

Town of Mansfield
CONSERVATION COMMISSION
Meeting of 21 March 2012
Conference B, Audrey P. Beck Building
MINUTES

Members present: Aline Booth (Alt.), Joan Buck (Alt.), Peter Drzewiecki (from 8:15p), Neil Facchinetti, Quentin Kessel, Scott Lehmann, John Silander. *Members absent:* Robert Dahn, Frank Trainor. *Others present:* Al Cyr (Agriculture Committee), Grant Meitzler (Wetlands Agent).

1. The meeting was **called to order** at 7:35p by Chair Quentin Kessel. Aline Booth and Joan Buck were designated voting members for this meeting. The Commission agreed to re-order the New Business part of the agenda to take up 5c (Right to Farm Ordinance) first, followed by 5d (Other: revisiting the Healey application).

2. The draft **minutes of the 18 January meeting** were approved with the insertion of “behind and” before “below” in the first sentence of the Commission’s comment on W1492 in item 3.

3. Proposed Right-to-Farm Ordinance. The Agriculture Committee has proposed that Mansfield adopt a Right-to-Farm ordinance. Sections 5 and 6 reproduce language in the Connecticut General Statutes blocking nuisance suits against “generally accepted agricultural practices,” save in cases of “willful or reckless misconduct.” The ordinance would add no regulations to those already in effect; its purpose is to rather put the Town on record in support of agriculture in Mansfield.

Buck asked how “willful or reckless misconduct” is to be determined. Mr. Cyr replied that complaints alleging such misconduct would go to the Commissioner of Agriculture for investigation. Lehmann questioned whether the Town should endorse (5) of Section 5, which excuses “water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Energy and Environmental Protection.” He observed that “generally accepted agricultural practices” in the Midwest have created a large ‘dead zone’ in the Gulf of Mexico from fertilizer run-off. Facchinetti had similar misgivings about (4) of Section 5, which excuses “use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Connecticut Commissioner of Energy and Environmental Protection or, where applicable, the Commissioner of Public Health.” He indicated that he did not have a great deal of confidence in state regulation of agricultural chemicals, based on attempts to get UConn to assess the impact of chemical applications at the Agronomy Farm on local wells. In response, Mr. Cyr suggested that whatever pollution results from agricultural use of fertilizer and chemicals is likely to be worse if farms are converted to housing developments with acres of lawn.

A motion (Kessel, Silander) that the Conservation Commission approves the proposed Town Right-to-Farm Ordinance failed (for: Kessel, Silander; against: Buck, Facchinetti; abstaining: Booth, Lehmann). A subsequent **motion** (Lehmann, Silander) was adopted (all present in favor save Buck, opposed):

The Conservation Commission supports the goals of the proposed Right-to-Farm ordinance, as announced in Section 3, but has reservations about the Town’s endorsing (4) and (5) of Section 5 (notwithstanding their inclusion in the state statutes).

Mr. Cyr left the meeting, and Drzewiecki arrived shortly thereafter at 8:15p.

4. W1492 (Healey, 476 Storrs Rd). Kessel observed that, when the Commission considered this application at its February meeting, it failed to notice that the applicant proposed to utilize some of the Town open space off Bassetts Bridge Road for overflow lawn parking. After some discussion, the Commission agreed unanimously (**motion:** Silander, Lehmann) to supplement its comment on this application with the following recommendation:

If use of Town land off Bassetts Bridge Rd. for overflow lawn parking damages the meadow, the applicant should be responsible for restoring it without use of fertilizers.

5. IWA referrals. {Lehmann's report on the 03/13 IWA Field Trip to these sites is attached.}

a. W1494 (Moskowitz, 117 Stone Mill Rd.) The applicant proposes regrading to tidy up a slope at the end of a fieldstone retaining wall off Stone Mill Rd. near the Fenton River and filling a small depression at the bottom to make the surface level with that below the wall. After some discussion, the Commission unanimously agreed to the following **motion** (Booth, Buck):

The Commission foresees no significant wetlands impact from the landscaping project proposed in W1494 (as shown on the map dated "2.28.2012"), provided erosion and sedimentation controls remain in place until the area is stabilized.

b. W1495 (Sabatelli, 306 Stearns Rd.) The applicant proposes to add to her house a second garage bay. Its back half would be under an existing deck, the front half protruding into the existing driveway area. At its closest point, it would be about 42 ft from a pond (a few feet closer than the existing structure). The new bay would be constructed on a concrete slab. After some discussion, the Commission unanimously agreed to the following **motion** (Booth, Buck):

The Commission foresees no significant wetlands impact from the addition proposed in W1495 (as shown on the map dated "March 1, 2012"), provided erosion and sedimentation controls remain in place until the area is stabilized.

6. Agronomy Farm. Facchinetti reported on the 2/14 response of the Dean of the College of Agriculture and Natural Resources to concerns about pesticide storage, use, and monitoring at the Agronomy Farm raised by Storrs Heights residents in a 1/19 meeting with UConn officials. The Dean's position is that the University is now doing what is necessary to manage risk from chemicals used on the farm and that additional measures (testing wells for more chemicals, storing them off-site, etc.) are unlikely to produce additional benefits, at least at acceptable cost. Facchinetti's report is attached.

7. Adjourned at 8:54p.

Scott Lehmann, Secretary, 22 March 2012; approved 18 April 2012.

Attachment 1: Lehmann's report on the 03/13/12 IWA Field Trip

W1494 (Moskowitz, 117 Stone Mill Rd). This is easier to see on a map than it is to describe. The applicant proposes to tidy-up an area just off Stone Mill Rd (to the north) near the Fenton River. A field-stone retaining wall runs east-west parallel to the road, giving way near the river to a somewhat bedraggled slope. This slope would be smoothed out and the small area below it

filled so that it is level with the slope of the land below the retaining wall. The area to be filled is depressed and collects water from runoff. What is proposed seems to me a minor alteration of the landscape, with no significant wetlands impact as long as silt fences are in place to keep dirt and fill from washing into the river until the area is stabilized.

W1495 (Sabatelli, 306 Stearns Rd). The applicant proposes to add a second garage bay, in part under an existing deck and but extending out about 10 feet into the existing level driveway area. The outer wall of the new bay would be co-planer with the north wall of the house, from which the deck extends out toward a pond; I believe that no foundation work, other than pouring a concrete slab, is involved. The northwest corner of the addition would be about 42 feet from the pond, which lies slightly below the level of the driveway. It seems to me that the project, if undertaken with standard erosion controls, would not materially add to whatever impact the existing structure has on wetlands.

Attachment 2: Facchinetti's 3/21/12 report on the UConn Research Farm

On January 19, 2012, representatives from the Storrs Heights neighborhood met with UConn officials and discussed pesticide use, monitoring and storage at the research farm next to Storrs Heights. On February 14th the Dean of Agriculture and Natural Resources responded to our requests.

Dean Weidemann wrote that this year he would provide a summary of the amounts and locations of pesticides used at the farm. Because of limited staff and an uncertain budget, he could not promise to provide this summary in the future, though neighbors would have access to these public records to compile summaries on their own. Neighbors asked for annual beginning and ending inventories of the approximately 150 pesticide products stored at the farm, but this was not addressed in the Dean's response. The Dean does not believe that suggested upgrades to the storage facility for these pesticides is warranted, even though neighbors believe that spill containment and fireproofing systems are inadequate and that, without these upgrades, pesticides should be stored in a safe location off the farm away from residential communities, and away from the Fenton River watershed. (A topographical map, attached, shows the proximity and elevation of the research farm in relation to the Fenton River.)

The Dean does not believe that more extensive and more frequent testing of pesticides is necessary. Neighbors believe that wells should be tested more than once a year and that older private wells downgrade from treated fields should be tested frequently. Neighbors have noted that tests for some of the pesticides used at the farm have been deemed by UConn as too expensive and thereby impractical. Other pesticide tests are not conducted by UConn because they are not readily available. Based on information from a consultant in environmental sciences, neighbors informed UConn representatives that some tests for pesticides may not be sensitive enough to detect risky levels of contamination. Neighbors therefore have taken the position that when pesticides are not tested adequately in groundwater samples for one reason or another, the use of these pesticides should be discontinued. The Dean takes the opposite position that adequate safeguards are in place to prevent and detect the migration of pesticides and that such migration is unlikely to occur. Neighbors have been advised by their technical consultant that surface water from the farm pond and other neighboring ponds should be analyzed for pesticide contamination. The Dean believes pond water tests would not provide any useful additional information.

Storrs Heights neighbors plan to continue their efforts to improve the use, testing and storage of pesticides in order to minimize the risk of contamination in private wells and the Fenton River Watershed.

Storrs
Heights
Neighborhood
~ 600' elev.

Uconn
Research
Farm
~ 650' elev.

Fenton
River
~ 250' elev.

