

# **AGENDA**

Mansfield Conservation Commission  
Wednesday, September 16, 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. August 19, 2009
- 5. New Business**
  - a. IWA Referrals:
    - W1438- Beall & Higgins- Wormwood Hill Road-Single Family House in Buffer
  - b. Review of Town Policies/Regulations regarding invasive species
  - c. Other
- 6. Continuing Business**
  - a. 2009 Windham Regional Land Use Plan(revised Development Areas Map attached)
  - b. Protecting Mansfield's Aquifers (no new information)
  - c. CL&P "Interstate Reliability Project" (no new information)
  - d. Proposed UConn Composting Facility (no new information)
  - e. Ponde Place Student Housing Project (no new information)
  - f. Natchaug River Basin project (no new information)
  - g. 2009 Planning Acquisition and Management Guidelines (attached)
  - h. Eagleville Brook Impervious Surface TMDL Project (no new information)
  - i. Other
- 7. Communications**
  - a. Minutes
    - Open Space (8/18/09-not yet available)
    - PZC (9/8/09-will be available at meeting)
    - IWA (9/8/09-will be available at meeting)
  - b. Other Correspondence
- 8. Other**
- 9. Future Agendas**
- 10. Adjournment**



Town of Mansfield  
**CONSERVATION COMMISSION**  
Meeting of 19 August 2009  
Conference B, Beck Building  
**(DRAFT) MINUTES**

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

1. The meeting was **called to order** at 7:35p by Chair Quentin Kessel.

2. The draft **minutes of the 15 July 09 meeting** were approved, with (a) a correction of item 7.10 to reference Article 6 (not Article 5) and (b) an addendum to item 6 indicating that the penultimate sentence of paragraph 2 in the resolution regarding the 2009 Windham Region Land Use Plan had been corrected (by unanimous e-mail vote on 23 July 09 of those who attended the July meeting) to read: "It is a Class I viewshed bordered by one of Mansfield's designated Bicycle Routes" instead of "It is a Class I viewshed bordered by one of Mansfield's officially designated Scenic Roads."

3. **IWA referral W1437 (B'Nai Brith Hillel, N. Eagleville Rd).** Lehmann participated in the IWA field trip to the site earlier in the day; his report is attached.

The applicant proposes (a) modest paving at the side and rear of the building and (b) stump removal from a cleared area behind the building (where the applicant hopes to construct a parking lot, though that project is not part of this application). There is a small wetland slightly uphill and about 50 ft from the proposed paving work at its closest point; it is probably a remnant of a larger wetland that was filled when 'Church Row' was constructed in the pre-IWA era. It is classed as a wetland in virtue of soil type; Meitzler indicated that when he visited the site three weeks ago it was dry (despite an unusually wet July) and appeared to lack typical wetland vegetation. If it retains any wetland functionality, it would be as a vernal pool – something one could determine only by observation in early spring. After some discussion, the Commission agreed unanimously on the following motion (Silander, Drzewiecki):

The proposed paving would probably have a minimal impact (if any) on the wetland.

However, there is a potential for impact from stump removal, if the wetland does function as a vernal pool, and adequate sedimentation controls should therefore be required for this part of the proposed work.

4. **Recreational Trails Grant.** The Parks and Recreation Department is applying for a grant to construct a wheelchair-negotiable trail from the Middle School around Bicentennial Pond. Some Commission members wondered why the plan didn't call for up-grading Byron's Trail (as opposed to constructing a new trail paralleling it), but in the end the CC agreed unanimously (motion: Drzewiecki, Dahn) to the following statement, drafted by Kessel, in support for the application:

Mansfield's Bicentennial Pond Recreation Area is widely utilized by area residents; however, it is not friendly to those with limited mobility. The proposed trail improvements will afford access to natural areas around the pond that are currently inaccessible to wheelchair-bound individuals. This multipurpose trail will also provide connections for hikers, joggers and

others to existing trails in the neighboring Schoolhouse Brook Park. We also note the benefits of the plan to the neighboring Mansfield Middle School and its student program.

**5. Windham Region Land Use Plan.** Kessel communicated the Commission's (corrected) motion on the proposed 2009 Windham Region Land Use Plan to WinCOG, with the disclaimer that it represents the position of the Commission and not necessarily that of the Town of Mansfield.

**6. Membership.** At this point, the Commission lacks Alternates. Several names were suggested; Kessel and Silander will try to determine if these people might be interested.

**7. Invasives.** Silander reported that the grounds of CVS at 4 Corners have been re-planted with vigorous invasives (burning bush, barberry) after excavation for groundwater remediation at the site. He wondered why the PZC had permitted this, given Town policies against the use of invasive species in landscaping. The Commission agreed to join in expressing disappointment to the PZC about this.

**8. The meeting adjourned** at 8:25p. Next meeting: 7:30p, Wednesday, 16 September 09.

Scott Lehmann, Secretary  
20 August 09

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A brief report on today's IWA Field trip.

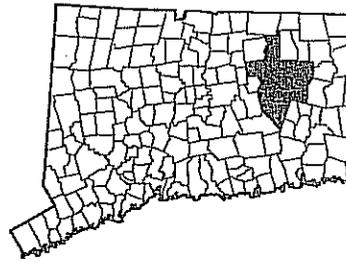
W1437 B'Nai Brith Hillel, N. Eagleville Rd. The application is for paving and patio work at the rear of the building, and for stump removal in a recently cleared area behind the building. There is a small wooded wetland slightly uphill and about 50 ft from the proposed paving at its closest point. It is probably a remnant of a larger wetland that was filled when the churches on N. Eagleville were constructed, in the bad old days before the Inland Wetlands Act. The wetland is now guarded by poison ivy, so we did not approach too closely; it appears to have no typical wetland vegetation and to be a wetland solely in virtue of soil type.

The proposed paving work will probably have no significant wetland impact, since it would be downhill from the wetland. Stump removal could impact the wetland if sedimentation isn't controlled – whether the impact would be negative depends upon whether the wetland is a wetland in anything but name at this point.

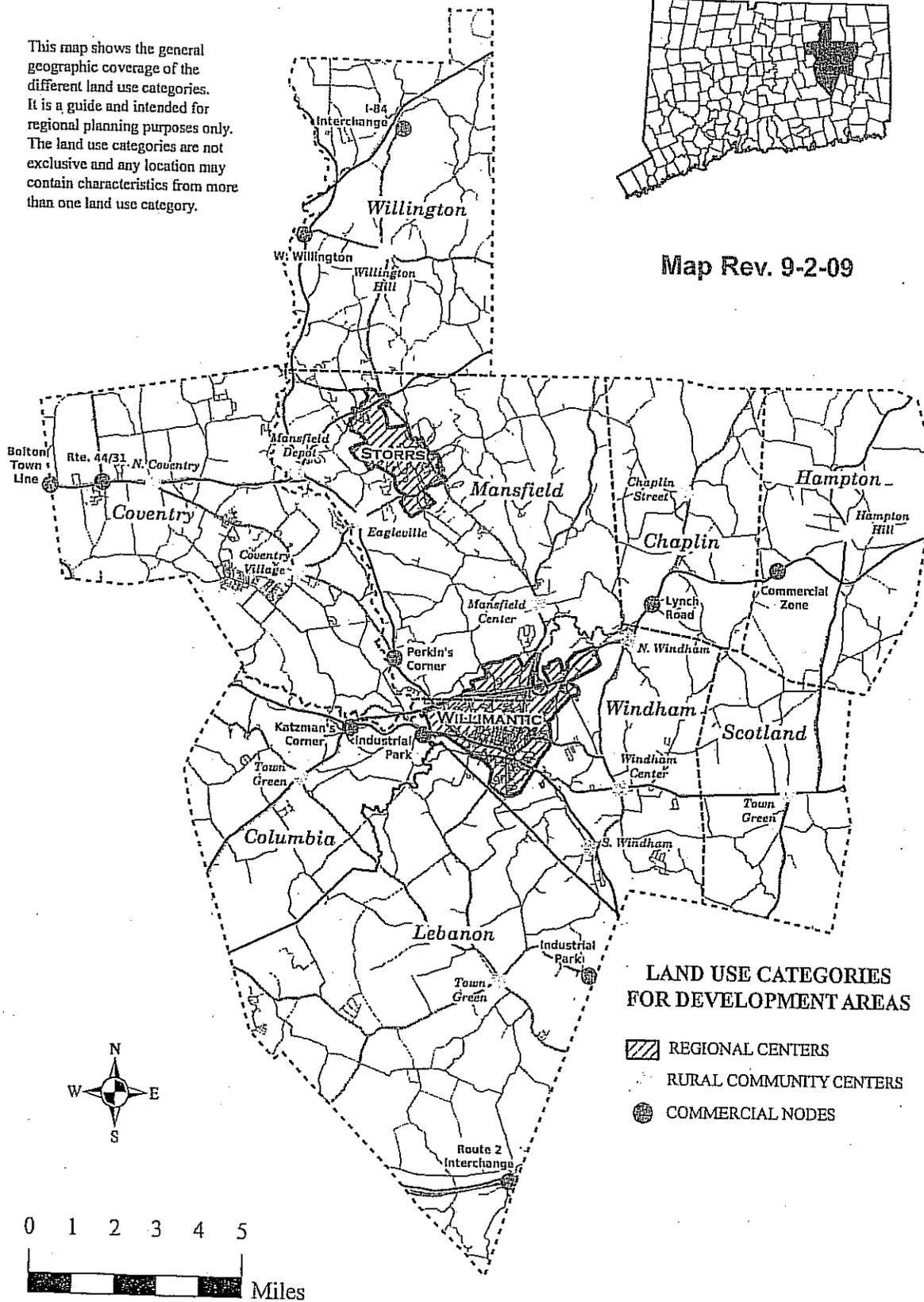
The applicant intends to turn the cleared area into a parking lot, which would involve re-grading. However, this application does not cover that. If the wetland is a real wetland, parking lot construction could have a significant impact on it.

Scott Lehmann, 19 August 09

This map shows the general geographic coverage of the different land use categories. It is a guide and intended for regional planning purposes only. The land use categories are not exclusive and any location may contain characteristics from more than one land use category.



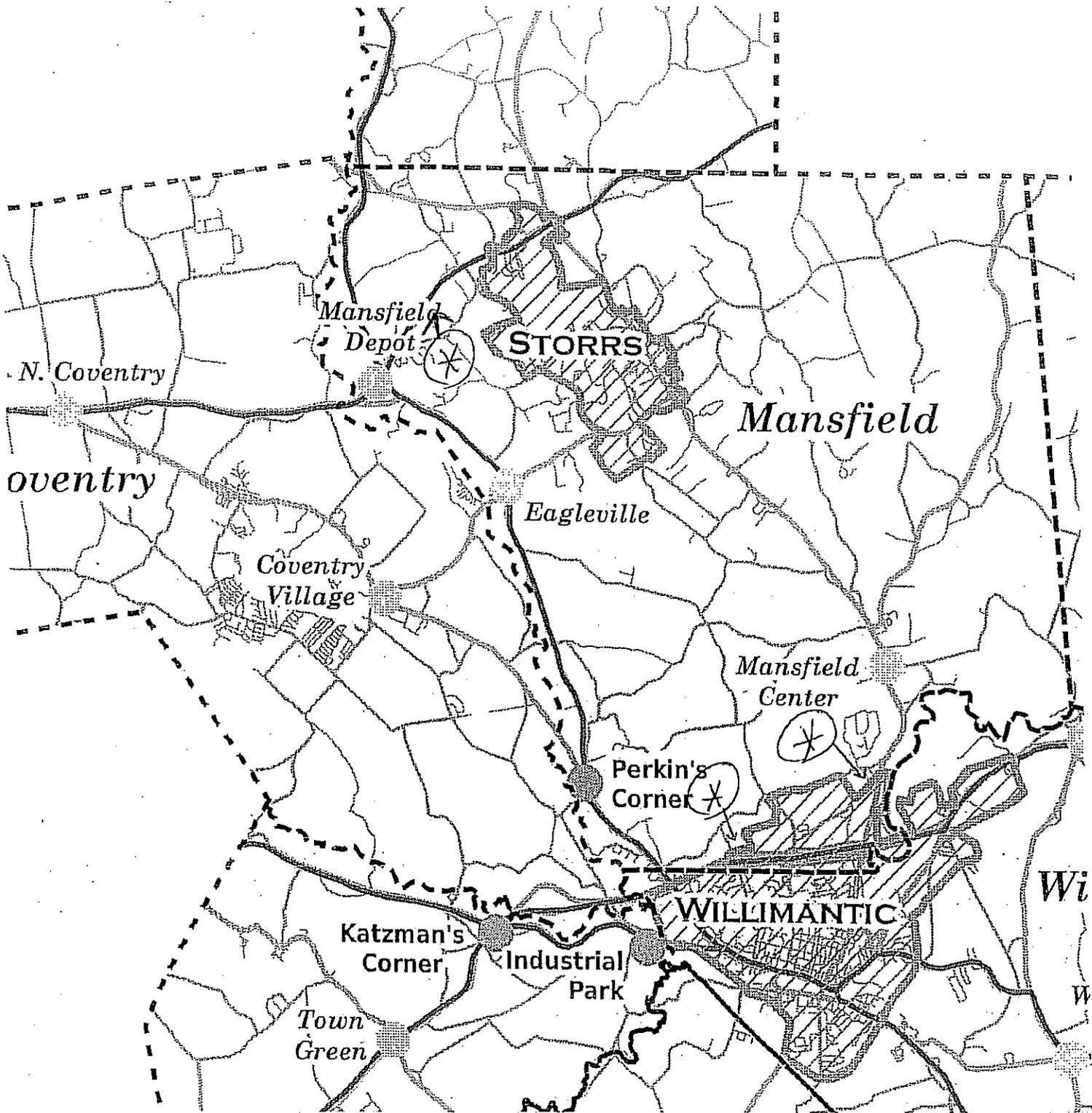
Map Rev. 9-2-09



**LAND USE CATEGORIES FOR DEVELOPMENT AREAS**

-  REGIONAL CENTERS
-  RURAL COMMUNITY CENTERS
-  COMMERCIAL NODES

**WINDHAM REGION LAND USE PLAN 2009  
DEVELOPMENT PRIORITIES**



Depiction of Regional Centers

PORTION OF WINDHAM REGION LAND USE PLAN 2009

- Approved by WINLOG REGIONAL PLANNING COMMISSION
- Under review by WINDHAM REGION COUNCIL OF GOV for final approval

\* Indicates areas inconsistent with PZC recommendations

# Planning, Acquisition, and Management Guidelines, Mansfield Open Space, Park, Recreation, Agricultural Properties and Conservation Easements

(Approved by Mansfield Town Council Nov. 13, 1995, revisions approved Aug. 25, 1997 and August 24, 2009)

## **Background**

This document serves to guide the Town of Mansfield as it plans, acquires and manages the following:

- Open space, park, and recreation areas
- Agricultural properties
- Open space acquired as a result of subdivision, as appropriate
- Conservation easements

## **I Planning**

- A. The Planning and Zoning Commission (PZC) has a statutory responsibility to periodically review and update the Town's Plan of Conservation and Development (POCD), including open space, recreation and agricultural elements. Appendix J of the 2006 POCD contains a listing of Significant Conservation and Wildlife Resources. Appendix K contains the Open Space Acquisition Priority Criteria. These pertinent sections of the POCD are contained in **Attachment A**.
- B. The Town Council, Conservation Commission, Agriculture Committee, Open Space Preservation Committee, Parks Advisory Committee, Recreation Advisory Committee, Historical Society, various staff members and the public shall directly assist the PZC with its review and updating of the POCD. Interim studies and reports shall be encouraged on specific areas of Town and on various aspects of local goals to promote recreational opportunities and to protect and enhance valuable natural, agricultural or historic resources.
- C. The PZC and Inland Wetland Agency periodically shall review and update land use regulations to help implement community goals and objectives regarding the protection and enhancement of natural, agricultural, historic and recreational resources.
- D. The Town Council shall consider on an annual basis the allocation of funds and taxation policies to help implement community goals regarding the protection and enhancement of natural, agricultural, historic and recreational resources.

## **II Acquisition**

### **A. Planning and Zoning Commission/Inland Wetlands Agency (IWA) Application/Approval Process**

The Town Manager is authorized to receive for the Town any open space/conservation easement acquisition approved by the PZC/IWA application process. However, in the event that the Town Council disagrees with PZC/IWA recommendation for the proposed acquisition, the Town Manager is not authorized to accept the acquisition without specific Town Council authorization.

Before acting however, the Town Council will provide PZC/IWA the opportunity to justify their recommendation.

1. The procedure for reviewing open space/conservation easement acquisitions associated with the PZC application/approval process is detailed below.
2. Proposed open space/conservation easements associated with the PZC application/approval process shall be referred for comment to the Open Space Preservation Committee, the Town Council, the Conservation Commission, and as appropriate, the Parks Advisory Committee, the Recreation Advisory Committee, and the Agriculture Committee.
3. Proposed open space/conservation easements associated with the PZC application/approval process shall be evaluated by taking into account site and neighborhood characteristics, the proposed development layout, natural, historic, cultural and scenic resource information, and priority criteria contained in Mansfield's POCD and regulatory provisions.
4. Comments from committees shall be forwarded to the PZC/IWA and the Town Council. As deemed necessary, the PZC/IWA and/or the Town Council may obtain expert advice to address management concerns and potential liabilities.
5. Any Town Council comments or recommendations, including any obtained expert advice, shall be forwarded to PZC/IWA in association with the application review process.
6. If a public hearing is held as part of the PZC/IWA application process, committee and Town Council comments shall be submitted prior to the close of the public hearing.

#### B. Other potential open space acquisitions

##### 1. Step I-Committee Reviews

In response to a Town Council or staff referral or a committee initiative, the Open Space Preservation Committee shall conduct preliminary reviews of potential acquisitions and/or conservation easements. Potential acquisitions shall be evaluated based on resource information and priority criteria contained in Mansfield's POCD. As deemed appropriate, property owners shall be contacted, sites shall be visited and the Town's other land use commissions and committees shall be consulted. Available properties worthy of further consideration shall be referred to the Town Council with a background report. Said report shall identify important site characteristics and potential benefits. In addition, potential liabilities and management concerns, including anticipated maintenance and improvement costs, shall be noted.

##### 2. Step II-Town Council Review

The Town Council shall review the Open Space Preservation Committee report, In instances where deemed necessary to maintain the confidentiality of the transaction, the Open Space Preservation Committee report shall be discussed in executive session. As deemed appropriate, the Town Council shall take a field trip to the site. Where multiple properties are being reviewed, the Town Council may schedule a meeting (in executive session when necessary) with the Open Space Preservation Committee to consider priorities.

### 3.. Step III-Negotiations, Grant Applications

After evaluation of site characteristics, potential benefits and management needs, the Town Council shall authorize the Town Manager to begin preliminary negotiations with property owners of land deemed suitable for further consideration. If appropriate, and if grant funds are available, the Town Manager shall direct staff to complete a grant application to subsidize the purchase of the identified property.

### 4. Step IV-Appraisals, Consultants

Depending on preliminary negotiations, the Town Council may authorize the Town Manager to hire a real estate appraiser to prepare an opinion of value or appraisal report for potential properties or portions of said property. In addition, the Town Council may authorize the Town Manager to retain other expert advice to inform the Council on other management concerns and/or potential liabilities.

### 5 Step V-Purchase Agreements

Subject to Town Council authorization, the Town Manager may negotiate and execute purchase agreements for potential acquisitions. Said purchase agreements shall be conditional upon final approval by the Town Council, following a Public Hearing. As appropriate, the Town Manager may utilize specialists, such as the Trust for Public Land, to negotiate and facilitate agreements.

### 6. Step VI-Public Hearing

The Town Council shall hold a Public Hearing to receive public comment regarding a proposed purchase. Prior to the Public Hearing, neighboring property owners shall be notified by staff and, in situations where a referral has not yet taken place, the proposed purchase shall be referred to the PZC pursuant to Section 8-24 C.G.S.

### 7.. Step VII-Town Council Vote

Following the Public Hearing, the Town Council shall vote on whether to acquire the subject property.

### 8 Step VIII-Property Preparation

After the Town Council votes to acquire the property, and before a management plan is approved, Town Staff, relevant committee members and other volunteers shall take appropriate

steps to prepare the property for Town ownership. These steps may include, but are not limited to:

- Gathering information from abutters regarding management issues/concerns
- Creating safe access
- Surveying land and marking boundaries, if appropriate
- Developing a map including boundary information, existing notable features such as trails, waterways, buildings and vistas

C. Sale of Town-owned Properties

In general, it is the Town's policy not to sell land or conservation restrictions acquired by the Town through purchase, donation or as a result of a PZC/IWA subdivision application process. In some instances, a deed restriction may prevent the Town from selling Town-owned land. In the unusual instances where Town lands and easements may be transferred to private ownership, clear benefit to the Town must be demonstrated. In these instances, the Town Council shall refer the property to PZC pursuant to Section 8-24 of the Connecticut General Statutes, and hold a Public Hearing to receive public comment regarding the proposed sale. In addition, staff shall notify neighboring property owners of the proposed sale.

D. Leasing of Town-owned Properties

1. **Agricultural Land**

The policy goals of the Town 2006 POCD encourage sustainable agricultural land use, and the conservation and preservation of Mansfield's agricultural resources (p.4). For this reason, when the Town acquires farmland or land with prime agriculture soils, it is Town policy that this land be actively farmed. When the Town initiates an agricultural lease of Town property, there shall be a formal "Request for Agricultural Services." The Town shall publish a legal notice requesting sealed proposals no less than 10 days prior to the date the proposals are due. The Town Manager, with advice from the Agriculture Committee, shall be responsible for selecting the services rendered and for monitoring the leases. A sample lease for Town-owned agricultural land is contained as **Attachment B**.

2. **Other Land**

In instances where an individual requests to lease Town-owned property, this request shall be referred to the Open Space Preservation Committee and any other relevant committee to review. In general, it is the Town's policy to lease only Town-owned agricultural lands. In the rare instance when the Town agrees to lease other Town-owned land to a private party, clear benefit to the Town must be demonstrated. In these instances, the Town Council shall refer the property to PZC pursuant to Section 8-24 of the Connecticut General Statutes, and hold a Public Hearing to receive public comment regarding the proposed lease. In addition, staff shall notify neighboring property owners of the proposed lease.

III Managing Town Parks, Preserves, Open Space and Agricultural Land

A. Step I-Management Plan Assignments

The Town Manager, with the advice of committees and Town staff, shall assign the support role of a draft management plan to the appropriate Town staff, with input from appropriate committees.

As a general rule, the preparation of a draft management plan shall be a coordinated effort involving the Conservation Commission, Agriculture Committee, Parks Advisory Committee, Recreation Advisory Committee, Open Space Preservation Committee, Town staff, and, as appropriate, the PZC, Inland Wetland Agency and Beautification Committee. Responsibility for preparing a written draft management plan will be as follows:

- 1) The Conservation Commission shall provide input for draft management plans for undeveloped open space areas;
- 2) The Agriculture Committee shall provide input for draft management plans for properties with existing or proposed agricultural or horticultural uses;
- 3) The Parks Advisory Committee shall provide input for draft management plans for existing or proposed park areas with trails, community gardens or other recreational facilities;
- 4) The Recreation Advisory Committee shall provide input for draft management plans for properties with existing or proposed playgrounds or athletic fields.
- 5) The Open Space Preservation Committee shall provide input for draft management plans for properties with special characteristics reviewed during the acquisition process.

#### B. Step II-Drafting the Management Plan

##### *1) Format*

Management plans shall be prepared utilizing the general format contained in **Attachment C**. Each plan shall summarize the information gathered and presented during the acquisition process. In addition, the management plan shall document important site characteristics, concerns, and goals for the use of the property as well as recommended management and monitoring actions.

##### *2) Invasive Species*

Pursuant to Mansfield's Non-Native Invasive Species Policy (included as **Attachment D**) adopted on the staff level after briefing the Town Council at their 11/22/04 meeting, management plans shall include the development and implementation of an invasives control plan and prohibit the use of species banned by Public Act 04-203 of the State of Connecticut, with any subsequent revisions.

##### *3) Fiscal Notes and Budget Considerations*

Fiscal notes estimating the costs associated with managing the property shall be included as an attachment to the management plan. These fiscal notes shall serve to guide the Town Council and committee members as to *estimated* projected costs associated with implementing the management plan. More precise cost estimates shall be prepared annually for budget consideration by the Town Manager and Town Council as part of the annual Capitol Improvement Budget. When available, sources of grant assistance shall be investigated and

grant applications shall be prepared by staff to implement goals and objectives stated in the management plan.

#### *4) Naming the Property*

The proposed name of the property shall be included in the draft management plan. In general, the Town of Mansfield shall name properties after a significant natural or historic feature. In some instances, it shall be deemed appropriate by the advisory committees, the Town Council, the PZC or staff to name a property in a different manner. Naming of properties after a person shall be limited to those properties that have been donated to the Town or made a specific condition of acquisition. In all cases, the Town Council, with advice from advisory committees and the PZC, shall make the final decision regarding the name of the property.

#### C. Step III-Staff and Committee Review

Staff shall provide comment and circulate the draft management plan to appropriate committees for final review before an abutters' review and public comment.

#### D. Step IV-Abutters' Review

After the preparation of a draft management plan or significant changes in a plan, the responsible staff member or committee member shall notify abutting property owners and schedule an abutters' meeting to provide opportunity for neighborhood comment.

#### E. Step V-Town Council Review

The Town Council shall review draft management plans or significant changes in a plan and, as deemed appropriate obtain additional information from the Town's various land use commissions/committees and staff. The Town Council may choose to hold a Public Hearing to receive public input to the plan.

#### F. Step VI-Town Council Approval

The Town Council shall approve a new management plan or significant changes to an existing plan for Town-owned properties.

#### G. Step VII-Implementation

Implementing management plans shall be a coordinated effort among Town staff, advisory committee members, and volunteer stewards. Implementation shall be coordinated through the Parks and Recreation Department but may include staff from various other Town departments including the Department of Public Works, Planning Department, etc.

Plan implementation may include but will not be limited to:

- Structural improvements for public access and safety (such as establishing a parking area, constructing trails, improving wheelchair accessibility)

- Ecological management (such as inventorying natural resources, managing and controlling invasive species, encouraging native habitats, improving wildlife habitat)
- Maintenance of parking areas, signage, and boundary markers
- Monitoring of plan goals and objectives to ensure effective implementation
- Public outreach including public information and interpretive guides and maps, and use for education and research

#### H. Step VIII-Monitoring

Site conditions, including any new improvements, shall be monitored in accordance with the schedule established in the approved management plan by staff or appropriate volunteers. Any problems or issues uncovered shall be reviewed by staff and the commission /committee members that assisted in the preparation of the management plan. As appropriate, problems or issues shall be referred to the Town Council.

#### I. Step IX-Management Plan Update

The management plan(s) shall be updated as per the approved schedule or as often as deemed necessary by the Town Council or by the commissions/committees.

### **IV Management of Conservation or Agricultural Easements**

A specific management plan is not needed for conservation or agricultural easements unless public access, trails or other municipal interests not adequately addressed in the easement are involved. If a management plan is appropriate, a draft shall be prepared, using the steps detailed in Section III of these guidelines. The Conservation Commission, with staff assistance, shall be responsible for periodically monitoring Mansfield's existing Conservation Easements. **Attachment E** contains a Conservation Easement Abstract and Monitoring/Inspection Form. The Agriculture Committee, with staff assistance, shall be responsible for periodically monitoring any agricultural easements.

Problems or issues uncovered shall be reviewed with staff. As appropriate, problems or issues shall be referred to the Town Council, PZC, or Inland Wetland Agency, depending on the specific easement document.

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