials out; gravel  
b) include volume of material to be filled or excavated ±200 cy - wetlands & buffer areas

- 4) Describe measures to be taken to minimize or avoid any adverse impacts on the wetlands and regulated areas (silt fence, staked hay bales or other Erosion and Sedimentation control measures).

Silt fence, hay bales, seeding

Part D - Site Description

Describe the general character of the land. (Hilly? Flat? Wooded? Well drained? etc.)

mostly flat - some slopes by road's edge

**Part E - Alternatives**

Have you considered any alternatives to your proposal that would meet your needs and might have less impact on the wetland/watercourse? Please list these alternatives.

*Moving the path to the other side of Beach Rd would compromise safety with road crossings (and not connect to the existing paths on Howley Lodge & Ave 44)*

**Part F - Map/Site Plan (all applications)**

1) Attach to the application a map or site plan showing existing conditions and the proposed project in relation to wetland/ watercourses. Scale of map or site plan should be 1" = 40'; if this is not possible, please indicate the scale that you are using. A sketch map may be sufficient for small, minor projects. (See guidelines at end of application – page 6.)

- 2) Applicant's map date and date of last revision June 30, 2009
- 3) Zone Classification RAE/40
- 4) Is your property in a flood zone?  Yes  No  Don't Know

**Part G - Major Applications Requiring Full Review and a Public Hearing**

See Section 6 of the Mansfield Regulations for additional requirements.

**Part H - Notice to Abutting Property Owners**

1) List the names and addresses of abutting property owners

Name	Address
<i>see attached listing</i>	

2) **Written Notice to Abutters** . You must notify abutting property owners by certified mail, return receipt requested, stating that a wetland application is in progress, and that abutters may contact the Mansfield Inland Wetlands Agent for more information. Include a brief description of your project. **Postal receipts of your notice to abutters must accompany your application.** (This is not needed for exemptions).

**Part I - Additional Notices, if necessary**

1) Notice to Windham Water Works is attached. If this application is in the public watershed for the Windham Water Works (WWW), you must notify the WWW of your project within 7 days of sending the application to Mansfield—sending it by certified mail, return receipt requested. Contact the Mansfield Inland Wetlands Agent to find out if you are in this watershed.

- 2) Notice to Adjoining Town. If your property is within 500 feet of an adjoining town, you must also send a copy of the application, on the same day you sent one to Mansfield, to the Inland Wetlands Agency of the adjoining town, by certified mail, return receipt requested.
- 3) The Statewide Reporting Form (attached) shall be part of the application and specified parts must be completed and returned with this application.

**Part J - Other Impacts To Adjoining Towns, if applicable**

- 1) Will a significant portion of the traffic to the completed project on the site use streets within the adjoining municipality to enter or exit the site? \_\_\_ Yes  No \_\_\_ Don't Know
- 2) Will sewer or water drainage from the project site flow through and impact the sewage or drainage system within the adjoining municipality? \_\_\_ Yes  No \_\_\_ Don't Know
- ~~3) Will water run-off from the improved site impact streets or other municipal or private property within the adjoining municipality? \_\_\_ Yes  No \_\_\_ Don't Know~~

**Part K - Additional Information from the Applicant**

Set forth (or attach) any other information which would assist the Agency in evaluating your application. *(Please provide extra copies of any lengthy documents or reports, and extra copies of maps larger than 8.5" x 11", which are not easily copied.)*

**Part L - Filing Fee**     *N/A*

Submit the appropriate filing fee. (Consult Wetlands Agent for the fee schedule available in the Mansfield Inland Wetlands and Watercourses Regulations.)

\_\_\_ \$385. \_\_\_ \$110. \_\_\_ \$60. \_\_\_ \$25.

*Note: The Agency may require you to provide additional information about the regulated area which is the subject of the application, or about wetlands or watercourses affected by the regulated activity. If the Agency, upon review of your application, finds the activity proposed may involve a "significant activity" as defined in the Regulations, additional information and/or a public hearing may be required.*

***The undersigned applicant hereby consents to necessary and proper inspections of the above mentioned property by members and agents of the Inland Wetlands Agency, at reasonable times, both before and after the permit in question has been granted by the Agency.***

*[Handwritten Signature]*  
 \_\_\_\_\_  
 Applicant's Signature

*6/30/09*  
 \_\_\_\_\_  
 Date

APPLICATION FOR PERMIT  
MANSFIELD INLAND WETLANDS AGENCY  
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268  
TEL: 860-429-3334 OR 429-3331  
FAX: 860-429-6863

FOR OFFICE USE ONLY

File # W. 1435  
Fee Paid \$155  
Official Date of Receipt 6-25-09

Applicants are referred to the Mansfield Inland Wetlands and Watercourses Regulations for complete requirements, and are obligated to follow them. For assistance, please contact Grant Meitzler, Inland Wetlands Agent at the telephone numbers above.

Please print or type or use similar format for computer; attach additional pages as necessary.

**Part A - Applicant**

Name Peter Bachiochi

Mailing Address 78 Mansfield Hollow Rd

Mansfield, CT 06250 Zip 06250

Telephone-Home 860-423-0540 Telephone-Business \_\_\_\_\_

**Title and Brief Description of Project**

Sabrina Peels is proposing a permit to Install a 18x36

Inground Swimming Pool

Location of Project 78 Mansfield Hollow Rd

Intended Start Date As Soon As permits Approved

**Part B - Property Owner (if applicant is the owner, just write "same")**

Name Same

Mailing Address \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Telephone-Home \_\_\_\_\_ Telephone-Business \_\_\_\_\_

Owner's written consent to the filing of this application, if owner is not the applicant:

Signature \_\_\_\_\_ date \_\_\_\_\_

Applicant's interest in the land: (if other than owner) \_\_\_\_\_

Part C - Project Description (attach extra pages, if necessary)

1) Describe in detail the proposed activity here or on an attached page. (See guidelines at end of application – page 6.)

Please include a description of all activity or construction or disturbance:

- a) in the wetland/watercourse
- b) in the area **adjacent** to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is **off** your property

Sabrina Pools is Applying that we take down a 27' Above Ground Pool + Install a 18 x 36 Inground Swimming Pool

2) Describe the amount or area of disturbance (in square feet or cubic yards or acres):

- a) in the wetland/watercourse
- b) in the area **adjacent** to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is **off** your property

3) Describe the type of materials you are using for the project: This is a Fiberglass walled pool with a vinyl liner

- a) include **type** of material used as fill or to be excavated
- b) include **volume** of material to be filled or excavated

4) Describe measures to be taken to minimize or avoid any adverse impacts on the wetlands and regulated areas (silt fence, staked hay bales or other Erosion and Sedimentation control measures).

Sabrina Pools will be installing a silt fence to prevent any Erosion

Part D - Site Description

Describe the general character of the land. (Hilly? Flat? Wooded? Well drained? etc.)

where the pool is proposed to go is all Flat



- 2) Notice to Adjoining Town. If your property is within 500 feet of an adjoining town, you must also send a copy of the application, on the same day you sent one to Mansfield, to the Inland Wetlands Agency of the adjoining town, by certified mail, return receipt requested.
- 3) The Statewide Reporting Form (attached) shall be part of the application and specified parts must be completed and returned with this application.

**Part J - Other Impacts To Adjoining Towns, if applicable**

- 1) Will a significant portion of the traffic to the completed project on the site use streets within the adjoining municipality to enter or exit the site? \_\_\_ Yes \_\_\_ No \_\_\_ Don't Know
- 2) Will sewer or water drainage from the project site flow through and impact the sewage or drainage system within the adjoining municipality? \_\_\_ Yes \_\_\_ No \_\_\_ Don't Know
- ~~3) Will water run-off from the improved site impact streets or other municipal or private property within the adjoining municipality? \_\_\_ Yes \_\_\_ No \_\_\_ Don't Know~~

**Part K - Additional Information from the Applicant**

Set forth (or attach) any other information which would assist the Agency in evaluating your application. *(Please provide extra copies of any lengthy documents or reports, and extra copies of maps larger than 8.5" x 11", which are not easily copied.)*

**Part L - Filing Fee**

Submit the appropriate filing fee. (Consult Wetlands Agent for the fee schedule available in the Mansfield Inland Wetlands and Watercourses Regulations.)

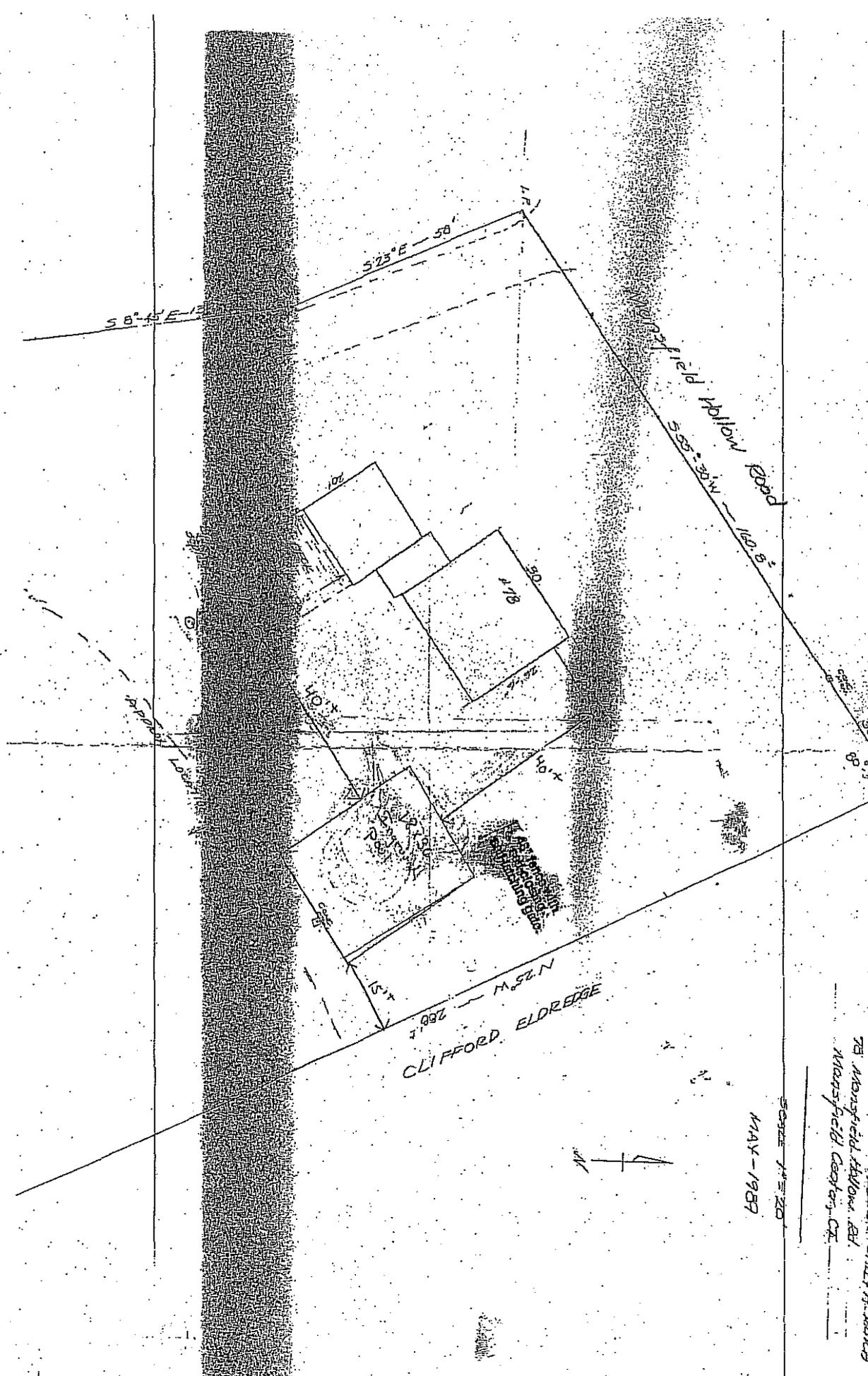
\_\_\_ \$385. \_\_\_ \$110. \_\_\_ \$60. \_\_\_ \$25.

*Note: The Agency may require you to provide additional information about the regulated area which is the subject of the application, or about wetlands or watercourses affected by the regulated activity. If the Agency, upon review of your application, finds the activity proposed may involve a "significant activity" as defined in the Regulations, additional information and/or a public hearing may be required.*

**The undersigned applicant hereby consents to necessary and proper inspections of the above mentioned property by members and agents of the Inland Wetlands Agency, at reasonable times, both before and after the permit in question has been granted by the Agency.**

Peter Baehnel  
Applicant's Signature

10/26/09  
Date



CURRACY, GEORGE & SHILLY A. LAUREY  
 78 Mansfield Hollow Rd.  
 Mansfield Center, CT

SCALE 1" = 20'  
 MAY - 1989

M 52° N - 288.1'  
 CLIFFORD ELDREDGE

PAGE  
BREAK

APPLICATION FOR PERMIT  
MANSFIELD INLAND WETLANDS AGENCY  
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268  
TEL: 860-429-3334 OR 429-3331  
FAX: 860-429-6863

FOR OFFICE USE ONLY

File # W 1436  
Fee Paid \$155-  
Official Date of Receipt 6-29-09

Applicants are referred to the Mansfield Inland Wetlands and Watercourses Regulations for complete requirements, and are obligated to follow them. For assistance, please contact Grant Meitzler, Inland Wetlands Agent at the telephone numbers above.

Please print or type or use similar format for computer; attach additional pages as necessary.

Part A - Applicant

Name MATTHEW GAFFNEY

Mailing Address 125 WILDWOOD RD

STORRS CT

Zip 06268

Telephone-Home 429 4394 Telephone-Business \_\_\_\_\_

Title and Brief Description of Project

DIG OUT BROOK AREA Between WILDWOOD RD

3 stone wall to create ~90' x 30' SHALLOW FIRE POND

Location of Project 125 WILDWOOD RD

Intended Start Date ASAP

Part B - Property Owner (if applicant is the owner, just write "same")

Name SAME

Mailing Address \_\_\_\_\_

Zip \_\_\_\_\_

Telephone-Home \_\_\_\_\_ Telephone-Business \_\_\_\_\_

Owner's written consent to the filing of this application, if owner is not the applicant:

Signature \_\_\_\_\_ date \_\_\_\_\_

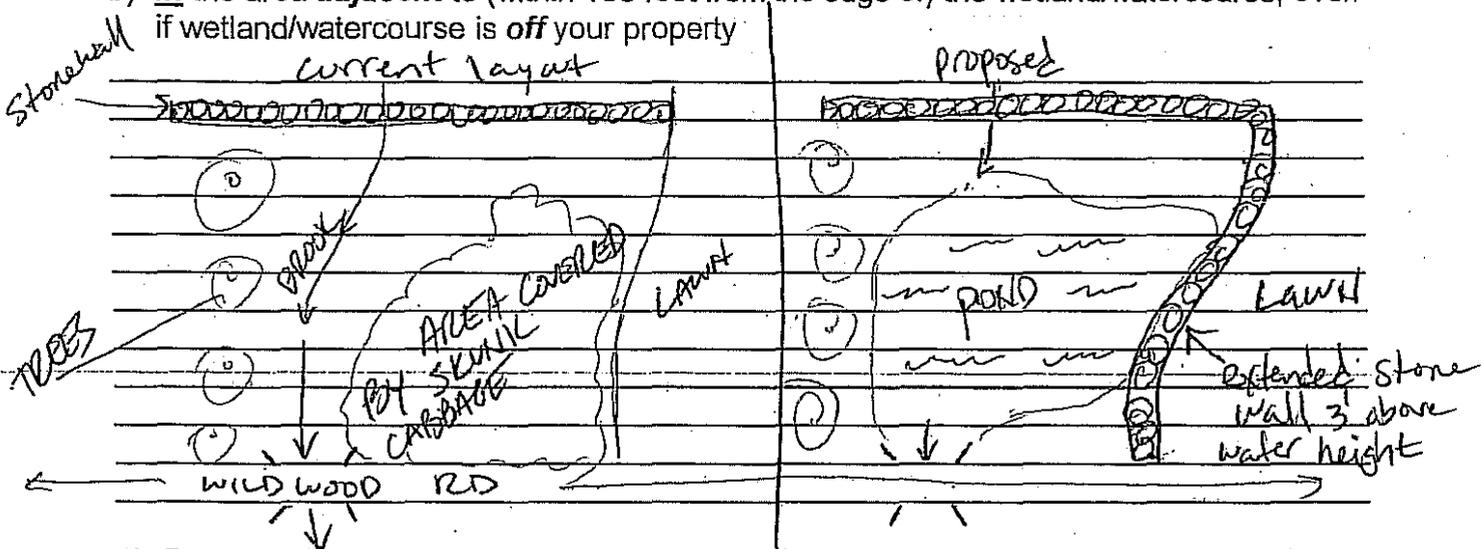
Applicant's interest in the land: (if other than owner) \_\_\_\_\_

**Part C - Project Description (attach extra pages, if necessary)**

1) Describe in detail the proposed activity here or on an attached page. (See guidelines at end of application – page 6.)

Please include a description of all activity or construction or disturbance:

- a) in the wetland/watercourse
- b) in the area adjacent to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is off your property



2) Describe the amount or area of disturbance (in square feet or cubic yards or acres):

- a) in the wetland/watercourse
- b) in the area adjacent to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is off your property

A BACKHOE AND/OR ESCAVATOR WILL BE USED TO REMOVE MATERIAL FROM BROOK AREA, APP 8000 SQ. FT OF MATERIAL WILL BE DUG UP

3) Describe the type of materials you are using for the project: WALL STONE, MATERIAL DUG OUT OF THE BROOK WILL BE USED TO ADD HEIGHT TO ADJACENT LAWN

- a) include **type** of material used as fill or to be excavated \_\_\_\_\_
- b) include **volume** of material to be filled or excavated \_\_\_\_\_

4) Describe measures to be taken to minimize or avoid any adverse impacts on the wetlands and regulated areas (silt fence, staked hay bales or other Erosion and Sedimentation control measures).

HAY BALES IN FRONT OF PIPE THAT GOES UNDER WILDWOOD RD.

**Part D - Site Description**

Describe the general character of the land. (Hilly? Flat? Wooded? Well drained? etc.)

LAWN THAT DROPS ELEVATION INTO BROOK AREA, TREES ON OPPOSITE SIDE

**Part E - Alternatives**

Have you considered any alternatives to your proposal that would meet your needs and might have less impact on the wetland/watercourse? Please list these alternatives.

yes, just extend the stone wall, increase height  
of lawn and NOT dig out the brook

**Part F - Map/Site Plan (all applications)**

1) Attach to the application a map or site plan showing **existing conditions** and the **proposed project** in relation to wetland/ watercourses. Scale of map or site plan should be 1" = 40'; if this is not possible, please indicate the scale that you are using. A sketch map may be sufficient for small, minor projects. (See guidelines at end of application – page 6.)

2) Applicant's map date and date of last revision \_\_\_\_\_

3) Zone Classification \_\_\_\_\_

4) Is your property in a flood zone?  Yes  No  Don't Know

**Part G - Major Applications Requiring Full Review and a Public Hearing**

See Section 6 of the Mansfield Regulations for additional requirements.

**Part H - Notice to Abutting Property Owners**

1) List the names and addresses of abutting property owners

Name	Address
Robert MILLER	117 WILDWOOD RD
MIKE SIKOSKI	135 WILDWOOD RD
WILLIE SPRUELL	119 WOODLAND RD
Allen Barstow	139 WOODLAND RD
FRANCES NICHOLS	105 WILDWOOD RD
RALPH & DEBRA MANSELL	101 WOODLAND RD
JEFFREY KOBERSTEIN & LINDA FARMER	116 WILDWOOD RD

2) **Written Notice to Abutters** . You must notify abutting property owners by certified mail, return receipt requested, stating that a wetland application is in progress, and that abutters may contact the Mansfield Inland Wetlands Agent for more information. Include a brief description of your project. Postal receipts of your notice to abutters must accompany your application. (This is not needed for exemptions).

**Part I - Additional Notices, if necessary**

1) Notice to Windham Water Works is attached. If this application is in the public watershed for the Windham Water Works (WWW), you must notify the WWW of your project within 7 days of sending the application to Mansfield—sending it by certified mail, return receipt requested. Contact the Mansfield Inland Wetlands Agent to find out if you are in this watershed.

- 2) Notice to Adjoining Town. If your property is within 500 feet of an adjoining town, you must also send a copy of the application, on the same day you sent one to Mansfield, to the Inland Wetlands Agency of the adjoining town, by certified mail, return receipt requested.
- 3) The Statewide Reporting Form (attached) shall be part of the application and specified parts must be completed and returned with this application.

**Part J - Other Impacts To Adjoining Towns, if applicable**

- 1) Will a significant portion of the traffic to the completed project on the site use streets within the adjoining municipality to enter or exit the site? \_\_\_ Yes \_\_\_ No \_\_\_ Don't Know
- 2) Will sewer or water drainage from the project site flow through and impact the sewage or drainage system within the adjoining municipality? \_\_\_ Yes \_\_\_ No \_\_\_ Don't Know
- ~~3) Will water run-off from the improved site impact streets or other municipal or private property within the adjoining municipality? \_\_\_ Yes \_\_\_ No \_\_\_ Don't Know~~

**Part K - Additional Information from the Applicant**

Set forth (or attach) any other information which would assist the Agency in evaluating your application. *(Please provide extra copies of any lengthy documents or reports, and extra copies of maps larger than 8.5" x 11", which are not easily copied.)*

**Part L - Filing Fee**

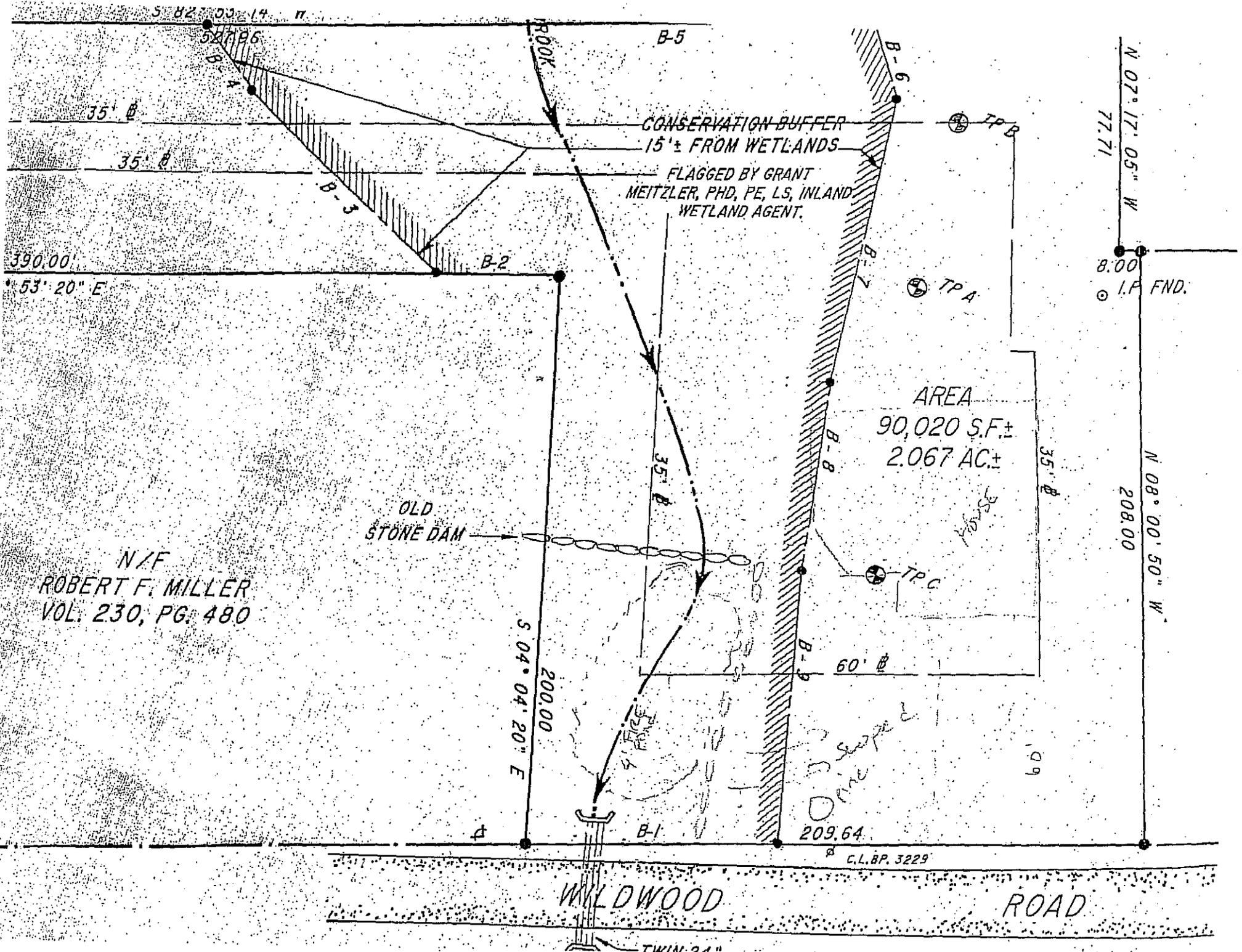
Submit the appropriate filing fee. (Consult Wetlands Agent for the fee schedule available in the Mansfield Inland Wetlands and Watercourses Regulations.)  
 \_\_\_ \$385. \_\_\_ \$110. \_\_\_ \$60. \_\_\_ \$25.

*Note: The Agency may require you to provide additional information about the regulated area which is the subject of the application, or about wetlands or watercourses affected by the regulated activity. If the Agency, upon review of your application, finds the activity proposed may involve a "significant activity" as defined in the Regulations, additional information and/or a public hearing may be required.*

***The undersigned applicant hereby consents to necessary and proper inspections of the above mentioned property by members and agents of the Inland Wetlands Agency, at reasonable times, both before and after the permit in question has been granted by the Agency.***

\_\_\_\_\_  
 Applicant's Signature

6/22/09  
 \_\_\_\_\_  
 Date



S 82° 03' 14" W

527.86

35' @

35' @

390.00'

53° 20" E

N/F  
ROBERT F. MILLER  
VOL. 230, PG. 480

OLD  
STONE DAM

5 04° 04' 20" E  
200.00

WILDWOOD ROAD

CONSERVATION BUFFER  
15'± FROM WETLANDS

FLAGGED BY GRANT  
MEITZLER, PHD, PE, LS, INLAND  
WETLAND AGENT.

AREA  
90,020 S.F.±  
2.067 AC.±

60' @

209.64

C.L.B.P. 3229

N 07° 17' 05" W  
77.71

8.00  
I.P. FND.

208.00

N 08° 00' 50" W

ROAD

TWIN 24"



# GAFFNEY - WILDWOOD

20097

## CONSERVATION AND PROTECTION EASEMENT

THIS INDENTURE, made this 8th day of August, 1988.

WHEREAS, Ronnie Nichols, residing at 105 Wildwood Road, hereinafter called the Grantor, is the owner in fee simple of certain real property, which property is described as follows:

a parcel of land containing 2.0670 acres shown and designated on a map filed in Map Volume B, page 15, on file in the Land Records of the Town of Mansfield, said map being entitled: "Plan of Clark Property, Subdivision of Wildwood and Woodland Road, Mansfield, Connecticut - June 1970 - scale 1" = 50' - certified substantially correct to Class A-2 by Volny Bridgett LS #7748." Said premises being bounded on the north by land of Allen M. and Julia M. U. Banston; on the east by land now or formerly of Armand and Jean C. Robitaille and land now or formerly of Mervin Walker as shown on said map in part by each; southerly by said Wildwood Road and land now or formerly of Lester and Joan Littlefield in part by each; and westerly by said Littlefield land and land now or formerly of Frances Nichols in part by each. And which land was acquired by the Grantor herein from Leonard Clark by Deed dated March 7, 1972; which deed is recorded in the Mansfield Land Records at Volume 116 Page 437.

and:

WHEREAS, the Grantor has agreed to give to the Town of Mansfield a certain easement for the purpose of Conservation and Protection on a portion of the above described premises, which easement is more particularly described on a map entitled: "Boundary Survey Map - prepared for Steven Hepple - Wildwood Road - Mansfield, Connecticut - Charles T. Camp & Associates, - Norwich, Connecticut 06360 886-9228 - scale 1" = 40' - Job No. 88052 - Date 7-11-88 - 1 of 1 sheets." showing revision 7-27-88, which map bears the signature and seal of Charles T. Camp, LS #14650, and which map is recorded or to be recorded in the Mansfield Land Records.

Easement area: being a portion of said land, as shown on the above last referenced map, hereinafter called the "Protected Property", which has ecological, scientific, educational and aesthetic value in its present state as a natural and undisturbed area.

Reserving to the Grantor a right of access over and across said easement area to gain access to other portions of the said land which

*See item 9, page 5* (1)

are not within this easement, and to which access may not be had without crossing land of others,

and,

WHEREAS, THE TOWN OF MANSFIELD, acting by and through its Inland Wetland Agency, hereinafter called the Grantee, is a municipal corporation incorporated under the laws of the State of Connecticut, and Charter of the Town of Mansfield, whose interest is to conserve and protect the natural area within the Protected Property and its surrounding protective buffer areas, for ecological, scientific, educational, aesthetic, historic, and charitable purposes; and

WHEREAS, the Protected Property is a unique natural area, and which area has substantial significance, as an arboreal, geological, historical, natural, scenic and educational resource; and

WHEREAS, the Inland Wetland Agency is authorized, pursuant to Sections 7-131 a (b) and 22a-42b of the Connecticut General Statutes, to acquire easements in the name of the Grantee, the Town of Mansfield, with the approval of the Mansfield Town Council; and

WHEREAS, the approval of the Town Council for this acquisition was obtained at its meeting on August 8, 1988.

NOW, THEREFORE, the Grantor, for and in consideration of the facts above recited and of the mutual covenants, terms, conditions and restrictions herein contained and as an absolute and unconditional gift, does hereby give, grant, bargain, sell and convey unto the Grantee, its successors and assigns forever a Conservation and Protection Easement in perpetuity over the Protected Property, consisting of the following:

1. The right of visual access to and view of the Protected Property in its natural, scenic and open condition.
2. The right of the Grantee, in a reasonable manner and at reasonable times to enforce by proceedings at law, or in equity, the Covenants hereinafter set forth, including but not limited to the right to require the restoration of the Protected Property to the condition at the time of this grant. The Grantee, or its successors or assigns, does not waive or forfeit the right to take action as may be necessary to insure compliance with the Covenants and purposes of this grant by any prior failure to act. Nothing herein shall be construed to entitle the Grantee to institute any enforcement proceedings against the Grantor for any changes to the Protected Property due to causes beyond the Grantor's control, such as changes caused by fire, floods, storm or the unauthorized acts of third persons. In the event that the Grantee becomes aware of an event or circumstances of non-compliance with the terms and conditions herein set forth, the Grantee shall give notice to the Grantor, his successors or assigns, at his last known post office address, of such event or circumstances, or

(2)

non-compliance via certified mail, return receipt requested, and request corrective action sufficient to abate such event or circumstance of non-compliance and restore the Protected Property to its previous condition. Failure by the Grantor to cause discontinuance, abatement or such other corrective action as may be requested by the Grantee, under the terms of this easement, within thirty (30) days after receipt of such notice shall entitle the Grantee:

- A. to bring an action at law or equity in a court of competent jurisdiction to enforce the terms of this easement;
- B. to require the restoration of the Protected Property to its former condition;
- C. to enjoin such non-compliance by ex parte temporary or permanent injunction in a court of competent jurisdiction to enforce the terms of this easement; and/or
- D. to recover any damages arising from such non-compliance.

Such damages, when recovered, may be applied by the Grantee, in its discretion, to corrective action on the Protected Property, if necessary. If such court determines that the Grantor has failed to comply with the terms and conditions of this easement, the Grantor shall reimburse the Grantee for any reasonable costs of enforcement, including costs of restoration, court costs and reasonable attorney's fees, in addition to any other payments ordered by such court. The Grantor hereby waives any defense of laches with respect to any delay by the Grantee, its successors or assigns, in acting to enforce any restriction or exercise any rights under this Easement.

- 3. The right to enter the Protected Property at all reasonable times and, if necessary, across other lands retained by the Grantor, for the purposes of:
  - A. inspecting the Protected Property to determine if the Grantor, or his successors or assigns, is complying with the Covenants and purposes of this Easement;
  - B. enforcing the terms of this Conservation and Preservation Easement;
  - C. taking any and all actions with respect to the Protected property as may be necessary or appropriate, with or without order of the court, to remedy or abate violations hereof; and
  - D. observing and studying nature and making scientific and educational observations and studies (including sampling) in such manner as will not disturb the quiet enjoyment of the Protected Property by the Grantor, his successors and assigns.
- 4. The right, but not the obligation, to monitor the condition of any rare plant and animal populations and plant communities on the

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Protected Property, and to manage them, if necessary, for their continued survival and quality on the Protected Property.

And in furtherance of the foregoing affirmative rights, the Grantor makes the following Covenants, on behalf of himself, his successors and assigns, which covenants shall run with and bind the Protected Property in perpetuity:

COVENANTS

Recognizing the unique and fragile nature of the Protected Property, there shall be no:

1. disturbance of the surface of the land, or of any plants,
2. removal, destruction or cutting of trees or plants, planting of trees or plants, use of fertilizers, spraying with biocides or chemical treatments of any kind, introduction of non-native animals, grazing of domestic animals, or disturbance or change in the natural habitat in any manner,
3. construction or maintenance of buildings, fences, signs, billboards, or any structure, construction or signing of any type, whether permanent or temporary,
4. filling, excavating, dredging, mining or drilling, removal of topsoil, peat, sand, gravel, rock, minerals, or other soil or rock materials, nor any building of roads or paths, whether for farm or other purposes, or change in the topography of the land in any manner,
5. dumping of any material, such as ashes, trash, garbage, or other unsightly or offensive material, and no changing of the topography through the placing of soil or other substance or material such as land fill or dredging spoils, nor shall activities be conducted on the Protected Property or on adjacent property which would cause erosion, siltation, sedimentation, or other detrimental effect on the Protected Property,
6. alteration or manipulation of the ground surface, whether it be natural watercourses, swamp, shore, marsh, or other water bodies or areas tributary to any such areas, nor shall activities be conducted on the Protected Property which would or could be detrimental to water quality, purity, or which would or could alter the natural water level or flow at any area within the Protected Property,
7. operation of snowmobile, dunebuggy, motorcycle, all terrain vehicle, tractor, bicycle, or any other type of motorized or

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unmotorized vehicle or equipment which would or could cause disturbance of the area,

8. hunting or trapping unless specifically approved in writing by the Grantee as provided herein,

9. change, whatsoever, in use, of any kind, of the Protected Property without consultation in writing with the Grantee in order to maintain the delicate ecological balance of the area, as well as the Protected Property. It is recognized that the Grantee may have to consult experts to determine the advisability of any such request, and in the event that the Grantee wishes to consult any such expert or experts, which consultation will result in a delay of more than 30 days in responding to such request, the Grantee shall so inform the Grantor in writing, as provided herein, of the need for time to respond to the request for change of use. The Grantor shall not commence any such change of use until the Grantee has responded as provided herein. Both parties to this Easement recognize that such response may require lengthy time delay because of the likely need for expert consultation and study to determine the probable effect of any proposed change of use of the Protected Property,



at any location, whatsoever, on the Protected Property, without prior express written consent from the Grantee.

Nothing contained in this Conservation and Preservation Easement shall give or grant to the public a right to enter upon or use the Protected Property or any portion thereof where no such right existed in the public immediately prior to the execution of this Easement.

The Grantor, for himself and on behalf of his successors and assigns, agrees to pay any real estate taxes or other assessments levied by competent authorities on the Protected Property but, in this regard, the Grantor shall be entitled to apply for a revaluation pursuant to Section 7-131 b (b) of the Connecticut General Statutes, and to relieve the Grantee from any duty or responsibility to maintain the Protected Property other than in its natural condition at the time of execution of this Easement. Any maintenance of the area, required because of fire, flood, storm, blight, infestation, or any other natural or unnatural imbalance, requiring activity not in accordance with the restrictions of this Easement as set forth hereinbefore, or the provision of restricted access for purpose of specific scientific study, shall be the responsibility of the Grantee, and not the Grantor, except to the extent that such condition of detrimental imbalance results from failure of the Grantor to act according to the provisions of this Easement.

If any provision of this Conservation and Preservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of the Easement and the application of such provisions to persons or circumstances other than

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those as to which it is found to be invalid shall not be affected thereby.

The covenants agreed to and the terms, conditions, restrictions and purposes imposed with this grant shall not only be binding upon the Grantor but also his lessees, agents, personal representatives, successors and assigns, and all other successors to him in interest and shall continue as a servitude running in perpetuity with the Protected Property.

And the Grantor does further covenant and represent that the Grantor is seized of the Protected Property in fee simple and has good right to grant and convey the aforesaid Conservation and Preservation Easement, and that the Protected Property is free and clear of any and all encumbrances, and that the Grantee shall have the use of and enjoy all of the benefits derived from and arising out of the aforesaid Easement.

TO HAVE AND TO HOLD the said Conservation and Preservation Easement unto the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed and sealed this document the day, month, and year first above written.

witness: Patricia A. O'Neil Ronnie Nichols  
 PATRICIA A. O'NEIL  
Grant Meitzler  
 GRANT MEITZLER

State of Connecticut) ) ss. Mansfield  
 County of Tolland ) date: August 8, 1988

Personally appeared Ronnie Nichols, signer of the foregoing instrument, and acknowledged the same to be his free act and deed, before me.

Jean Quast  
 Jean Quast  
 Notary Public  
 My commission expires March 31, 1993

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Item # 20097 Received for Record August 31, 1988  
 at 4:37 p.m. Attest [Signature] Town Clerk

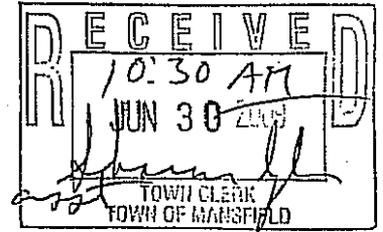


# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

### MEMORANDUM

TO: Chief Elected Officials  
 Local Health Directors  
 Regional Planning Agencies  
 Community Public Water Systems  
 DEP, DPUC, OPM



FROM: Darrell B. Smith, Section Chief  
 Department of Public Health  
 Drinking Water Section

DATE: June 26, 2009

SUBJECT: Northeast Regional Management Area Water Supply Forum

A public forum is being held to address regional drinking water supply issues and to select two spokespersons to represent the region at the Statewide DPH Commissioner's WUCC Advisory Group. The Department of Public Health values you as an important stakeholder in the forthcoming Northeast Water Utility Coordinating Committee (NEWUCC), and is thus inviting you or your designated representatives to participate in this public forum to be held Tuesday July 14, 2009 from 10:00 am to 1:00 pm at the Knowlton Memorial Hall auditorium located at 25 Pompey Hollow Road (Route 44) in Ashford. It is critical that the Department provide essential information to our important stakeholders early in this process so informed decisions are made at the local level that help ensure an adequate quantity and quality of drinking water for the residents of your community.

Water Utility Coordinating Committees (WUCCs) are regional committees established by the Department of Public Health pursuant to Connecticut General Statutes (CGS) Section 25-33c through 25-33j to coordinate the planning and development of Connecticut's public drinking water systems and sources. Pursuant to CGS Section 25-33e Connecticut is divided into seven management areas, four of which have been convened into active Water Utility Coordinating Committees. The Northeast WUCC has not yet been convened.

A Statewide DPH Commissioner's WUCC Advisory Group has recently been formed to oversee drinking water issues across the state and to provide consistency across the WUCCs. This public forum is necessary so that the Northeast region can identify regional representatives to participate on this advisory group. Similar public forums will be held in the other two management areas yet to be convened to identify representatives from those regions. This public forum is also the first step in developing a coordinated plan for the region that will include the identification of regional sources of supply and the establishment of exclusive service areas. Exclusive service areas are territories designated to be served by a single water utility. A diverse list of distinguished presenters from across the State will be featured who will provide factual information regarding their own personal experiences (successes and failures of the process) and hopefully insight that will allow you to make better informed decisions for your own community.

Voting members of a WUCC as defined in CGS Section 25-33f(b) currently consist of one representative from each public water system with a source of supply or service area within the WUCC management area and one representative of each regional planning organization within the management area.

Phone: (860) 509-7333  
 Telephone Device for the Deaf: (860) 509-7191  
 410 Capitol Avenue - MS # 51WAT  
 P.O. Box 340308 Hartford, CT 06134



Affirmative Action / An Equal Opportunity Employer

Technically, a chief elected official could currently qualify as a voting member if the municipality owned a public water system, such as a public school or town hall, which is regulated by DPH. The Department feels the WUCC process would be well served to designate Chief Elected Officials and local health directors as official voting members of the WUCC. Input on this option as well as other recommended improvements to the WUCC process will be sought from the participants of the forum as we discuss the options for convene the Northeast region into an active WUCC.

You should seriously consider attending and participating in this forum along with any of your interested staff. The agenda, directions, parking instructions, and other information are available on the DPH website: <http://www.ct.gov/dph/> From the main address select 'Programs and Services, 'Drinking Water' then 'Water Utility Coordinating Committee'. Please do not hesitate to contact me directly at (860) 509-7333 with any questions. I hope to see you at the event.

## Gregory J. Padick

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**From:** Meg Reich [megr1@earthlink.net]  
**Sent:** Sunday, July 05, 2009 12:48 PM  
**To:** brensullivan@yahoo.com; cbooster@hotmail.com  
**Cc:** GMacd2109@aol.com; cert@wincog.org; dagmar@wincog.org; davem@miloneandmacbroom.com; David Morse; swampmama@ctgaia.net; director.wincog@snet.net; ingrahamella@ringassociates.com; etrott@coventryct.org; Gregory J. Padick; Helen Koehn; ingridaar@cox.net; narain8@cox.net; jfinger@windhamct.com; planner@wincog.org; jason.coite@uconn.edu; Jennifer S. Kaufman; cigarman55@comcast.net; jhooper@windhamct.com; John Elsesser; pagini@charter.net; john.rozum@UCONN.EDU; joshuastrust@snet.net; Quentin Kessel; ldiamond1@charter.net; laurence.diamond@ubs.com; lfarmer@tolland.org; powersent@charter.net; MCallahan@fando.com; nkpomper@yahoo.com; naubies@yahoogroups.com; patsuprenant@earthlink.net; patrickb277@earthlink.net; pribula@charter.net; paula.stahl@uconn.edu; pmarteka@courant.com; Richard Miller; profthorson@yahoo.com; Robert M. Thorson; Thomas Callahan; Eric.Thomas@ct.gov; Vicky Wetherell; wayne@wili.com; willimanticwhitewater@charter.net  
**Subject:** NECT Water Supply Meeting 7/14/09

Hi all,

The CT Department of Health is holding a "NE Region Management Area Water Supply Forum" on July 14th, 2009 in advance of convening a water utility coordinating committee (WUCC) in NE CT. The memo about the meeting can be seen at the Town of Mansfield website at the below link:

[http://www.mansfieldct.org/town/current/events/20090714\\_ne\\_reg\\_h20\\_supply\\_forum.pdf](http://www.mansfieldct.org/town/current/events/20090714_ne_reg_h20_supply_forum.pdf)

At this public forum, regional drinking water supply issues in NE CT will be discussed.

NE CT is one of seven regions of the state established by the CT Department of Health based on the 1985 state legislation which set up the program to "...coordinate the planning of public water supply systems."

The NECT region includes 24 towns: Andover, Ashford, Bolton, Brooklyn, Canterbury, Chaplin, Columbia, Coventry, Eastford, Hampton, Killingly, Mansfield, Plainfield, Pomfret, Putnam, Scotland, Stafford, Sterling, Thompson, Tolland, Union, Willington, Windham, and Woodstock.

The forum will be held from 10:00 am to 1:00 pm on Tuesday, July 14, 2009 at the Knowlton Memorial Hall auditorium, at 25 Pompey Hollow Rd (RT 44) in the Warrenville section of Ashford. (Near the intersection of RT 44 and RT 89)

For more information, go to the CT Dept of Health website at [www.ct.gov/dph](http://www.ct.gov/dph), then select programs & services, then drinking water, then source protection, then wucc...or use the link below:

<http://www.ct.gov/dph/cwp/view.asp?a=3139&q=387352>

The Willimantic River Alliance is interested in this issue because we are involved with public drinking water issues which affect the Willimantic River. These have included in past years, drinking water supply issues at the University of Connecticut in Storrs, since the University obtains a large portion of their water from wells along the Willimantic River.

WRA is now also reviewing the proposed new piped water service for the Four Corners

area of Storrs,  
and the potential extension of the water supplies of Tolland and the CT Water Company to  
serve the UCONN/Storrs area.

For those of you who want to know more about public drinking water supply issues in NECT,  
please plan to attend on 7/14.

x Meg Reich, Vice President, Willimantic River Alliance

**TOWN OF MANSFIELD**  
**OFFICE OF PLANNING AND DEVELOPMENT**

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GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Planning and Zoning Commission/Inland Wetland Agency  
Town Council  
Conservation Commission; Open Space Preservation Committee;  
Willimantic River Alliance; Joshua's Trust

From: Gregory J. Padick, Director of Planning 

Date: July 2, 2009

Re: Eagleville Brook Impervious Surface TMDL Project -7/14/09 Stakeholder's meeting

In 2008, Mansfield agreed to co-sponsor with the University of Connecticut and the CT. Department of Environmental Protection a study of the Eagleville Brook watershed with a primary goal of developing land use practices and site specific recommendations that will improve water quality within this "impaired" watershed. The project is being coordinated by the Connecticut NEMO (Non-Point Education for Municipal Officials) and CLEAR (Center for Land Use Education and Research) staff. The attached project narrative provides more information.

During the week of July 13<sup>th</sup>, the project consultant team will be collecting information about the Eagleville Brook watershed. A stakeholder's meeting has been scheduled for Tuesday, July 14, 2009 at 9 am in UConn's Young Building Room 209. A draft agenda is attached. Local participation is considered an important element in the process and all interested Town representatives and citizens are invited to attend the stakeholder's meeting and participate in this study. Participation by individuals familiar with this watershed and/or with expertise in watershed management would be very helpful. Please contact the Mansfield Planning Office if you have any questions regarding this study or the July 14<sup>th</sup> stakeholder's meeting.

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# **Eagleville Brook Impervious Surface TMDL Project**

## **Stakeholder Meeting**

July 14, 9AM

W.B Young Building, Room 209  
University of Connecticut

### ***Agenda (Draft)***

9:00 Introductions

9:15 Overview of the Project

9:30 Review of the Eagleville Brook Impervious Surface TMDL

10:00 Review of the Project: Field studies and deliverables

10:30 Break

10:45 Q & A

11:15 Future plans and needs for UConn and the Town of Mansfield

12:00 Adjourn

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# Responding to the first impervious cover-based TMDL in the nation

*A collaboration between the University of Connecticut, Connecticut Department of Environmental Protection, and  
Town of Mansfield*

## Overview

As part of their responsibilities under the Clean Water Act, the Connecticut Department of Environmental Protection (CTDEP) has developed and issued a Total Maximum Daily Load (TMDL) analysis for Eagleville Brook. The Eagleville Brook watershed is located in Mansfield, Connecticut and includes much of the University of Connecticut campus. The watershed is listed by the state as an impaired waterbody, and is included on the CTDEP Nonpoint Source Program priority list for FY08 projects. This TMDL, approved by the Environmental Protection Agency (EPA) in February 2007, is the first in the nation based not on a specific pollutant(s), but on impervious cover, a landscape indicator that integrates the many impacts of urban development.

This project seeks to support this innovative and practical approach by investigating specific methods by which the UConn and Mansfield communities can address the TMDL, and monitor progress toward the TMDL goals, through a watershed-based management plan. The objectives of this project are to: (1) create specific implementation information for use in a TMDL Water Quality Management Plan for Eagleville Brook, as the basis for a watershed-based plan that can be followed by the University of Connecticut and the Town of Mansfield; (2) identify opportunities for best practices that can be implemented in the near term, and; (3) through these processes, document a general methodology by which other regulated communities and entities can address impervious cover-based TMDLs.

## Project Goals

The goals of the proposed project are as follows:

1. To develop key information and detailed, site-specific recommendations for the University of Connecticut and the Town of Mansfield to use in development of their TMDL Water Quality Management Plans (WQMP) for the Eagleville Brook watershed.
2. To incorporate this WQMP into the context of a watershed-based plan.
3. As part of the process, to identify best stormwater practices that can be implemented immediately or in the near term, while the project is still ongoing;
4. Through this exercise, to document a general methodology by which other communities and entities can use impervious cover as a framework to develop standards, practices and regulations to protect water resources from existing and future development.
5. If feasible, to test the efficacy of the new best management practice (BMP) evaluation tool currently being developed by EPA Region One.
6. To create an effective, innovative collaboration between CTDEP and UConn that can serve as an exemplary program for the state Responsible Growth Initiative and a national example.

## Work Plan

**1. Data Collection and Mapping.** Before work on the WQMP can begin, a database on the watershed must be assembled. Because of previous projects, there is quite a lot of data already in existence, including high resolution topography data, high resolution color imagery, and planimetric

data showing impervious features and locations of storm drains and pipes. The objective is to create a highly accurate site-level map of the watershed including impervious features, land use and to the extent possible, drainage patterns.

**2. Technical Meetings on TMDL Implementation.** Project principals and partners will meet to discuss the range of opportunities for reducing the effective IC of the watershed, and for tying in this work to other initiatives and activities on campus. The goal of the meetings will be to ensure that no innovative approaches are overlooked in the development of the WQMP.

**3. Field Survey and Analysis.** The first objective of the survey will be to verify and/or correct the team's knowledge of key watershed characteristics, principally the delineation of the basin boundaries and the drainage flow and patterns. Second, the survey will identify potential sites and opportunities for impervious cover removal, reduction, disconnection and amelioration. The team will survey up to 50 sites and will summarize survey results and recommendations in a report that includes information about the type, location, approximate size, planning-level cost estimates, and maintenance issues for each recommended stormwater practice. Schematic designs will be developed for selected structural stormwater management practices (up to 10), including preliminary construction cost estimates for each facility.

**4. Educational programs for Town of Mansfield.** CLEAR's NEMO Program will work with the Mansfield Town Planner to design a series of educational programs for the town land use commissions that cover the general planning and design approaches to stormwater control, as well as the specific issues and proposed solutions for Eagleville Brook.

**5. Develop Foundation for Water Quality Management Plan and Watershed-Based Plan.** The results of Tasks 1-3 will be integrated to create a final report, with recommendations for University of Connecticut and Town of Mansfield to use in the development of the final WQMP(s) to be submitted to CTDEP. This information will also include data and strategies relevant to the required components of a watershed-based plan.

**6. Develop guidance for other communities seeking to address an IC-based TMDL.** Using the results and experience from this project, the UConn NEMO program, in consultation with the Center for Watershed Protection, will produce a brief guidebook for communities outlining recommended steps for addressing such a TMDL. The guidebook will have utility for many other communities, including those under the Stormwater Phase II program.

## **Benefits**

The Eagleville Brook TMDL sets a national precedent for environmental regulation that is based on solid research data, but also recognizes the practical aspects of local land use practices. This precedent can become a nationally applicable model, if it can be demonstrated that communities and other regulated entities can, in fact, use the framework of impervious cover to guide real progress in implementing a watershed-based plan. By providing both a specific example and a general methodology for local response to an IC-based TMDL, this project will simultaneously support CTDEP, provide much-needed assistance to Mansfield and UConn, and benefit a potentially large number of other communities.

**TOWN OF MANSFIELD  
OFFICE OF PLANNING AND DEVELOPMENT**

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GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Conservation Commission  
From: Gregory Padick, Director of Planning  
Date: 7/8/09  
Re: 7/15/09 Conservation Commission Agenda Items

**1. New IWA Referrals**

Included in the July Conservation Commission packet are new IWA referrals for re-approval of revised plans for the Birch Road bikeway, a new pool at 78 Mansfield Hollow Road and a new pond at 125 Wildwood Road. A field trip will be held on 7/14/09 at 1pm. The 7/6/09 IWA Minutes document actions on previous referrals.

**2. Windham Regional Land Use Plan Draft**

Chairman Kessel and I attended a 7/1/09 public hearing on the regional plan update. The attached 6/15/09 memo summarizes my review comments which will be formalized in a draft letter to be presented to the PZC (on 7/20/09) and Town Council (on 7/27/09) for final approval. Any comments from the Conservation Commission will be considered.

**3. Aquifer Protection Regulation Revisions**

The 6/17/09 CC minutes summarize discussion on potential aquifer regulation revisions. Upon receiving any additional feedback from the CC, I intend to draft potential revisions which will be shared with the CC before presentation to the PZC.

**4. CL&P Interstate Reliability Project**

The attached 6/23/09 letter from CL&P notes field work that will take place in association with their planned application submission.

**5. UConn Compost Facility**

No new information has been received since the last CC meeting.

**6. Ponde Place Project**

The Planning Office recently received a consultant report prepared in association with the pending application to drill wells for the subject project. I have attached the cover letter, table of contents and a portion of this report. The full report is available in the Planning Office.

**7. Natchaug River Basin Project**

No new information has been received. We are still awaiting a final report and recommendations for the next steps.

**8. 2009 Draft Update: Planning, Acquisition and Management Guidelines**

The Town Council will be reviewing and potentially approving the proposed update at their 7/13/09 meeting. The PZC has recommended approval subject to adding a sentence to incorporate a PZC/IWA opportunity to comment for any regulatory dedications that necessitate Town Council approval.

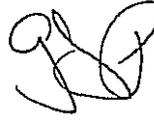
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**TOWN OF MANSFIELD**  
**OFFICE OF PLANNING AND DEVELOPMENT**

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GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission  
From: Gregory Padick, Director of Planning  
Date: June 15, 2009  
Re: Draft Windham Regional Land Use Plan 2009



As previously communicated, the Windham Regional Planning Commission is in the process of updating the 2002 Windham Region Land Use Plan. We have just been informed that the Windham Region Planning Commission will hold a public hearing on the draft Regional Land Use Plan on Wednesday July 1, 2009 in the Buchanan Auditorium of the Mansfield Public Library, 54 Warrenville Rd Mansfield Center, CT 06250 at 7:00 p.m. At this hearing, anyone may submit written or verbal testimony. Written comments will be received until August 6<sup>th</sup>, and may be addressed to WINCOG, 700 Main St., Willimantic, CT 06226. A copy of the plan is available at <http://www.wincog.org/publications.html#land> or by calling 860-456-2221.

I have reviewed the draft 2009 plan and will attend the July 1<sup>st</sup> Public Hearing. Based on my review to date, I have the following comments for consideration by the PZC.

- The 2009 draft plan is clearly written and well organized. It includes a specific vision and a listing of regional goals and land use actions. There are specific policies and recommendations for each of the six (6) land use categories utilized in the plan. Appendix A lists numerous action recommendations for consideration by municipal and regional representatives. Four (4) maps are utilized to present land use data. Of importance, the text and mapping note that the mapping should be used as a guide and that any location may contain characteristics for more than one (1) land use category.
- A two (2) page summary, dated 5/20/09, which was distributed with the draft plan, presents the major revisions from the current 2002 plan.
- My review of the text of the draft plan indicates that the stated vision, goals, policies and recommendations for regional land use actions are fully consistent with Mansfield's 2006 Conservation and Development and the State's current Conservation and Development Policies Plan. The draft plan also is considered to be consistent with the recently prepared Mansfield 2020: A Unified Vision.
- My review of the mapping indicates that the depicted land use categories generally are consistent with Mansfield's 2006 Plan of Conservation and Development and the State's Land Use Plan mapping. However, a few variations have been identified that warrant comment and further consideration. More specifically, the draft Regional Plan does not include within the Storrs Regional Center a Mansfield designated medium to high density age restricted residential classification north of Route 44 and west of Cedar Swamp Road. This area is within the planned Four Corners Sewer service area. In addition, the draft Storrs Regional Center does not include another medium to high density age restricted residential classification off of Maple Road adjacent to the nursery and rehabilitation center. This area has been identified for a potential assisted living project by a Town designated preferred developer. The draft plan also does not include land south of Puddin Lane between Freedom Green and Storrs Road or land south of Pleasant Valley Road and west of Mansfield City Road within the Willimantic Regional Center. All of these areas are considered "Planned Development Areas" in Mansfield's 2006 Plan of Conservation and Development and warrant further consideration for inclusion into regional center classification.

With the noted exception of some mapping inconsistencies, the proposed draft 2009 Windham Regional Land Use Plan text and mapping are considered to be consistent with Mansfield 2006 Plan of Conservation and Development and our recently prepared Strategic Plan: Mansfield 2020: A Unified Vision. Following the July 1, 2009 Public Hearing, I will work with Mansfield representatives to prepare a letter expressing Mansfield's comments.

Cc: Town Council, Conservation Commission, Open Space Preservation Committee

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June 23, 2009

Mr. Rudy Favretti  
Chairman, Inland/Wetlands Agency  
Audrey P. Beck Municipal Building  
4 South Eagleville Road  
Storrs-Mansfield, CT 06268

Dear Mr. Favretti:

On behalf of The Connecticut Light & Power Company (CL&P), I would like to update you on the proposed Interstate Reliability Project (the Project) and upcoming field activities planned along the Project's Proposed Route. The Project will be located on existing transmission line rights-of-way in your town. We have enclosed a package of materials, which provides information about the Project as well as other ongoing CL&P New England East-West Solution transmission line Projects.

CL&P is currently drafting an application to the Connecticut Siting Council (CSC) for a Certificate of Environmental Compatibility and Public Need for the Interstate Reliability Project. Part of the preparation of the CSC application, as well as other environmental permit applications for the Project, involve development of plans that emphasize the minimization or avoidance of adverse environmental impacts, where possible. Delineation of wetlands along the Project's Proposed Route has already been completed. However, in order to complete the CSC application, other permit applications and preliminary engineering, CL&P expects to perform archaeological field surveys, geotechnical and environmental soil sampling, constructability reviews and other field walkdowns.

Although it is CL&P's intent to minimize or avoid wetland impacts, completing these surveys in certain areas will require crossing wetlands or testing locations within wetlands. To facilitate these survey efforts, small-scale vegetation clearing work will be required along some portions of CL&P's existing right-of-way, which is proposed as the location of the Project's 345-kV transmission line. This work will include mowing and the removal of brush and other low growing vegetation to clear the way for surveyors who will conduct archaeological investigations at the proposed locations of line structures and where access roads may be widened.

Interstate Project representatives will notify landowners abutting this right-of-way regarding the upcoming survey work. Advance notification will also be made to town representatives and police departments in the affected towns. In addition, all Project representatives are required to carry proper identification and contact information should they be approached by abutting landowners with questions.

If you or your commissioners have questions regarding the Interstate Reliability Project, please call me at 860-665-4722 or Jeff Buckley, Project Manager, at 203-949-2359. Interested residents can call our NEEWS Project Hotline at 1-866-99-NEEWS (63397) or visit our website at [www.NEEWSProjects.com](http://www.NEEWSProjects.com).

Sincerely,

Tony Mele  
Project Manager - Interstate Reliability Project

*Enclosures*

cc: Matthew Hart, Town Manager of Mansfield  
Robert Dahn, Chairman - Mansfield Conservation Commission

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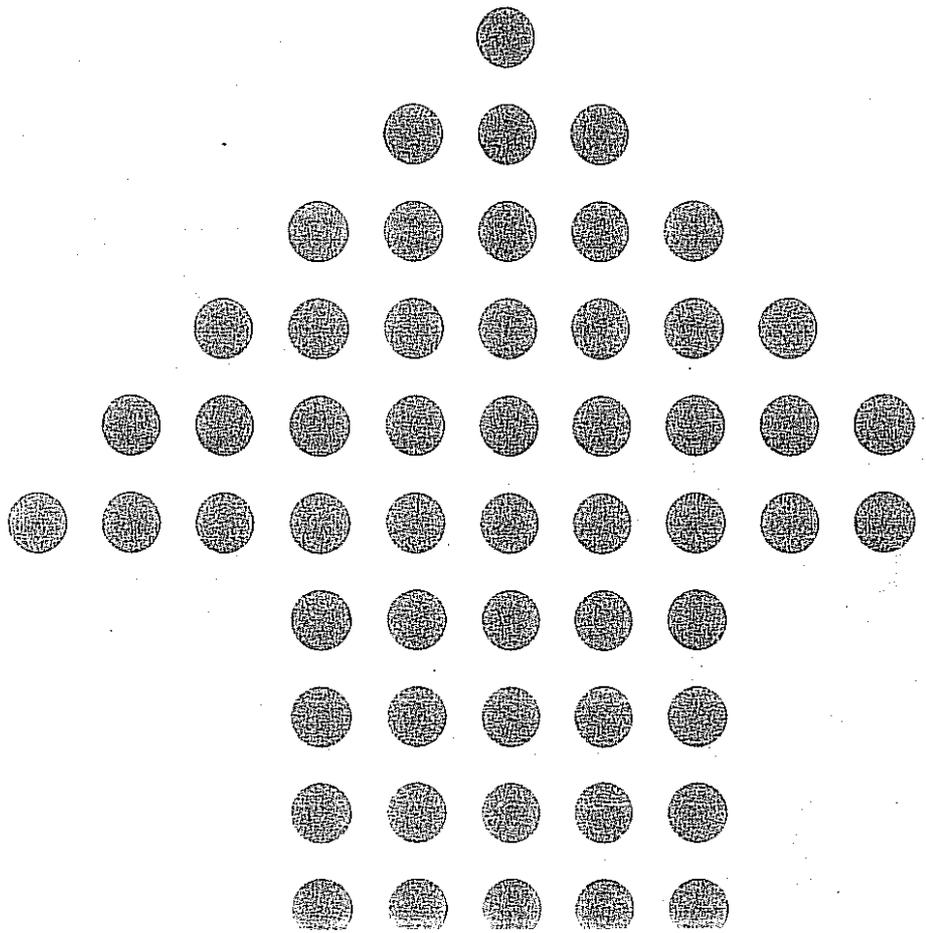
PO Box 270  
Hartford CT 06141-0270  
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WORKING TO SERVE YOU BETTER

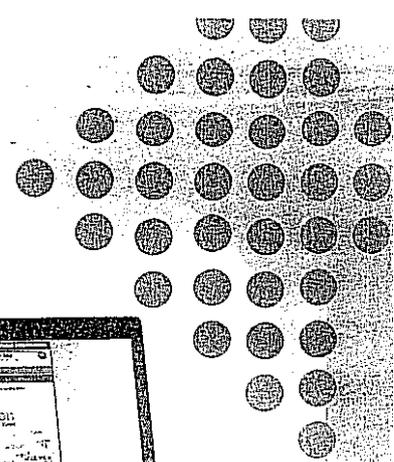


Connecticut  
Light & Power  
The Northeast Utilities System

NEEWS  
Interstate  
Reliability Project



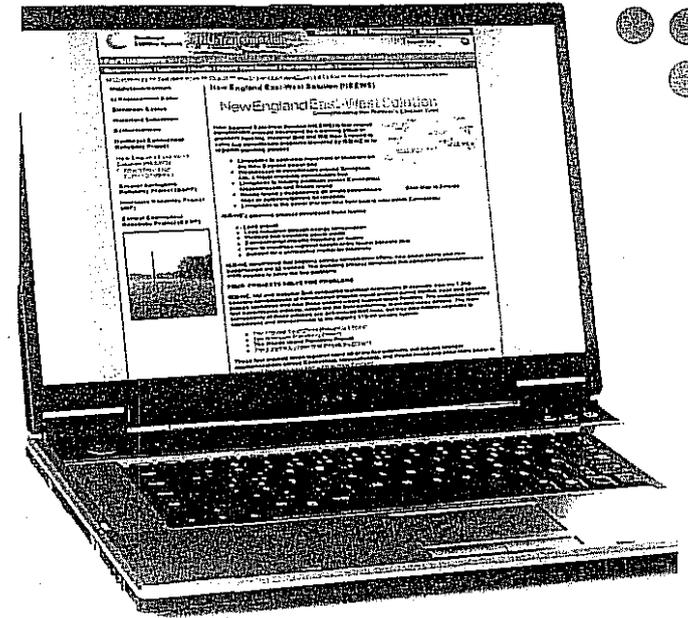
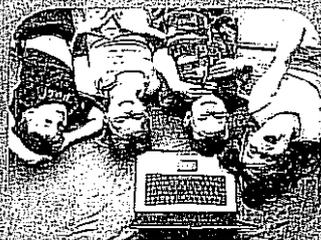
## Learn More About It



The proposed location of the new 345-kV line is shown on the map on the left. The project will span both CL&P's and National Grid's service areas. The proposed CL&P route will pass through Thompson, at the Connecticut/Rhode Island border, and traverse through Putnam, Killingly, Pomfret, Brooklyn, Hampton, Chaplin, Mansfield, Coventry and Columbia, ending in Lebanon, Connecticut.

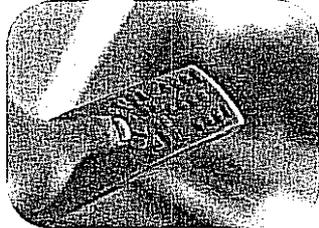
As part of the siting process, CL&P will propose to state regulators that this new transmission line in Connecticut be located in an existing electric utility right-of-way, which is currently occupied by an overhead transmission line. This will minimize cost and the impact on residents and businesses, property and the environment.

In 2008, we will reach out to neighbors living along the proposed route with the goal of getting feedback on the project. We will also prepare and file siting plans and applications. Construction is expected to begin in late 2010.



[www.NEEWSprojects.com](http://www.NEEWSprojects.com)

We want to be sure that the lines of communication are open so that we keep you informed about the project every step of the way. You can learn more about the project by calling 1.866.99NEEWS (1.866.996.3397) or by visiting [www.NEEWSprojects.com](http://www.NEEWSprojects.com). Your comments are important to us and will help us and state regulators determine the final details of the planned project.



## Everyone Benefits From Transmission Reliability

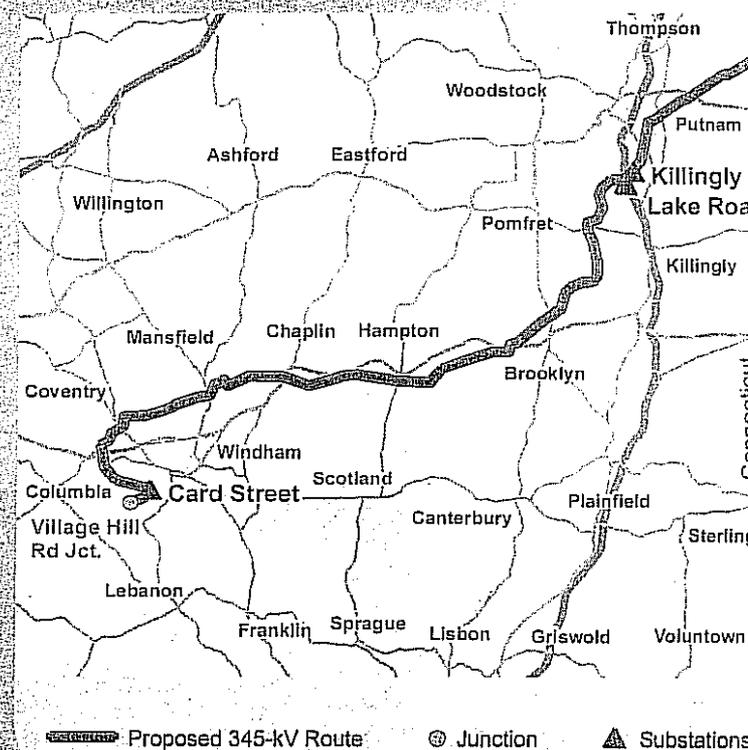
The Interstate Reliability Project provides direct reliability benefits to Connecticut electricity customers by creating another path for moving power among Connecticut, Rhode Island and Massachusetts from other New England states; and by improving east-west power flows in southern New England. Here are some additional ways that everyone benefits from transmission reliability:

- ① Reliable power makes New England more attractive to business.
- ② Robust transmission systems enhance competition in wholesale electricity markets; and the level of competition influences the prices that customers pay for electricity.
- ③ Robust transmission systems enable broader access to clean, renewable energy sources such as wind, water, solar and biomass located in northern New England.

## The Interstate Reliability Project

The proposed Interstate Reliability Project is a 345-kilovolt (kV) transmission line to strengthen the interstate transfer of electricity among Connecticut, Massachusetts and Rhode Island, and enhance the reliability of the high-voltage transmission network that serves Connecticut and the region. The project also includes new and replacement 345-kV line segments on a one-mile-long right-of-way south of Card Street Substation in Lebanon, Connecticut, along with upgrades to the substation, providing a stronger transmission connection to the rest of Connecticut.

The need for upgrades was identified in a transmission study conducted by ISO New England (ISO-NE) and follow-on studies conducted by CE&EP, National Grid and ISO-NE. ISO-NE is an independent, non-profit organization that plans and operates New England's bulk electric system, administers the region's wholesale electricity markets, and oversees regional system planning.



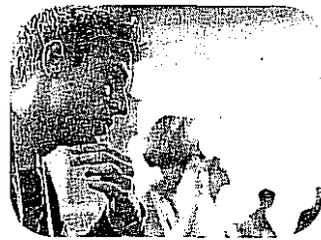


## Planning for Your Future Electric Needs

Throughout Connecticut and the rest of New England, many improvements to maintain reliable electric service are under way. Major portions of New England's transmission system were constructed in the 1960s and early 1970s. We have seen significant growth in peak electric demand in New England, stretching the capabilities of the bulk power grid. We have been actively working toward solutions that enhance the region's infrastructure and provide benefits to customers.

Increased load growth means that some paths on the transmission system need higher capacity, and now limit access to lower-cost generation. Connecticut Light & Power (CL&P) is committed to upgrading those areas to make sure power can get to you when you need it. By expanding the system's capacity now to meet growing demand, the quality and reliability of CL&P's service to the area may be assured for the future.

CL&P is working with National Grid, an electric utility serving portions of Massachusetts and Rhode Island, to propose improvements to the transmission system as part of the New England East-West Solution (NEEWS). NEEWS is a group of transmission projects designed to strengthen the reliability of the region's power grid and enhance the interstate transfer of electricity. The Interstate Reliability Project, part of NEEWS, is one piece of the region's long-term reliability solution.

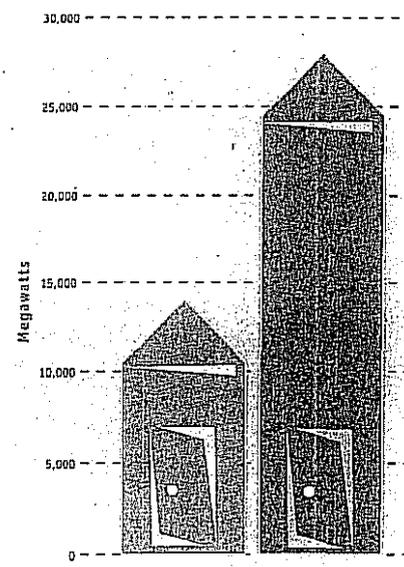


## New England's Demand for Power Continues to Climb

Electricity usage continues to rise across New England – particularly on the coldest and hottest days when demand for electricity is the highest – even though utility companies like CL&P, businesses and homeowners have worked hard to conserve electricity.

Some of this increasing demand is weather-related (for example, high air-conditioning use on 100° days), but the bulk of the increase is fueled by our growing economy and today's digital age with advanced appliances and technologies.

**New England Peak Electricity Use – an 87% Increase Since 1980**



## PROVIDING HABITATS FOR THREATENED AND ENDANGERED WILDLIFE

Shrubland provides a vital habitat to a variety of migratory songbirds and is quickly disappearing in New England. Suburban development and the natural progression of shrubland into young forest have resulted in there being less of this habitat today than in the past.

The preferred habitat for scrub-loving songbirds, transmission rights-of-way provide excellent cover and food resources, while also supporting the safe and reliable operation of electric transmission systems.

In addition to insects and a variety of animals, power line rights-of-way are important to the preservation of birds such as:

Blue-winged Warblers

Brown Thrashers

Eastern Meadowlarks

Golden-winged Warblers

Indigo Buntings

Bobolinks

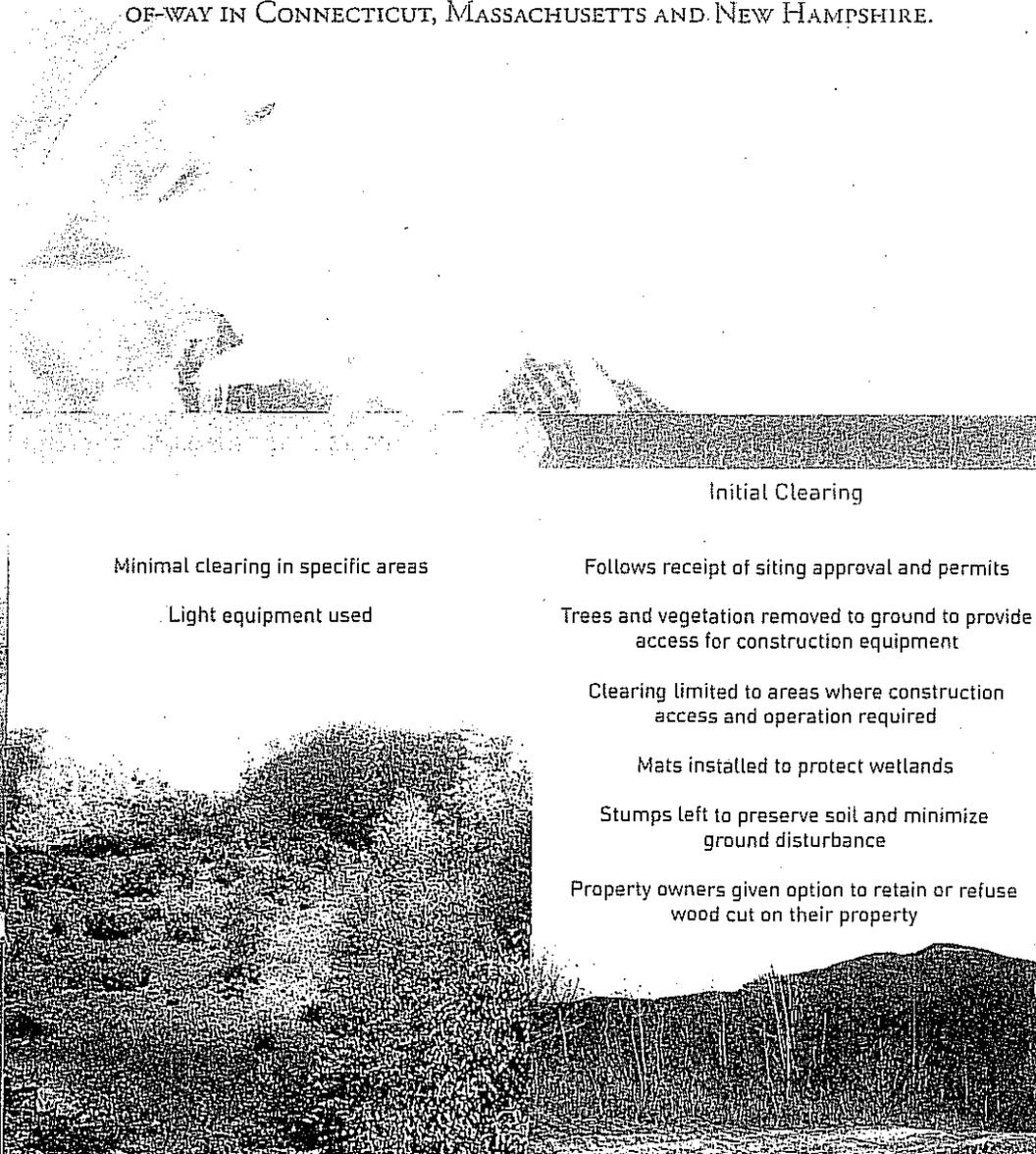
### Brown Thrasher

A large, skulking bird of thickets and hedgerows, the Brown Thrasher has one of the largest song repertoires of any North American bird. Boldly patterned, it is conspicuous when singing on its territory, but is hardly discernible during the rest of year.



## AT NORTHEAST UTILITIES,

WE TAKE ENVIRONMENTAL STEWARDSHIP VERY SERIOUSLY. IT IS OUR PRIVILEGE TO MANAGE NEARLY 1,900 MILES OF POWER LINE RIGHTS-OF-WAY IN CONNECTICUT, MASSACHUSETTS AND NEW HAMPSHIRE.



### Initial Clearing

Minimal clearing in specific areas

Light equipment used

Follows receipt of siting approval and permits

Trees and vegetation removed to ground to provide access for construction equipment

Clearing limited to areas where construction access and operation required

Mats installed to protect wetlands

Stumps left to preserve soil and minimize ground disturbance

Property owners given option to retain or refuse wood cut on their property

THE MANAGEMENT OF VEGETATION on power line rights-of-way is critical to the safe and reliable operation of our electric system.

It is so important that in 2005 Congress enacted the Energy Policy Act, which led to the mandate of stricter standards for clearances between vegetation and utility transmission lines.

In New England, the natural succession of vegetation is for grassland to grow to shrubland and then to a treed environment. When trees grow in power line rights-of-way, they can cause an outage that can affect wide geographic areas and compromise the safety and reliability of the electric system. Therefore, Northeast Utilities (NU) must manage vegetation in the power line rights-of-way to maintain what scientists call an early successional environment.

Our goal is stable, low-growing grass, shrub and wildflower communities in rights-of-way that provide the ideal situation for the safe and reliable operation of our electric system, as well as the greatest potential for wildlife habitat.

These shrubland habitats represent vital nesting, brood rearing and escape habitats for a wide range of wildlife. They are increasingly rare in the Northeast due to the conversion of farms to forest as well as development. In fact, power line rights-of-way are almost the sole remaining habitat for shrubland birds, the fastest declining group of birds.

WHEN CONSTRUCTION IS NECESSARY in a power line right-of-way, vegetation management continues to focus on sound environmental practices and the ultimate restoration of the land, while facilitating the use of equipment and the safety of the construction crews.

Clearing a corridor for construction is strictly limited. The only portions of rights-of-way that are cleared are those on which new facilities are being built, as well as access roads and staging areas.

We do not use herbicides during construction. And to preserve the soil and minimize ground disturbance, we do not remove stumps unless they are at a structure location. We install matting to preserve wetlands and improve access roads for safer work conditions. And we try to be good neighbors by keeping out the curious with retaining barriers, gates and signs.

In spite of the care we take, when initial construction clearing takes place, the change can be striking, especially when the areas being cleared were wooded. However, complete clearing in these active construction areas makes it possible to manage regrowth, encouraging species that are desirable to the stable, low-growing grass, shrub and wildflower communities that are our objective.

When construction is over, we remove the equipment, wetland mats and crushed stone used during the process. We reseed open areas and restore previously landscaped areas.

In as little as a year from the end of construction, the rights-of-way begin to spring back to life, while supporting the safe, reliable delivery of electric power.

## Construction

### Maintenance Clearing

- Some vegetation allowed to grow back
- Mow and use brush saws to allow for safe access and operation of equipment

### Finishing

- Do a final assessment of trees, removing hazards
- Control growth of invasive species that could crowd out desirable plants

## Post-construction

- Remove wetland mats and crushed stone used
- Reseed access roads and set-up areas
- Restore previously landscaped areas

Manage cleared areas, allowing native shrubs and groundcover to grow in



**Supplemental Information**  
**In Support of a Public Water System**  
**Phase 1A Application**  
**For**  
**Ponde Place**  
**Mansfield, CT**

DPUC Docket # 09-09-10  
DWS Project # 2008-0312

Prepared for:

**Ponde Place, LLC**

Prepared by:

**F. A. Hesketh & Associates, Inc**

June 19, 2009

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June 19, 2009

State of Connecticut  
Department of Public Health  
Drinking Water Section  
410 Capitol Avenue  
P.O. Box 340308  
Hartford, CT 06134

Attn: Patricia Bisacky

Re: Ponde Place, Mansfield  
Public Water Supply Application  
CPCN Docket #09-02-10  
Our File: 04161.00

Dear Ms. Bisacky:

With reference to your email dated May 8, 2009, please find attached two copies of a bound volume titled "Supplemental Information" dated June, 2009 that includes the additional information discussed during the meeting at your office and as outlined in your email. This information is provided in support of our pending Phase 1A application.

Since the meeting, our team has been busy acquiring and analyzing information we have obtained from our discussions and meetings with staff at UCONN, CT Water Co., Eastern Highlands Health District, CTDEP, USGS, and Haley & Aldrich, Inc. These discussions were initiated and information was obtained in response to the request from DPH to begin a desktop analysis of the various issues identified by DPH associated with our Phase 1A application. We have retained the firm of GZA GeoEnvironmental, Inc. to join our design team to assist in the preparation of various studies examining the potential effects of our proposed well system.

The attached report contains a Table of Contents outlining information provided in tabular format and copies of plans in four pocket appendices. Below, I have provided a summary of the various items included in our initial desktop analysis.

**Ownership/Easement Agreement with CT Water Co.:** As we have indicated in our application, the applicant and CTWater Co. have entered into a letter of understanding regarding the operation and ownership of the proposed public water system serving

Ponde Place. A copy of a letter from the water company dated November 3, 2008 is attached. It is the intent of the applicant to work in close collaboration with the CTWater Co. on the design and construction of the proposed water system which will meet the requirements from DPH and the CTWater Co. technical design specifications. The system will be owned and operated by the CTWater Co.

A draft copy of the map indicating the proposed easement area that will be established on the property to ensure sanitary control of the well field area is included in Pocket 3 of the attached Supplemental Information.

**Data on Existing Water Supplies Serving the Surrounding Area:** From discussions with staff at UCONN, Eastern Highlands Health District and the CTWater Co., we have been able to determine the source of the domestic water supply for most of the developed properties in the surrounding area. Many of the single family homes along Hunting Lodge Road have been connected to the UCONN public water system. A map illustrating the sources of water for these surrounding properties is included in Pocket 1 of the attached Supplemental Information.

**Information on the UCONN Sanitary Landfill and Chemical Pits:** From discussions with staff at UCONN, Raymond Frigon at CTDEP, USGS, and Haley & Aldrich, we have been able to acquire significant information regarding the UCONN landfill and the former chemical pits. GZA has utilized this information in its analysis as discussed below. We now have a good understanding of the closure plan and the ongoing long-term monitoring plan in place for the landfill. A map illustrating the Long term Monitoring Plan is included in Pocket 4 of the attached Supplemental Information.

**Analysis of Potential Effects of Proposed Wells on UCONN Landfill Leachate Plume:** A report prepared by GZA outlining the results of a preliminary analysis conducted for this item is included in Tab 2. The results of the GZA study indicate that while the actual cone of depression that would be created by the planned groundwater supply withdrawal from the bedrock aquifer cannot be predicted without a pumping test, it is unlikely that the proposed wells will have an effect on the leachate plume from the landfill given the parameters that are included in the study.

**Analysis of the Former UCONN Landfill on the Proposed Wells:** This item is also evaluated in the GZA report included in Tab 2. In general, the results of the GZA studies completed thus far indicate that contaminant migration from the landfill to the well field does not appear to be likely. This will be further evaluated through monitoring conducted at surrounding wells including Carriage House during the 72-hour pumping tests. At this time, we are evaluating possible locations for well monitoring during our pumping test and are focusing on the existing wells at Carriage House, 38 Meadowood

Road, 61 Northwood Road and 156 Hunting Lodge Road. These locations are shown on the map included in Pocket 4.

**Feasibility of Developing a Sufficient Groundwater Supply for Ponde Place:** The GZA report also includes an initial evaluation of the feasibility of developing the necessary groundwater supply for the proposed well system. The analysis concludes that based on the evaluation of the groundwater resources materials and data calculation, there appears to be sufficient groundwater recharge potential in the vicinity of the proposed Ponde Place well field to support the project. It should be noted that the calculations completed for the report include the projected demand from the existing nearby Carriage House well supply. An area map showing the relationship of the proposed well field area to the surrounding area is included in Pocket 2.

**Determination of Design Demand:** At this point in the initial stage of design of the proposed water system, we are using a water demand under 50,000 gpd based on an occupancy of 600 people utilizing an average of 75 gpd per person. As our review of this issue progresses, we believe we will be able to document a per capita water demand significantly less than 75 gpd since the project will be incorporating state of the art water saving appliances and water fixtures. We are currently reviewing the report prepared for UCONN titled "Water Conservation Opportunities", a copy of which is included in Tab 3.

Any site irrigation included in the final site design will be accomplished by recycling roof runoff. The final proposed design will include a water supply system and development project that does not require a Water Diversion Permit application to CTDEP.

We believe that the Supplemental Information provided addresses the desktop analysis items that we discussed at our meeting at your office, and accordingly we are requesting that approval be granted by DPH for our Phase 1A application to allow the proposed wells to be drilled for the purpose of determining quantity and initial quality testing.

During the 72-hour well testing, we will also complete monitoring at the final well locations selected in consultation with DPH, Ray Frigon at CTDEP and GZA. Should the quantity of water found be sufficient, the applicant looks forward to working with the DPH on Phase 1B and completion of the entire application process.

State of Connecticut  
Department of Public Health  
Drinking Water Section  
Patricia Bisacky  
June 19, 2009  
Page 4

If you have any questions, please feel free to contact me.

Very truly yours,

**F. A. Hesketh & Associates, Inc.**



David S. Ziaks, P.E.  
President

cc: Tony Giorgio, The Keystone Companies  
Keith Nadeau, CT Water Company  
James Vocolina, DPUC  
Gregory Padick, Mansfield Director of Planning  
Thomas Callahan, Univ. of Connecticut  
Robert Miller, Eastern Highlands Health District  
Attorney Thomas Fahey

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June 18, 2009  
File No. 44414

The Keystone Companies, LLC  
56 East Main Street, Suite 202  
Avon, CT 06001

c/o F.A. Hesketh & Associates, Inc.  
6 Creamery Brook Road  
East Granby, CT 06026

Attention: Mr. David S. Ziaks, P.E.

Dear Mr. Ziaks:

GZA GeoEnvironmental Inc (GZA) is pleased to provide our report supporting a Phase 1A water supply application to the Connecticut Department of Public Health for the proposed Ponde Place student housing project on Hunting Lodge Road in Mansfield CT. The goal of the Phase 1A process is to gain approval from DPH to permit the installation of drilled bedrock well system to allow field testing for groundwater yield, drawdown and quality as part of the process to demonstrate overall feasibility for a groundwater supply to support a withdrawal of some 45,000 –gallons per day of groundwater. The water supply well system if approved would be owned and operated by the Connecticut Water Company. The current development plans which are subject to approvals through local and state agencies would include a public sewer system for wastewater management and fire protection water supply from the public water along Hunting Lodge Road. The University operates these systems and has granted written approval for their use for the planned student housing.

GZA has prepared this report consistent with our agreement for services and our contact Terms and Conditions. The report, subject to the Limitations in Appendix A, includes our hydrogeologic table top evaluation of information related to the available groundwater resources to support the planned Ponde Place project using on-site drilled bedrock supply wells. Our report also evaluates information related to groundwater influences from the closed and capped University landfill located some 2,800 feet to the east on the opposite side of Hunting Lodge Road.

Based on the information and data reviewed, our initial evaluation indicates that groundwater recharge is available within the immediate area to support the demand for 45,000 gallons per day of groundwater associated with the proposed project, also taking into account the use of groundwater at the nearby Carriage House Apartments. The actual availability of a sufficient, clean water supply from the bedrock aquifer is dependent on many factors that require in-situ analysis as a basis for any final determination of

120 Mountain Avenue  
Bloomfield  
Connecticut  
06002  
860-286-8900  
FAX 860-243-9055  
www.gza.com



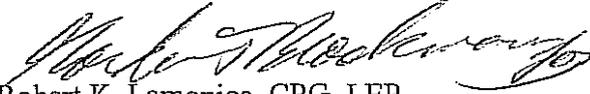
suitability, subject also to input and approvals from DPH, the Health District and the CT DEP.

We trust this information meets your current requirements. Please contact us with questions or input.

Thank you for the opportunity to help with this project.

Very truly yours

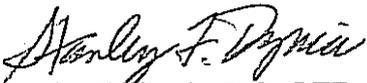
GZA GEOENVIRONMENTAL, INC.



Robert K. Lamonica, CPG, LEP  
Principal/Consultant



Gary J. Cluen, PG, LEP  
Consultant/Reviewer



Stanley F. Dynia, R.S., LEP, CPSS  
Associate Principal

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### APPENDICES

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## 1.0 INTRODUCTION

At the request of F. A. Hesketh & Associates, Inc. (FAH), GZA GeoEnvironmental, Inc. (GZA) has conducted a preliminary analysis of the feasibility of developing a groundwater supply for the proposed Ponde Place student housing development in Mansfield, Connecticut (Figure 1). The work was performed in accordance with our proposal to FAH dated May 27, 2009. The analysis has been conducted to support a Phase I-A Application for submission to the Department of Public Health (DPH). The purpose of this preliminary desk-top study, as requested by the DPH, is to:

- Determine the feasibility of developing the needed supply capacity from the bedrock aquifer for the proposed Ponde Place Student Housing project and factoring in utilization of the proposed well field on the adjacent Carriage House well water supply.
- Investigate the potential affects of the University of Connecticut landfill on the proposed water supply and, conversely, investigate the affect the use of the proposed well field may have on the leachate plume emanating from the landfill.

The analysis conducted by GZA included research of publicly available materials on the geology, hydrogeology, water use and water quality of the study area and a list of information sources is attached. In addition, GZA consulted with staff (Mr. Richard Standish) at Haley & Aldrich and we met with Mr. Raymond Frigon at the Department of Environmental Protection offices in Hartford.

This report is subject to the limitations contained in our proposal and those listed in Appendix A. A list of Information Sources is in Appendix B.

## 2.0 FEASIBILITY OF DEVELOPING A GROUNDWATER SUPPLY SUFFICIENT TO SUPPORT THE PROPOSED DEVELOPMENT

FAH has described the water needs of the project as 45,000 gallons per day (gpd) based on occupancy of 600 people utilizing an average of 75 gpd per person. We note that current studies of student water use at UCONN indicate that the water use figures per student per day are actually lower than the 75 gallons usually assigned. This is achieved with the advent of water conservation low flow fixtures and green initiatives to reduce water usage under LEED programs. For the Ponde Place project, water saving fixtures are also specified which will provide a per person demand below the 75 gallons based on figures being derived by FAH.

For our feasibility assessment the first step to determine if the bedrock aquifer can support the desired supply capacity is to determine the areal groundwater recharge that would support the planned water withdrawal.

The groundwater recharge rates to till-covered uplands in this part of Connecticut were derived from the Water Resources Inventory of Connecticut, Part 2, Shetucket River Basin, by Mendall P. Thomas et al, 1967. This study derived groundwater recharge rates by





determining the base flows of streams in the watershed over the period from 1929 to 1963. This period encompassed at least two notable drought periods. The base flow of streams is supported by groundwater runoff, and a correlation has been found between the amount of unconsolidated stratified drift glacial deposits in any particular watershed and the base flow. The higher the percentage of the watershed covered by stratified drift deposits, the higher the base flow is likely to be. The study area is an upland site that is characterized as having thick till overlying crystalline metamorphic bedrock. To develop the groundwater recharge of such a setting, Thomas et al examined the records of several stream gauging stations that measured the flow in relatively small drainage basins with no stratified drift deposits. The report concluded that the average annual recharge to the bedrock aquifer in the Shetucket River basin is approximately eight inches per year. The recharge exceeded seven years in ten is approximately seven inches per year, and the long-term minimum (drought conditions) is approximately four inches per year.

Appendix C contains the calculations of the land area it would take to support the required groundwater supply development. The analysis takes into account the existing use of the Carriage House development wells which are located to the north of the proposed well field for Ponde Place and thus we would expect that these wells will share some of the same recharge area. A per student water use of 75 gpd was used. Based on the calculation of 45,000 gallons per day from the planned Ponde Place and a use of some 14,700 gallons per day at Carriage House, we have calculated the approximate land area required to accommodate the combined water consumption, based on the average infiltration rate alone at 4,370,000 square feet, or approximately 0.16 square mile. The radius of this area would be approximately 1,180 feet. The radius of recharge contribution based on the long-term minimum groundwater recharge would be approximately 1,680 feet.

The approximate land area needed to balance the desired groundwater supply is shown graphically on Figure 2. In the absence of site-specific geologic data or a site-specific pumping test, the actual area of influence of a hypothetical well field developed in a bedrock aquifer cannot be predicted. Thus the potential area of influence has been depicted as circular. In actuality, the shape of the cone of depression that would be formed by water withdrawals in bedrock are dependent on the bedrock fracture and foliation patterns, the interconnectedness of the fractures and other significant geologic or hydrologic features.

In the study area, based on the work completed at the University of Connecticut landfill, the localized fracture orientations are generally northeast to southwest with variable fracture dip directions (Figure 3). Based on the topography and drainage patterns, the regional fracture patterns appear to be north to south and northeast to southwest. The north to south orientation was confirmed by studies tracking the contaminant plume emanating from the University of Connecticut landfill and the former chemical pits. Depending on the fractures intersected by the planned wells, it is likely that the actual cone of depression (the area in which groundwater is contributing to the yield of a well) will be elongated in a north to south direction. There is a deeply incised stream to the west of the proposed Ponde Place development (Figure 2) which could recharge the aquifer if the cone of depression reaches under this feature. If so, the cone of depression may not extend beyond

this feature to the west. Similarly, there is a small stream to the north that may act as a natural barrier to further propagation of the cone of depression in that direction. A controlled pumping test utilizing area wells for water table reaction trends will be necessary to determine the actual contributing area to the well fields.

We note that previous landfill study according to H&A and DEP included some pumping tests for the Carriage House wells to evaluate potential affects from or on the landfill groundwater plumes. Based on understanding of this testing the Carriage House well use did not indicate influences to landfill conditions.

DPH information "Source Area Assessment Report for Carriage House Apartments" is in Appendix D. The drinking water source assessment method is used to evaluate the susceptibility of a public drinking water source to potential contamination based on certain criteria including surface and groundwater source information. The ranking system developed includes low, moderate and high rankings depending on the potential risk. When this assessment was performed, the Carriage House wells were ranked as low risk to potential contamination.

### **3.0 POTENTIAL AFFECTS OF THE UNIVERSITY OF CONNECTICUT LANDFILL ON THE PROPOSED GROUNDWATER SUPPLY DEVELOPMENT**

The University of Connecticut landfill is located approximately 2,800 feet east northeast from the proposed well field (Figure 2). The geology, hydrogeology and groundwater quality in the vicinity of the landfill have been extensively studied by the United States Geological Survey (USGS) and consultants for the University. The landfill and the former chemical pits to the west of the landfill have undergone closure based on an approved Remedial Program approved by DEP which was designed to minimize against environmental or public health impacts. The closure plan implemented includes a cap over the landfill and former chemical pit areas. The soil source of concern within the former chemical pits was excavated and removed to the bedrock interface before the cap was installed thus alleviating a potential source of contaminants although groundwater in bedrock in this area was impacted by the former chemical pit use. The cap and closure limits the hydraulic load to the area thus minimizing leachate generation. The closure also included leachate interceptor trenches placed north and south of the landfill to collect leachate which is then pumped into the POTW. In addition DEP issued a Technical Impracticability Variance after concluding that the remediation of impacts to bedrock groundwater near the former chemical pits was not practical. A Long Term Monitoring Plan (LTMP) is copied in Appendix E. This LTMP incorporates environmental protection measures thru monitoring including 6 surface water locations; 5 shallow monitoring wells; 5 bedrock monitoring wells; 2 inactive domestic wells; 6 active domestic wells and 4 soil gas points. According to DEP's data for the monitoring, contaminants are not being detected in the downgradient wells.

Based on the reports there are two plumes of contaminants in the groundwater, one attributed to the landfill and a second bedrock plume attributed to impacts from the former



chemical pits. A small plume of contaminants has formed to the north of the landfill, discharging into the wetlands in that area. The more-thoroughly studied bedrock groundwater plume emanates from the west side of the landfill near the former chemical pits and migrates generally south along the north-south trending fracture system in the bedrock. Figure 4, created by the USGS, shows the groundwater flow patterns in the landfill vicinity and shows the southerly pathway that the primary contaminant plume is following. The chemical plume is generally characterized by volatile organic compounds including certain chlorinated solvents as well as benzene according to published reports. DEP indicated that the current monitoring data suggests a pullback of the plume spread.

While Figure 4 shows the dominant flow path of contaminated groundwater emanating from the landfill, there is a component of radial flow in the landfill vicinity due to the mounding of the fill material. This radial flow pattern has caused some contaminant migration in the westerly direction. Figure 5 shows the location of cross section C-C' and Figure 6 is the cross section. These figures were created by the USGS to show the conceptual localized groundwater flow paths and contaminant migration pathways near the landfill. As is shown on the cross section, there has been some migration of site-related chemical constituents to the west. The figure shows the maximum concentrations detected during the period from 1999 to 2002, so the current concentrations are probably lower. The cross section shows that the concentrations of volatile organic compounds diminish relatively quickly with distance from the landfill. Monitor well MW302R is still quite some distance from the projected cone of depression of the well field, even under the drought condition scenario.

As stated in Section 2.0, the actual cone of depression that would be created by the planned groundwater supply withdrawal from the bedrock aquifer cannot be predicted without a pumping test. However, barring an areal extensive fracture that would allow unimpeded groundwater flow, contaminant migration from the landfill to the well field does not appear to be likely based on the studies conducted to date.

#### 4.0 SUMMARY

Based on our evaluation of the groundwater resources materials (including Appendix F materials) and our data calculation, there appears to be sufficient groundwater recharge potential in the vicinity of the proposed Ponde Place well field to support the Ponde Place planned withdrawal of some 45,000 gallons per day. We have also accounted for the estimated withdrawal from Carriage House Apartments. The background information for the landfill and the present monitoring data does not indicate water quality impacts in the area of the proposed wells; however given the potential recharge area additional in situ field testing would be needed to assess for possible affects to and from the landfill groundwater conditions. However, the influence of the planned withdrawals on the hydrogeologic regime including the landfill related groundwater issues should be assessed though field testing, including conducting a 72-hour pumping test at the projected well field operating capacity. The pumping test should be conducted at a rate that would simulate the Ponde Place wells in full operation and during the test water levels should be monitored in both residential wells and landfill monitor wells so that the zone of influence

(and the zone of capture) of the well field can be accurately predicted. The potential of the proposed wells to affect conditions on the Carriage House supply would also be evaluated through field testing during the DPH Phase 1B process.

J:\Vernon\_44,000-44,499\44414 Ponde Place\Groundwater Recharge Analysis\Draft Report.doc



**DRAFT**  
**Town of Mansfield**  
**Open Space Preservation Committee**  
June 16, 2009 - minutes

Members present: Evangeline Abbott, Ken Feathers, Quentin Kessel, Steve Lowrey, Jim Morrow.

1. Meeting called to order at 7:40.
2. Minutes of the April meeting approved on motion by Feathers/Lowrey.
3. Opportunity for Public Comment: none present.
4. Old Business: V. Wetherell will report on the 06/15 Zoning and Subdivision Regulations Public Hearing at the July OSPC meeting.
5. New Business: Brief discussion of aquifer protection regulations.
6. Meeting adjourned at 8:15.

Respectfully submitted,  
Evangeline Abbott

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## DRAFT MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, July 6, 2009

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Plante, B. Pociask, B. Ryan  
Members absent: P. Kochenburger  
Alternates present: M. Beal, L. Lombard  
Alternates absent: G. Lewis  
Staff Present: Gregory Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:35 p.m. Alternate Beal was appointed to act.

#### Minutes:

6/15/09-Gardner MOVED, Plante seconded, to approve the 6/15/09 Minutes as written. MOTION PASSED UNANIMOUSLY. Pociask, Lombard and Goodwin noted that they listened to the tapes.

#### Zoning Agent's Report:

The Zoning Agent's report was noted. Hirsch stated that he visited the Hall site and that approximately 95% of the material and equipment has been removed, and that 100% compliance is expected shortly. Hirsch reported that he and the Chairman signed off on a site modification at the M. Healey property on 476 Storrs Road. Noting concern about an existing foundation hole, Gardner questioned Hirsch on the status of new construction at 454 Storrs Road. Hirsch responded that staff is working with the applicant to address this issue and other permit requirements.

Hirsch explained to the PZC that due to an oversight, the annual Live Music Special Permits were not renewed in November of 2008. After a brief discussion, Holt MOVED, Hall seconded, to extend all existing live music special permits until November 1, 2009 with all the existing approval conditions in place. MOTION PASSED UNANIMOUSLY.

#### Public Hearing

##### Application to Amend the Zoning Map and Special Permit Application for a Proposed 35 Unit Multi-Family Development, Whispering Glen, LLC, 73 Meadowbrook Lane, PZC Files #1283 and #1284

Chairman Favretti opened the continued Public Hearing at 7:41 p.m. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Plante, Pociask, Ryan and alternates Beal and Lombard. Beal was appointed to act. G. Padick, Director of Planning noted a 6-30-09 letter from the applicant requesting an extension, a 6-30-09 letter from K. Burman and a 7/2/09 memo from G. Padick, Director of Planning.

There were no comments or questions from the public or the Commission. Holt MOVED, Hall seconded, that the PZC accept the applicant's request for an additional thirty (30) day extension of the Public Hearing period for the Whispering Glen application (PZC File #1283 & 1284). Furthermore, that the Public Hearing on this application be continued until July 20, 2009. MOTION PASSED UNANIMOUSLY.

#### Public Hearing

##### Special Permit Application, Efficiency Unit, 48 Puddin Lane, P & A Veilleux owners, Spring Hill Properties applicant, File #1288

Chairman Favretti opened the Public Hearing at 7:45 p.m. Members Goodwin, Hall, Pociask and alternate Lombard disqualified themselves. Members present and acting were Favretti, Gardner, Holt, Plante, Ryan and alternate Beal. Padick read the legal notice as it appeared in the Chronicle on 6-23-09 and 6-30-09, and noted the following communications that have been distributed to all members of the Commission: a 5-28-09 email

memo from G. Havens, EHHD; a 6-19-09 memo from T. Quick, W.W.W.; and a 7-2-09 memo from G. Padick, Director of Planning.

Frank Halle, Spring Hill Properties, LLC., submitted return receipts verifying compliance with neighborhood notification requirements.

There were no questions or comments from the public. After a brief discussion, Plante MOVED, Holt seconded, to close the Public hearing at 7:32 p.m. MOTION PASSED with Holt, Plante, Beal, Ryan, Gardner, and Favretti in favor and all others disqualified.

Holt MOVED, Plante seconded, to approve with conditions the special permit application (file #1288), of Spring Hill Properties LLC, for an efficiency apartment on the Veilleux property located at 48 Puddin Lane, in an R-20 zone, as submitted to the Commission and shown on a 5/22/09 site plan, 5/12/09 floor and elevation plans and other applicant submissions, and as presented at a Public Hearing on 7/06/09.

This approval is granted because the application, as hereby approved, is considered to be in compliance with Article X, Section M, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval is granted for a one-bedroom efficiency unit in association with an existing single-family home having up to three additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from Eastern Highlands Health District and the Planning and Zoning Commission;
  2. This approval is conditioned upon continued compliance with Mansfield's zoning regulations for efficiency units, which include owner-occupancy requirements and limitations on the number of residents in an efficiency unit;
  3. This special permit shall not become valid until filed upon the Land Records by the applicant
- MOTION PASSED with Holt, Plante, Beal, Ryan, Gardner, and Favretti in favor and all others disqualified.

## **Old Business**

### **2. Gravel Permit Renewals**

#### **A. Banis property on Pleasant Valley Road File #1164**

Holt MOVED, Hall seconded, approve with conditions the special permit renewal application (file 1164) of Steven D. Banis for the removal of approximately 9,000 cubic yards of excess material from Area #3 to be used for agricultural purposes on property located at Pleasant Valley Farm, Pleasant Valley Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 6/1/05 revised through 5/18/09, accompanied by a 5/18/09 letter, and as presented at a Public Hearing on 6/15/09. This approval is granted because the application as hereby approved is considered to be in compliance with Article X, Section H, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted subject to the following conditions:

1. The applicant shall implement the suggestions and recommendations for soil and erosion control contained in a 7/12/00 letter from David Askew, District Manager of the Tolland County Soil and Water Conservation District, Inc. This work includes the stabilization of areas adjacent to watercourses, the stabilization of the largest intermittent stream channel, the phasing of land-disturbing activity to minimize periods of soil exposure and the revegetation of disturbed areas.
2. No blasting or excavation work shall take place within fifty feet of a property line. Particular care shall be taken in meeting this requirement adjacent to the Wadsworth property.
3. All work shall be conducted between 7 a.m. and 7 p.m. Monday through Friday and between 9 a.m. and 7 p.m. Saturday.
4. All blasting work shall be subject to the permitting process administered by the office of the Fire Marshal. The applicant's blasting agent shall notify the Windham Airport prior to blasting activity

pursuant to a schedule to be agreed upon by the blasting agent, Mansfield's Fire Marshal and the Windham Airport manager. In addition, the applicant shall place a temporary sign along Pleasant Valley Road at least twelve (12) hours prior to blasting activity. The sign shall note the anticipated period of blasting.

5. Based on the applicant's submissions, all material removed from site is to be trucked out of Mansfield. All trucks hauling material offsite shall use Pleasant Valley Road to Route 32 to Route 6, and all loads shall be covered during transit.
6. The site shall be maintained as follows:
  - a. There shall be no rock-processing equipment onsite;
  - b. There shall be no rock or stump burial onsite;
  - c. Onsite stockpiling shall be kept to a minimum to help prevent safety problems;
  - d. No topsoil shall be removed from the site.
  - e. The applicant shall submit bi-weekly erosion and sedimentation monitoring reports to the Zoning Agent until disturbed areas are revegetated;
7. Subject to compliance with all conditions, this permit shall be in effect until July 1, 2010;
8. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.

MOTION PASSED UNANIMOUSLY.

**B. Hall property on Old Mansfield Hollow Road File #910-2**

Holt MOVED, Hall seconded, to approve with conditions the special permit renewal application of Edward C. Hall (file 910-2) for excavating and grading on property owned by the applicant, located off Bassetts Bridge Road, as presented at a Public Hearing on 6/15/09. This renewal is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and Article X, Section H of the Mansfield Zoning Regulations. Approval is granted with the following conditions, which must be strictly adhered to, due to potential adverse neighborhood impacts. Any violation of these conditions or the Zoning Regulations may provide basis for revocation or non-renewal of this special permit.

1. No activity shall take place until this renewal of special permit is filed on the Mansfield Land Records by the applicant. This approval for special permit renewal shall apply only to the authorized Phase I area of the site. The excavation activity taking place outside of the north perimeter of the authorized Phase I area shall cease until an application is submitted to the Commission for review and consideration of action.
2. This special permit renewal shall be effective until July 1, 2010;
3. Excavation activity shall take place only in accordance with plans dated 12/1/91 and 5/9/95, as revised to 6/13/06;
4. This permit renewal acknowledges that up to 500 cubic yards of clean topsoil may be brought onto the Phase I premises. Prior to depositing any topsoil/fill, the applicant shall contact the Assistant Town Engineer and identify the source of the topsoil material. The Assistant Town Engineer shall make a determination about the suitability of the material source and may require that it be tested for contamination. Only clean topsoil shall be brought in, and it shall be spread or stockpiled solely within the Phase I area.
5. All work shall be performed by Edward C. Hall or his employees. No other subcontractors or excavators shall excavate in or haul from this site. All work shall be performed using the equipment stated on said plans and in the applicant's Statement of Use;
6. No more than 8,000 cubic yards of sand and gravel or the amount of material remaining in Phase I, whichever is less, shall be removed per year;
7. In association with any request for permit renewal, the following information shall be submitted to the Commission at least one month prior to the permit expiration date:
  - A. Updated mapping, prepared by a licensed professional engineer, depicting current contour elevations and the status of site conditions, including areas that have been revegetated;
  - B. A status report statement that includes information regarding:

- the amount of material removed in the current permit year and the estimated remaining material to be removed in the approved phase;
  - the planned timetable for future removal and restoration activity;
  - conformance or lack thereof with the specific approval conditions contained in this renewal motion.
8. Unless prior authorization has been granted by the Commission, the existing area to the south and southeast of the approved excavation phase shall be retained in its existing wooded state. This area provides a buffer between the subject excavation activity and neighboring residential uses and is deemed necessary to address neighborhood impact requirements. The buffer shall extend southerly from the approved Phase I area to the Stadler-McCarthy property and shall extend southeasterly along the Gray and Dyjak properties to Mansfield Hollow Road Extension. The southeasterly extension shall have a minimum width of 50 feet (see Article X, Section H.5.e);
  9. Topsoil:
    - A. A minimum of 4" of topsoil shall be spread, seeded and stabilized over areas where excavation has been completed;
    - B. No loam shall be removed from the property. All stockpiled loam presently on the site shall be used for restoration of the area where gravel is removed
  10. In order to ensure that dust does not leave the site, erosion and sedimentation controls and site restoration provisions as detailed in the plans shall be strictly adhered to and the following measures shall be implemented:
    - A. No more than 1.5 acres shall be exposed at any one time;
    - B. The work shall be performed as described, from north to south and west to east, occurring in a "trough";
    - C. The swale along the haul road shall be kept dust-free and maintained to trap fine material and to keep the gravel surface of the road clean;
    - D. If the above measures do not control dust on the site as evidenced by complaints from nearby residents and verification by the Zoning Agent, dust monitors shall be installed immediately, with the advice of the applicant's engineer, and with their operation approved by the PZC;
    - E. The haul road shall be watered as necessary to prevent dust;
    - F. All loads shall be covered at the loading location;
    - G. There shall be no stockpiles of any material other than topsoil located outside the excavation area. Any stockpiles will be only as part of the daily operation of the excavation and shall not exceed 10 cubic yards in size. All stockpiled material shall be graded off and stored within the lower portions of the site in order to minimize any windblown transport.
  11. In order to ensure that there is no damage to the major aquifer underlying the subject property and nearby wells, the following shall be complied with:
    - A. Excavation shall not take place within 4 feet of the water table;
    - B. Materials stored onsite shall be limited to those directly connected with the subject excavation operation or an agricultural or accessory use authorized by the Zoning Regulations. Any burial of stumps obtained from the permit premises shall be in conformance with the DEP's regulations;
    - C. With the exception of manure, which shall be spread in accordance with the letter received at the 4/6/94 PZC meeting from Joyce Meader of the Cooperative Extension Service, no pesticides or fertilizers shall be applied unless a specific application plan is approved by the PZC. All operations to restore the subject site shall employ Best Management Practices as recommended by the Natural Resources Conservation Service and State Department of Environmental Protection for the application of manure, fertilizers or pesticides and the management of animal wastes;
    - D. No refueling, maintenance or storage of equipment shall be done onsite, in order to minimize the potential for damage from accidental spills;
  12. At a minimum, the subject site shall be inspected monthly by the Zoning Agent. Said agent shall schedule quarterly site inspections and shall invite neighborhood representatives to accompany him;
  13. Old Mansfield Hollow Rd. shall be the only route used for deliveries out of the neighborhood;

14. All zoning performance standards shall be strictly adhered to;
15. Approval of this permit does not imply approval of any future phase;
16. The existing cash bond plus accumulated interest shall remain in place until the activity has ceased and the area has been stabilized and restored to the satisfaction of the PZC. Prior to filing notice of this Special Permit renewal on the Land Records, an updated bond agreement approved by the PZC Chairman with staff assistance shall be executed.;
17. Hauling operations and use of site excavation equipment shall be limited to the hours of 8 am to 5:30 p.m. Mon.-Fri., and 8 a.m. to 1 p.m. on Saturday, with no hours of operation on Sunday;
18. For one year only, from July 1, 2009 to July 1, 2010, the Planning and Zoning Commission waives the requirement of a map submission as per Condition #7A.
19. This special permit shall become valid only after it is obtained by the applicant from the Mansfield Planning Office and filed by him upon the Mansfield Land Records.

Further, it is noted that if there are any changes to the site or plan not authorized by this approval, the applicant shall request a modification before proceeding. Such a request for modification may be considered major and may entail a Public Hearing, depending on the nature of the request and its potential for impact on the health, welfare and safety of Mansfield's citizens and nearby residents.

MOTION PASSED UNANIMOUSLY.

**4. Site Modification Request for driveway and parking revisions, 1244 Storrs Rd, Storrs Associates o/a, File #888-2**

Staff reports were received from the Director of Planning, the Assistant Town Engineer and Fire Marshal. Michael Taylor, Storrs Associates, LLC., reviewed proposed changes to the driveway, parking, landscaping and walkway along the south side of Storrs Commons. Taylor stated that the intention of the proposed modification is to address an existing safety problem by adding appropriately sized and designated parking spaces that will be used by customers who make "quick stops".

After a brief discussion, Favretti noted no further comments or questions from the public or Commission. Goodwin MOVED, Pociask seconded, that the PZC Chairman and Zoning Agent be authorized to approve the modification request of Storrs Associates, LLC, for additional parking as depicted on a 5/27/09 sketch plan as prepared by the applicant, subject to the following conditions:

1. All site revisions recommended by the Assistant Town Engineer in his 7/2/09 report shall be incorporated onto final plans;
2. The field layout shall be confirmed with the Fire Marshal and Assistant Town Engineer prior to construction to confirm compliance with Mansfield's Fire Lane Ordinance and this approval.
3. This action waives sideline setback provisions for the new parking spaces, pursuant to the provisions of Article X, Section A.4.d. This waiver is based on existing site and neighborhood characteristics and the suitability of the proposed parking layout.
4. This action approves the proposed driveway width of 22 to 23 feet pursuant to Article X. Section D.7 as the proposal will help address an existing traffic safety issue.

MOTION PASSED UNANIMOUSLY.

Members also discussed a related modification request by Taylor for a patio seating area in front of the Starbucks Coffee shop at Storrs Common. After discussion Mr. Taylor agreed to revise the proposal. Hall MOVED, Pociask seconded, that the PZC authorize the Chairman and Zoning Agent to process the request as a minor modification. MOTION PASSED UNANIMOUSLY.

**Old Business**

**1. Draft Revisions to the Zoning and Subdivision Regulations File #907-31**

Padick summarized the comments received at the 6/15/09 Public Hearing. He noted that the only proposed revisions that received negative comments were the common driveway and agricultural revisions. He recommended that those two revisions be separated from the rest and re-addressed. After discussion, it was the consensus of the Commission that the Chairman work with staff to draft motions to approve all of the

proposed regulation changes except the common driveway and agricultural revisions. The Commission requested that staff arrange a meeting with the Agriculture Committee with the goal of revising the proposed revisions. Goodwin volunteered to contact the CT Department of Agriculture to inquire if they offer assistance to municipalities in writing agricultural regulations.

3. **Gravel Permit Renewal/Modification Request, Green Property, 1090 Stafford Road PZC File #1258**

Staff reports from the Director of Planning and Assistant Town Engineer were received. Goodwin MOVED, Holt seconded that the Planning and Zoning Commission schedule a Public Hearing for July 20, 2009 to hear comments on the Special Permit modification request of Karen Green for excavation activity at 1090 Stafford Road. In association with this Public Hearing, the applicant shall notify property owners within 500 feet of proposed excavation activity in accordance with Mansfield's neighborhood notification requirements. MOTION PASSED UNANIMOUSLY.

5. **Draft 2009 Windham Regional Land Use Plan**

A staff report from the Director of Planning was received. Padick updated the PZC regarding the 7/1/09 public hearing. He noted that the Conservation Commission will be discussing the draft at its 7/15/09 meeting. A draft letter will be prepared for PZC consideration on 7/20/09 and Town Council consideration on 7/27/09.

6. **2009 Draft Update: Planning Acquisition and Management Guidelines**

A staff report from the Director of Planning was received. Holt MOVED, Gardner seconded, that the Planning and Zoning Commission communicate to the Town Council that it has reviewed the draft revisions to Mansfield's "Planning, Acquisition and Management Guidelines" and recommends approval subject to the addition of the following sentence at the end of the last paragraph of Section II.A: "In such event, before acting the Town Council will provide the PZC/TWA an opportunity to comment on the subject dedication or easement. MOTION PASSED UNANIMOUSLY.

7. **Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Road and Mansfield Avenue**

Alternate Lombard disqualified himself. A staff report from the Director of Planning was received. Extensive discussion was held regarding the next step for the Industrial Park zone in southern Mansfield. It was the consensus of the PZC that a 50% Agricultural Dedication and lower density housing should be considered. Padick agreed to draft a bulleted list of potential changes for an upcoming meeting.

**New Business**

1. **Eagleville Brook Impervious Surface TMDL Project**

Padick noted a 7/14/09 stakeholder meeting at 9am. Favretti stated that he plans to attend.

**Reports of Officers and Committees:**

Favretti noted a 7/14/09 Field Trip at 1:00 p.m. There were no other reports.

**Communications and Bills:**

Noted.

**Adjournment:**

Favretti declared the meeting adjourned at 9:47 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, June 15, 2009

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin (7:05pm - 9:26pm), R. Hall, K. Holt (7:18 p.m.), P. Plante, B. Ryan  
Members absent: P. Kochenburger, B. Pociask  
Alternates present: M. Beal  
Alternates absent: G. Lewis, L. Lombard  
Staff Present: Gregory Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:05 p.m. Alternate Beal was appointed to act.

#### Minutes:

6/1/09-Hall MOVED, Gardner seconded, to approve the 6/1/09 Minutes as written. MOTION PASSED with all in favor except Ryan and Plante who disqualified themselves. Beal noted that he listened to the tapes.

6/8/09-Gardner MOVED, Hall seconded, to approve the 6/8/09 field trip minutes as written. MOTION PASSED with Gardner, Hall and Favretti in favor and all others disqualified.

#### Zoning Agent's Report:

Hirsch stated that he visited the Hall site today and most of the items seen on the 6/8/09 field trip have been removed. He added that more items were on the trailer to be taken away later that day, weather permitting. Hirsch stated that he is pleased with the progress and expects more to be done within a week.

#### Old Business:

- 1. Special Permit: Expansion of a dwelling unit, 8 Hanks Hill Rd. Block Properties, LLC, File #1272**  
Goodwin MOVED, Hall seconded, to approve with conditions the special permit application (File #1272) of Block Properties, LLC., for an expansion of an existing house located at 8 Hanks Hill Road as shown on plans dated 9-15-08, as revised to 5/30/09, as presented at Public Hearings on 5/18/09 and 6/1/09 and as described in 5/15/09 and 5/25/09 letters from the applicant and other application submissions. This approval is granted because the application as approved is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:
  - Any change in the plans, as approved, shall require review and approval of the PZC Chairman with staff assistance. Any significant change shall require PZC approval.
  - Inland Wetland Agency approval requirements shall be addressed on final plans.
  - The proposed retaining wall east of the expanded house shall be engineered and constructed in accordance with Building Code requirements.
  - To help prevent safety problems, the proposed railing system to be secured to the top of the retaining wall east of the expanded house shall be extended toward the driveway accessing the mobile home units. All segments of wall exceeding a height of thirty (30) inches shall include a railing. This requirement shall be incorporated onto the final site plan.
  - Existing trees and brush located west of the subject house shall be retained to help buffer the mobile homes located on the subject property. The final plans shall accurately depict existing trees and vegetation and all parking spaces west of the house shall be located at least five (5) feet from the existing vegetation. This required buffer shall be defined with railroad ties or other barriers acceptable to the PZC Chairman with staff assistance.

6. As labeled on the 5/30/09 site plan, all parking spaces along Hanks Hill Road shall be parallel to the road, shall be 22 x 8 feet in size and shall have a gravel or stone surface. The final plan shall eliminate any parking in front of the entry door and adjacent landscaped areas. A physical barrier, acceptable to the PZC Chairman with staff assistance shall be placed on each side of this entry area to prevent unauthorized parking. This requirement will restrict up to one (1) parking space east of the entry area. Up to four (4) additional spaces may be situated west of the entry provided the spaces do not conflict with the vegetated buffer requirements contained in condition #5. The final plans shall incorporate these parking requirements.
7. The property owner and tenants shall monitor parking patterns in the gravel/stone parking area to help encourage parking in the approved pattern. Appropriate signage, approved by the PZC Chairman with staff assistance, shall be installed to encourage approved parking patterns.
8. The final plans shall clarify that the landscape areas adjacent to the front entry shall include a landscape stone mulch finish surface similar to the larger landscape area east of the house expansion.
9. All site work, including the retaining wall and rail system, the landscape improvements and parking barriers, shall be installed prior to the issuance of a Certificate of Compliance for the house addition and shall be maintained by the property owner.
10. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.

MOTION PASSED UNANIMOUSLY.

**2. Subdivision Application, 3 lots, Wormwood Hill Rd, K. Hallock o/a, , File #1285**

Hall MOVED, Gardner seconded, to approve with conditions the subdivision application (File #1285), of Kathryn Hallock, for three lots, on property owned by the applicant, located on Wormwood Hill Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 3/20/09 as revised to 5/22/09.

This approval is granted because the application, as hereby approved, is considered to be in compliance with the Mansfield Subdivision Regulations. Approval is granted with the following conditions:

1. Final plans shall be signed and sealed by the responsible surveyor, engineer, landscape architect and soil scientist.
2. Pursuant to subdivision regulations, particularly Sections 7.5 and 7.6, this action specifically approves, subject to revisions noted below, the depicted Building Area and Development Area Envelopes and setback waivers for Lots 1, 2 and 3. Unless the Commission specifically authorizes revisions, the approved envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be specifically Noticed on the Land Records and the deeds for the subject lots. This condition also shall be incorporated onto the final plans replacing Note 10 and the first sentence of Note 11 on Sheet #2.
3. Two specimen trees along Wormwood Hill Road along the common drive for Lots 1 and 2 have been identified to be saved. No work on this common driveway shall begin until a protective barrier has been placed around the specimen trees identified to be saved and the barrier has been found acceptable to the Zoning Agent. In conjunction with the filing of final maps, Notice of this condition shall be filed on the Land Records and referenced in the deeds of the subject lots.
4. This approval accepts the applicant's proposed dedication of conservation easements as appropriate to address the open space dedication requirements of Section 13 for the subject 3-lot subdivision. Conservation easement documents shall be approved by the Director of Planning and Town Attorney and filed on the Land Records in association with final plans. The easements shall utilize the Town's model format.

5. This approval authorizes the proposed common driveway for Lots 1 and 2. A common driveway easement that addresses maintenance and liability issues, including the maintenance of depicted driveway sightlines, shall be submitted to the Planning Office for approval by the PZC Chairman, with staff assistance, and the Town Attorney. The common driveway work shall be completed or bonded in an amount and form acceptable to the PZC Chairman, with staff assistance, before the filing of the subdivision plan, pursuant to Section 7.10.e.
6. The following map revisions shall be incorporated onto final plans.
  - a. The final plans shall incorporate the Landscape Assessment notations regarding the scenic character along Wormwood Hill Road.
  - b. The depicted BAE's shall be enlarged on the subject lots to provide more flexibility for siting structures. Final BAE's shall be approved by the PZC Chairman with staff assistance.
7. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety (90) or one hundred and eighty (180) day filing extension has been granted):
  - a. All final maps, including submittal in digital format, a right-of-way deed for land along Wormwood Hill Road, a common driveway easement for Lots 1 and 2, conservation easements and a Notice on the Land Records to address conditions 2, and 3 (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;
  - b. All monumentation (including delineation of the conservation easement with Town markers every 50 to 100 feet on perimeter trees or on cedar posts) with Surveyor's Certificate, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

MOTION PASSED UNANIMOUSLY.

**Public Hearing:**

**Special Permit Application, Efficiency Unit, 19 Hillside Circle, J. Watt & A. Welch owners, B. Briggs applicant, File #1287**

Chairman Favretti opened the Public Hearing at 7:20 p.m. Hall disqualified himself. Members present were Favretti, Gardner, Goodwin, Holt, Plante, Ryan and alternate Beal who was appointed to act. Padick read the legal notice as it appeared in the Chronicle on 6/1/09 and 6/9/09, and a 6/11/09 communications from the Director of Planning.

William Briggs, applicant, presented the neighborhood notification return receipts noting 23 out of 24 were received. Briggs was asked how many residents were proposed for the unit; he answered two.

Sam Pickering, 23 Hillside Circle, questioned how many cars will be parked at the site. He also expressed concern over the growing number of houses with apartments rented to students.

Favretti noted no further comments or questions from the public or the Commission. Plante MOVED, Gardner seconded, to close the public hearing at 7:28 p.m. MOTION PASSED with all in favor except Hall who had disqualified himself.

Ryan MOVED, Holt seconded, to approve with conditions the special permit application (file #1287), of A. Welch and J. Watt, for an efficiency apartment on property located at 19 Hillside Circle, in an R-90 zone, as

submitted to the Commission and shown on site and floor plans dated 5/6/09 and other applicant submissions, and as presented at a Public Hearing on 6/15/09.

This approval is granted because the application, as hereby approved, is considered to be in compliance with Article X, Section M, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval is conditioned upon continued compliance with Mansfield's Zoning Regulations for efficiency units, which include owner-occupancy requirements and limitations on the number of residents in an efficiency unit;
  2. This Special Permit shall not become valid until filed upon the Land Records by the applicant.
- MOTION PASSED with all in favor except Hall who had disqualified himself.

### Public Hearing:

#### Draft Revisions to the Zoning and Subdivision Regulations File #907-31

Chairman Favretti opened the Public Hearing at 7:30 p.m. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Plante, Ryan and alternate Beal who was appointed to act. Padick read the legal notice as it appeared in the Chronicle on 6/1/09 and 6/9/09. Padick read into the record a 6-4-09 letter from M. Paquette, WINCOG Executive Director, and referenced the following communications received and distributed to all members of the Commission: an undated letter from F. Philip Prelli, Commissioner, CT Department of Agriculture; an undated letter from Dan Naumec; a 6-15-09 letter from Joan Nichols, Government Relations Specialist, CT Farm Bureau Association; a 6-15-09 letter from Mansfield Town Attorney, Dennis O'Brien; a 6-15-09 letter from Helen Koehn; 6-11-09 comments from Conservation Commission's 5/20/09 meeting; a 6-11-09 memo from Director of Planning; a 6-10-09 memo from Zoning Agent; a 6-10-09 memo from Fire Marshal, John Jackman; a 6-10-09 letter from Bonnie Glow, 1074 Storrs Road; 5-19-09 comments from Open Space Preservation Committee; and 5-13-09 comments from Agricultural Advisory Committee.

Padick reviewed the Commission's 4-27-09 Draft Revisions to the Zoning and Subdivision Regulations and outlined a brief history of the procedure that led up to tonight's Public Hearing. With 14 regulations changes to be brought before this hearing, Favretti asked for any questions or clarifications from the public regarding the first change: the keeping of animals.

Jim Stearns, 153 Stearns Road, asked for clarification if farms larger than 5 acres will be impacted by the changes.

Sarah Trickett wanted to know who drafted the changes and what sources of information were used.

Ed Austin, 844 Storrs Road, wondered if a property such as his, which is under 5 acres, would be in violation, or would it be considered a pre-existing, non-conforming use.

Simon Wells questioned if permits would be necessary and what the cost would be.

Ed Wazer, 259 Maple Road, expressed concern that this would be restrictive for commercial businesses.

Cynthia Chotkowski, E.O. Smith Vo-Ag Teacher, reviewed in detail the concerns she has with the legality of the regulations, qualifications of the Zoning Agent to implement the regulations, and the effect that these changes will have on students and their projects. She reviewed what she teaches as Urban Agriculture and Sound Science Practices which she does not feel these regulations support. She felt that size-requirements for shelters should be changed and that breeding rams and guinea hens should be allowed. She also felt that agriculture is exempt from wetlands regulations and that excluding the wetlands in calculating the lot size is illegal in her opinion. She requested that the PZC reconsider these regulations and work with state agencies to develop agriculturally friendly regulations.

Amy Steigel, President of the CT Horse Counsel, applauded the PZC for initiating changes and for realizing that the regulations needed to be revised; however she did not feel enough information was given to or collected by the PZC to properly address the specific needs of animals. She felt that the 100-foot setback was too onerous. She also expressed concern for the lack of training of the zoning enforcement officer to

adequately enforce these regulations. She suggested that contacting the State Department of Agriculture and the State Veterinarian would be helpful in developing these new regulations. .

Donna Naumac, 666 Browns Road, expressed in detail her concern for the limited number of small animals allowed per acre and the regulation's negative effect on youth projects. Naumac read comments from a letter she submitted to the Commission, which emphasized that rabbits are considered pets, not farm animals.

Al Cyr, Agricultural Committee of Mansfield, read from a letter he submitted, and he requested that the Animal Regulations be sent back to the Regulatory Review Committee for further study, and that the Committee should meet with the Agriculture Committee to further discuss these regulations.

Ed Wazer, 259 Maple Road, expressed concern with the five-acre provision and structure requirements. He noted that guinea hens are effective in controlling the ticks that carry Lyme disease.

Denise Berhstead, 268 Warrenville Road, stated that in these tough economical times more people are trying to conserve costs by growing (and selling) their own food and that the proposed regulations will affect this.

Barbara Cornell, North Windham Road, thanked the PZC for the time they put into revising the regulations but noted that changing the acreage size for keeping animals limits those who would like to purchase land/houses in this town, noting the cost of owning a property of that size. She does not feel that the proposed regulations promote agriculture.

Kathleen Patterson, resident of 26 Crystal Lane, expressed concern that lower income families can't afford to purchase property with the acreage proposed for agriculture.

Aren Monihan, feels five acres or more are too restrictive.

Carolyn Stearns, Mansfield City Road, stated that young people learn responsibility through agricultural projects, and they then grow to be responsible citizens in the community.

Christopher Swift, 112 Puddin Lane, expressed concern for the animal units per square feet, noting that he keeps guinea hens for tick control. He also noted as a small scale bee-keeper these provisions discourage agriculture and small scale farming.

Joan Nichols, Government Relations Specialist, CT Farm Bureau Association, stated that these regulations are not farm friendly and that the PZC should consider the comments in her letter and offered her willingness to assist with a re-write.

Amanda Dainton, 96 Mansfield City Road, is concerned with the limitations these changes put on school projects.

Carol Pellegrine, Clover Mill Road, stated that under these regulations her family would not have had the opportunity to raise the "family pets." As ZBA chairman, she feels that phrases like "similar sized" are ambiguous, making enforcement difficult. She commended the PZC on the changes to boundary lines with Towns, satellite dishes, but she requested that the regulations concerning common driveways remain as currently written.

Charlie Dainton, 96 Mansfield City Road, is concerned about the effect of these proposed regulations on youth projects, 100-foot setback-buffers, the zoning agent's training and authority, and why the PZC uses 40,000 square feet instead of a true acre. He felt that the proposed changes should include abutting land-owners combining their properties to form larger fields without setbacks.

Jeanne Allie, 31 Cedar Swamp Road, noted that she has less than two acres, raises vegetables and chickens, and has never had any complaints from neighbors.

Scott Houle, Middle Turnpike, asked about the term "animal units".

Chairman Favretti asked if there were further comments on other proposed regulations.

Charles Dainton, 96 Mansfield City Road, encouraged passage of the proposed regulation regarding storage for home occupations.

Chairman Favretti noted no further comments or questions from the public or the Commission. Plante MOVED, Gardner seconded, to close the Public Hearing at 9:35 p.m.

MOTION PASSED UNANIMOUSLY.

## **Public Hearing:**

### **Gravel Permit Renewals:**

**Chairman Favretti opened the Public Hearing at 9:40p.m. Members present were** Favretti, Gardner, Hall, Holt, Plante, Ryan and alternate Beal who was appointed to act. Padick read the legal notice as it appeared in the Chronicle on 6/1/09 and 6/9/09, and noted the following communication received and distributed to all members; a 6/10/09 report from Curt Hirsch, Zoning Agent, and a 6/11/09 report from the Assistant Town Engineer. Padick noted that the Green property was not advertised and a modification plan is expected for the 7/6/09 meeting at which time we will advertise the modification and renewal and hold a public hearing.

#### **A. Banis property on Pleasant Valley Road File #1164**

Mr. Banis updated the PZC regarding the future area of rock removal, noting that silt fence will be placed at the bottom of the slope prior to any disturbance. He noted no change in equipment. He plans to blast a 30' x 100' area requiring possibly two to three blasts. Favretti noted no further questions or comments by the public or the PZC.

#### **B. Hall property on Old Mansfield Hollow Road File #910-2**

Mr. Hall noted there had been very little activity, as stated in the report by D. Aubrey, Towne Engineering. Hirsch reminded the PZC that we waived the mapping two years in a row and eliminated water testing, therefore these reports are not required at this time. Favretti noted no further questions or comments by the public or the PZC.

Plante MOVED, Holt seconded, to close the public hearing at 9:50 p.m. MOTION PASSED UNANIMOUSLY. Holt volunteered to work on motions.

Gardner MOVED, Ryan seconded, to extend the Green Gravel Permit in its current form to the 8/3/09 meeting. MOTION PASSED UNANIMOUSLY.

## **New Business:**

### **1. Request for Approval Modification, Clark Subdivision File #1280**

Hall MOVED, Gardner seconded, that after considering the proposed subdivision layout, site and neighborhood characteristics, the characteristics of Whetten Woods and particularly its lack of frontage, the open space provisions of Section 13 (particularly subsections 13.1.4, 13.1.7 and 13.7), and the applicant's desire to retain existing agricultural uses, the PZC has determined that the required open space dedication shall be implemented in two phases as requested by the applicant. As an initial dedication, the open space parcel as depicted on submitted plans shall be deeded to Joshua's Trust in association with the filing of the subdivision. Subsequently, if and when Lot 3 is resubdivided, a second dedication shall be required. This second dedication shall add an access strip to link the Joshua's Trust property to Farrell Road. Unless an alternative width or location is specifically approved by the PZC, this access strip shall be at least 25 feet wide and shall be located between Lots 2 and 3.

The addition of lot frontage for the open space parcel will allow for an additional trail connection between Farrell Road and the existing Whetten Woods trails. Such a trail link will benefit residents of the subdivision and other neighbors along Farrell and Hanks Hill Roads. The potential dedication of lot frontage for the open space parcel has been delayed, at the request of the applicant, until such time as Lot 3 is resubdivided, in order to encourage and facilitate the applicant's desire to retain and continue into the future the existing agricultural use that has been established for many decades at this location.

The requirement for a second open space dedication if and when Lot 3 is subdivided shall be noted on the final plans. In addition, this condition shall be filed on the Land Records and any new deeds for a Lot 2 and/or 3. MOTION PASSED UNANIMOUSLY.

**Old Business:**

3. **Application to Amend the Zoning Map and Special Permit Application for a Proposed 35 Unit Multi-Family Development, Whispering Glen, LLC, 73 Meadowbrook Lane, PZC Files #1283 and #1284**  
Item tabled until 7/6/09 Continued Public Hearing.
4. **Special Permit Application, Efficiency Unit, 48 Puddin Lane, P & A Veilleux owners, Spring Hill Properties applicant, File #1288**  
Item tabled until 7/6/09 Public Hearing.
5. **Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Road and Mansfield Avenue**  
Item tabled.
6. **PZC Member Vacancy: Mansfield Community Quality of Life Committee**  
The consensus of the PZC was to report that at this time there were no PZC volunteers able to fill this vacancy.

**New Business:**

2. **Draft 2009 Windham Regional Land Use Plan**  
No action deemed necessary at this time.
3. **Request for Bond Release, Beacon Hill Subdivision, File #1214-2**  
Hall MOVED, Holt seconded, that the PZC authorizes the Director of Planning to take appropriate actions to release a \$5,000 cash bond that was posted with the Town to ensure that all landscaping and wetland plantings are in good health in the spring of 2009, for the Beacon Hill Subdivision, file #1214-2. MOTION PASSED UNANIMOUSLY.
4. **Request for Site Modification, Hillel at UConn, 54 N. Eagleville Road, File #1289**  
Gardner MOVED, Holt seconded, That the PZC Chairman and Zoning Agent be authorized to approve the modification request of Hillel at UConn for building and site improvements as depicted on a 6/3/09 site plan as prepared by Smyth Associates Architects, as described in a 6/3/09 letter from H. Zachs, subject to the following conditions:
  1. All drainage improvements shall be coordinated with the University of Connecticut Facilities Department.
  2. All building and fire code requirements shall be met.
  3. This action waives sideline setback provisions for the entry additions, pursuant to the provisions of Article X, Section A.4.d. This waiver is based on existing site and neighborhood characteristics.MOTION PASSED UNANIMOUSLY.
5. **Site Modification Request for driveway and parking revisions, 1244 Storrs Rd, Storrs Associates o/a, File #888-2**  
Tabled, to be referred to staff.
6. **8-24 Referral: Walkway and Streetscape Improvements, Storrs Rd, Town Mansfield, Applicant**  
Holt MOVED, Hall seconded, to adopt the following resolution:  
RESOLVED, that the Planning and Zoning Commission of the Town of Mansfield approves the following project pursuant to Section 8-24 of the General Statutes of Connecticut:

Walkway and streetscape improvements along the western side of Storrs Road (Connecticut Route 195) approximately from its intersection with Bolton Road to the Liberty Bank Plaza property, walkway and streetscape improvement along Flaherty Road approximately from its northern intersection with Storrs Road to its intersection with Storrs Heights Road, and related work and improvements,

provided that this resolution is for approval of conceptual plans only. Each project is subject to and shall comply with all applicable zoning, site plan, subdivision, inland wetlands and other laws, regulations and permit approvals, and this resolution shall not be a determination that any such project is in compliance with any such applicable laws, regulations or permit approvals.

Adoption of the resolution PASSED UNANIMOUSLY.

**7. 2009 Draft Update: Planning Acquisition and Management Guidelines**

Padick discussed updates and changes that are proposed to the Planning Acquisition and Management Guidelines. No action was deemed necessary at this time.

**8. 2009 Vacation Schedule**

Holt MOVED, Gardner seconded, that due to vacation schedules, the PZC cancel its August 17, 2009 Meeting. MOTION PASSED UNANIMOUSLY.

**Reports of Officers and Committees:**

None noted.

**Communications and Bills:**

Noted.

**Adjournment:**

Favretti declared the meeting adjourned at 10:15 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

**DRAFT MINUTES**  
MANSFIELD INLAND WETLANDS AGENCY  
Regular Meeting  
Monday, July 6, 2009  
Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Plante,  
B. Pociask, B. Ryan  
Members absent: P. Kochenburger  
Alternates present: M. Beal, L. Lombard  
Alternates absent: G. Lewis  
Staff present: G. Meitzler (Wetlands Agent)

Chairman Favretti called the meeting to order at 7:00 p.m. Alternate Beal was appointed to act.

**Minutes:**

6-1-09 - Hall MOVED, Gardner seconded, to approve the 6-1-09 minutes as written. MOTION PASSED with all in favor except Ryan and Plante who disqualified themselves.

6-8-09 Field Trip - Holt MOVED, Hall seconded, to approve the 6-8-09 Field Trip minutes as written. MOTION PASSED with Holt, Favretti, Gardner, Hall, and Lombard in favor and all others disqualified.

**Communications:**

The 6-17-09 Conservation Commission Draft Minutes and 7-1-09 Wetlands Agent's Monthly Business report were noted. There were no questions or comments.

**Old Business:**

**W1433- Beall & Higgins- Wormwood Hill Road-Single Family House in Buffer**

Normand Thibeault Jr., P.E., Killingly Engineering Associates, discussed the key components of the proposed single family home. He pointed out the locations of the proposed house, driveway, well and septic in relation to a small on-site wetland. Thibeault submitted for the record a copy of the Health Department approval.

After a brief discussion, Favretti noted no further comments from the Public or the Agency. Holt MOVED, Gardner seconded, to grant an Inland Wetlands License under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to J. C. Beall and Katrina Higgins (File W1433), for a single family residence with on site well and septic system, on property owned by the applicant, located on Wormwood Hill Road, as shown on a map dated May 26, 2009, revised through June 12, 2009, and as described in other application submissions.

This action is based on a finding of no anticipated significant impact on the wetlands, and is conditioned upon the following provision being met:

1. Erosion and sedimentation controls shall be in place prior to construction and maintained during construction and removed when disturbed areas are completely stabilized.

This approval is valid for a period of five years (until July 6, 2014), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED UNANIMOUSLY.

**Public Hearing Continuation:**

**W1424 - Whispering Glen Condominiums - Meadowbrook Lane**

Chairman Favretti opened the continued Public Hearing at 7:13 p.m. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Plante, Pociask, Ryan and alternates Beal and Lombard. Beal was appointed to act. Wetlands Agent Meitzler noted a 6-30-09 letter from applicant requesting an extension and a 7/2/09 memo from G. Meitzler, Wetland Agent.

Favretti noted no comments or questions from the public or the Agency. Holt MOVED, Hall seconded, that the Agency accept the applicant's request for an additional thirty (30) day extension of the Public Hearing period for the Whispering Glen application (IWA File W1424). Furthermore, that the Public Hearing on this application be continued until July 20, 2009. MOTION PASSED UNANIMOUSLY.

**New Business:**

**W1435- Bachiochi- 78 Mansfield Hollow Rd- In ground Pool**

Goodwin MOVED, Holt seconded to receive the application submitted by Peter Bachiochi (IWA File #W1435) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for the installation of an 18' x 36' in-ground swimming pool, at 78 Mansfield Hollow Road, on property owned by the applicant, as shown on a map dated 5/89, revised through 7/1/09, and as described in other application submissions, and to refer said application to the staff and Conservation Commission for review and comment. MOTION PASSED UNANIMOUSLY.

**W1436- Gaffney- 125 Wildwood Road - 90' x 30' Fire Pond**

Goodwin MOVED, Holt seconded to receive the application submitted by Peter Bachiochi (IWA File #W1435) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for the installation of an 18' x 36' in-ground swimming pool, at 78 Mansfield Hollow Road, on property owned by the applicant, as shown on a map dated 4/29/88, revised through 6/29/09, and as described in other application submissions, and to refer said application to the staff and Conservation Commission for review and comment. MOTION PASSED UNANIMOUSLY.

**W1434- Town of Mansfield- Commonfields, Storrs Road- Bird Blind**

After a brief question and answer period with the Agency, Wetland Agent and Soon Nam Choi, mother of Chan-Soo Kim, Eagle Scout Candidate, Holt MOVED, Plante seconded, to exempt the proposed installation of a bird blind at "Commonfields" on property owned by the Town of Mansfield located east of Storrs Road and south of the Old Mansfield Center Cemetery (File W1434), as shown on a map revised through 6/22/09 and as described in a 6/22/09 application with attachments prepared by Chan-Soo Kim, because the proposal is permitted as a non-regulated activity as per Section 3.4 of the Inland Wetlands and Watercourses Regulations of the Town of Mansfield. MOTION PASSED UNANIMOUSLY.

**W1218- Town of Mansfield- Birch Road Bikeway permit renewal**

Goodwin MOVED, Holt seconded to receive the application submitted by the Town of Mansfield Department of Public Works (IWA File #W1218) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for the renewal of the Birch Road Bikeway permit, located on Birch Road, on easement area owned by the applicant, as shown on a map dated 6/30/09, and as described in other application submissions, and to refer said application to the staff and Conservation Commission for review and comment. MOTION PASSED UNANIMOUSLY.

**Field Trip:** A field trip date was set for Tuesday, July 14, 2009 at 1:00 p.m.

**Reports of Officers and Committees:** None noted.

**Other Communications and Bills:** Noted.

**Adjournment:** The meeting was adjourned at 7:28 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary



*Editor's Note: Public Act 93-270, An Act Concerning the Responsibilities of Conservation Commissions, increased the role of conservation commissions by amending Section 7-131a with; "IT MAY INVENTORY NATURAL RESOURCE MANAGEMENT PLANS AND FORMULATE WATERSHED MANAGEMENT AND DROUGHT MANAGEMENT PLANS." Recognition of the importance of, and need for, watershed management planning is increasingly important as land is developed and climate change influences the frequency and intensity of storms. The following article is the first of a two-part series by Erik Mas. It is an excellent primer for conservation commissions that wish to begin the process of watershed management planning.*

## Watershed Management Planning: A Critical Step for Protecting and Restoring Water Resources

by Erik Mas, Kristine Baker, and Philip Moreschi, Fuss & O'Neill, Inc.

For the past two decades, watershed organizations and federal and state agencies have been moving toward a watershed approach to manage water resources. A watershed approach is a flexible framework for managing water resource quality and quantity within a specific drainage area or watershed. This approach includes stakeholder involvement and management actions supported by sound science.

The watershed planning process consists of a series of cooperative, iterative steps to characterize existing conditions, identify and prioritize problems, define management objectives, develop protection or restoration strategies, and implement and adapt

selected actions as necessary. The outcome of this process is documented in a watershed plan, also referred to as a "watershed management plan" or a "watershed based plan", which is essentially a blueprint of how to best protect and improve the

water quality and other natural resources in a watershed.

### What is Watershed Management?

*The Connecticut Department of Environmental Protection defines watershed management as "the process of implementing land use practices and water management practices to protect and improve the quality of the water and other natural resources within a watershed by managing the use of those land and water resources in a comprehensive manner."*

### Why Is Watershed Management Important?

All activities that occur within a watershed, ranging

from new land development, to agricultural activities, to everyday lawn care practices, can affect a watershed's natural resources and water quality.

Runoff from point and nonpoint sources can contribute significant amounts of pollution into our waterbodies. Watershed management helps protect and restore water resources and other natural resources in the watershed by identifying the types of pollution and pollution sources present in the watershed, the degraded or impaired habitats and recommending ways to reduce or eliminate those pollution sources and habitat impairments.

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Darcy Winther DEP Liaison



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*Editor's Note: The Council on Environmental Quality's 2008 annual report on the condition of Connecticut's environment is now available as an internet publication only. In previous years, the Council published a paper version as well as a web version. The web version offers far more to the reader because it links to source material and supplemental information. It can be found at [www.ct.gov/ceq/AnnualReport](http://www.ct.gov/ceq/AnnualReport).*

## CONNECTICUT'S ENVIRONMENT IN 2008: MANY CLEAR IMPROVEMENTS; SOME NEW STRATEGIES NEEDED

Connecticut residents are reaping massive dividends from the creation and steady enforcement of state and federal regulatory programs. However, in contrast to many very positive trends, the state is lagging in programs such as land conservation that require public investment, and new approaches are needed. These were the messages in the Council on Environmental Quality's annual environmental status report delivered to Governor M. Jodi Rell.

The annual report, *Environmental Quality in Connecticut*, is a paperless web publication. The CEQ is required by law to submit this comprehensive summary of the state's progress in protecting and improving the state's air, water, land and wildlife.

The Council uses a set of about 30 environmental indicators to track the State's yearly progress. This year it added one to its stock of leading indicators: the number of Connecticut households that purchase "green" electricity, which has been rising steadily. In general, the leading indicators, which help to predict future environmental conditions, were mixed, but energy efficiency by households and businesses showed significant gains.

The Council also added an indicator showing the rising temperature of Long Island Sound under the heading "Does the Sound Have a Fever?" Rising surface temperatures are believed by scientists to be very much related to the decline of the lobster population and summertime water quality.

For more information, contact Karl Wagener, Executive Director. Telephone: 860-424-4000; Email: [karl.wagener@ct.gov](mailto:karl.wagener@ct.gov).



Most watersheds extend over political boundaries, often involving multiple communities and sometimes even multiple states, which often have different visions and priorities for the use of the resources. Watershed planning is also important because it results in a partnership among the affected parties in the watershed. It provides a framework for protecting and restoring natural resources in a collaborative and efficient way, especially during times when financial resources are limited.

### Why Develop a Watershed-Based Plan?

Developing a comprehensive watershed based plan is critical to the success of your watershed management efforts, particularly for restoring polluted or otherwise impaired waterbodies. An impaired waterbody is a river, stream, lake, estuary, or bay that does not meet state water quality criteria to support a particular use such as swimming, fishing, or drinking. The Connecticut Department of Environmental Protection (DEP) maintains a list of impaired waters in the State of Connecticut, with the ultimate goal of reducing or removing the impairments. Developing and implementing a

watershed based plan is the preferred approach for restoring impaired waterbodies and protecting threatened waterbodies.

In 2003, the U.S. Environmental Protection Agency (EPA) issued guidelines promoting the use of Section 319 funding for developing and implementing watershed based plans to restore impaired waters and

protect unimpaired waters. The EPA guidelines describe Nine Elements that must be addressed in a watershed based plan to qualify for funding under Section 319 of the Clean Water Act. The Connecticut DEP recommends that all watershed management plans for impaired or threatened basins include all nine elements of a watershed based plan to ensure eligibility for 319 funding. Other federal grant programs that fund watershed implementation projects also require or encourage developing an approved watershed based plan that follows the EPA Nine Elements.

Currently, there are only several approved watershed based plans in Connecticut that follow the EPA Nine Elements.

### Nine Elements of an EPA-Approved Watershed Based Plan

1. **Impairment:** Identification of causes of impairment and pollutant sources or groups of similar sources that need to be controlled to achieve load reductions and other goals identified in the watershed plan.
2. **Load Reduction:** An estimate of the load reductions expected from management measures. Several models have been developed for estimating load reductions. Modeling can be simple or complex, depending on the application.
3. **Management Measures:** A description of the management measures that will need to be implemented to achieve load reductions, and a description of the critical areas in which those measures will be needed to implement this plan.
4. **Technical and Financial Assistance:** Estimate of the amounts of technical and financial assistance needed, associated costs, and/or the sources and individuals that will be relied upon to implement the plan.
5. **Public Information and Education:** An information and education component used to enhance public understanding of the project and encourage their early and continued participation in selecting, designing, and implementing the nonpoint source management measures that will be implemented.
6. **Schedule:** A reasonable, expeditious schedule for implementing the nonpoint source management measures identified in the plan.
7. **Milestones:** A description of interim measurable milestones for determining whether nonpoint source management measures or other control actions are being implemented.
8. **Performance:** A set of criteria that can be used to determine whether loading reductions are being achieved over time and substantial progress is being made toward attaining water quality standards.
9. **Monitoring:** A monitoring component to evaluate the effectiveness of the implementation efforts over time.

Many watershed management plans were developed before EPA and DEP adopted the current guidance for watershed based plans. If the existing plans do not address the Nine Elements, they can still provide a valuable framework for producing an updated, comprehensive plan.

### Steps for Developing a Watershed Based Plan

Developing a watershed based plan that meets all nine of the EPA's required elements typically involves the following major tasks:

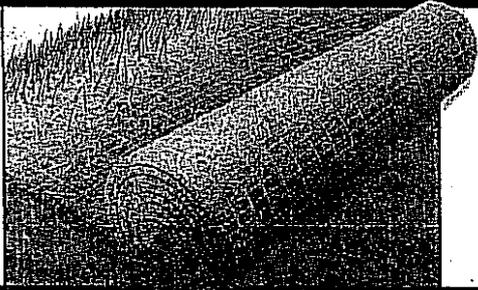
1. Assessing baseline and potential future watershed conditions,
2. Reviewing land use regulations in the watershed,
3. Field inventories of stream corridors and upland areas in the watershed,
4. Identifying watershed management goals, objectives, and potential management strategies to address watershed issues,
5. Developing watershed-wide, targeted, and site-specific management recommendations.

Fuss & O'Neill and the Friends of the Hockanum River Linear Park, in conjunction with the Town of Vernon, the North Central Conservation District, Rivers Alliance of Connecticut, the Hockanum River Watershed Association, and the Belding Wildlife Management Area, recently completed a comprehensive watershed management plan incorporating the EPA Nine Elements for the Tankerhoosen River watershed located within the Hockanum River watershed in north-central Connecticut.



*The upper Tankerhoosen River is a cold water stream supporting self-sustaining native trout populations that rank among the best of their kind in the state.*

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The Tankerhoosen River has long been recognized as an important natural resource and a key inland watershed critical to the health of Long Island Sound. The high water quality in the upper regions of the Tankerhoosen River sustains a significant natural resource of the State of Connecticut – the Belding Wild Trout Management Area, one of only two Class I wild trout areas east of the Connecticut River. Development pressure in the upper reaches and declining water quality in the lower reaches of the Tankerhoosen River underscored the need for a comprehensive, scientifically-based watershed management plan to address these issues.

*The second part of this two-part series will appear in the Summer 09 issue of The Habitat. It will describe some key steps in developing an EPA-approved watershed based plan, using the Tankerhoosen River Watershed Management Plan as a recent example.*



# Grass Roots Effort Receives Big Response

## Windham County's Conservation Commission Consortium

by Kimberly Kelly

October of 2008 marked the first meeting of the Windham County Conservation Commission Consortium at the UCONN Cooperative Extension Center in Brooklyn, CT. The brainchild of Wayne Kilpatrick, Chairman of the Hampton Conservation Commission, this idea has proved to be an exciting new approach to regional conservation concerns.

Wayne Kilpatrick developed this idea and communicated with some key conservation figures in Eastern CT, including Holly Drinkuth of The Nature Conservancy and the Green Valley Institute. His concerns over some of the recent developments such as the proposed ash landfill in Franklin and the new CL&P transmission lines directed him to look to a regional collaborative approach. He thought that this approach would provide for a more unified response. Recognizing that the small towns of Windham County sometimes lack the political clout needed to adequately respond to these types of issues, he proposed the idea of a consortium composed of all 15

towns and any surrounding towns that would like to participate in Eastern CT.

A preliminary survey was sent out to all the Conservation Commissions in the County to identify some common or unique issues, and their thoughts of what the collaborative effort should or could accomplish. The original idea was to hold an informal annual meeting and then meet whenever or as often as needed. Initial potential benefits were identified as:

- Increased political clout in responding to environmental issues in Windham County
- Shared information relative to specific environmental issues and experiences
- Inventory of high value environmental resources & other related conservation information to be developed.

The response was impressive, with 14 of the 15 towns represented at the first meeting in October. There was a brief agenda and 2 presentations: The Green Valley Institute and CACIWC. Collectively the attendees had many years of experience and the discussion was more constructive and informative than we had hoped for. As a result of the meeting, region-wide goals were identified and prioritized. These include:

- Regional co-occurring resource inventory map, identifying contiguous parcels across town boundaries
- Regional Large Landowner options workshop
- Annual meeting with land trusts
- Region-wide subdivision review checklist

One of the surprises of the evening was the request to hold more frequent meetings and to maintain the informal structure of the group. To this date there have been three meetings and all 15 towns have participated as well as three additional towns in Eastern CT. Presentations, such as The Borderlands Project, all uniquely related to the regions challenges and experiences have been very well received.

The most exciting result of this effort is to see the willingness and desire of the towns to work together as a regional group and identify regional priorities. As we face the many challenges of town planning and conservation this type of regional collaborative effort is a model that may be a successful approach to both town and regional issues. 

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## Consideration of Wildlife by Wetlands Agencies — Five Years Later —

In the October, 2003 the Connecticut Supreme Court issued its decision in AvalonBay Communities, Inc. v. Inland Wetlands Commission, 266 Conn. 150 (2003), in which it concluded that the inland wetlands and watercourses act “protects the physical characteristics of wetlands and watercourses and not the wildlife, including wetlands obligate species, or biodiversity.”<sup>1</sup> In a footnote the Court provided for consideration of wildlife in exceptional cases: “There may be an extreme case where a loss of or negative impact on a wildlife species might have a negative consequential effect on the physical characteristics of a wetland or watercourse . . .”<sup>2</sup> Hot off the press, this decision was subject of a workshop at the November 2003 CACIWC annual meeting. The reactions of wetlands agency members in attendance ranged from shock to frustration to anger – until that decision wildlife was

a common topic included in reports from applicants submitted to agencies around the state.

The legislature responded promptly in the 2004 legislative session to the discontent in the environmental and regulatory community with a bill reflecting a compromise between the Connecticut Homebuilders Association and a consortium of environmental organizations, including CACIWC. I’ve heard some folks debate that the new law codifies (affirms) the Supreme Court’s decision while others say, the law restores wildlife to an agency’s jurisdiction. Who’s right? Well, they both are. Five years after the passage of the law it’s time to reflect on those legislative changes. Have you incorporated those changes into your standard operating procedure?

*Wildlife, continued on page 7*

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*Wildlife, continued from page 6*

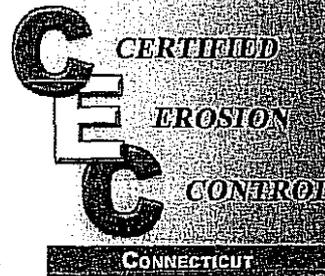
To begin, the legislature added two provisions to General Statutes § 22a-41. Section 22a-41 gives direction to the DEP and agencies on how to carry out their duties under the wetlands law including "regulating, licensing and enforcing" the wetlands act. In other words, it applies to all of the duties. The legislature established that: "(1) 'wetlands or watercourses' includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) 'habitats' means areas or environments in which an organism or biological population normally lives or occurs." General Statutes § 22a-41 (c). This subsection clearly reverses the holding in first AvalonBay quotation above. The legislature restored the jurisdiction of the DEP and wetlands commissions to consider wildlife and habitats, in carrying out their duties.

However, the legislature placed significant restrictions on wetlands agencies but not on DEP, when reviewing applications for regulated activities occurring outside of wetlands and watercourses. "A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses." General Statutes § 22a-41 (d). This subsection codifies the Supreme Court's decision for activities occurring in the upland review area or outside the upland review area.

To implement this provision of the law:

- Check where the regulated activity will occur.
- If it is in a wetland or watercourse, you may consider the impact on wildlife and deny or place conditions on the application solely based on the adverse impact to "aquatic, plant or animal life."
- If the regulated activity is in the upland review area or beyond, and the proposed activities will likely impact or affect the physical characteristics of wetlands or watercourses, you may deny or place conditions on the application based on the impact on "aquatic, plant or animal life."
- If the regulated activity is in the upland review area or beyond, and the proposed activities will NOT likely impact or affect the physical

*Wildlife, continued on page 8*



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characteristics of wetlands or watercourses, you may NOT deny or place conditions on the application based on the impact on "aquatic, plant or animal life."

Do your agency regulations include these changes in law? I was appearing before a wetlands agency this spring that was inquiring about impact on vernal pools when no activity was proposed for the vernal pool. In looking at the agency regulations, I discovered that they had not been amended since 2001. This change in law is not intuitive – you will need to amend your regulations in order to have the correct wording before you. The 2006 DEP Model Regulations include these changes at § 10.5 [General Statutes § 22a-41 (c)] and § 10.6 [General Statutes § 22a-41 (d)].

The debate now focuses on what a physical characteristic is. Surely, sediment that finds its way into a wetland affects the physical characteristic of that wetland. Activity in the upland review area that changes the temperature of the watercourse, such as removal of a vegetated canopy which allows the sun to heat up the watercourse is a physical characteristic. (Reminder: do you have expert evidence to "connect

the dots" between the removal of the canopy and the change in water temperature?).

Your authority to consider the impacts on wildlife from a regulated activity has not changed when the proposed regulated activity occurs in the wetlands or watercourse. Outside of wetlands or watercourses, you have had to consider a series of questions, before you could deny an application based on impact to wildlife or even impose a condition in a permit. If you are reading this article, reflecting on your agency's standard operating procedure which already incorporates all of these changes, and wondering why other agencies are having trouble, congratulations! For any other agencies, check to make sure your regulations are current, and develop a checklist of when you can consider impacts to wildlife.

Attorney Janet P. Brooks practices law in Middletown at D'Aquila & Brooks, LLC.

(Endnotes)

1 AvalonBay Communities, Inc. v. Inland Wetlands Commission, 266 Conn. 150, 163 (2003).

2 AvalonBay Communities, Inc. v. Inland Wetlands Commission, 266 Conn. 150, 163 n.19 (2003).



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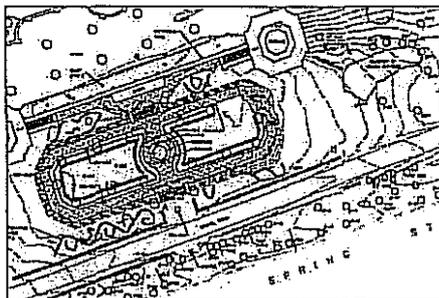
# Read Between the Lines: Not All Maps Are Created Equal

By Jeffrey J. Stefanik, L.S.  
Director of Land Surveying, CME

## OK, So You Have a Map...

Many commissions review maps and plans as part of their function for a variety of purposes. Everyone charged with this task must bear in mind that these documents are not necessarily created equal and are often subject to varying degrees of accuracy dependant upon the source of the information and the manner in which it is executed.

There are essentially two types of property maps used in the State of Connecticut, and



in very simple and broad terms they are:  
1) A2 maps in which the boundaries and physical features depicted are certified to a high degree of accuracy based on the mathematical precision required; and  
2) Class D maps which can be based on compiled data from many sources.

All maps indicating precise boundary lines must be certified by a licensed Land Surveyor adhering to A2 standards. Maps depicting existing contours should be certified by a Land Surveyor and proposed contours by a Professional Engineer.

Any maps depicting set back buffer dimensions to a property line or physical feature that lacks the signature, endorsement and embossed seal of a Land Surveyor must be considered of dubious quality. Documents of this nature should be deemed insufficient for compliance with Town regulations.

The Department of Consumer Protection and the Connecticut Association of Land Surveyors (CALS) published the Minimum Standards for Surveys and Maps in 1996 and they can be reviewed by visiting Sec.20-300B-1 of the State of Connecticut General Statutes and also by visiting the CALS web site at [www.ctsurveyor.com](http://www.ctsurveyor.com).



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# A Stormwater Runoff Solution

by Jim Langlois, Executive Director of the Connecticut Concrete Promotion Council

**P**rotecting the environment by controlling runoff and pollutants is one of the biggest challenges we face. According to the EPA (US Environmental Protection Agency) runoff can deposit as much as 90% pollutants into our waterways and rivers. To address this, the EPA established stringent guidelines requiring state and local governments to reduce and implement stormwater runoff measures to improve water quality.

Pervious concrete was found to be an effective solution for meeting the EPA requirement and in 1999 the EPA recommended pervious concrete among the Best Management Practices (BMPs) for the management of stormwater runoff. (<http://www.epa.gov>). Moreover, the Green Building Council's Leadership in Energy & Environmental Design (LEED®) offers project credit for the effective use of pervious concrete in building. LEED® is a highly regarded national standard rating system established by the United States Green Building Council (USGBC) for projects meeting a specific sustainability goal.

Concrete is not new to the world scene. It has been used for building and road construction for centuries. Although pervious concrete has been around since 1852 and used in Europe since WWII, only in the last twenty years did it gain awareness in the United States and most recently prominence for its unique ability to reduce stormwater runoff, mitigate pollutants, protect rivers and streams, and replenish water tables and aquifers. Today, a growing number of professionals are embracing pervious concrete as a natural, durable, economical, and LID (Low impact development), environmental friendly pavement option for building roadways, parking lots, sidewalks, walkways, driveways, patios, decks, greenhouses, plazas, nature trails and a variety of applications.

## The Success is in the Mix and the Mixer

Pervious concrete's effectiveness lies in its open-cell structure which allows rainwater or melted snow to drain and filter through to the underlying soil. It is comprised of a carefully controlled mix of stone aggregate, cement, water, little to no sand, and admixtures. The end result is a concrete based mixture that coats the coarse aggregate particles and resembles Rice Krispies® after placement. Often referred to as porous, permeable, or no fines concrete; pervious contains little or no fine materials. Instead it has voids that encourage filtration. Pervious is specified by unit weight and voids which are predetermined to meet load bearing needs.

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*Pervious concrete was found to be an effective solution for meeting the EPA requirement and in 1999 the EPA recommend pervious concrete among the Best Management Practices (BMPs) for the management of stormwater runoff.*

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Pervious typically can run between 2500 and 3500 PSI with a 15-25% voids structure. A density test is presently being used and ASTM (American Society of Testing Methods) is in the process of packaging pervious testing practices. Density is dependent upon properties and proportions of materials used and compaction procedures.

As with any construction or building project and as noted by industry experts, proper installation and appropriate maintenance are essential to ensuring long term effectiveness. Therefore, it is important to work with a reputable, qualified installer backed by a company that has an understanding of the material and can advise you on the proper maintenance for long lasting results. A skilled designer and qualified installer will take into consideration conditions such as adjacent landscaping, slope of land if surface is not level, rainfall specific to the location, storage capacity, permeability requirements, and infiltration rate. Guidance for selecting appropriate rate for infiltration can be found in texts and Soil Surveys published by the Natural Resources Conservation Service (<http://soils.usda.gov/>).

*Pervious, continued on page 10*

Pervious, continued from page 9

Overall, pervious concrete pavements function well with little or no maintenance. Possible clogging of void structures from accumulation of leaves, rocks, and other debris from surrounding landscape should be addressed during design and site preparation stage. Periodic vacuum sweeping, power blowing and pressure washing of pavement are recommended maintenance measures for any debris removal on surface.

### Advantages Over Other Materials



One of the phrases often used to describe the benefits of pervious concrete is "When it Rains, it Drains." This phrase underscores pervious concrete's value over other building materials. It's success in reducing stormwater runoff and subsidiary containment costs have been highly acclaimed. Moreover when rain or snow converge on a pervious pavement, they pass directly through the

system into the ground where pollutants are further

mitigated by natural microbial growth. Additional benefits cited include ability to:

- Replenish water tables and aquifers by stemming the loss of rainwater.
- Decrease the need and costs for constructing large detention ponds and expensive irrigation systems.
- Curtail flash flooding and pooling of standing water.
- Mitigate surface pollutants.
- Allow for more efficient approach to land development.
- Reduce the heat island effect by absorbing less heat than darker pavements.
- Less impact on wildlife habitats.
- Permit air and water to reach tree and plant roots in a paved environment.
- Provide beautiful design selections.

### Studies and Demonstrations

Successful performances in diverse climates and terrain have been documented throughout the country. Most impressive is the 2007 University of New Hampshire video of a research project <http://www.pervious-pavement.org> illustrating pervious concrete's ability to absorb 300 inches of rain per hour and rapidly drain pouring water.

Pervious, continued on page 11

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Pervious, continued from page 10

Another comparison study of two nearby parking lots demonstrates pervious concrete's remarkable ability to deal with wet and slick parking lots.

topped by the pervious concrete pavement. The pervious concrete is then smoothed with a roller screed and joints are cut with a finned roller and then covered with plastic and cured for a minimum of seven days.

A cross section of pervious concrete pavement surface and subbase which is placed on top of subgrade is shown in the accompanying graphic. Detailed engineering specs can be found by visiting <http://www.perviouspavement.org/engineering%20properties.htm>.

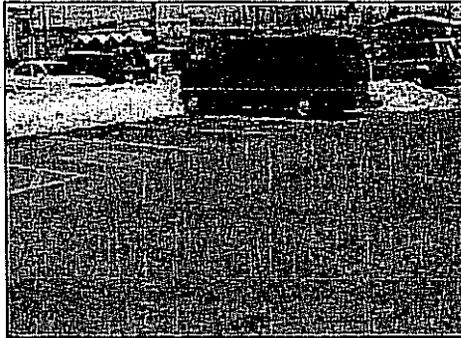
Pervious concrete offers a universe of creative and striking design options as illustrated in the photo below taken at the All Access Park Bettman Nature Preserve in Cincinnati, OH.

Environment conscious consumers and dedicated green minded builders, architects, planners, and municipal and state leaders are discover-

### Asphalt



### Pervious Concrete



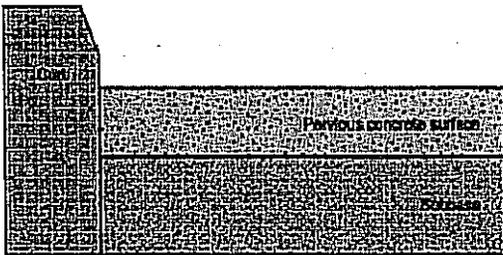
#### Comparison of Post-Snowstorm Pavement Surfaces in Denver, CO.

Taken within minutes of each other, these photos of two supermarket parking lots located directly across the street demonstrate the advantages of pervious concrete. Both lots were plowed in the morning following an overnight snow storm. The air circulating beneath the pervious concrete accelerates the melting of remaining snow and allows the melt water to drain immediately. Besides providing a safe and tidy surface during the day, the totally dry pervious pavement greatly reduces the risks associated with refreezing of puddles as the temperature drops later.

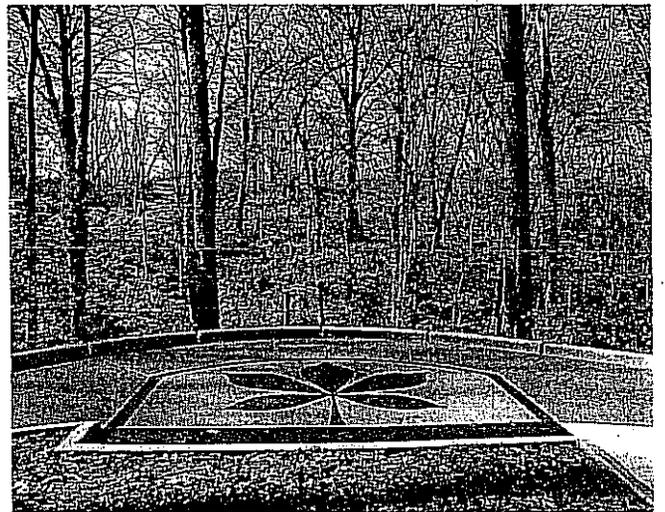
### Placement and Process and Qualifications are Key

The placement and curing of pervious concrete is done on site. Prior to installation, a percolation test is taken of the soil type. The preparation and installation process involves the laying of an entire hydrological

system which includes the soil which is the subgrade, covered with a non woven geotextile



fabric, followed by a subbase of crushed stone, and



ing myriad possibilities and solutions pervious concrete offers for environmentally sensitive construction, beautiful design and ease of maintenance.

The Connecticut Concrete Promotion Council (CCPC) of the Connecticut Ready Mixed Concrete Association is located in Wethersfield, Connecticut. You may contact Executive Director Jim Langlois at 860.529.6855 or email [jlangois@ctconstruction.org](mailto:jlangois@ctconstruction.org). For detailed information, data, demonstration, guidelines on maintenance procedures, and questions and answers, visit the National Ready Mixed Concrete Association website at [nrmca.org](http://nrmca.org).



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# Does the Application Before Your Town's Inland Wetlands and Watercourse Commission Require a U. S. Army Corps of Engineers' Permit?

STATUS OF THE DEPARTMENT OF THE ARMY PROGRAMMATIC GENERAL PERMIT IN CONNECTICUT

by Cori Rose, Senior Project Manager, U.S. Army Corps of Engineers  
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Federal regulation<sup>1</sup> requires that any person, firm, or agency (including federal, state, and local government bodies) planning to work in navigable waters of the United States (WOUS), or intending to discharge fill material in WOUS (including wetlands) first obtain a permit from the U.S. Army Corps of Engineers (Corps). In Connecticut, Nationwide Permits were revoked and the first State Programmatic General Permit (SPGP) established in 1985. The intent of the SPGP is to avoid duplication of effort with the state regulating body(s). The permit is re-evaluated every five years for its efficiency and effectiveness, as well as compliance with the National Environmental Policy Act (NEPA), Corps public interest review factors,<sup>2</sup> and impact analysis per Subpart F of the Clean Water Act 404(b) (1) Guidelines.<sup>3</sup>

Subject to certain exclusions and conditions, the SPGP eliminates, under a non-reporting category, the need for detailed review and Corps approval for most minor non-controversial work. Activities that are consistent with the SPGP terms and that impact less than 5,000 square feet (SF) of waters and wetlands are eligible, provided they are regulated by the municipality under the Connecticut Inland Wetlands and Watercourses Act, the State of Connecticut (Department of Environmental Protection, Department of Agriculture), or governing Tribal bodies within boundaries of an Indian Reservation. The categories of activities eligible for authorization under the SPGP are formulated such that projects authorized by this permit will have minimal individual and cumulative adverse environmental impact. In all cases, the Corps retains discretionary authority to require review of any activity under Category II, or as an individual permit, based on concerns for the aquatic environment or for any other factor of the public interest.

The most recent revision of the SPGP was issued on May 31, 2006 and included substantive changes in

the *Definition of Categories* over the previous permit (May 22, 2001), as well as clarification of eligibility requirements. A few of the larger modifications and more common questions pertaining to this permit are highlighted below.

## **Temporary Fill – What constitutes temporary fill and does it count toward a calculation of the 5,000 SF threshold and, therefore, eligibility under the permit?**

For the purposes of the SPGP, temporary fill in WOUS is interpreted to include the placement of "swamp/timber mats," clean granular or stone fill, non-structural cofferdams (sandbags, geotubes, gabion cages, etc.) or any other mechanism (wood chips, for example) that effectively increases the elevation of the bottom of a WOUS. All of the temporary means identified above contribute to the threshold for eligibility under the SPGP non-reporting category. One nuance of this category often overlooked by a project proponent in CT is that a permit from the Corps is still required in the event that a wetland area exceeding 5,000 SF needs to be temporarily traversed for access to an upland development area, even in the absence of any permanent fill. In addition, failure to properly support or distribute the weight of heavy

*Corp, continued on page 13*

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equipment over wetland soils (e.g. the absence of mats or equipment with ground pressure  $\geq 3$  feet per square inch) can, and often does, constitute a regulated discharge that requires a Corps permit.

**Secondary Effects – How will I know if the secondary impact of a project with direct fill < 5,000 SF will exceed the eligibility threshold or have greater than minimal impact on WOUS?**

Secondary effects on an aquatic resource for the purposes of the SPGP are those impacts that are induced by, or recognizably related to, the regulated discharge of fill from a single and complete project.<sup>iii,4</sup> They are later in time or farther removed in distance, but are still reasonably foreseeable.<sup>5</sup> All components of a project with regulated fill are treated together as constituting one single and complete project (planned phases of a multi-phased project), unless the Corps determines that a component has independent utility. Secondary impact activities are not otherwise regulated by the Corps without the discharge of fill from a single and complete project. Some secondary impacts of a proposal are relatively easy to discern, such as the cutting of trees or removal

of vegetation above the ground surface within a wetland (for example golf course play-over areas) or the dewatering of a pond for the purposes of sediment removal. Following are some examples of scenarios with reasonably foreseeable secondary effects on an aquatic ecosystem that might be less obvious:

- fluctuating water levels in a nearby water or wetland as a result of a poorly designed stormwater retention system
- surface runoff from a development where the treatment facilities and/or the width of the vegetated buffer between the aquatic resource and the project is inadequate for, or inconsistent with, the site's topographical setting (the steeper the setting, the wider the buffer)
- the presence and foreseeable release of a leachate or surface runoff with reasonable likelihood of altering the physical, chemical, or biological components of the aquatic environment (golf course, agricultural field, country club, athletic field, salvage yard, industrial treatment facility, DPW, automotive repair center etc.) or impinging upon the ability of the resource to meet its designated uses
- impoundment of water behind an undersized culvert
- excavation occurring as part of a single and complete project that is in close proximity to a wetland and at an appropriate elevation (e.g. cut) to function as a drain or diversion of surface water or shallow subsurface groundwater
- snow storage from an industrial or commercial facility with either an outlet to a WOUS or a configuration with reasonable likelihood of overland runoff
- proposed fill of a hydrologically isolated wetland (for example, a vernal pool or kettle hole pond) as part of a single and complete project with some amount of regulated fill in WOUS



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Although the above list is not intended to be all-inclusive, it does begin to set the stage for the types of scenarios to be on the look-out for when considering the feasibility of secondary impacts to aquatic resources.

**Vernal Pools – Can the Corps regulate vernal pools or the upland habitat surrounding them?**

Although some apparently, hydrologically distinct vernal pools can still be regulated by the Corps through the presence of vernal swales between

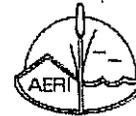
wetlands, the upland habitat surrounding them cannot. Wording within the current SPGP prohibits the non-reporting eligibility of any project with direct or secondary impact to "Special Wetlands," the category of which includes vernal pools. Not all vernal pools are subject to the jurisdiction of the Corps, but all are subject to Connecticut Water Quality Standards (CWQS). In those instances where a single and complete project with fill in a jurisdictional area will impact a vernal pool, its eligibility under Category I is suspended. Following a case-by-case review of the pool's jurisdiction, the Corps will determine whether secondary impacts to the aquatic resource from work within 500 feet of the vernal pool has been minimized to the greatest extent practicable and whether the activity complies with the eligibility criteria under Category I, or if additional review and interagency coordination for compliance with CWQS is required under Category II. Secondary impacts to a vernal pool may occur as a direct result of upland modification (loss of canopy cover, creation of migratory barriers) or as a result of land-use (water quality or quantity). Where the Corps concludes that mitigation is warranted to sustain the purpose of the Clean Water Act (i.e., restore and maintain the chemical, physical and biological integrity of the aquatic environment), the project will be reviewed under Category II. Compensatory mitigation may also be required to offset any direct and/or secondary adverse impacts to a non-jurisdictional vernal pool where the impact is directly related to a permit action for a single and complete project within the Corps permit review area.

Finally, the most obvious additions to the May 31, 2006 SPGP include the addition of stream crossing guidelines for roadways and driveways; conditional waiver of the one acre threshold for maintenance of water depths within a pond or lake, restoration or enhancement projects administered or sponsored by federal or state agencies, and the 5,000 SF threshold for replacement of utility projects. Projects with detention or retention of stormwater in a WOUS, fill in a FEMA established floodway, or fill within a FEMA established floodplain that would result in an increase in flood water surface elevation, flood flow velocity or a restriction of flood flow conveyance (impacts either upstream or downstream) are excluded from eligibility under either Category I or II of the SPGP. These activities need to be reviewed under the individual permit process and require an individual 401 Water Quality Certification from CT DEP.

The CT PGP and supporting documentation as well as other pertinent regulatory guidance can be obtained at the Army Corps of Engineers, New England District Website located at [www.nae.usace.army.mil/reg/index.htm](http://www.nae.usace.army.mil/reg/index.htm).

(Endnotes)

- 1 Department of the Army, Title 33, Code of Federal Regulations (CFR), Parts 320 through 330
- 2 Department of the Army, 33 CFR 320.4(a)(1) and (2)
- 3 USEPA, 40 CFR Part 230
- 4 CT SPGP, issuance date May 31, 2006.
- 5 Council on Environmental Quality, 40 CFR Part 1500 et seq.; NEPA, 42 U.S.C. 4321-4347.



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## Resources

### Conservation Buffer Publications

*Conservation Buffers: Design Guidelines for Buffers, Corridors and Greenways*  
National Agroforestry Center, 2008.

The document was produced by Gary Bentrup, a Forest Service Landscape Architect. His research, covering over 1400 scientific papers, is synthesized into easily understood design guidelines.

You can view, download as a pdf and order the free document at the Buffer Guidelines website - [www.bufferguidelines.net](http://www.bufferguidelines.net) The references can also be downloaded as a pdf document.

#### *Planners Guide to Wetland Buffers for Local Governments*

Environmental Law Institute, March 2008  
[http://www.elistore.org/Data/products/d18\\_01.pdf](http://www.elistore.org/Data/products/d18_01.pdf)

#### *Coastal Riparian Buffer Analysis*

A study by the UConn Center for Land Use Education and Research (CLEAR)

A public summary (highly recommended), interactive map (ditto), and extensive data tables (not recommended for the faint of heart) are posted on the project website at: [http://clear.uconn.edu/projects/riparian\\_buffer/riparian\\_buffer.html](http://clear.uconn.edu/projects/riparian_buffer/riparian_buffer.html). The direct link to the public summary is: [http://clear.uconn.edu/projects/riparian\\_buffer/results/CLEAR\\_Summary\\_021508.pdf](http://clear.uconn.edu/projects/riparian_buffer/results/CLEAR_Summary_021508.pdf)

### Websites

#### *Watershed Forestry Resource Guide Website*

The website, launched by the Center for Watershed Protection, serves as a central source for resources related to forests and watersheds, including fact sheets, slideshows, training exercises and other tools, as well as links to research papers, reports and relevant websites. Launched in cooperation with the USDA Forest Service - Northeastern Area, with supplemental funding from The Home Depot Foundation, the URL for the site is <http://www.forestsforwatersheds.org/>



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Please share this information with your commissioners. If issues arise accessing the site or viewing the video, contact Darcy Winther, Wetlands Management Section, Inland Water Resources Division, CT DEP. Phone: 860-424-3063, fax: 860-424-4075, email: [darcy.winther@ct.gov](mailto:darcy.winther@ct.gov).

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