

AGENDA

Mansfield Conservation Commission
Wednesday, August 19, 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. July 15, 2009
5. **New Business**
 - a. IWA Referrals:
 - W1437 - B'Nai Brith (Hillel)- North Eagleville Rd- driveway, parking & yard work
 - W1436- Gaffney- 125 Wildwood Road –yard grading work
(alternative to previously proposed fire pond)
 - b. Request for support for 2009 Recreational Trails Program Grant
 - c. Other
6. **Continuing Business** (see 8/11/09 memo from Director of Planning)
 - a. 2009 Windham Regional Land Use Plan
 - b. Protecting Mansfield's Aquifers
 - c. CL&P "Interstate Reliability Project"
 - d. Proposed UConn Composting Facility
 - e. Ponde Place Student Housing Project
 - f. Natchaug River Basin project
 - g. 2009 Draft Update: Planning Acquisition and Management Guidelines
 - h. Northeast Regional Management Area Water Supply Forum on 7/14/09
(Meeting notes from Town Council member Koehn)
 - i. Eagleville Brook Impervious Surface TMDL Project
 - j. Other
7. **Communications**
 - a. Minutes
 - Open Space (7/21/09-no meeting held)
 - PZC (7/20/09 and 8/3/09)
 - IWA (7/20/09 and 8/3/09)
 - b. 7/31/09 letter from R. Miller UConn Dir. Off. of Environmental Policy RE: UConn landfill closure progress report
 - c. 7/27/09 Citation/Appeal of IWA approval of Beall/Higgins proposed residential development on Wormwood Hill Rd
 - d. Other Correspondence
8. **Other**
9. **Future Agendas**
10. **Adjournment**

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Town of Mansfield
CONSERVATION COMMISSION
Meeting of 15 July 2009
Conference B, Beck Building
(DRAFT) MINUTES

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

1. The meeting was called to order at 7:30p by Chair Quentin Kessel.
2. The draft minutes of the 17 June 09 meeting, with minor amendments by Kessel, were approved.
3. **IWA referrals.** Lehmann & Stevenson participated in the IWA field trip on Bastille Day; Lehmann's report is attached.

a. **W1435 (Bachioli, 78 Mansfield Hollow Rd.)** The applicant proposes to replace an above-ground swimming pool with an in-ground pool of approximately the same size in the same location. After brief discussion, the Commission agreed unanimously to the following **motion** (Trainor, Stevenson):

The Conservation Commission expects no significant wetlands impact from this project as long as excavated material is removed from the site and standard erosion controls are in place during construction.

b. **W1218 (Birch Rd. Pike Path)** This is a renewal application, the original permit having expired while the Town sought funding for the project, which would connect the bike paths along Hunting Lodge Rd. and Rte. 44. Manna from heaven has now arrived in the form of federal economic stimulus funds, but in an amount that requires downsizing: the path will be narrowed to 8 ft and moved closer to Birch Rd. In consequence, its footprint in wetlands (c. 0.1 acre, mostly near Hunting Lodge Rd.) will be half of what it would have been under the original design, according to Meitzler. Moving the path to the N. side of Birch Rd. would not significantly reduce wetlands impact and would compromise safety, since cyclists would have to cross Birch Rd. at two points. Silander having noted that erosion controls employed on the portion of the Hunting Lodge Rd. bike path now under construction are ineffective (fans of sediment can be seen in wetlands along the route), the Commission unanimously agreed to the following **motion** (Stevenson, Trainor):

The Conservation commission is pleased that revisions of the original design for this project have reduced its impact on wetlands, but hopes that more care will be taken to control erosion during construction than is evident on the southern portion of the Hunting Lodge Rd. bike path; it suggests that the project be scheduled so that construction occurs during dry season.

c. **W1436 (Gaffney, 125 Wildwood Rd.)** The applicant proposes to convert a small swampy area along the brook just N. of Wildwood Rd. into a shallow pond; the area lies wholly within a conservation easement held by the IWA. Silander observed that a shallow pond here can be expected to silt-in within a relatively short period of time. Lehmann worried that allowing such a conversion (apparently for landscaping) would set a bad

precedent, since the conservation easement is designed to protect the values of the area “in its present state as a natural and undisturbed area.” After some discussion, the Commission unanimously agreed on the following comment (**motion:** Silander, Stevenson):

This project would have a significant impact on the functionality of the present wetland and might have significant downstream effects. The Conservation Commission also fears that allowing conversion of an area protected by a conservation easement for reasons unrelated to conservation would set a bad precedent.

4. NE Region Management Area Water Supply Forum. Kessel attended this meeting on 14 July 09. The state Department of Public Health hopes to convene a water utility coordinating committee (WUCC) for the region to “... coordinate the planning of public water supply systems” in the area. The committee would aim to divvy up the region among suppliers and to organize a back-up system for failures (so that someone is prepared to step in to provide water, should the supply to some group of consumers break down).

5. Eagleville Brook TMDL Project. This DEP project aims to improve water quality in the Eagleville Brook watershed, primarily by controlling sediment. A meeting was held on 14 July 09 to brief stakeholders about it.

6. 2009 Windham Region Land Use Plan. This is an update of the Windham Council of Governments 2002 Regional Land Use Plan. Kessel attended a public hearing concerning it on 01 July. Town Planner Greg Padick has drafted comments for consideration by the PZC; written comments on the plan will be received until 06 August. The Commission unanimously agreed to the following **motion** (Kessel, Trainor):

The Mansfield Conservation Commission endorses, with one exception, the comments on the “Draft Windham Region Land Use Plan 2009” in the June 15, 2009 letter from Greg Padick, Director of Planning, to the Mansfield Planning and Zoning Commission.

The exception is as follows: the Windham Region Land Use Plan designates a small portion of southern Mansfield as a “High Priority Preservation Area,” whereas in Mansfield’s Plan of Conservation and Development much of this same area is designated for development (e.g., a portion is zoned as an industrial park). The Conservation Commission values the Windham Region Plan’s methodology to prioritize preservation areas (Appendix B), which takes into account data from Mansfield’s Plan. Much of this area is prime farmland, beneath which is one of Mansfield’s major aquifers. It is a Class I viewshed bordered by one of Mansfield’s officially designated Scenic Roads. There seems to be a stream running through it that is designated as a flood hazard zone.

For these reasons, the Mansfield Conservation Commission urges the Town of Mansfield to accept the Windham Region Plan’s designation of “High Priority Preservation Area” for this portion of Mansfield.

A copy of this portion of the minutes is to be forwarded to the Director of Planning, the Mansfield Planning and Zoning Commission, and the Mansfield Town Council.

7. Aquifer protection. The Commission remains convinced that more should be done to protect Mansfield’s stratified drift aquifers from contamination, as insurance against the loss of other sources of drinking water and because it is a lot easier to keep contaminants out of ground water than it is to remove contaminants from it. Accordingly, it recommends the following additions to Mansfield’s Zoning Regulations (**motion:** Kessel, Trainor; adopted unanimously):

1. Article 5, Section A, Sub-section 2, Paragraph 2, sentence 1 (p.20): insert “and

representatives of appropriate land-use committees” after “Town Planner”.

2. Article 5, Section A, Sub-section 2, Paragraph 2, sentence 3 (p.20): insert “and/or areas within 500 feet of a stratified drift aquifer” after “areas within 150 feet of inland wetlands or watercourses”. {500 feet is the number used by the DEP to protect community wells, the “source water protection area.”}

3. Article 5, Section A, Sub-section 2, Paragraph 2, sentence 4 (p.20): expand “Inland Wetland approvals” to read “Inland Wetland and aquifer approvals”.

4. Article 5, Section A, Sub-section 3, Item b, sentence 3 (p.21): expand the first occurrence of “regulated areas” to read “regulated wetland or stratified drift aquifer areas”.

5. Article 5, Section A, Sub-section 3, Item d.10, (p.22): insert “stratified drift” before “aquifers”.

6. Article 5, Section A, Sub-section 3, Item g, sentence 2 (p.23): expand “watershed and flooding data” to read “aquifer, watershed, and flooding data”.

7. Article 5, Section A, Sub-section 5, Item d (p.24): expand “for water supply ...” to read “for aquifer protection, water supply ...”.

8. Article 5, Section B, Sub-section 2, sentence 3 (p.27): insert “wetland or aquifer” between “regulated” and “areas”.

9. Article 6, Section B, Sub-section 4, item m, sentence 1 (p.37): replace “within identified aquifers” with “within 500 feet of identified stratified drift aquifers”.

10. Article 5, Section B, Sub-section 4, item m (p.37): add to the end of the paragraph “Any use otherwise permitted within a zoning district which may discharge hazardous material into ground water is prohibited.” {Similar language appears in the Town of Ridgefield’s zoning regulations.}

Stevenson wondered if enough attention was being given to protecting surface water in Mansfield, citing the Beall-Higgins lot (W 1433), which sits between and above two ponds, as an example of a lot which, in her view, is unsuitable for building. However, disapproving this lot would require a considerably more stringent wetland protection regime, which would be difficult to achieve in Mansfield, in part because it is not clear that more stringent rules are required to protect inland wetlands.

8. The meeting **adjourned** at 9:23p. Next meeting: 7:30p, Wednesday, 19 August 09.

Scott Lehmann, Secretary
16 July 09

Attachment: Report on 14 July 09 IWA field trip.

{1. GREEN PROPERTY, Rte. 32, PZC 1258. FYI only, not a referral to CC. The applicant is proposing to excavate gravel – assuming it’s there – from a pasture on the E. side of the highway and S. of the farmhouse. The area will then be leveled for a cornfield. The site is hidden from Rte. 32 by a hill; a huge oak nearby will supposedly be unaffected.}

2. BIRCH RD BIKEWAY, IWA 1218. The Town is asking for a renewal of the wetlands permit for this project, the original one having expired. Its design has also been revised: federal stimulus funds will be used and the amount available is only about 2/3 of what the original project would cost. The path’s width has been reduced from 10 ft. to 8 ft, and its routing shifted closer to Birch Rd. In consequence, impact on wetlands should be lessened. The path will run along the S. side of Birch Rd., connecting existing paths along Hunting Lodge Rd. and Rte. 44. The affected wetlands are at both ends: at the Hunting Lodge end, some fill will be needed in

wetlands to create a roadbed for the bike path along the present edge of the road; the Rte. 44 end, I believe, involves no work in wetlands (the existing path along Rte. 44 crosses this wetland now).

3. GAFFNEY PROPERTY, 125 Wildwood Rd., IWA 1436. The applicant wants to convert a small reach of brook just off Wildwood Rd. (N. side) into a pond; the affected area is largely open (skunk cabbage, with a few trees). However, the area in question is within a conservation easement held by the Town, the covenants of which specify (among other things) that "...there shall be no

...

4. ... excavating... or change in the topography of the land in any manner,

...

6. alteration or manipulation of the ground surface, whether it be natural watercourses, swamp, shore, marsh, or other water bodies ...

...

at any location, whatsoever, on the Protected Property, without prior express written consent of the Grantee [= IWA]"

While the IWA *can*, legally, give such consent – if you have a property right, you can generally waive it – doing so doesn't strike me as a good idea. Since the easement speaks of the "ecological, scientific, educational and aesthetic value [of the Protected Property] in *its present state as a natural and undisturbed area*" (my emphasis), it seems to me that the proposed conversion should be permitted only if there is a very good reason for it, and the application gives no reason whatever. As in the case of the White Oak Condo septic easement in Dunhamtown Forest, I also worry about creating a bad precedent.

4. BACHIOCHI PROPERTY, 78 Mansfield Hollow Rd., IWA 1435. The applicant proposes to replace an above-ground pool in the back yard with an in-ground pool; the area lies on a flat terrace that drops steeply to the river below the dam. According to him, the pool company will remove the excavated material (rather than dumping it over the edge of the terrace). I don't see a problem if indeed this is the case (and standard erosion controls are employed during construction).

Scott Lehmann, 15 July 09

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 # W143
Fee Paid 155 - 149th paid
Official Date of Receipt 8.05.09

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 BNAI BRITH (HILLET) FOUNDATION - ATT Henry W ZACH

Mailing Address 40 WOODLAND ST

Hartford, CT, 06105 Zip 06105

Telephone-Home 860.306.2287 Telephone-Business 860.727-5702

Title and Brief Description of Project

Location of Project 54 North Eagleville Rd

Intended Start Date 5 YEARS, CT.

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

Name BNAI BRITH (HILLET) FOUNDATION OF CONN.

Mailing Address L

Zip _____
GARY WOLF MANAGE CELL -
Telephone-Home 561-3053419 Telephone-Business 429-9007

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

Signature  date 7/29/09

Applicant's interest in the land: (if other than owner) - Agent for owner
Bd. MEMBER.

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.)

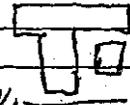
Please include a description of all activity or construction or disturbance:

- 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

Request Approval for Handicapped Parking Space - and Paved Entrance to this space including Van Accessible and Striped Requirements

In addition, Request to Remove Stumps from all Rear Yard in order to provide Grass Area.

Patio to be built on stone base next to building

Sidewalk - East side of property as shown.  - patio 200 ft. approximately

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.

200 x 150 ft - approximately 500-1000 cubic yards
Estimated.
"0" zero in wetlands

3) Describe the type of materials you are using for the project:

on site materials - minus top soil
Patio + Parking + Sidewalk - gravel, paving stone asphalt

- a) include type of material used as fill or to be excavated - on site
- b) include volume of material to be filled or excavated 500-1000 cu ft
50 ft of wetlands

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).

Yes near wetlands

Part D - Site Description

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

Hilly - Formerly wooded

- 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~~ *DA/02 WAY POSS, b/p*

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. *\$155.* *\$125* *30.*

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.

[Signature] _____ *7/28/09*
 Applicant's Signature *AGENT* Date
Henry M Zachs Brai Brith Hillbl.

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TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Conservation Commission
From: Gregory Padick, Director of Planning
Date: 8/11/09
Re: 8/19/09 Conservation Commission Agenda Items

1. New IWA Referrals

Included in the August Conservation Commission packet is a new IWA referral for a new driveway access to rear yard areas, a new handicap parking space and other yard work at the Hillel site on North Eagleville Road. The agenda also lists the Gaffney site on Wildwood Road due to the expressed intent of the applicant to alter their application to limit work to the regarding of existing yard areas. Details of the revised proposal may be available for the Conservation Commission meeting on the 19th. A field trip will be held on 8/19/09 at 2pm to visit the Hillel site and a site on Storrs Road for a PZC application for a "conversion" to add a new dwelling unit. The 8/3/09 IWA Minutes document actions on previous referrals and a renewal of a permit for Mansfield Self Storage on Route 32.

2. Windham Regional Land Use Plan Draft

Comments from the PZC and TC have been forwarded to the WINCOG Planning Commission. The Town Council's letter expressed a neutral position regarding the Pleasant Valley Road area.

3. Aquifer Protection Regulation Revisions

The Conservation Commission recommendations have been received and will be shared with the PZC Regulatory Review Committee when they resume meetings in September.

4. CL&P Interstate Reliability Project

No new information has been received since the last Conservation Commission meeting.

5. UConn Compost Facility

No new information has been received since the last Conservation Commission meeting.

6. Ponde Place Project

No new information has been received since the last Conservation Commission meeting.

7. Natchaug River Basin Project

No new information has been received since the last Conservation Commission meeting.

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

The Town Council discussed the draft guidelines at their 7/27/09 meeting and instructed staff to incorporate a number of revisions (see attached portion of Town Councils minutes). A revised draft is being prepared and will be presented to the Council at its 8/24/09 meeting.

9. Northeast Regional Management Area Water Supply Forum

See attached meeting notes from Town Council member Koehn. Conservation Commission Chairman Kessel and Town Manager Hart also attended. A follow up meeting is expected to be scheduled within the next few months.

10. Eagleville Brook Impervious Surface TMDL Project

This study is underway and expected to be completed by the end of October.

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Jennifer Kaufman, Parks Coordinator, commented that the proposed guidelines were updated to reflect the way the program is currently working and clarifies the planning, acquiring and management of open space.

Members requested the following suggestions be reviewed by the Town Manager and Town Planner:

In Section II A, clarify the role of the Town Council as to PZC/IWA referrals, public hearing comments and timing of such comments. A suggestion was made to change the third paragraph by removing everything from "However..." to "... the Town Manager is..."

In Section II B. 1, change the last sentence to read, "In addition, anticipated maintenance and improvement cost will be estimated and potential liabilities and management concerns shall be noted."

In Section II B. 2, change the first sentence to read, "The Town Council shall reserve the right to review..."

In Section II D.1, eliminate the Agriculture Committee and the Parks Coordinator in the fifth sentence, leaving just a reference to the Town Manager. Add "...with the advice of the Agriculture Committee..." to the sentence.

In Section III D, change, "After the preparation..." to "Prior to the preparation..."

In Section III E, eliminate, "In rare instances"

In Section IV, change the responsible party to the Town Council who may then further delegate the monitoring responsibilities. Some members felt that the Conservation Committee and should be able to monitor the conservation easements.

Mr. Clouette moved and Mr. Paulhus seconded to table the motion awaiting review of suggestions by staff.

Motion passed unanimously.

8. Small Cities Program Amendment

Mr. Haddad moved and Mr. Paulhus seconded to approve the following resolution:

Whereas, the Town of Mansfield has received funds under the Connecticut Small Cities Community Development Block Grant (CDBG) Program for a Housing Rehabilitation Revolving Loan Program, administered by the State of Connecticut, Department of Economic and Community Development, pursuant to Title I of the Housing and Community Development Act of 1974 as amended; and

Whereas, the Town of Mansfield has expended those funds pursuant to Title I of

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AGENDA
MANSFIELD INLAND WETLAND AGENCY/PLANNING & ZONING COMMISSION
Special Meeting – Field Trip
Wednesday, August 19, 2009

The purpose of the field trip is to observe site and neighborhood characteristics. The merits of the proposals will not be discussed and no public comments will be allowed. Times listed are estimated times of arrival. In the event of inclement weather, or if you mentioned previously that you planned to attend but now find you cannot, please contact the Planning Office at 429-3330.

2:00 p.m. Meet at the Planning Office if you would like a ride.

2:05 p.m. B'NAI BRITH, HILLEL PROPERTY, 54 N. Eagleville Road, Proposed driveway, parking, patio and landscaping work. (Park in adjacent St. Thomas Church parking lot)
IWA File #1437

2:25 p.m. GHIAEI PROPERTY, 1620 Storrs Road (east side about 1,000 feet south of Route 44)
Proposed site of conversion to two dwelling units. PZC File #1276-2

Cc: IWA/PZC, Conservation Commission, G. Meitzler, G. Padick, C. Hirsch,
H. Zachs, G. Wolf, Y. Ghiaei,

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Mansfield
Community
Center

Town of Mansfield
Parks and Recreation
Department



Jennifer Kaufman
Parks Coordinator

10 South Eagleville Road
Storrs/Mansfield, Connecticut 06268
Tel: (860) 429-3015 Fax: (860) 429-9773
Email: Parks&Rec@MansfieldCT.org
Website: www.MansfieldCT.org

To: Open Space Preservation Committee, Conservation Commission
From: Jennifer Kaufman
Date: August 13, 2009
Re: Letter of Support for 2009 Recreational Trails Program Grant

Parks and Recreation respectfully requests a letter of support for the 2009 Recreational Trails Program Grant. This grant application proposes to design and install the Town of Mansfield's first wheelchair accessible pond loop trail to improve wheelchair accessibility, trail linkages, educational, and physical activity opportunities at the Schoolhouse Brook Park/Bicentennial Pond Recreation area. The trail will link MMS to the existing accessible beach path and swimming ramp and will follow the pond edge and connect to the existing Byron's Trail.

The proposed wheelchair accessible trail will:

- Afford access to natural areas around the pond that are currently inaccessible to those in wheelchair by allowing them to travel deeper into the park.
- Create a pond loop trail that connects MMS to the existing Byron's Trail and onto the 8.54 miles trail network. Afford access to natural areas around the pond that are currently inaccessible to those in wheelchairs.
- Improve access for MMS students for educational and physical education activities.
- Increase access to physical activity opportunities for the region.

Working with a landscape architect, the Town of Mansfield proposes to design and construct a wheelchair accessible trail, approximately four feet in width and just over one half of a mile long. The slope of the trail will be 5% or less to meet handicapped accessible codes. The surface of the trail will be a compacted layer of dense graded crushed stone. In wet areas along the trail, wooden boardwalks will be installed. In addition, park signage will be developed and installed to define the park entrance from MMS.

In addition, we are proposing to develop an online interpretive trail guide highlighting the natural, historic, and cultural resources of the trail and its connection to the State Blue Blazed Trail System and the existing trail network in Schoolhouse Brook Park. Interpretive signage will be developed and installed highlighting the above mentioned features. Additionally a park sign defining the entrance of the recreation area from MMS will be installed to facilitate usage by MMS students.

I am attaching the project description, budget and map of the proposed trail.

Thank you for your consideration.

Improving Wheelchair Accessibility, Trail Linkages, Educational, and Physical Activity Opportunities at the Schoolhouse Brook Park/ Bicentennial Pond Recreation Area

1) PROJECT INFORMATION AND SCOPE OF WORK

Background

Bicentennial Pond Recreation Area, situated in Mansfield's 455-acre Schoolhouse Brook Park, is the site of numerous regionally significant community recreational activities including:

- Swimming, hiking, mountain biking, picnicking, and concerts
- Mansfield's municipal summer camp program, where approximately 750 children attend each summer
- Mansfield Middle School (MMS) is adjacent to the Bicentennial Pond Recreation Area, making this park an outdoor classroom for MMS students.
- Connection to 8.54 miles of trails in Schoolhouse Brook Park, including the Nipmuck Trail, part of the State Blue Blazed Trail System, a state designated greenway beginning in Mansfield travelling north to the Nipmuck Forest in Union, CT on the Massachusetts border.

Currently, there is a wheelchair accessible path to the beach and swimming area but no way for someone in a wheelchair to travel deeper into the park.

Project Description

The Town of Mansfield, in partnership with Eastern Highland Health District and Mansfield Middle School, proposes to improve wheelchair accessibility at the Schoolhouse Brook Park/ Bicentennial Pond Recreation Area by creating the Town of Mansfield's first accessible pond loop trail. The proposed accessible pond loop trail will link MMS to the existing accessible beach path and swimming ramp and will follow the pond edge and connect to the existing Byron's Trail. A trail location map is attached.

The proposed trail will:

- Create a pond loop trail that connects with the existing 8.54 miles of park trails at Mansfield's most often used recreation area.
- Afford access to natural areas around the pond that are currently inaccessible to those in wheelchairs.
- Improve access for MMS students for educational and physical education activities.
- Increase access to physical activity opportunities for the region.

Working with landscape architects, the Town of Mansfield proposes to design and construct a wheelchair accessible trail, approximately four feet in width and just over one half of a mile long. The slope of the trail will be 5% or less to meet handicapped accessible codes. The surface of the trail will be a compacted layer of dense graded crushed stone. In wet areas along the trail, wooden boardwalks will be installed. In addition, park signage will be developed and installed to define the park entrance from MMS.

The Town of Mansfield, in partnership with Eastern Highland Heath District staff and Mansfield Middle School staff proposes to develop an online interpretive trail guide highlighting the natural, historic, and cultural resources of the trail and its connection to the State Blue Blazed Trail System and the network of trails currently existing in Schoolhouse Brook Park. Interpretive signage will be developed and installed highlighting the above mentioned features. Additionally a park sign defining the entrance of the recreation area from MMS will be installed to facilitate usage by MMS students. . The trail will be incorporated into Eastern Highland Health District's Health Promotions Program.

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, July 20, 2009

Council Chamber, Audrey P. Beck Municipal Building

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

Chairman Favretti called the meeting to order at 7:04 p.m. Alternate Lewis was appointed to act in Goodwin's place.

Minutes:

7/06/09-Gardner MOVED, Pociask seconded, to approve the 7/06/09 Minutes as written. MOTION PASSED UNANIMOUSLY. Kochenburger noted that he had listened to the tapes.

7/14/09 (Field Trip)- Holt MOVED, Gardner seconded, to approve the 7/14/09 Minutes as written. Holt, Gardner and Favretti voted in favor; all others disqualified themselves. The MOTION PASSED.

Zoning Agent's Report:

The Zoning Agent's enforcement update report, which includes year-end fiscal year information, was noted. Hirsch stated that he has revisited the Hall site and that only one trailer that needs to be removed remains. Total compliance is expected shortly. Mr. Hall also has been advised that he cannot work in unauthorized areas of his property. There was no update on the DeBoer property.

Healey Property, 476 Storrs Rd. File # 819

A 7/16/09 report from the Zoning Agent regarding Mr. Healey's identity sign request was noted. Michael Healey appeared before the Commission and explained his request for an identity sign including additional square footage to identify the collective name of the property. The additional square footage requires PZC approval. Holt explained that the plan to name the site "Old Eaton Farm" was not historically appropriate and that a name, such as "Colonel Storrs Farm", would more suitably recognize the site and one of Mansfield's most noteworthy citizens. Mr. Healey agreed to discuss his property name with Mansfield's Town Historian, R. Smith. Mr. Healey also clarified that he would be willing to provide landscape specifics for the area adjacent to the sign. It was noted that the PZC had already authorized the Chairman and Zoning Agent to approve sign details and landscaping.

Pociask MOVED, and Holt seconded, to approve the 7/14/09 request of Michael Healey for an identity sign under Article X, Section C.6.k subject to approval of the landscaping by the PZC Chairman and Zoning Agent. MOTION PASSED UNANIMOUSLY.

Public Hearing: Special Permit Renewal/Modification Request for Gravel Removal, Green Property 1090 Stafford Road, PZC File # 1258

Chairman Favretti opened the Public Hearing at 7:18 p.m. Members present and acting were Favretti, Gardner, Holt, Kochenburger, Plante, Pociask and alternate Lewis. Padick read the legal notice as it appeared in the Chronicle on 7-9-09 and 7-15-09, and noted the following communications that had been distributed to all members of the Commission: a 7-02-09 memo from G. Meitzler, Asst Town Engineer; and a 7-20-09 memo from G. Padick, Director of Planning. Chairman Favretti noted that the site had been visited as part of the 7/14/09 field trip. Since his memo was distributed at the meeting, Padick briefly explained the applicant's modification proposal and the staff finding that the proposal can be approved as a modification.

The applicant, Karen Green, submitted return receipts verifying compliance with neighborhood notification requirements. She and Philip DeSiato, who will be responsible for the proposed excavation/removal activity,

addressed questions from the Commission. Mr. Desiato confirmed that the haul route recommended by the Assistant Town Engineer would be used and would include an anti-tracking pad at Route 32. He also agreed to install all appropriate sediment and erosion controls, particularly where a haul road culvert will be replaced.

There were no questions or comments from the public. After a brief discussion, Plante MOVED, Gardner seconded, to close the Public hearing at 7:26 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

1. Eagleville Brook Impervious Surface TMDL Project.

Zoning Agent Hirsch and Chairman Favretti briefed the Commission on the stakeholders meeting that was held on 7/14/09. They noted that the meeting was well attended and that findings and recommendations were expected to be ready by the end of October 2009.

**Holt MOVED, Plante seconded, to recess the PZC meeting until the completion of a special Inland Wetlands Agency meeting. THE MOTION CARRIED UNANIMOUSLY. The meeting was recessed at 7:35 p.m.

**Favretti reconvened the Planning and Zoning Commission meeting at 8:05pm. The same members were present.

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 8:05 p.m. Members present were Favretti, Gardner, Holt, Kochenburger, Plante, Pociask and alternate Lewis, who was designated to act.

G. Padick, Director of Planning noted that revised plans had been submitted since the last hearing together with a 7-13-09 letter from project engineer, Pat Lafayette, explaining the revisions and supplemental data submitted. The applicant and Commission agreed that the testimony from the Inland Wetlands Agency public hearing that preceded this continued hearing would be entered into the record.

Project Developer, Bill Collins, and Mr. Lafayette discussed the revised plans and presented new elevation plans. Particular attention was given to changes in the proposed affordable housing units. Mr. Collins noted that the redesigned low/moderate income units would have an estimated price of \$200,000 to \$220,000. Chairman Favretti questioned Mr. Lafayette's statement that all units would have a minimum setback of 20 feet from adjacent units and Mr. Lafayette agreed to review the plans and increase setbacks to meet this standard. He also agreed to have his Landscape Architect revisit the plans to eliminate species that are not reliably hardy in this area. Chairman Favretti agreed to provide assistance in identifying species of concern. Pociask noted that he had identified some duplicate details and assorted issues with notes and separation distance provisions. Padick noted that staff update reports have not yet been prepared and that he would review these issues. After discussing planned association maintenance requirements, Mr. Collins agreed to provide planned condominium rules and regulations. He also clarified that 4 basic colors would be used for the units to help site aesthetics. It was agreed that revised plans should be made available on the Town's web site in an effort to keep the neighborhood and interested citizens informed. Mr. Lafayette agreed to provide electronic copies of the plans.

There were no comments or questions from the public. Holt MOVED, Plante seconded, that the Public Hearing for the Whispering Glen application (PZC File #1283 & 1284) be continued until August 3, 2009. MOTION PASSED UNANIMOUSLY. The public hearing was recessed at 8:25

Other Old Business:

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

Kochenburger MOVED, Holt seconded, to approve effective August 1, 2009, revisions to Articles III and IV to address property in more than one town or more than one zone; Article VII to authorize limited live music permits that can be issued by the Zoning Agent; Article VIII to exempt small satellite dish antennae from setback requirements and to authorize potential height exceptions for wind turbines; Article X to recognize community wells as public water facilities; Article X, Section F to limit mobile home park

expansions to original lots and to clarify standards for temporary occupancy of travel trailers, motor homes, etc; Article X, Section M to clarify efficiency unit requirements for kitchen and bathroom areas and owner occupancy; Article XI to refine the list of activities needing zoning permits and to authorize staff to accept bonds for work authorized by a Zoning Permit. The subject regulation revisions were identified in a 4/27/09 draft as Zoning Regulations items B,D,E,F,G,H and J. The subject Zoning Regulation revisions, which are attached, were presented at a Public Hearing on June 15, 2009.

Except for the clarification revisions noted below, the adopted regulations have the same wording as presented in the 4/27/09 draft. The following minor wording revisions have been incorporated into the attached regulations as hereby approved:

- In Article VII, Section B.1.g. the first clause shall read "All satellite dish antenna greater in diameter than one (1) meter (39.37") shall be located....."
and in line 4 the second sentence shall begin "Satellite dish antenna greater in diameter than one (1) meter (39.37") shall meet....."
(This revision was recommended by the Town Attorney)
- In Article X, Section F.7.c the word "trailer" shall be inserted after "travel" in line 1. This revision will make the wording consistent with the second paragraph of this section.

In approving these Zoning Regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- the authority to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land;
- the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- the mandate to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; and to facilitate the adequate provision for transportation, water, sewerage and other public requirements;
- the mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- the authority that reasonable consideration be given for the protection of potential public surface and ground drinking water supplies;
- the authority to encourage energy-efficient patterns of development.

The subject regulation revisions have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans.
2. The revisions to Articles III and IV clarify requirements for property situated in more than one zoning district or more than one municipality.
3. The revisions to Article VII expedite approval of limited live music permits provided neighborhood impact criteria are met.
4. The revisions to Article VIII incorporate federal exemptions for small dish antennas and include wind turbines as a structure where exceptions to maximum height provisions can be authorized.

5. The revisions to Article X recognize community wells as public water facilities as per state health provisions.
6. The revision to Article X, Section F to clarify existing provisions, particularly regarding temporary occupancy of travel trailers, motor homes, etc and limit potential mobile home park expansions to original park sites.
7. The revisions to Article X, Section M clarify acceptable kitchen and bathroom area requirements and strengthen owner occupancy documentation provisions.
8. The revisions to Article XI, Section C adds to the existing listing, site work and improvements that cannot be started without zoning permit approval.
9. The revisions to Article XI, Section E give the Zoning Agent new authority to receive bonds for site work.

MOTION PASSED UNANIMOUSLY.

Kochenburger MOVED, Holt seconded, to approve effective August 1, 2009, revisions to Articles VII, Section G and Article X, Section J to delete in its entirety provisions to authorize as a "conversion" additional dwelling units in residential structures over 20 years in age. The subject regulation revisions were identified in a 4/27/09 draft as zoning item C. The subject Zoning Regulation revisions were presented at a Public Hearing on June 15, 2009.

In approving these regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- the authority to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land;
- the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- the mandate to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; and to facilitate the adequate provision for transportation, water, sewerage and other public requirements;
- the mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- the authority that reasonable consideration be given for the protection of potential public surface and ground drinking water supplies;
- the authority to encourage energy-efficient patterns of development.

The subject regulation revisions have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans.
2. The conversion provisions that are being deleted from the Zoning Regulations have been in existence since the 1960's and are no longer considered appropriate. The approval criteria are not adequate to address potential neighborhood impacts and potential health and safety concerns. The existing provisions do not protect property values and goals and objectives as expressed in Mansfield's Plan of Conservation and Development.

MOTION PASSED UNANIMOUSLY.

Kochenburger MOVED, Holt seconded, to approve effective August 1, 2009, revisions to Article X, Section O to incorporate new provisions that authorize the limited storage or parking of vehicles, equipment and/or materials as a home occupation use. The subject regulation revisions were identified in a 4/27/09 draft as item I. The subject Zoning Regulation revisions, which are attached, were presented at a Public Hearing on June 15, 2009.

In approving these regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- the authority to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land;
- the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- the mandate to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; and to facilitate the adequate provision for transportation, water, sewerage and other public requirements;
- the mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- the authority that reasonable consideration be given for the protection of potential public surface and ground drinking water supplies;

The subject regulation revisions have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans.
2. The existing Zoning Regulations do not include provisions that authorize contractors, tradesmen and other home occupation uses to store or park vehicles, equipment and/or materials on their property. This approval provision includes appropriate standards to address potential neighborhood impacts.

MOTION PASSED UNANIMOUSLY.

Kochenburger MOVED, Holt seconded, to approve effective August 1, 2009, revisions to Sections 3 and 6.10 of Mansfield's Subdivision Regulations to incorporate a definition of yield plan and to clarify yield plan submission and approval requirements, particularly with respect to associated Inland Wetlands Agency reviews. The subject regulation revisions were identified in a 4/27/09 draft as subdivision item A. The subject Subdivision Regulation revisions, which are attached, were presented at a Public Hearing on June 15, 2009.

In approving these regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-25. The Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans.

2. The revisions clarify yield plan provisions by adding a definition and by clarifying submission and approval criteria. Yield plans are an important tool for implementing Mansfield's cluster subdivision regulations and flexible lot size and setback provisions. The revisions will help promote appropriate cluster development and will help preserve natural, historic and scenic resources.
3. The existing provisions did not appropriately address associated Inland Wetlands Agency permit requirements. The new provisions clarify the role of the Inland Wetlands Agency in reviewing yield plan submissions.

MOTION PASSED UNANIMOUSLY.

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

A 7/20/09 report from the Director of Planning (including a draft letter for submittal to the Windham Regional Planning Commission) and a 7/19/09 email from the Conservation Commission were received. Padick discussed, with the Commission, the concerns of the Conservation Commission regarding land south of Pleasant Valley Road and the mapping revisions that were recommended in the draft letter. It also was agreed that the letter should be amended to include a development designation for the UConn Depot Campus area. After agreeing that the Director of Planning's recommendations were appropriate, Lewis MOVED and Gardner seconded, that the Planning and Zoning Commission authorize its Chairman to co-endorse with the Mayor comments on the 2009 Draft Windham Regional Land Use Plan. The Town comments shall include recommendations contained in a 7/20/09 draft letter prepared by the Director of Planning and recognition of the UConn Depot Campus area that is served by public infrastructure as a recommended area for development. If the Town Council is not in agreement with these recommendations, the Chairman is authorized to submit an independent letter. THE MOTION CARRIED UNANIMOUSLY.

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

Padick noted that his staff report with a bulleted list of potential changes will be included in the August 3rd packet.

New Business:

Holt MOVED, Gardner seconded, to receive the Special Permit application File #1276-2 submitted by Yadollah Ghiaei for a conversion to a two-family residence on property located at 1620 Storrs Road, owned by the applicant, as shown on plans dated 7/15/09, and as described in other application submissions, and to refer said application to the staff for review and comments, and to set a Public Hearing for September 8, 2009. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

There were no reports.

Communications and Bills:

Noted. It was recognized that the referral in the packet was from Chaplin not Coventry as listed.

Adjournment:

Favretti declared the meeting adjourned at 9:12 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

DRAFT MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, August 3, 2009

Council Chamber, Audrey P. Beck Municipal Building

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

Chairman Favretti called the meeting to order at 8:01 p.m. Alternate Lombard was appointed to act in Goodwin's place.

Minutes:

7/20/09-Gardner MOVED, Plante seconded, to approve the 7/20/09 Minutes as written. MOTION PASSED with all in favor except Ryan and Hall who disqualified themselves. Beal and Lombard noted that they listened to the tapes.

Zoning Agent's Report:

Noted.

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 8:04 p.m. Members present were Favretti, Gardner, Hall, Holt, Kochenburger, Plante, Pociask, Ryan and alternates Beal, Lewis and Lombard. Lombard was appointed to act. G. Padick, Director of Planning noted a previously distributed 6-30-09 set of plans; a 7-28-09 memo from G. Meitzler, Assistant Town Engineer; a 7-30-09 memo from G. Padick, Director of Planning; and "Bylaws of [named crossed out] Condominium Owners' Association, Inc." from a similar development that was distributed this evening.

Patrick Lafayette, P.E., Development Solutions, agreed to have the testimony from the Inland Wetlands Hearing of this evening entered into the record of this Planning and Zoning Commission Hearing. Lafayette reviewed the changes to the plans and comments raised in Padick's report. Lafayette indicated that he can easily address and accommodate all issues raised.

Holt asked about the issues raised in John Lenard's memo, including size of recreation area, maintenance of rain gardens, certain units are below street grade; and Lafayette told her they would be addressed.

Favretti expressed concern with the close proximity of buildings 22 and 23 and the lack of solar orientation of these buildings. He urged Lafayette to re-evaluate their positioning. After a brief discussion, Padick indicated that if the hearing is closed this evening, the 6-30-09 plans before the PZC would be those referenced in a motion, and any identified changes would have to be referenced as conditions of the motion. Favretti noted no comments or questions from the public or the Commission. Plante MOVED, Holt seconded, to close the Public Hearing at 8:29 p.m. MOTION PASSED UNANIMOUSLY.

Old Business

1. Gravel Permit Renewal/Modification Request, Green Property, 1090 Stafford Road PZC File #1258
Kochenburger MOVED, Holt seconded, to approve with conditions the application of K. Green (File # 1258) for a special permit modification and permit renewal for gravel removal activity at 1090 Stafford Road. The approved area for new excavation is shown on maps dated 7/2/09 and authorized work is

described in a 6/15/09 letter from the applicant, other application submissions and testimony at a Public Hearing on 7/20/09. This approval is granted because the application as hereby approved is considered to be in compliance with Article XI, Section D, Article V, Section B and Article X, Section H of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. All disturbed areas shall be covered with a minimum of 4 inches of topsoil and revegetated as per regulatory requirements and application submissions. No topsoil shall be removed from site without prior authorization.
2. The haul route indicated on the 7/2/09 plans and approved by the Assistant Town Engineer shall be utilized. An anti-tracking pad shall be installed at the Route 32 intersection of the haul route.
3. Erosion and sedimentation controls shall be installed where necessary as determined by the Assistant Town Engineer/Inland Wetlands Agent. Particular attention shall be given to the area where a haul road culvert will be placed.
4. Due to the agricultural nature of the subject application, the distance of the site activity from wetland/watercourse areas and the adequacy of submitted plans, no site development bonding shall be required at this time. The PZC reserves the right to require bonding if site development problems arise.
5. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records. If the subject excavation and site restoration work for both the original and new areas of excavation are not completed by 7/1/2010, renewal of this Special Permit shall be required.
6. This approval accepts the applicant's requested waivers of map submission requirements. The information provided is adequate to address all applicable approval requirements.

MOTION PASSED UNANIMOUSLY.

2. **Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Road and Mansfield Avenue** Lombard disqualified himself. Padick reviewed his 7-30-09 memo at length. After extensive discussion, the consensus of the Commission was to proceed with Option 2a presented in Padick's 7-30-09 memo. This option would to rezone the land east of Conantville Brook to a refined PVRA zone and re-zone Industrial Park land west of Conantville Brook to a refined Pleasant Valley Commercial Agriculture. Padick noted that if the entire area designated for rezoning to PVRA is developed in multi-family projects, the maximum number of units would be about 200. Padick agreed to work with members to present this for a fall public hearing.
3. **Special Permit Conversion, 1620 Storrs Road, Y. Ghiaei o/a, File #1276-2**
Tabled, Public Hearing scheduled for 9/8/09.

Reports of Officers and Committees:

Favretti noted an 8/19/09 Field Trip at 2:00 p.m. There were no other reports.

Communications and Bills:

Noted.

Adjournment:

Favretti declared the meeting adjourned at 9:22 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

MINUTES
MANSFIELD INLAND WETLANDS AGENCY
Special Meeting
Monday, July 20, 2009
Council Chambers, Audrey P. Beck Municipal Building

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

Chairman Favretti called the meeting to order at 7:35 p.m. Alternate Lewis was appointed to act in Goodwin's place.

Public Hearing Continuation:

W1424 - Whispering Glen Condominiums - Meadowbrook Lane

Chairman Favretti opened the continued Public Hearing at 7:35 p.m. Members present were Favretti, Gardner, Kochenburger, Holt, Plante, Pociask, and alternate Lewis who was designated to act. Padick noted that revised plans had been submitted (6/30/09 revision date) together with updated drainage calculations and other information referenced in a 7/13/09 cover letter from project engineer P. Lafayette. Mr. Lafayette and the Agency agreed that the IWA hearing testimony would be included in the Planning and Zoning Commission public hearing record.

Mr. Lafayette described the plan revisions which include; a revised interior road layout, a reduction of units to 32, revised mix of units, narrower roads and driveways, a larger centrally located community space and smaller footprints and design for the 7 "affordable" units. He described the storm water management system and noted that expected storm water discharges did not significantly change from previous plans. He also related that revised unit locations were not closer to wetlands than the previous set of revised plans. In response to questions from Commissioner Holt, Mr. Lafayette noted that sewer design, trail and sedimentation and erosion control recommendations from DEP and Wetlands Agent Meitzler had been addressed. In response to questions from Commissioner Lewis, Mr. Lafayette related that the detention basin had been designed for a range of storm intensities, including a 100 year storm spillway, and that he did not consider pervious pavement appropriate for this project due to maintenance and aesthetic issues. He added that rain gardens were included to promote infiltration. Commissioner Pociask emphasized the need for maintenance of all common improvements and that Condominium Association responsibilities need to be emphasized in any approval motion.

Favretti noted no comments or questions from the public. Holt MOVED, Gardner seconded, that the Agency continue the Public Hearing for the Whispering Glen application (IWA File W1424) until August 3, 2009.
MOTION PASSED UNANIMOUSLY.

Adjournment: The meeting was adjourned at 8:04 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

PAGE
BREAK

DRAFT MINUTES
MANSFIELD INLAND WETLANDS AGENCY
Regular Meeting
Monday, August 3, 2009
Council Chambers, Audrey P. Beck Municipal Building

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

Chairman Favretti called the meeting to order at 7:02 p.m. Alternate Lombard was appointed to act in Goodwin's place.

Minutes:

7-6-09 - Plante MOVED, Gardner seconded, to approve the 7-6-09 minutes as written. MOTION PASSED UNANIMOUSLY. Lewis and Kochenburger noted that they listened to the tapes.

7-20-09 Special Meeting - Gardner MOVED, Plante seconded, to approve the 7-20-09 special meeting minutes as written. MOTION PASSED with all in favor except Ryan and Hall who disqualified themselves. Beal and Lombard noted that they listened to the tapes.

Communications:

The 7-15-09 Conservation Commission Draft Minutes and 7-30-09 Wetlands Agent's Monthly Business report were noted. There were no questions or comments.

Old Business:

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

Steve Lebanduski, Sabrina Pools, briefly described the proposed project. After a brief discussion, Favretti noted no further comments from the public or Agency. Holt MOVED, Plante seconded, to grant an Inland Wetlands License under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to Peter Bachiochi (file no. W1435), for the replacement of an existing above-ground pool with an 18 x 36 foot in-ground pool, on property owned by the applicant, located at 78 Mansfield Hollow Road, as shown on a map dated May 1989, revised through July 1, 2009, and as described in other applications submissions.

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

1. Erosion and sedimentation controls (as shown on the plans) shall be in place prior to construction and maintained during construction and removed when disturbed areas are completely stabilized;
2. As stated or shown on the plans, all extraneous excavated material shall be removed from the site, and silt fence shall be placed along the edge of the rear yard above the sloped area that goes to the wetlands.

This approval is valid for a period of five years (until August 3, 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.

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

Matthew Gaffney, owner, described the proposed project. Several members expressed concern with the location of this project which is within an existing conservation easement, as well as with the extent and nature of proposed work within wetlands. Gaffney indicated that he would revise his plans to simply build a low retaining wall at the edge of his lawn and re-grade the rough lawn. He agreed to work with staff to revise his application and mapping. It was the consensus of the Agency to table action on this item until the September 8th meeting.

W1218- Town of Mansfield- Birch Road Bikeway permit renewal

Holt MOVED, Kochenburger seconded, to grant an Inland Wetlands License under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to the Town of Mansfield Department of Public Works (File W1218), for renewal of a permit for the Birch Road and Route 44 bike path, on property owned by the applicant through purchased easements, located on Birch Road from Route 44 to Hunting Lodge Road, as shown on a map dated March 3, 2003, approved on August 4, 2003, and as revised through June 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 (as shown on the plans) 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 August 3, 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 7:43 p.m. Members present were Favretti, Gardner, Hall, Holt, Kochenburger, Plante, Pociask, Ryan and alternates Beal, Lewis and Lombard. Lombard was appointed to act. Wetlands Agent Meitzler noted a previously distributed 6-30-09 set of plans; a 7-29-09 memo from G. Meitzler, Wetland Agent; and a 7-27-09 memo from Windham Water Works.

Patrick Lafayette, Project Engineer, Development Solutions, stated that there are no significant changes to the plans that would affect wetlands. Agency members questioned Lafayette as to who would be responsible for the maintenance of the rain gardens and drainage system. Lafayette stated that a condo-owners association would be responsible for all maintenance. After a brief discussion, Favretti noted no comments or questions from the public or the Agency. Plante MOVED, Ryan seconded, to close the Public Hearing period for the Whispering Glen application (IWA File W1424) at 7:52p.m. MOTION PASSED UNANIMOUSLY. Holt volunteered to work with staff on a draft motion.

New Business:

W1275 -Boisvert (Mansfield Self Storage)- 537 Stafford Rd- Request for Renewal

Holt MOVED, Gardner seconded, to grant a renewal to an Inland Wetlands License under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to James Boisvert (file no. W1275), for construction of a 56,025 square foot storage facility, Phase 2, on property owned by the applicant, located at 537 Stafford Road, as shown on a map dated 9/2/2004, revised through 1/4/2005, and as described in other applications submissions.

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

1. Erosion and sedimentation controls (as shown on the plans) shall be in place prior to construction and maintained during construction and removed when disturbed areas are completely stabilized;
2. All previous conditions shall remain in place.

This approval is valid for a period of five years (until August 3, 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.

W1437 -B'Nai Brith (Hillel)- North Eagleville Rd- parking & yard work

Holt MOVED, Ryan seconded, to receive the application submitted by B'Nai Brith-Hillel (IWA File #1437) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for parking and yard work at 54 North Eagleville Road, on property owned by the applicant, as shown on a map dated 7-28-09, 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 Wednesday, August 19, 2009 at 2:00 p.m.

Reports of Officers and Committees:

None noted.

Other Communications and Bills:

Meitzler briefly discussed the Citation Notice that was distributed this evening regarding the Beall/Higgins Wetland Approval.

Adjournment: The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

PAGE
BREAK



University of Connecticut
*Office of the Vice President and
Chief Operating Officer*

Office of Environmental Policy

Richard A. Miller, Esq.
Director

July 31, 2009

Raymond L. Frigon, Jr.
State of Connecticut, Department of Environmental Protection
Bureau of Water Protection and Land Reuse
79 Elm Street
Hartford, CT 06106-5127

RE: CONSENT ORDER #SRD 101
STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION (CTDEP)
QUARTERLY PROGRESS REPORT – APRIL, MAY, JUNE 2009
REMEDIAL WORK PLAN IMPLEMENTATION - UCONN PROJECT BI-900748
UNIVERSITY OF CONNECTICUT LANDFILL, STORRS, CT

Dear Mr. Frigon:

The University of Connecticut (UConn) issues this Quarterly Progress Report to the Connecticut Department of Environmental Protection (CTDEP).

In accordance with paragraph B.8. of Consent Order SRD-101, progress reports must continue "until all actions required by this consent order have been completed as approved and to the satisfaction of the Commissioner, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to comply with this consent order to date."

SPECIAL NOTE: If any of those individuals copied on this Progress Report no longer wish to receive these updates, they are welcome to contact Stephanie Marks, UConn Office of Environmental Policy at Stephanie.marks@uconn.edu.

Progress reported during April, May and June is discussed below under the following sections:

- Construction and Closeout Activities
- Permitting and Monitoring Activities - Post Construction Remediation System Inspections
- Photographs
- Long-Term Monitoring Plan (LTMP)
- Contact and project document information
- Project Website
- Certification

An Equal Opportunity Employer

31 LeDoyt Road Unit 3055
Storrs, Connecticut 06269-3055

Telephone: (860) 486-8741
Facsimile: (860) 486-5477
e-mail: rich.miller@uconn.edu

Construction and Close-out Activities

<u>Construction or Consultant Task</u>	<u>Estimated Start Date</u>	<u>Estimated Completion Date</u>
Submit as-built plans to Commissioner within ninety (90) days of completion of the landfill closure – Construction Closure Report (CCR) as per CTDEP Approval dated November 22, 2004	August 26, 2008	Due by November 24, 2008* Pending
Operations and Maintenance Manual (OMM) – Haley & Aldrich (H&A) deliverable	September 2008	Pending
Environmental Land Use Restriction (ELUR)	Underway	Following completion of CCR and OMM, est. August 2009
Bus Shelter construction– Partial, Foundation	July 25, 2008	TBD
Deck, Overlook construction – Partial	July 7, 2008	Construction underway (Photo 2)

* H&A contacted CTDEP on November 6, 2008 requesting to extend the deadline to submit the final reports due to the contractor's delay in providing acceptable as-built drawings. We estimate that these drawings will be available shortly.

Permitting and Monitoring Activities including Post Construction Remediation System Inspections

April 2009

- Mason & Associates, Inc. (Mason) conducted various wetlands inspections in April including:
 - Vernal Pool B & reference pools - April 3, 10, 14 and 24, 2009 – observed two spotted salamander egg masses and hatching wood frog eggs
 - Wetland hydrology monitoring at most stations - April 14, 2009
 - Soil moisture readings at the eight wetland soil moisture arrays April 14, 2009 - soil moisture readings exceeded 90% in all locations except the upland array in Area C West and the northernmost upland array in Area C3
- Proposal received from Mason for wetland remedial measures (as itemized in the 2008 Annual Report)
- Haley & Aldrich conducted the monthly Remediation System Inspection on April 16, 2009
 - Average rate in North Trench = 56, 802 gpd and average rate in South Trench = 4,658 gpd

May 2009

- Mason conducted various wetlands inspections in May including:
 - Complete vernal pool survey – May 8 and 22, 2009 - all contained adult frogs, amphibian eggs and/or tadpoles
 - Wetland hydrology monitoring at most stations – May 12, 2009
 - Sundew plants (Photo 3) an uncommon native carnivorous plant not previously seen in project area observed in Wetland Creation area C3
- UConn approved and funded recommended wetland corrective action work as outlined in the 2008 Annual Report
- Haley & Aldrich conducted the monthly Remediation System Inspection on May 14, 2009
 - Average rate in North Trench = 38,571 gpd and average rate in South Trench = 5,353 gpd

June 2009

- Mason conducted various wetlands inspections in June including:
 - Vernal Pool B & reference pools – June 12 and 23, 2009 – macroinvertebrates, amphibians & green frogs observed
 - Wetland hydrology monitoring at most stations – June 12, 2009– precipitation much higher than historic average
 - Overall species diversity appears to meet required success standards as set forth in the permit and Plan
- Invasive species control plan under development with professionally licensed/certified pesticide applicator
- Haley & Aldrich conducted the monthly Remediation System Inspection on June 26, 2009
 - Average rate in North Trench = 52,242 gpd and average rate in South Trench = 1,270 gpd

Photographs



Photo 1 - April 2009 - View of Wetland C outlet

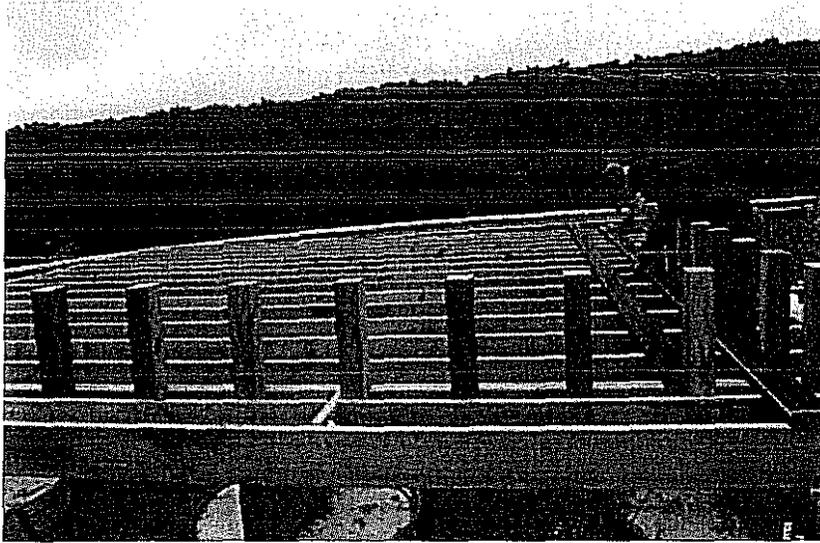


Photo 2 - June 2009 – Construction of HEEP overlook deck

Photographs (continued)



Photo 3

May 2009 – Sundew (*Drosera rotundifolia*), Northern Pool in Wetland Creation Area C3

Long-Term Monitoring Plan (LTMP)

UConn and Haley & Aldrich submitted LTMP Report for Round #9 (January/February sampling) on March 9, 2009. Samples for Round #10 were collected in April and May 2009. In general, results of the analysis have been consistent with previous rounds of sampling. We anticipate proposing a change in sampling frequency in the near future.

Listing of Project Contacts and Project Documents

No change to previous reports.

UConn Project Web Site

The site's Internet address is <http://landfillproject.uconn.edu/>

Certification:

As part of this submission, I am providing the following certification:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."

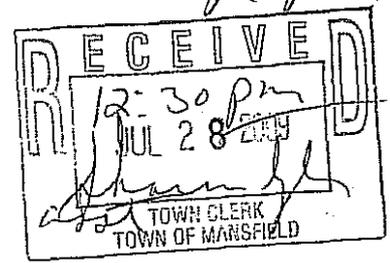
For questions, please contact James M. Pietrzak, P.E. at (860) 486-5836 or Stephanie Marks at (860) 486-1031.

Sincerely,

Richard A. Miller

Director, Office of Environmental Policy

LAW OFFICE OF BRANSE, WILLIS & KNAPP, LLC
148 EASTERN BOULEVARD, SUITE 301 • GLASTONBURY, CT 06033 • (860) 659-3735 • FAX: (860) 659-9368 • JURIS NO. 418384



RETURN DATE: SEPTEMBER 1, 2009 : SUPERIOR COURT
JOAN STEVENSON : J.D. OF TOLLAND
W. PENN HANDWERKER
V. : AT ROCKVILLE
MANSFIELD INLAND WETLANDS AND
WATERCOURSES AGENCY
COMMISSIONER OF THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION AND
J.C. BEALL
KATRINA HIGGINS : JULY 27, 2009

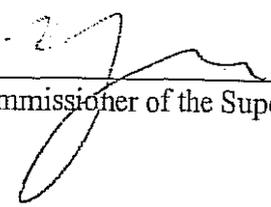
CITATION

TO ANY PROPER OFFICER, GREETING:

By the authority of the State of Connecticut, you are hereby commanded to summon the MANSFIELD INLAND WETLANDS AND WATERCOURSES AGENCY, THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE STATE OF CONNECTICUT, J.C. BEALL and KATRINA HIGGINS, to appear before the Superior Court of the Judicial District of Tolland to be held at Rockville 69 Brooklyn Street on September 1, 2009, said appearances to be made by entering a written statement of appearance with the Clerk of said Court on or before the second day following the return day, there and then to answer unto the following complaint and appeal of JOAN STEVENSON and W. PENN HANDWERKER both of 840 Wormwood Hill Road, Mansfield, CT 06268, by serving the Mansfield Inland Wetlands and Watercourses Agency, c/o Town Clerk of the Town of Mansfield, Connecticut, 4 South Eagleville Road, Mansfield, CT, 06268, with two (2) copies, THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE STATE OF CONNECTICUT, 79 Elm Street, Hartford, CT 06106-5127, and J.C. BEALL and KATRINA HIGGINS both of 62 Hammond Hill Road, Hampton, CT 06247, each a true and attested copy of the complaint, appeal, citation and summons at least twelve days before the return day, in the manner provided by law for service of civil process.

I hereby certify that I have personal knowledge of the financial responsibility of the Plaintiffs and deem it sufficient to pay the costs of this action.

Hereof fail not, but of this writ, with your doings thereon, make due service and return.



Commissioner of the Superior Court

~~A TRUE COPY ATTEST:~~



Tim Poloski
State Marshal

RETURN DATE: SEPTEMBER 1, 2009 : SUPERIOR COURT
JOAN STEVENSON : J.D. OF TOLLAND
W. PENN HANDWERKER :
V. : AT ROCKVILLE
MANSFIELD INLAND WETLANDS AND
WATERCOURSES AGENCY
COMMISSIONER OF THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION AND
J.C. BEALL
KATRINA HIGGINS : JULY 27, 2009

APPEAL

To the Superior Court for the Judicial District of Tolland, to be held at Rockville on September 1, 2009, comes the Plaintiffs, Joan Stevenson and W. Penn Handwerker, appealing from a decision of the Mansfield Inland Wetlands and Watercourses Agency (Agency) approving an application for a wetlands permit and/or license, and the Plaintiffs complain and say:

1. The Plaintiffs, Joan Stevenson and W. Penn Handwerker, are residents of Mansfield, Connecticut and reside at 840 Wormwood Hill Road, Mansfield, CT 06268.
2. The Defendants, J.C. Beall and Katrina Higgins, (the "Applicants") filed a wetlands application to construct a house with related improvements on property located on Wormwood Hill Road, Mansfield, CT (the "Application").

3. The Applicants did not notify the Plaintiffs in writing as required by the Mansfield Agency application form and the Plaintiffs were unaware that the application was being heard by the Agency on July 6, 2009 and therefore the Plaintiffs did not attend.
4. The Agency did not hold a public hearing and approved the application on July 6, 2009 even though the subject property contained a vernal pool and was a significant activity.
5. The decision was published on or about July 13, 2009.
6. The plaintiffs are aggrieved by the Commission's decision in that they own real property which abuts the subject property and/or are within ninety (90) feet of a wetland or watercourse on the Property.
7. In approving the Applicants' Application, the Defendant Agency acted illegally, arbitrarily, and in abuse of the discretion vested in it by law as an administrative agency in that:
 - a. The Agency failed to have the Applicants notify the Plaintiffs in writing, sent return receipt requested, that an application was pending as required by their Application;
 - b. The Agency lacked substantial evidence to approve the Application;
 - c. The Plaintiffs were unable to address the Agency in any manner due to their lack of notice;
 - d. Any other reason that the record may disclose.

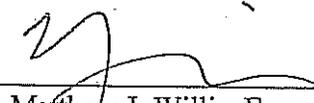
WHEREFORE, THE PLAINTIFF PRAY THAT:

1. The appeal be sustained and the decision of the Agency be declared null and void.
2. The appeal be remanded back to the Agency for proper notice to be sent and a proper hearing to be held.
3. Such other relief as in law or at equity may be appropriate.

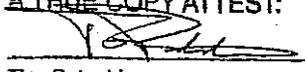
Dated at Glastonbury, Connecticut, July 27, 2009

THE PLAINTIFFS - APPELLANTS,

By


Matthew J. Willis, Esq.
Branse, Willis & Knapp, LLC
148 Eastern Boulevard, Suite 301
Glastonbury, CT 06033
Telephone: (860) 659-3735
Fax: (860) 659-9368
Juris Number: 418384

A TRUE COPY ATTEST:


Tim Poloski
is Attest

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