

AGENDA
Mansfield Conservation Commission
Regular Meeting
Wednesday, September 19, 2012
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 18, 2012
5. **New Business**
 - a. IWA Referral: IWA File #W1501-Block-Hanks Hill Road
 - b. PZC Referrals: PZC File #1284-2-Whispering Glen-73 Meadowbrook Lane
PZC File #1312-Healey-Assembly-Banquet Hall-476 Storrs Road
PZC File #1246-10-Storrs Center Alliance-Amend Zoning Map
 - c. Conservation Commission DRAFT Annual Report
 - d. Other
6. **Continuing Business**
 - a. Protecting Dark Skies in the Last Green Valley
 - b. Water Source Study for the Four Corners Area/Environmental Impact Evaluation (EIE)
 - c. Swan Lake Discharge Mirror Lake Dredging and other UConn Drainage Issues
 - d. UConn Agronomy Farm Irrigation Project
 - e. Eagleville Brook Impervious Surface TMDL Project
 - f. UConn Hazardous Waste Transfer Station
 - g. Ponde Place Student Housing Project
 - h. CL&P "Interstate Reliability Project"
 - i. Other
7. **Communications**
 - a. Minutes
 - Open Space (7/17/12, 7/30/12, 8/6/12, 8/21/12)
 - PZC (7/16/12, 8/6/12, 9/4/12)
 - IWA (7/16/12, 8/6/12, 9/4/12)
 - b. Inland Wetlands Agent Monthly Activity Report
 - c. The Habitat-Summer 2012
 - d. 9/10/12 Communication from Naubesatuck Watershed Council
 - e. Other
8. **Other**
9. **Future Agendas**
10. **Adjournment**

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Town of Mansfield
CONSERVATION COMMISSION
Meeting of 18 July 2012
Conference B, Audrey P. Beck Building
(draft) MINUTES

Members present: Aline Booth (Alt.), Neil Facchinetti, Quentin Kessel, Scott Lehmann.
Members absent: Joan Buck (Alt.), Robert Dahn, Peter Drzewiecki, Frank Trainor, John Silander. *Others present:* Tom Boyle (Eagleville Development Group), Grant Meitzler (Wetlands Agent), Linda Painter (Town Planner), Nathan Wojtajna (UConn student)

1. The meeting was called to order at 7:33p by Chair Quentin Kessel. Alternate Aline Booth was designated a voting member for this meeting.

2. The draft minutes of the 20 June 2012 meeting were approved as written.

3. PZC 1214-3: Beacon Hill Estates Section II, Mansfield City Rd. After reviewing comments on its Off-Site and Neighborhood Influences Inventory Plan and Site Analysis Plan, Eagleville Development Group has submitted a Conceptual Yield Plan and Conceptual Layout Plan for a second phase of the Beacon Hill Estates subdivision on Mansfield City Road.

The yield plan proposes that regulations allow seventeen 2-acre lots to be developed on the property (with two driveway cuts on Mansfield City Rd. and two connected access roads from Mansfield City and Beacon Hill Roads). The layout plan proposes fourteen lots (50K ft² minimum) in the eastern portion of the property, clustered along an access road (“Wyllys Farm Road”) from Beacon Hill Road, plus three large lots (170K ft² and up) in the western part of the property, accessed by a common driveway from the new access road. This common driveway would have to cross a north-south wetland that bisects the property.

Undeveloped frontage on Mansfield City Road would be maintained by an open space dedication. Three additional open space dedications encompass the wetland (save for the driveway corridor); two of them are contiguous with Town or State land. In all, 26 acres would be dedicated to the Town as open space. According to Tom Boyle, 98% of (the length of) stone walls on the property would be preserved, primarily by utilizing them as lot boundaries.

Booth wondered if the open space dedication of Mansfield City Road frontage could be replaced by conservation easements on larger lots without opening up the possibility that their owners could sell the frontage for development. Monitoring a conservation easement on private property may be less onerous for the Town than managing an open space dedication. Painter indicated that a conservation easement would be legally sufficient to prevent future development.

Kessel observed that the open space dedication, while generous in terms of area, is fragmented. No dedicated open space connects the Town and State land, limiting the reach of a future trail system and the recreational use of dedicated open space by subdivision residents. The three lots in the western portion are considerably larger than necessary; trimming and shifting them a bit would permit a more useful dedication of connected open space.

The Commission had hoped that development of the western portion could be avoided entirely, so as to preserve a large tract of interior forest and avoid a road or common driveway across the wetland. Painter suggested that it might be possible to squeeze more lots into the eastern portion, but that doing so would probably require sacrificing stone walls and undeveloped frontage on Mansfield City Road. It is conceivable that the western portion of the property could be preserved through a program administered by the Connecticut Department of Revenue Services (DRS) that allows tax credits for donations to approved projects, such as open space acquisition. However, the DRS’s tax-credit “budget” is limited, and the Town has no

experience with this program.

The Commission was not up to formulating a comment to the PAC on the subdivision plan and agreed to let the minutes reflect the discussion. Mr. Boyle left the meeting.

4. Hazardous Waste Transfer Station. Painter reported that an advisory committee on relocating UConn's hazardous waste transfer station has met and aims to nominate 5-6 potential sites for an Environmental Impact Evaluation (EIE). The present location behind Horsebarn Hill may be among them, despite its being in a public water supply watershed. Various stakeholders (including UConn, the Town of Mansfield, the Naubesatuck Watershed Council) are represented on the committee.

5. Water Issues.

a. The **Water Source Study for the Four Corners Area** has added proposals from Hartford's MDC to its EIE process. MDC water would arrive via a new pipeline routed along US 44 or I-84. Painter indicated that the cost of such a pipeline would be very large (on the order of \$100M) and that zoning changes in corridor towns would be required by DEEP to keep the project from becoming an engine of sprawl.

b. Kessel attended the Town Council's 12 July **Workshop on Water Supply Issues** and was impressed by the quality of the presenters and their patience in answering questions. Former Council member (now State Rep.) Greg Haddad was among those raising the issue of governance, emphasizing the importance of the Town's having a say in how any new water is allocated.

c. Painter reported that UConn has moved to **Stage II Water Conservation** today (18 July), as flows in the Fenton and Willimantic Rivers continue to decline in the absence of significant rainfall.

d. Nathan Wojtajna is working on a project to sharply reduce **Hockanum's use of UConn water** at the former Mansfield Training School greenhouses by capturing rainwater runoff from the roof for use in watering plants.

6. Agricultural Ordinances. The Town Council will be considering several proposed ordinances relating to agriculture, among them, the Right-to-Farm ordinance that the Commission discussed at its March meeting. Lehmann will send the relevant portion of the March minutes to Painter to forward to the Council as the Commission's comment.

7. Adjourned at 8:53p. Kessel will e-mail members to determine whether a quorum can be assembled for the scheduled August meeting on 15 August.

Scott Lehmann, Secretary, 20 July 2012.

APPLICATION FOR PERMIT
MANSFIELD INLAND WETLANDS AGENCY
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268
TEL: 860-429-3334 OR 860-429-3330
FAX: 860-429-6863

FOR OFFICE USE ONLY
File # 1501
Fee Paid \$185-
Date Received 8-29-12

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 Block PROPERTIES LLC - Michael Block

Mailing Address 22 Marsh Road

Willington CT Zip 06779

Telephone-Home (860) 429-0777 Telephone-Business (860) 377-3737

Title and Brief Description of Project

Replacing a single wide mobile home with a double wide mobile home on lot #22

Location of Project 8-22 Hawks Hill Road

Intended Start Date ~~10/2012~~ 10/2012

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

Name SAME

Mailing Address _____

_____ Zip _____

Telephone-Home _____ Telephone-Business _____

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

Signature _____ date _____

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

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

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

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

- a) in the wetland/watercourse
 - b) in the area adjacent to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is off your property
- b - Pouring a 6" 27' X 48' concrete pad to replace single wide mobile home w/ a double wide. No material is needed. All utilities, water, sewer & electric for this mobile home are already in place.

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
- b - ~~pouring~~ concrete pad being poured under new double wide mobile home. The pad is 27' X 48' which equals 1300 square feet.

3) Describe the type of materials you are using for the project: No material needed.
Site is all set for mobile home except for concrete pad. Concrete being used to pour pad.

- a) include type of material used as fill or to be excavated No filling or excavating needed
- b) include volume of material to be filled or excavated N/A

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).

None needed

Part D - Site Description

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

Flat open area where mobile home is located. ~~off to the~~ on the left side is woods with a drainage ditch that goes down the left side of the property and drains into wetlands in the back of the property.

Part E - Alternatives

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

There will be no impact on the drainage brook.

Part F - Map/Site Plan (all applications)

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

2) Applicant's map date and date of last revision _____

3) Zone Classification _____

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

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

See Section 6 of the Mansfield Regulations for additional requirements.

Part H - Notice to Abutting Property Owners

1) List the names and addresses of abutting property owners

Name	Address
Robin Weeks	1 Hanks Hill Rd Storrs
Capershub LLC	1182-1184 Storrs Rd. Storrs
Cart yard Condo complex	c/o Westford Perestute Management LLC 50 Founders Plaza Suite 207 E. Hartford CT 06108
Sheri Farr	28 HANKS HILL Rd Storrs
Jack + Susan Vingay	34 Hanks Hill Rd. Storrs
Gale + James Murrell	44 Hanks Hill Rd Storrs
Timothy + Patti Jassardo	52 Flaherty Rd Storrs
Stacey Veziak	60 Flaherty Rd. STORRS

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

Part I - Additional Notices, if necessary

- 1) Notice to Windham Water Works is attached. If this application is in the public watershed for the Windham Water Works (WWW), you must notify the WWW of your project within 7 days of sending the application to Mansfield--sending it by certified mail, return receipt requested. Contact the Mansfield Inland Wetlands Agent to find out if you are in this watershed.
- 2) Notice to Adjoining Town. If your property is within 500 feet of an adjoining town, you must also send a copy of the application, on the same day you sent one to Mansfield, to the Inland Wetlands Agency of the adjoining town, by certified mail, return receipt requested.
- 3) The Statewide Reporting Form (attached) shall be part of the application and specified parts must be completed and returned with this application.

Part J - Other Impacts To Adjoining Towns, if applicable

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

Part K - Additional Information from the Applicant

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

Part L - Filing Fee

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

___ \$1,000. ___ \$750. ___ \$500. ___ \$250. ___ \$125. ___ \$100. ___ \$50. ___ \$25.

___ \$60 State DEP Fee

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.

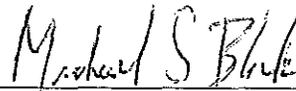
The undersigned applicant hereby consents to necessary and proper inspections of the above mentioned property by members and agents of the Inland Wetlands Agency, at reasonable times, both before and after the permit in question has been granted by the Agency.

Michael S Bleck
Applicant's Signature

8/22/12
Date

PROJECT DESCRIPTION FOR WETLANDS APPLICATION
FOR 22 HANKS HILL ROAD STORRS

- 1) Pour a 6 inch thick, 27 foot by 48 foot concrete pad for a double wide mobile home that is replacing a single wide mobile home. It will be approximately 15 feet from the drainage brook that runs down the left side of the property. This proposed double wide mobile home is 12 feet shorter than the single wide mobile home it is replacing. It will be approximately 11 feet farther away from the drainage brook than the single wide mobile home was.
- 2) A 27 foot by 48 foot concrete pad will be poured. No material will be filled or excavated on the property. No wetlands will be disturbed.
- 3) Yes
- 4) No alternatives.
- 5) A concrete pad will be poured. The mobile home when delivered is backed right onto the concrete pad it is being set on. No heavy equipment is needed. I am hoping to do the work in October 2012.
- 6) There will be no disturbance to the drainage brook for this project.
- 7) In 2008 I received a wetlands permit for this property to pour 6 pads and install 6 new mobile homes on lots 10 through 20. Originally, replacing the single wide with a double wide mobile home on lot 22 was also part of my 2008 wetlands application. At the time I was told that I should wait to apply for this part until the existing mobile home was moved and then re-apply to wetlands for this last lot. In 2009 I expanded the existing stick built house on lot 8 on the front right side of the property.
Lot 22 is the final lot on this property to be upgraded.



Michael S. Block, Manager/Member

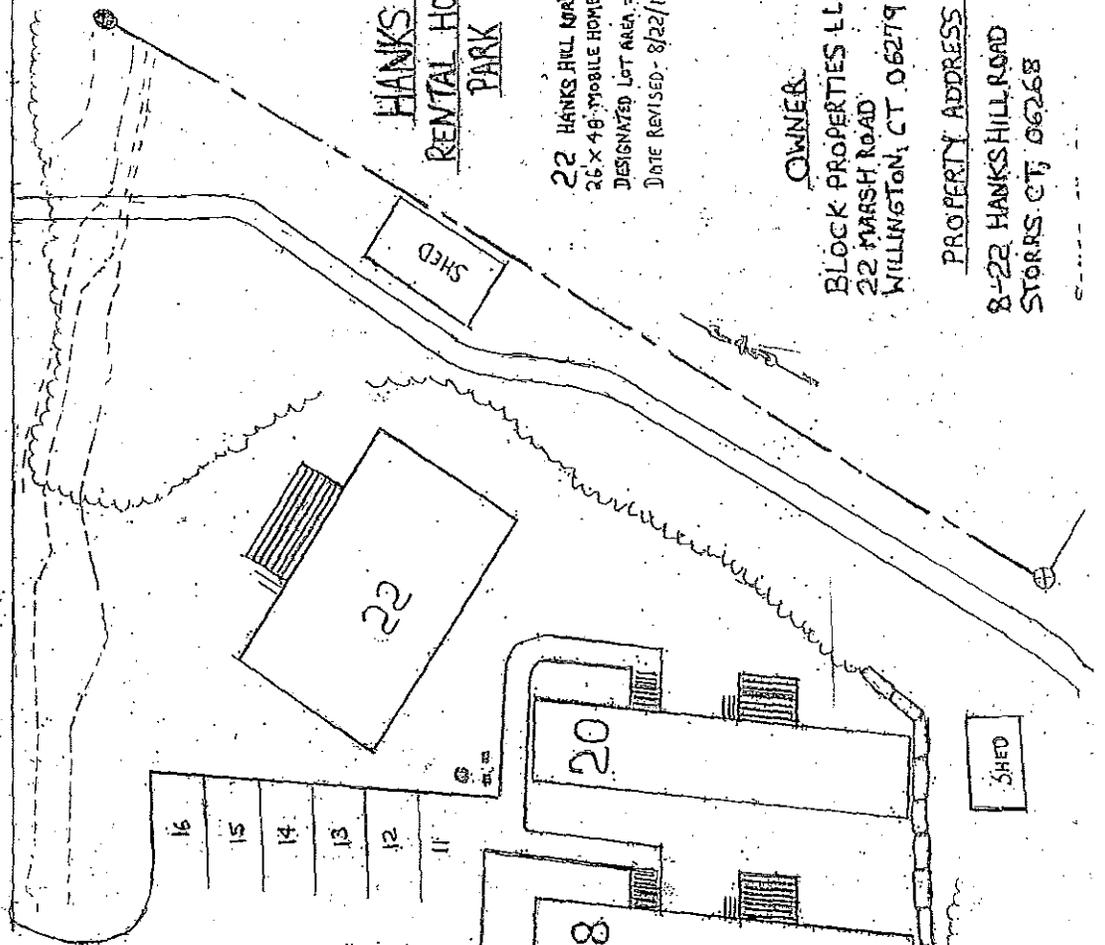
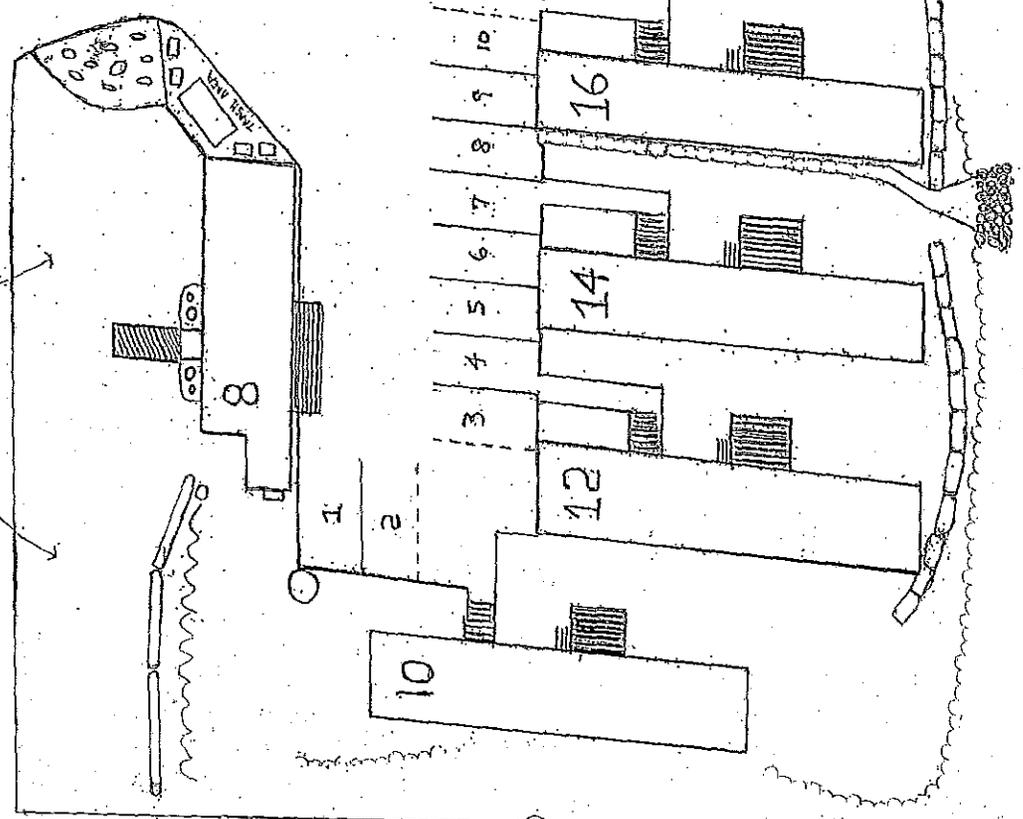
HANKS HILL ROAD

HANKS HILL
RENTAL HOME
PARK

22 HANKS HILL ROAD
26 X 48 MOBILE HOME
DESIGNATED LOT AREA = 7000 SQ FT
DATE REVISED - 8/22/12

OWNER:
BLOCK PROPERTIES LLC
22 MARSH ROAD
WILLINGTON, CT 06279
PROPERTY ADDRESS
8-22 HANKS HILL ROAD
STORRS, CT 06268

ADDITIONAL PARKING



SPECIAL PERMIT APPLICATION
(see Article V, Section B of the Zoning Regulations)

Mansfield Planning and Zoning Commission

File # 1284-2
Date 8-28-12

1. Name of development (where applicable) Whispering Glen
2. Proposed use of the property is residential apartments
in accordance with Sec.(s) I.1 of Article VII (Permitted Use provisions) of the Zoning Regulations
3. Address/location of subject property 73 Meadowbrook Lane
Assessor's Map 38 Block 101 Lot(s) 6 Vol. 591 Page 111
4. Zone of subject property DMR Acreage of subject property 10.12
5. Acreage of adjacent land in same ownership (if any) N/A
6. APPLICANT Lakeway Farms, L.P.
(please PRINT) Signature
Street Address 2 Birch Street Telephone (860) 204-9811
Town Ledyard Zip Code 06339
Interest in property: Owner Optionee _____ Lessee _____ Other _____
(If "Other", please explain) _____

7. OWNER OF RECORD: Lakeway Farms, L.P.
(please PRINT) Signature
(OR attached Purchase Contract OR attached letter consenting to application _____)
Street Address 2 Birch Street Telephone (860) 204-9811
Town Ledyard Zip Code 06339

8. AGENTS (if any) representing the applicant who may be directly contacted regarding this application:
Name Development Solutions Telephone (860) 204-0248
Address 93 East Town St. Norwich, CT Zip Code 06360
Involvement (legal, engineering, surveying, etc.) engineering
Name _____ Telephone _____
Address _____ Zip Code _____
Involvement (legal, engineering, surveying, etc.) _____

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Whispering Glen
Statement of Use
December 19, 2011

The proposed development is a 54-unit residential community of multi family structures, having one (1) and two (2) stories and a Cape Cod style architecture. The site contains 10.12 acres of land, which would allow for 54 units based on the density allowance of Article X Sec. A.5.b (multifamily).

The proposed Design Multiple Residence (DMR) multifamily use is identical to the existing DMR zone to the east, is compatible with the PB-1 zone to the east and south and meets all the dimensional and buffer requirements for the R-20 zone to the west and east. The plan provides an enhanced landscaped area along the front of the property which is across from a R-20 zoned area to the north.

The proposal is consistent with the Town's Plan of Development in that it:

1. Proposes increased residential density in a zone that has a medium to high density
2. The site has immediate access to public water and sewer
3. The site is located on a collector street affording vehicular accessibility
4. The site abuts similarly zone land (DMR)
5. The proposal provides preservation of the onsite watercourse and associated wetlands
6. The site is near Town recreation facilities
7. The site is near existing commercial and retail establishments
8. The proposal provides 20% Affordable Housing units
9. The proposal incorporates Best Management Practices (BMP) for stormwater management

In addition, the location, size, character, and suitability of this proposal, is in general, compatible with Article I – Intent and Purpose, of the Town's Zoning Regulations.

The location of the proposal on a collector street in a residential area and its size of units, is in harmony with the orderly development of the Town and compatible with other existing uses abutting the property to the east and south.

Finally, the proposal calls for a New England Cape Cod style architecture with abundant landscaping in order to provide the appearance of an established community immediately after construction. This also provides enhanced stabilization of the site after construction, which appeals to abutting property owners. The on site soils (Canton and Charlton) being well drained sandy, loams will minimize off site impacts resulting from blasting, rock removal, removal of poor quality material to offsite and subsequently bringing good material to the site.

In presenting this proposal, the applicant has proposed a 25-foot side yard to the east abutting existing DMR and PB-1 zones, in accordance with Article X, A.4.d. This setback is considered appropriate due to the existence of very dense mature vegetation (brush and large trees) along the property line, 10+ feet of which will be undisturbed. There exist a 10-12 foot vertical separation between the two (2) sites, with the proposed site development being on the higher ground. The existing development has a 50-foot setback due to it's abutting a residential zone at the time of approval. In addition, privacy fencing will be used at the rear outdoor spaces of the proposed units. These measures will minimize neighborhood impacts.

The enhancement for the proposed project will be in allowing for larger separating distances between buildings providing for larger yards, areas for landscaping and other amenities. A 50-foot side yard will be maintained on the west and east sides abutting residentially zoned land.

A 57-foot setback is proposed to the north abutting Meadowbrook Lane.

This setback is justified as the project plan calls for intense landscaping in this front area to provide a privacy buffer to the road. Measures are to include landscaped mounds, a waterfall entrance logo/sign, mature tree plantings, etc. The intent of the proposed landscape plan is to provide a visual and noise buffer between Meadowbrook Lane and the most northerly units.

The enhancement to the project will be in that the limits of development can be moved further away from the on site wetlands allowing for a mostly 100-foot undisturbed area to the

wetlands. The proposed intense landscaping along the front of the property will enhance the streetscape along the southerly side of Meadowbrook Lane.

This proposal also seeks approval to reduce the separating distances between buildings from 50-feet to 30-foot minimum, in accordance with Article X, A.5.f. This request for reduction was first put to the Fire Marshall who responded that he only needed emergency vehicle access (30 feet) around buildings that have foot prints of 5,000 sq. ft. and larger.

Maintaining a separation between buildings creates more of a community effect rather than the complex effect several large buildings with multiple units would have and still allow for some density of units. The Cape Cod style architecture with the individuality of separate structures crates a village effect which will further be enhanced by landscaping, both vegetative and structural, i.e., fences, arbors, trellises; etc.

Mitigation of Impacts

Traffic

A traffic study prepared as a part of this proposal has determined that the operating Levels of Services will be very good and that no off site roadway improvements are recommended other than vegetation clearing to obtain recommended sightlines. See attached Traffic Impact Study by Traffic Engineering Solutions, P.C.

Buffers/Landscaping

A mostly 100-foot minimum undisturbed buffer is proposed along the south end of the property in order to protect the wetlands. Existing vegetation and mature trees are to be preserved along the east and west property lines and enhanced with additional new plantings. The area of the parcel along the north property line and parallel with Meadowbrook Lane is to be intensely landscaped within its width of 57 feet to 100 feet to provide a visual screen between structures and Meadowbrook Lane. See attached Sheets 7 and 8 for Landscape Architect plans.

Stormwater

Stormwater from this proposal is to be addressed as to its quality and quantity. Stormwater from roofs is considered clean and will for the most part be discharged to rain

gardens which will allow for infiltration into the ground to recharge groundwater and eventually the wetlands downgrade.

Stormwater from roads and drives which has the potential to contain contaminants, will be collected in a stormwater collection system, diverted to a stormwater pretreatment structure which is capable of removing up to 80% of settables and floatables, and then to a stormwater quality basin sized to retain the water Quality Volume (WQV) per the Connecticut Stormwater Quality manual (DEP 2004).

Upon discharge from the basin's controlled outlet structure, stormwater will flow to a flow diversion chamber which will create an overland sheet flow discharge towards the wetlands. All stormwater facilities have been designed for the 25-year storm event. See the attached Stormwater Drainage Evaluation.

Wetlands/Environmental Impact

Impacts to the onsite wetlands are mitigated by the creation of a mostly 100-foot undisturbed buffer and stormwater water quality measures as previously described.

Sewer and Water

Sewage from this proposal will be collected in a sewage collection system and discharged to the public sewerage system (interceptor) which runs along Conantville Brook. This is described in the attached Sanitation Report.

Water for domestic and fire protection is to be provided from the existing 16-inch line on Meadowbrook Lane. This line has adequate supply and pressure.

Neighborhood Impact

Evaluations contained in this application, i.e., traffic, wetlands/environmental, buffer/landscaping, stormwater, sewer and water, all indicate that there will be no impact on the surrounding neighborhood. Abutters to the south consists of a commercial condominium, to the east a residential condominium project and one single-family house, to the west a single-family residence and to the north across the street several single-family residences. The residential nature of the proposed development fits in with existing uses.

Open/Recreation Space

Large areas of open space are proposed as part of this proposal. Approximately one third of the site at the rear is to be left undisturbed to protect and preserve wetlands. An intensely landscaped area at the front of the property is proposed to provide aesthetics, visual buffers and some passive recreation opportunities. In addition, there are off-site Town recreation facilities within walking distance of this site to the west.

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MAP CHECKLIST

FOR USE WITH SITE PLAN OR SPECIAL PERMIT APPLICATIONS

(To be submitted by applicant with other application materials)

PZC File # 1284-2
Date 8-28-12

Name of Development Whispering Glen

Applicant Lakeway Farms, L.P.

This checklist is designed to assist applicants as well as the PZC and staff. It is not intended as a substitute for, nor does it contain all of, the information and requirements in the Zoning Regulations and other applicable Town Ordinances and requirements. It is important to note that the Zoning Regulations allow the PZC to waive certain site plan requirements for minor applications where the information is not needed to determine compliance with the Regulations. It is recommended that the Mansfield Director of Planning be contacted if an applicant intends to seek a waiver of certain site plan requirements or if any questions arise. Any requested waivers must be identified on this checklist.

Unless waived by the Planning & Zoning Commission, submitted site plans shall include the following information (for more complete and specific descriptions of site plan requirements, see Article V, Section A.3.d of the Zoning Regulations):

	Included	Not Included	Waiver Requested* (see p. 3)
1. Title block: Applicant and owner's- name, scale, date & all revision dates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Original signature/seal of surveyor, landscape architect and/or engineer responsible. Unless waived, survey to be to A-2 standards	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Location map at 1"=1,000' scale (see Art. V. Sec. A.3.d.4 for more details)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Property lines, sq. footage, setback lines, N. arrow, zone(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Edges of adjacent street, utility poles & underground lines, stone walls, fences, roadside features	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Names/addresses of abutting property owners, including those across street (for Special Permit property owners, within 500 ft. of site)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Existing & proposed buildings, structures, signs, floor plans, buildings on adjacent land that may be affected	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Existing & proposed contours, quantity of material to be added or removed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(con't.)

	Included	Not Included	Waiver Requested* (see p. 3)
9. Watercourses, wetlands, flood hazard areas, aquifers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Exposed ledge, areas shallow to bedrock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11A. Waste disposal, water supply facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11B. Test pit & percolation test locations & findings (include test dates)	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/>
12A. Existing & proposed drainage facilities, roadways, bridges, pedestrian ways, utilities (including construction details)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12B. Existing & proposed easements, rights-to-drain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12C. Proposed sediment & erosion controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13A. Existing & proposed offstreet parking & loading areas, fire access lanes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13B. Outside storage & refuse areas, fuel & chemical storage tanks	<input type="checkbox"/>	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/>
14. Existing & proposed fencing, walls, landscaping (including plant size & type, historic features)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Existing & proposed outdoor illumination (including method & intensity of lighting)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Existing & proposed outdoor recreation features, with construction details for any recreation improvements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Other information (see Art. V, Sections A.3.g, B.3.g)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: For non-exempt applications subject to Sand and Gravel regulations (Art. X, Sec. H), additional special application provisions must be met.

Patrick LaFayette
(PRINT) Name of individual completing this form


Signature

12/9/11
Date

Explanation of Waiver Requests

Please identify by number the information item(s) for which a waiver has been requested and explain why the information is not necessary to review the proposed development with respect to applicable approval criteria. (If questions arise regarding waiver requests, please consult with the Director of Planning at 429-3330 or the Zoning Agent at 429-3341.)

Article Ten Sec. A. 4. d. Special Dimensional Exceptions

(Article Eight)
• front yard from 100 ft. to 50 ft. - significant landscaping proposed along front property line along Meadowbrook Lane (street)

• side yard (east side) from 50 ft. to 20 ft. (Article Eight and S.W.B. 4.g.2) - a bathing property is also zoned DMR.

Article Ten Sec. A. 6. f. Distance Between Buildings

• distance from 50 ft. to 30 ft. - because 41.6% of site is not buildable (wetlands and slope) allowable density (54 units), allowing for significant open space/recreation area, calls for buildings being closer together, without sacrificing emergency vehicle access

PAGE
BREAK

SPECIAL PERMIT APPLICATION
(see Article V, Section B of the Zoning Regulations)

Mansfield Planning and Zoning Commission

File # 1312
Date 8-30-12

1. Name of development (where applicable) The Common Fields

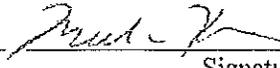
2. Proposed use of the property is Place of Assembly-Banquet Hall
in accordance with Sec.(s) S.2.h of Article VII (Permitted Use provisions) of the Zoning Regulations
(See Statement of Use)

3. Address/location of subject property 476 Storrs Road

Assessor's Map 29 Block 113 Lot(s) 17A Vol. 569 Page 193

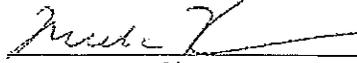
4. Zone of subject property NB-2 Acreage of subject property 2.5 Ac

5. Acreage of adjacent land in same ownership (if any) n/a

6. APPLICANT Michael C. Healey 
(please PRINT) Signature
Street Address P.O. Box 557 Telephone 860-456-4500
Town Mansfield Zip Code 06250

Interest in property: Owner Optionee _____ Lessee _____ Other _____

(If "Other", please explain) _____

7. OWNER OF RECORD: Michael C. Healey 
(please PRINT) Signature
(OR attached Purchase Contract _____ OR attached letter consenting to application _____)
Street Address _____ Telephone _____
Town _____ Zip Code _____

8. AGENTS (if any) representing the applicant who may be directly contacted regarding this application:

Name _____ Telephone _____
Address _____ Zip Code _____
Involvement (legal, engineering, surveying, etc.) _____

Name _____ Telephone _____
Address _____ Zip Code _____
Involvement (legal, engineering, surveying, etc.) _____

(over)

9. The following items have been submitted as part of this application:

 Application fee in the amount of \$

Statement of Use further describing the nature and intensity of the proposed use, the extent of proposed site improvements and other important aspects of the proposal. To assist the Commission with its review, applicants are encouraged to be as detailed as possible and to include information justifying the proposed special permit with respect to the approval criteria contained or referenced in Article V, Section B.5.

Site plan (6 copies) as per Article V, Section B.3.d

Site plan checklist including any waiver requests

 Sanitation report as per Article V, Section B.3.e *BY FAST ENGINEERING*

Acknowledgement that certified notice will be sent to neighboring property-owners, as per the provisions of Article V, Section B.3.c (use Neighborhood Notification Form). *SO ACKNOWLEDGED*

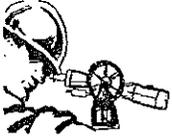
As applicable for projects within the watershed of the Willimantic Reservoir, acknowledgement that certified notice will be sent to the Windham Water Works, as per the provisions of Article III, Section I. *SO ACKNOWLEDGED*

 As applicable for projects within State designated aquifer protection areas, acknowledgment that the Commissioner of Public Health will be notified as per the provisions of Article III, Section I. The State Department of Public Health's on line form (www.dph.state.ct.us/BRS/Water/Source_Protection/PA0653.htm) shall be used with a copy of the submittal delivered to the Planning Office.

 Other information (see Article V, Section B.3.g). Please list items submitted (if any):

10. ALL APPLICATIONS, INCLUDING MAPS AND OTHER SUBMISSIONS, MUST COMPLY WITH ALL APPLICABLE SECTIONS OF THE ZONING REGULATIONS, INCLUDING, BUT NOT LIMITED TO:

- Art. X, Sec. E, Flood Hazard Areas, Areas Subject to Flooding
- Art. V, Sec. B, Special Permit Requirements (includes procedure, application requirements, approval criteria, additional conditions and safeguards, conditions of approval, violations of approval, and revisions)
- Art. VI, Sec. A, Prohibited Uses
- Art. VI, Sec. B, Performance Standards
- Art. VI, Sec. C, Bonding
- Art. VII, Permitted Uses
- Art. VIII, Dimensional Requirements/Floor Area Requirements
- Art. X, Sec. A, Special Regulations for Designed Development Districts
- Art. X, Sec. C, Signs
- Art. X, Sec. D, Parking and Loading
- Art. X, Sec. H, Regulations regarding filling and removal of materials
- Art. X, Sec. S, Architectural and Design Standards



HEALEY & ASSOCIATES, LLC

Land planning, Consulting & Surveying P.O. Box 557 Mansfield Center, CT 06250-0557 860-456-4500

Town of Mansfield
Planning and Zoning Dept.
Linda Painter, AICP,
4 South Eagleville Road
Mansfield CT 06268-6863

August 30, 2012

Re: Statement of Use Special Permit for The Common Fields 476 Storrs Road Mansfield CT

This statement of use is provided in compliance with the application requirements of Article V Section A.3.b of the Mansfield Zoning Regulations. The application for a special permit for the existing/proposed land use at the Common Fields located at 476 Storrs Road in Mansfield CT. The owner and applicant is Michael C. Healey. The property contains a pond/bog that is subject to the jurisdiction of the Town's Inland Wetland Commission and requires an inland wetland application. The wetland application has been previously made for this project and has been approved by the Town of Mansfield Inland Wetlands Commission. The owner applicant acknowledges the pending change of zoning regulations and is making this application subject to the revised zoning regulations in effect at the time of the closing of the public hearing.

The existing eighteenth century farm and carriage house will continue to be used as professional office space as allowed use under Article VII section S.2.b. A future addition to the existing farm house is contemplated and made a part of this application. The applicant also seeks recognition from the commission that the residential use of the building(s) is allowed under Article VII Section S.2.f. (Mixed Use Projects) The special Permit application is for the conversion, reconstruction and use of the existing barn as a place of assembly banquet hall under Article VII Section S.2.h. Incidental use of the premises may include those uses included under Article VII Section S.2.d Commercial recreation centers for exercise or dance classes, arts and crafts classes and similar uses.

The primary use proposed under the special permit application for the barn will be a place of assembly-banquet hall, with the focus on special events such as weddings, receptions, special dinners and banquets. The use of the barn will occur on Friday nights and weekends. Minor use of the building may occur during the week for meetings, seminars, educational class and or event dinners. Weekday use will be somewhat limited primarily due to the need to reserve adequate parking for the existing professional office space during the week Monday through Friday.

Proposed Primary Hours of Operation

Friday Evening	6 pm to 12 pm
Saturday	11 am to 12 pm
Sunday	11 am to 10 pm

The intent is to provide one 4-5 hour event per day however it is recognized that occasionally there will be a need for 6 hour use of the property per event.

Banquets, dinners, weddings, and receptions may include the incidental use of live or DJ music. Music will be contained within the building. Music at night events will end by 11:30 pm. Any outside will be with a daytime outdoor wedding that may include soft ceremonial music.

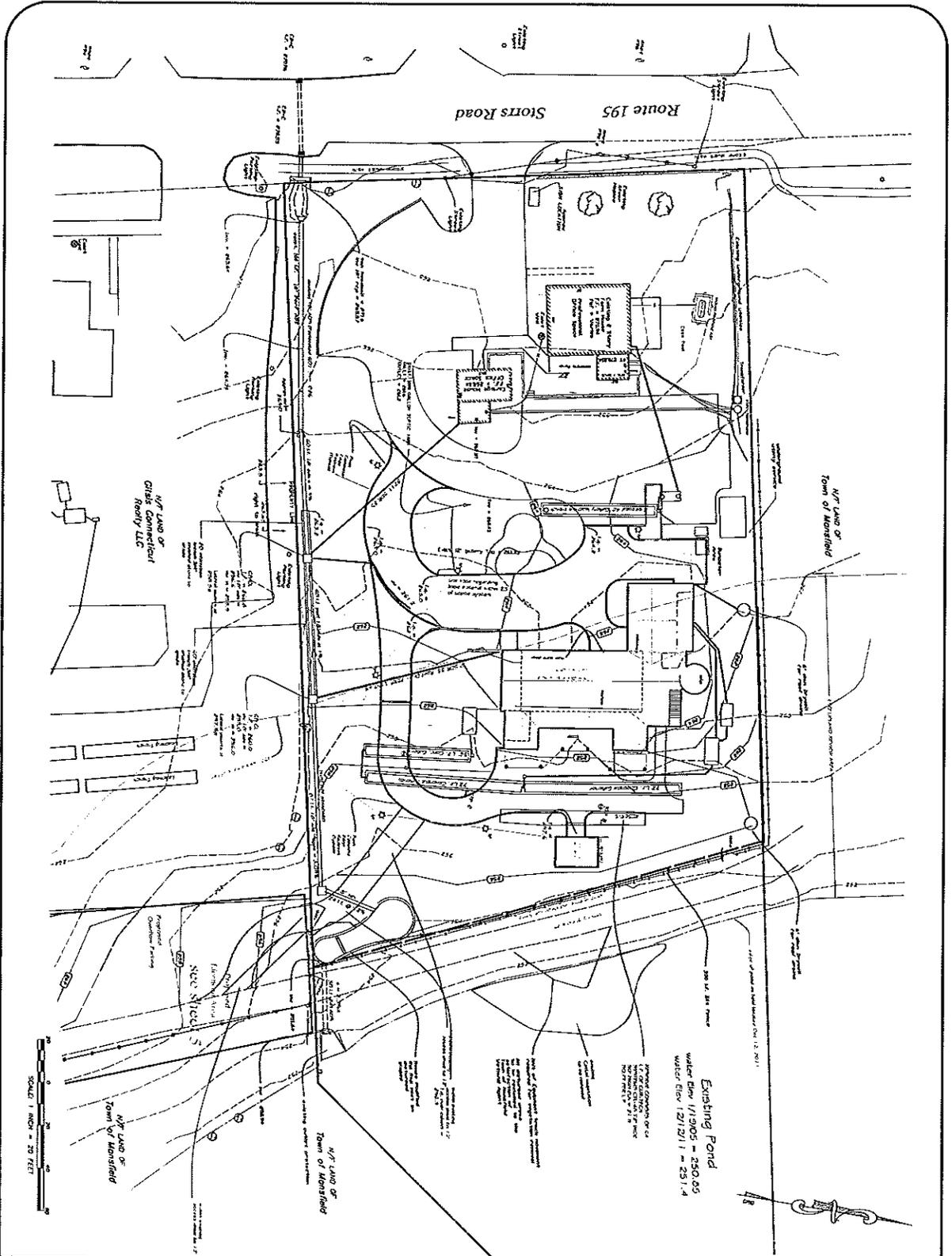
Onsite parking is limited to approximately 55 spaces. Additional offsite parking may be required. The applicant seeks the approval to utilize the adjacent Town owned lands for overflow parking.

The applicant is also seeking modifications to special dimensional provisions in order to effectively utilize the architectural and design standards of Article X Section S. of the zoning regulations

The applicant is also requesting modifications to the standards of Article 8 both maximum height and minimum side setback lines defined in the schedule of dimensional requirements and to the maximum floor areas as stated in Article VII section S.2

Respectfully Submitted,

Michael C. Healey, PLS
Applicant



Special Note:
 The information shown on this drawing is based on the information provided by the client and is not to be used for any other purpose without the written consent of the engineer.

Owner's Name:
 COMMONFIELDS

**Site Grading
 Commonfields
 476 Sports Road
 MANSFIELD CTR, CT**

DATE: 1/17/2012

SCALE: 1" = 20'

Sheet No.: 4

**LAND CONSULTING SERVICES
 60 NEW 137 LAMPEDD CRT
 CT 06260-0557
 PH: 860-336-4100**

DESIGNED BY: T.L.E. FISHER

DATE: 08.20.2011

PROJECT NO.: 11-001

DATE: 08.20.2011

PROJECT: COMMONFIELDS

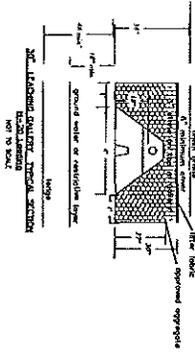
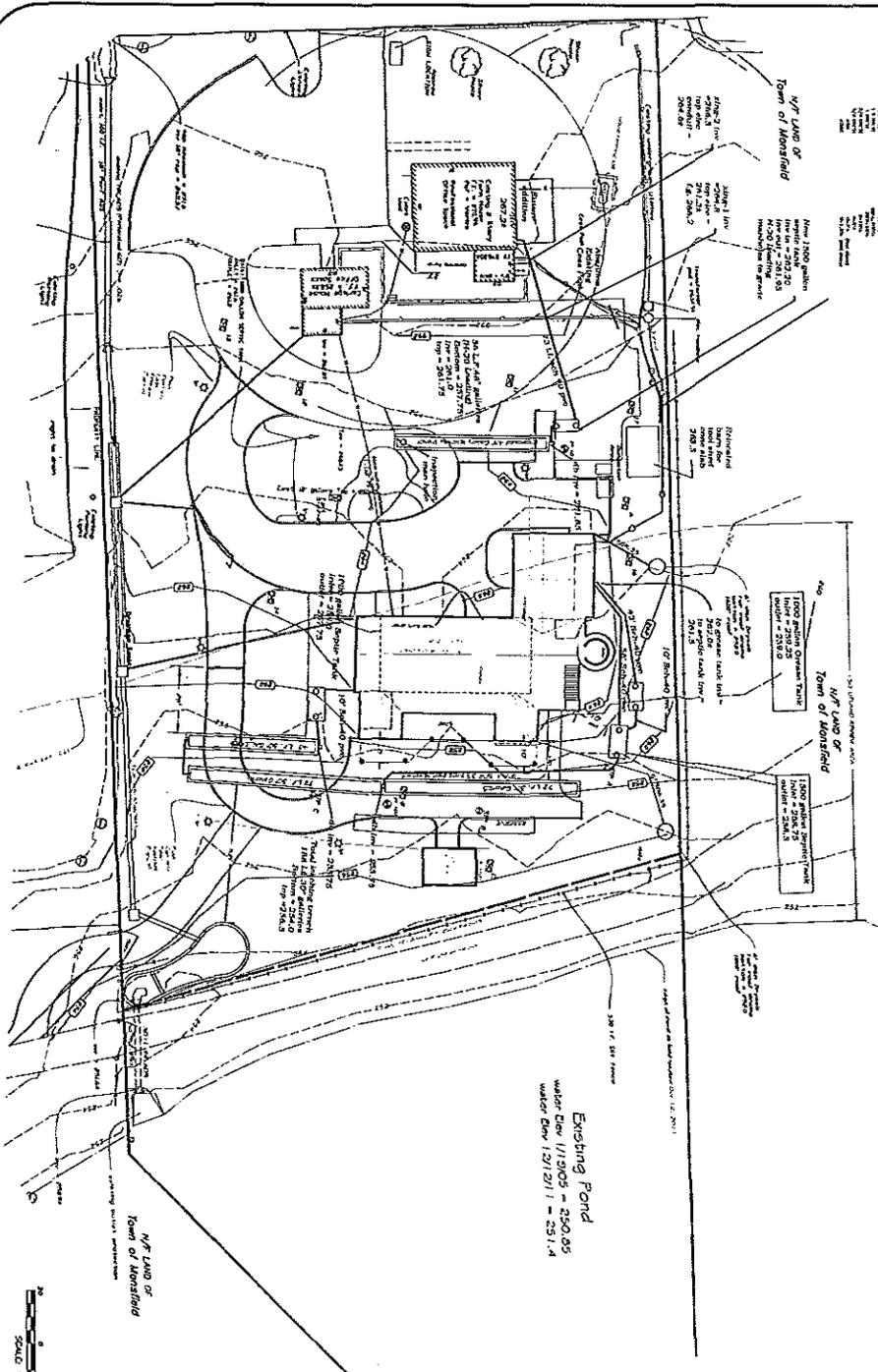
DATE: 08.20.2011

PROJECT: COMMONFIELDS

DATE: 08.20.2011

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
4. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.
6. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION.
7. THE CONTRACTOR SHALL MAINTAIN RECORD DRAWINGS OF ALL CHANGES MADE DURING CONSTRUCTION.
8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
10. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
11. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
12. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.
13. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION.
14. THE CONTRACTOR SHALL MAINTAIN RECORD DRAWINGS OF ALL CHANGES MADE DURING CONSTRUCTION.
15. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

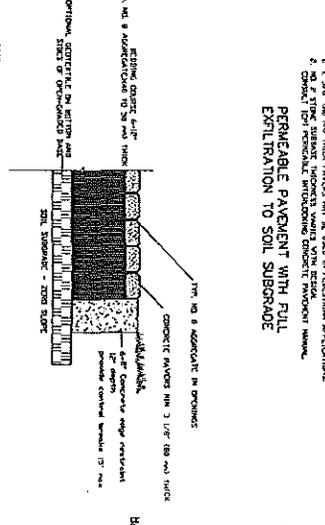
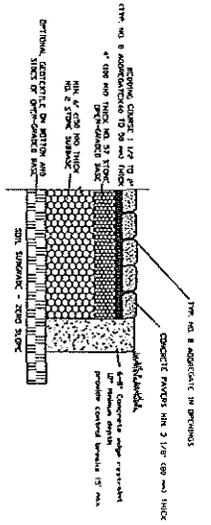
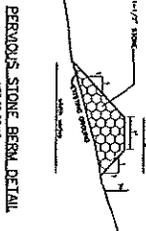
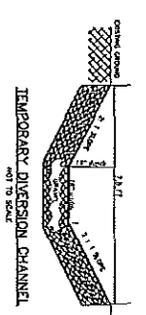


Existing Pond
 water Elev 11/305 = 250.85
 water Elev 12/1211 = 251.4

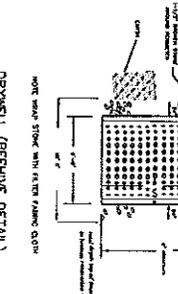
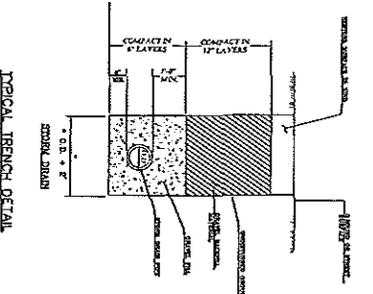
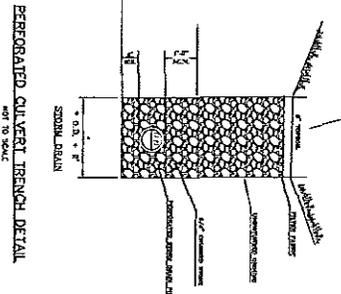
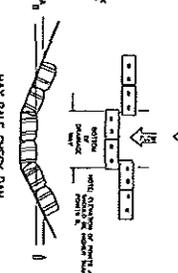
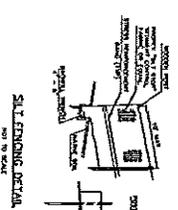


ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE PROJECT. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. THE CONTRACTOR SHALL MAINTAIN RECORD DRAWINGS OF ALL CHANGES MADE DURING CONSTRUCTION. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

<p>COMMONWEALTHS 1/17/2012 1"=20'</p>		<p>SEPTIC SYSTEM Commonfields 475 Sierra Road MANSFIELD CTR. CT</p>	
<p>DATE: 1/17/2012 TIME: 1:30 PM</p>		<p>PROJECT: SEPTIC SYSTEM DRAWING NO: 1/17/2012</p>	
<p>SCALE: 1"=20'</p>		<p>6</p>	



NOTES:
 1. 2" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 2. 4" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 3. 6" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 4. 8" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 5. 10" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 6. 12" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 7. 14" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 8. 16" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 9. 18" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 10. 20" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.

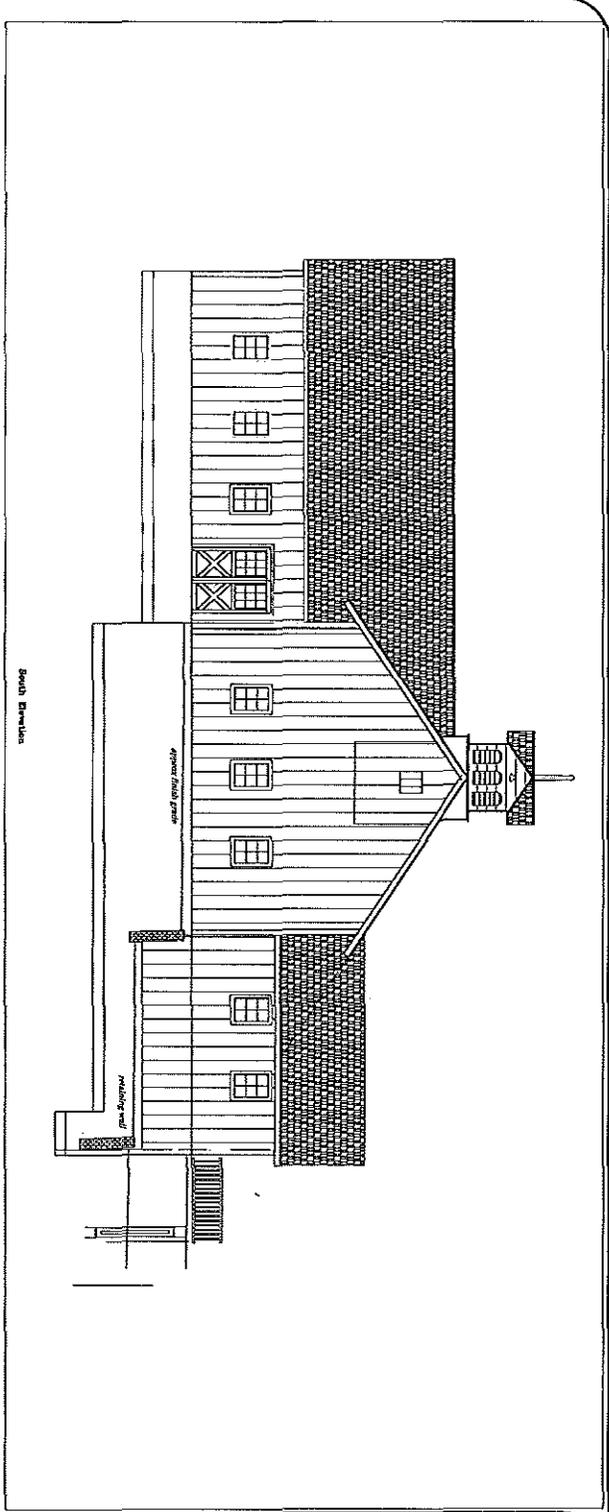


NOTES:
 1. 2" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 2. 4" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 3. 6" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 4. 8" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 5. 10" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 6. 12" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 7. 14" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 8. 16" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 9. 18" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.
 10. 20" MIN. THICKNESS FOR ALL PERFORATED APPLICATIONS.

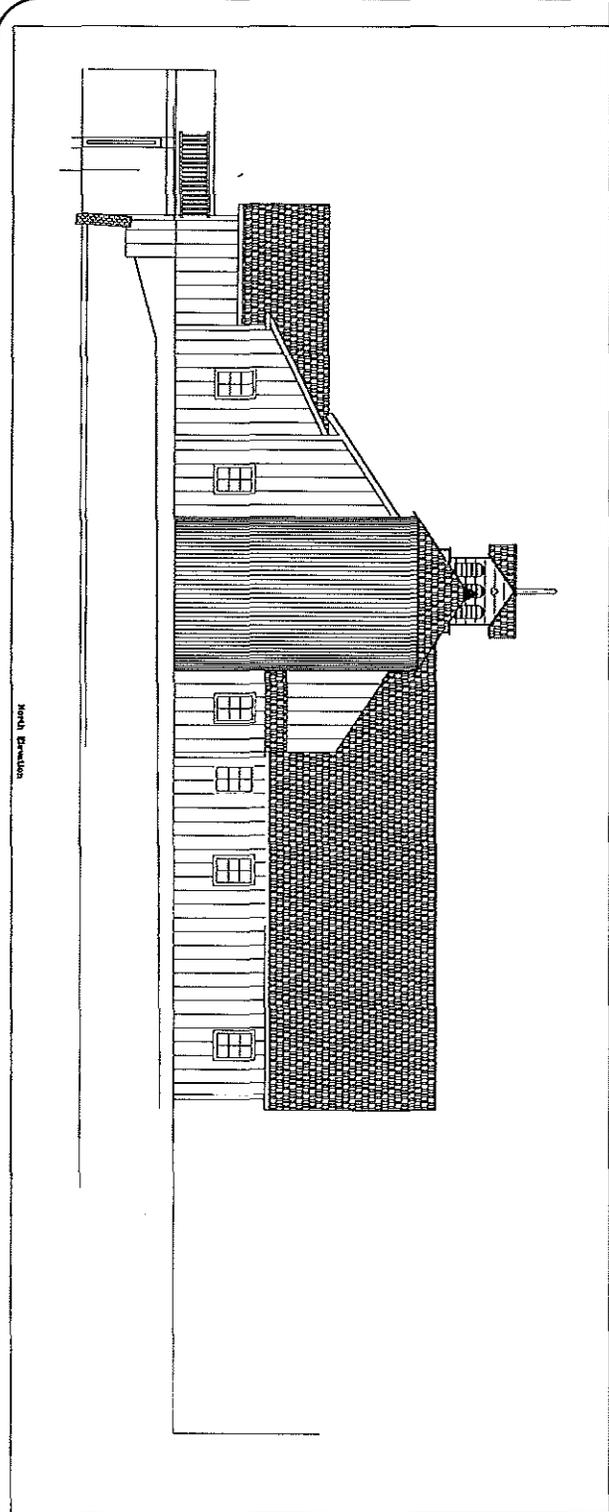
CONSTRUCTION AND DESIGN SPECIFICATIONS
 1.1. The design and construction of all structures shall be in accordance with the specifications of the Connecticut Department of Transportation, Connecticut Department of Public Safety, and the Connecticut Department of Environmental Protection.
 1.2. The design and construction of all structures shall be in accordance with the specifications of the Connecticut Department of Transportation, Connecticut Department of Public Safety, and the Connecticut Department of Environmental Protection.
 1.3. The design and construction of all structures shall be in accordance with the specifications of the Connecticut Department of Transportation, Connecticut Department of Public Safety, and the Connecticut Department of Environmental Protection.
 1.4. The design and construction of all structures shall be in accordance with the specifications of the Connecticut Department of Transportation, Connecticut Department of Public Safety, and the Connecticut Department of Environmental Protection.
 1.5. The design and construction of all structures shall be in accordance with the specifications of the Connecticut Department of Transportation, Connecticut Department of Public Safety, and the Connecticut Department of Environmental Protection.

IT IS THE INTENT OF THIS PLAN TO CONVEY WITH THE DESIGN AND CONSTRUCTION OF THIS PROJECT, THE DESIGNER'S AND CONTRACTOR'S RESPONSIBILITY TO THE PUBLIC AND THE STATE OF CONNECTICUT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE DESIGNER AND APPLICABLE STATE AGENCIES.

<p>Commonfields 476 Sherry Road Mansfield, CT 06108</p>	
<p>DATE: 1/17/2012</p>	<p>SCALE: NONE</p>
<p>8</p>	



South Elevation



West Elevation

These drawings were prepared by the undersigned for the purpose stated on the title block and are not to be used for any other purpose without the written consent of the undersigned. The undersigned is not responsible for any errors or omissions in these drawings.

Checked: _____

No.	Revisions/Changes	Date

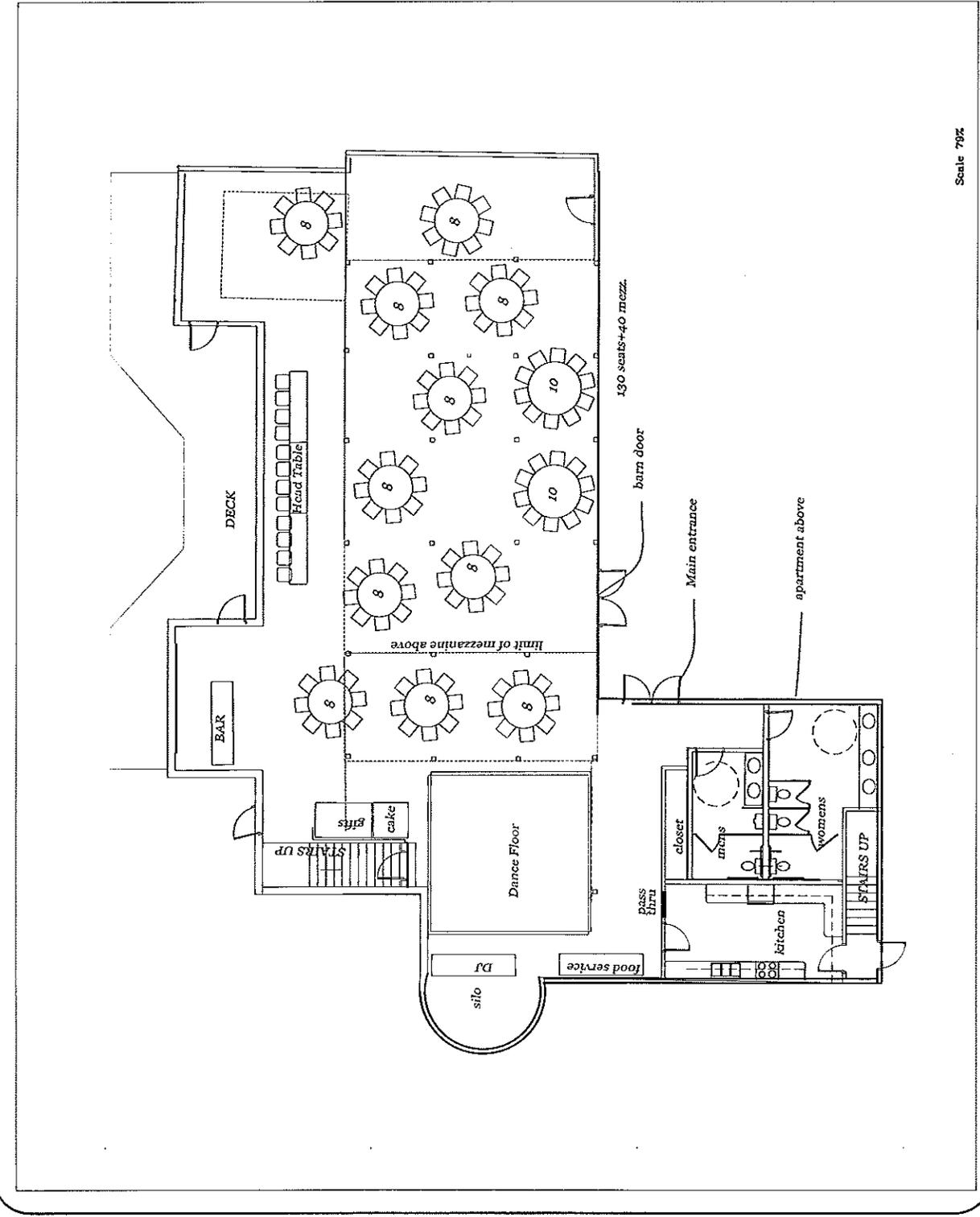


History & Associates, LLC
 100 Main Street
 Middletown, CT 06457
 Tel: 860.346.1234
 Fax: 860.346.1235
 www.historyandassociates.com

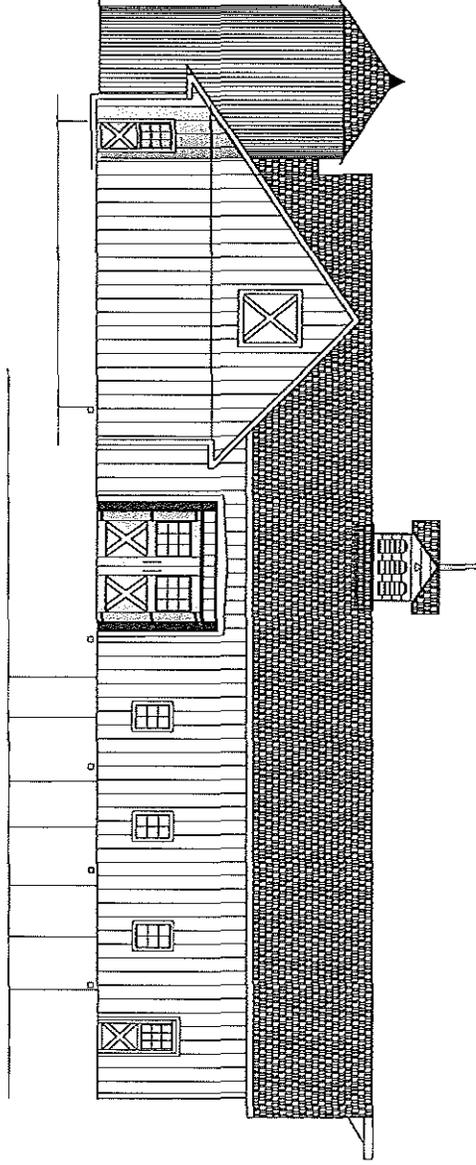
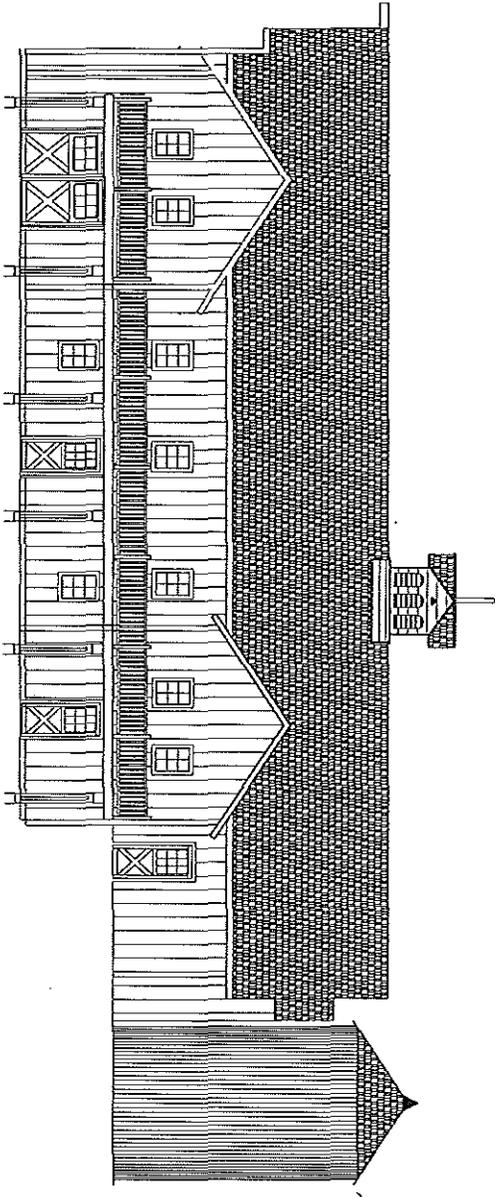
Common Field Barn Renovation
 Middletown, CT

PROJECT/DATE
 DATE: 1/27/17
 DRAWING NO.: FP-1

Project Name: _____ Client Name: _____ Date: _____		Project No.: _____ Date: _____ Scale: 1/4" = 1'-0"
Designer: _____ Title: _____		Project Name: _____ Client Name: _____ Date: _____



Scale 70%



1	2	3	4
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General Notes

APPLICATION TO AMEND THE ZONING MAP
(see Article XIII of the Zoning Regulations)

PZC File # 1246-10
Date 8-29-12

1. The undersigned applicant hereby petitions the Mansfield Planning and Zoning Commission to change the zone classification of the hereinafter-described property
from Storrs Center Special Design District to Storrs Center Special Design District
(SC-SDD) (SC-SDD)

2. Address/location of subject property Storrs Road and Post Office Road (northeast corner)
Assessor's Map 41 Block 16 Lot(s) 13 (portion)

3. Acreage of subject property 2.75+, acreage of adjacent land in same ownership (if any) _____

4. APPLICANT Storrs Center Alliance, LLC
(please PRINT) Signature _____
Street Address See Attached Telephone _____
Town _____ Zip Code _____
Interest in property: Owner _____ Optionee _____ Lessee _____ Other _____
(If "Other", please explain) _____

5. OWNER OF RECORD: See Attached
(please PRINT) Signature _____
Street Address See Attached Telephone _____
Town _____ Zip Code _____
Signature _____
OR attached purchase contract _____ OR attached letter consenting to this application _____

6. AGENTS (if any) who may be directly contacted regarding this application:
Name Geoffrey Fitzgerald Telephone (203) 630-1406
Address BL Companies, 355 Research Parkway, Meriden, CT Zip Code 06450
Involvement (legal, engineering, surveying, etc.) Civil Engineering

Name Thomas P. Cody Telephone (860) 275-8264
Address Robinson & Cole LLP, 280 Trumbull St., Hartford, CT Zip Code 06103
Involvement (legal, engineering, surveying, etc.) Legal counsel CT

7. The following items must be submitted as part of this application:
 application fee
 map of subject property (5 copies) prepared by surveyor as per requirements of Article XIII, Section B.4. Map shall include areas within 500 feet of proposed rezoning, existing and proposed zone boundaries, existing streets, rights-of-way, easements, watercourses, wetlands, flood hazard areas, property lines and names and addresses of neighboring property-owners, including those across any street

(over)

8. Items to be submitted as part of this application (continued):

 X legally-defined boundary description of areas to be rezoned

 X Statement of Justification addressing approval considerations of Article XIII, Section C, and substantiating the proposal's compatibility with the Mansfield Plan of Development; the reasons for the proposed rezoning (including any circumstances or changed conditions that would justify the revision), and the effect the zone change would have on the health, safety, welfare and property values of neighboring properties and other Mansfield residents

 X reports and other information supporting the proposed rezoning (see Article XIII, Section B.8). List or explain.

 See attached materials

(end of Applicant section)

* * * * *

(for office use only)

date application was received by the PZC _____ fee submitted _____

date of Public Hearing _____ date of PZC action _____

action: _____ approved _____ denied _____ effective date _____

comments:

signed _____
Chairman, Mansfield Planning & Zoning Commission

date _____

APPLICATION BY:

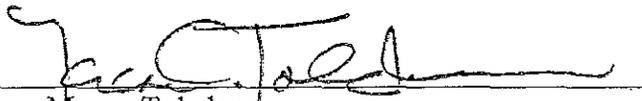
STORRS CENTER ALLIANCE, LLC

AMENDMENT TO THE MANSFIELD ZONING MAP
(PERTAINING TO THE MARKET SQUARE AREA
OF THE STORRS CENTER SPECIAL DESIGN DISTRICT (SC-SDD))

Applicant and Owner of Record Information:

Storrs Center Alliance, LLC
c/o LeylandAlliance LLC
P.O. Box 878 - 233 Route 17
Tuxedo Park, NY 10987
Telephone: 845-351-2900
Contact: Macon Toledano, Senior Vice President, Planning and Development

STORRS CENTER ALLIANCE, LLC

By: 
Macon Toledano
Duly Authorized

Note: The property that is affected by this application (the "Property") is a portion of Tax Assessor Map 16, Block 41, Lot 13. The Property is approximately 2.75 acres in size, and is depicted on the plan sheets included in the application. The Property is located at the northeast corner of Storrs Road and Post Office Road/South Eagleville Road. A portion of the Property is currently owned by Storrs Center Alliance, LLC. Storrs Center Alliance, LLC, is under contract to purchase another portion of the Property that is currently owned by the University of Connecticut.

APPLICATION BY:

STORRS CENTER ALLIANCE, LLC

AMENDMENT TO THE MANSFIELD ZONING MAP
(PERTAINING TO A PORTION OF THE STORRS CENTER
SPECIAL DESIGN DISTRICT (SC-SDD))

STATEMENT OF JUSTIFICATION

Introduction

This is an application to amend the Mansfield Zoning Map relative to one portion of the existing Storrs Center Special Design District (SC-SDD). The SC-SDD area consists of several different neighborhoods within approximately 47 acres of land generally located on the east side of Storrs Road (Route 195) between Post Office Road/South Eagleville Road on the south and land along Dog Lane on the north. At the southern end of the district, at the northeast corner of Storrs Road and Post Office Road/South Eagleville Road, is an area referred to as Market Square. This application would amend the preliminary master plan and related zoning materials to facilitate development of a new grocery store/supermarket in the Market Square area. The overall amount of retail/commercial space in the Market Square area would be reduced, as would maximum building heights.

Background

Following a competitive selection process, Storrs Center Alliance, LLC ("SCA") was selected to be the master developer of Storrs Center. The sole member of SCA is LeylandAlliance LLC, a real estate development firm based in Tuxedo Park, New York that specializes in traditional neighborhood development. In addition to Storrs Center, LeylandAlliance is currently building traditional neighborhood developments in North Augusta, South Carolina and Warwick, New York.

The Mansfield Downtown Partnership and SCA, working with a team of professional architects, planners, scientists, engineers and legal counsel, jointly prepared materials to create a special design district for Storrs Center. In 2007, the Mansfield Planning & Zoning Commission rezoned 47 acres of land in the center of Storrs to the newly-created Storrs Center Special Design District. The intent of the new zoning designation was to facilitate the redevelopment of a portion of the downtown Storrs area that was previously developed with a mix of mainly commercial uses.

Storrs Center was envisioned to be a mixed-use neighborhood designed to create a vibrant Main Street experience within a shared public realm. Structured and surface parking would be provided in accordance with the plan to support the needs of the various neighborhoods. The developed portion of the new community would occupy

about one-third of the overall site. Approximately 30 acres would be reserved for conservation as part of an effort to establish an environmentally balanced and intelligent approach to the use of the land.

The Town of Mansfield approved a zoning permit for the first two phases of construction of Storrs Center. The first buildings are substantially complete at the northeast corner of Dog Lane and Storrs Road. The next phase is now under construction in front of the Parking Garage, which is nearing completion. Zoning permits have been approved for the Parking Garage and Intermodal Center, Village Street and Transit Pathways, and Post Office Road and the Post Office Site.

This proposed map amendment is the next logical step in the evolution of Storrs Center. From the earliest stages of planning for Storrs Center, the Market Square area was envisioned to include commercial uses that serve the daily shopping needs of Mansfield residents. An opportunity has arisen to bring a leading grocer to Storrs Center, and SCA has been actively working on planning to incorporate this exciting use into the project.

The SC-SDD regulations already allow for a supermarket use to be located within the project. This application to amend a portion of the zoning map for the SC-SDD area would reduce the overall development program in the Market Square area, including a net reduction of over 43,000 square feet of retail/commercial space as compared to the original approval. The application would also modify elements of the preliminary master plan, such as parking, landscaping, and drainage improvements, as necessary to enable the development of this supermarket.

Property Included in this Map Amendment Application

This is an application by SCA to amend the Mansfield Zoning Map pertaining to one portion of the Storrs Center Special Design District area. Specifically, the area to be amended (the "Property") is about 2.75 acres in size and is referred to as the Market Square area. The Property is a portion of Tax Assessor Map 16, Block 41, Lot 13, and it is located entirely within the area already zoned SC-SDD. The Property includes land currently owned by Storrs Center Alliance, LLC, as well as land owned by the University of Connecticut. SCA has entered into a contract with the University to purchase that portion of the Property owned by the University. It is also anticipated that the development of the supermarket would require a minor boundary line adjustment between land owned by SCA and land previously owned by SCA that is now owned by the Town following a recent conveyance for the Village Street right-of-way.

Materials Submitted in Support of Map Amendment Application

This application includes all of the information required by the Zoning Regulations to receive approval of a zoning map amendment. The materials submitted with this application include the following:

Preliminary Master Plan

The approved plans for the SC-SDD include 13 plan sheets. This application includes the following plan sheets, which focus on the Market Square Area:

1. Amended Preliminary Master Plan for Market Square, Sheet ZC.05.a
2. Amended Preliminary Grading and Stormwater Management Plan for Market Square, Sheet ZC.06.a
3. Amended Traffic, Parking and Transit Plan for Market Square, Sheet ZC.07.a
4. Amended Site Utilities Plan for Market Square, Sheet ZC.08.a
5. Amended Pedestrian Facilities and Open Spaces Map for Market Square, Sheet ZC.09.a
6. Amended Phasing Plan for Market Square, Sheet ZC.10.a
7. Amended Preliminary Building Service and Access Plan for Market Square, Sheet ZC.11.a

Update to Master Parking Study

The original Master Parking Study for Storrs Center that was approved by the Planning and Zoning Commission determined the peak parking demand that would be generated by the Storrs Center development program and compared the peak demand with the proposed parking supply. To accomplish this task, the Study identified the component land use types within the overall development program and assigned base parking demand factors to each land use type according to accepted industry data. Next, adjustments were made to each base demand factor according to accepted methodologies of shared use analysis. Shared use analysis takes into consideration proximity to the University of Connecticut, availability of transit and pedestrian connections, and the synergy of uses that are proposed. Next, parking demand was calculated by multiplying the adjusted demand factors by the equivalent units of development program across all hours of the day and evening. Finally, proposed parking supply was identified and compared with the peak parking demand. This Study concluded that the project proposed an adequate supply of parking sufficient to accommodate the peak demand generated by the entire development program for the project.

The Update to the Master Parking Study analyzes whether the proposed modifications to the Market Square area would have an effect on the provision of parking in Storrs Center. In particular, the Update to the Master Parking Study evaluates the proposed reduction in development program, the off-street surface parking lot and the elimination of the proposed underground parking. The Study Update concludes that adequate parking for the proposed Market Square modifications is provided within the proposed off-street surface parking lot.

Update to Master Traffic Study

The original Master Traffic Study for Storrs Center, approved by the Planning and Zoning Commission, was prepared by BL Companies, Inc. The Study examined the existing roadway and access conditions in the area of the Project Site. Existing intersection geometry, current peak hour traffic volumes and levels of service, average daily traffic, public transportation and accident data were presented.

The Study also examined the expected increase in traffic volumes in the area, both with and without the Project. Site access, planned improvements by others, trip distribution, site traffic volumes and full build-out traffic volumes were presented. Roadway adequacy was studied, including signalized and unsignalized intersections.

The Update to the Master Traffic Study analyzes whether the proposed modifications to the Market Square area – including the development of a 31,500 square foot grocery store and the net reduction of retail/commercial space – would have any effect on the conclusions reached in the original Master Traffic Study. The Study Update concludes that the proposed plan changes to the Market Square area will not change the fundamental analysis and conclusions of the original study.

Update to Master Stormwater Drainage Study

The original Master Stormwater Drainage Study, approved by the Planning and Zoning Commission, was prepared by BL Companies, Inc. The Study included the pre-development and post-development hydrologic conditions of the Project Site, the pre-development and post-development peak flows from the Project Site, estimated post-development drainage area characteristics and estimated post-development peak flows. The Study concluded that an estimated minimum storage of 4.3 acre feet may be necessary to maintain pre-development peak flows from the Project Site. The preliminary master plan demonstrated that the Project Site is capable of handling 4.3 acre feet of storage.

The Study also included extensive discussion of stormwater best management practices that will be used during development of the Project Site. In addition to peak flow attenuation, a variety of water quality treatment measures will be used. Infiltration will be used wherever possible. The best management practices that were proposed in the Study are consistent with the Connecticut DEEP 2004 Stormwater Quality Manual.

The original stormwater management plan was approved by the Connecticut DEEP. In addition, the project was registered under the Connecticut General Permit for Stormwater Discharges from Construction Activity and is required to adhere to all of the requirements contained in the general permit. The general permit is administered by the Connecticut DEEP.

The Update to the Master Stormwater Drainage Study analyzes whether the proposed plan changes to the Market Square area, which would slightly reduce impervious

coverage in the Market Square area, would have any effect on the conclusions reached in the original Master Stormwater Drainage Study. The Study Update concludes that the proposed plan changes to the Market Square area will not change the overall design for the stormwater drainage system, and will have no negative effect on stormwater management in Storrs Center.

Addendum to Design Guidelines

The original SC-SDD application included an extensive set of Design Guidelines covering a wide array of site and building design criteria. The Guidelines serve two purposes: to help guide architects and planners in the preparation of materials in support of future zoning permit applications within Storrs Center, and to serve as a resource during the review of zoning permit applications by town staff and the Mansfield Downtown Partnership to ensure consistency with the intent of the Storrs Center Special Design District.

The Design Guidelines have five principal sections, including overview, area-specific requirements, lot and building standards, site improvement standards, and appendices. An Addendum to the Design Guidelines has been prepared to address the proposed modifications to the Market Square area.

The Design Guidelines Addendum focuses on those sections of the Design Guidelines that pertain to the Market Square Area. The Addendum includes extensive text and imagery of the proposed modifications to the Market Square Area, including illustrative plans and sections, building composition, plan and vista orientation, and building elevation studies.

The Addendum is intended to serve as a supplement to the Design Guidelines. If, for some reason, the development of a grocery store in the Market Square area does not go forward as anticipated, then the original Design Guidelines would remain in effect. This is intended to give the Planning and Zoning Commission sufficient comfort that an appropriate set of guidelines will remain in place under any development scenario.

No Change to Potable Water and Sanitary Sewer Service Availability

The proposed changes to the Market Square area will have no effect on the provision of potable water and sanitary sewer services to Storrs Center by the University of Connecticut.

Information Requirements and Approval Considerations in Article XIII, Sections B, D

Zoning Regulations Article XIII, Section B sets forth certain requirements for information to be submitted in conjunction with any petition to amend the Zoning Map.

1. Compatibility of the proposal with respect to the Mansfield Plan of Conservation and Development: For all of the reasons set forth in this application, the applicant believes that the proposed modifications to the

Market Square area are consistent with the 2006 Mansfield Plan of Conservation and Development.

2. Reasons for the particular changes: The principal reason for the proposed zoning map amendment is to amend the approved SC-SDD plan for the Market Square area to accommodate a new supermarket.
3. Effects on the health, safety, welfare and property values of Mansfield residents: The proposed revisions to the Market Square area will not significantly change the essential character of Storrs Center, either as it was originally intended or as it is emerging during construction. The project will still include a mix of land uses, including residential, retail, restaurant and office uses. This complementary range of land uses will provide needed housing, shopping, services, and entertainment opportunities for all Mansfield residents. The project will still be pedestrian-friendly and encourage pedestrian movement both within and near the project. In particular, the Market Square area was always intended to be a commercial area serving the daily shopping needs of the community. In fact, a grocery store/supermarket has frequently been discussed as a potential anchor tenant for the Market Square area.

Zoning Regulations Article XIII, Section D sets forth the following approval considerations for the Planning and Zoning Commission:

1. The proposal is complete and contains all required application information. The applicant believes that the application is complete and contains all of the information required by the Zoning Regulations relative to a zoning map amendment.
2. The proposal is consistent with the goals, policies and recommendations contained within the Mansfield Plan of Conservation and Development. For all of the reasons stated above, the applicant believes that the proposal is consistent with the Mansfield Plan of Conservation and Development.
3. The proposal is consistent with the expression of regulatory intent and purpose contained in Article I of these regulations and Section 8-2 of the Connecticut General Statutes. This map amendment is consistent with the purpose contained in Article I of the Zoning Regulations, in that the proposal will provide a much needed supermarket to Storrs Center. The plan amendment protects the health, safety, convenience and welfare of the residents of Mansfield, as described above.
4. Any proposal to revise the Zoning Map has comprehensively considered: the size and physical characteristics of the subject area; the character and supply of land currently zoned in the subject classification; and the effect of the proposal on existing land uses in the surrounding area. This map amendment application proposes changes to the approved SDD plans for the Market

Square area of Storrs Center. In particular, changes are proposed to allow for a new supermarket to be constructed in this area. No changes in use or other changes to the text of the Zoning Regulations are proposed. All of the planning work that has been done by the Town of Mansfield, the Mansfield Downtown Partnership, the University of Connecticut and Storrs Center Alliance indicate that this proposal will have a positive impact on the existing land uses in the surrounding area.

CONSERVATION COMMISSION

The Mansfield Conservation Commission is charged with advising the Town Council, the Planning and Zoning Commission, and other Town agencies and officials on policies and issues relating to the development, conservation, supervision; and regulation of natural resources (including water resources) within the Town of Mansfield.

Accomplishments for FY 2011-2012

- Held twelve (12) meetings.
- Assisted with open space and parks management issues.
- Initiated discussions on the development of 'dark skies' regulations and hosted a public screening of 'The City Dark,' a documentary film on light pollution.
- Commented on numerous Inland Wetland Agency and Planning and Zoning Commission applications and violation issues.
- Commented on proposed Zoning Regulation Revisions and various ordinances related to agriculture.
- Reviewed and commented on the proposed Connecticut Light and Power Interstate Reliability Project.
- Reviewed and provided input regarding various UConn land use projects including: the Mirror Lake dredging project; the Agronomy Farm Irrigation project; implementation of the Eagleville Brook TMDL study; and relocation of the Main Accumulation Area (aka Hazardous Waste Transfer Station).
- Continued to provide input to municipal and state officials regarding local and regional water supply issues including water supply plans for Four Corners and the joint Town/University Water Supply Environmental Impact Evaluation, the proposed Ponde Place development, and aquifer protection.

Plans for FY 2012-2013

- Assist with open space and parks management issues.
- Participate in efforts to update the Plan of Conservation and Development as part of the HUD Community Challenge Planning Grant.
- Comment on existing and potential Inland Wetland Agency and Planning and Zoning Commission applications and proposed regulation revisions.
- Review and provide input to the Town Council regarding significant UConn projects and other projects that would impact Mansfield.
- Provide input to the municipal aquifer protection agency.
- Monitor Town-owned conservation easements.

PAGE
BREAK

Mansfield Open Space Preservation Committee
DRAFT Minutes of July 17, 2012 meeting

Members present: Jim Morrow (chair), Vicky Wetherell, Quentin Kessel, Ken Feathers, Roberta Coughlin, Jennifer Kaufman (staff). Guests: Tom Boyle (Beacon Hill Estates) Warren Church (Joshua's Trust).

1. Meeting was called to order at 7:35.
2. Jennifer was appointed acting secretary.
3. Minutes of the June 26 meeting were approved.
4. **New Business**
 - *Beacon Hill Estates Section II-Tom Boyle reviewed the conceptual yield plan and the conceptual yield plan layout per section 5.2.b. The Committee will forward comments to PZC via Linda Painter under separate cover.*
 - *The Committee prepared the annual report. Jennifer will submit to the Town Manager for publication.*
5. *Executive Session--The committee voted to go into executive session at 8:15, and voted to come out of executive session at 9:15. Recommendations will be forwarded to the Town Council.*
6. Meeting adjourned at 9:35.

**Open Space Preservation Committee
Special Meeting
Field Trip Minutes
Monday July 30, 2012
Agenda
Meet at Mansfield City Road at the entrance to Beacon Hill Estates
6:30 p.m.**

1. Call to order-Field Trip was called to order at 6:35 pm
2. Appoint Secretary-Jennifer Kaufman was appointed secretary
3. Attendance-Jennifer Kaufman (Staff) Vicky Wetherell, Michael Soares
3. New Business
 - Beacon Hill Estates-Members walked the Beacon Hill Estates II property and prepared comments to submit to PZC.
4. Adjournment-Meeting adjourned at 7:30 pm

Open Space Preservation Committee
Monday, August 6, 2012
Special Meeting Minutes
Mansfield Community Center Conference Room
MCC
6:30 p.m.

1. Call to order- Meeting was called to order at 6:30 pm
2. Appoint Secretary- Jennifer Kaufman appointed secretary
3. Attendance-Jim Morrow, Quentin Kessel, Vicky Wetherell, Roberta Coughlin, and Jennifer Kaufman (Staff)
4. Opportunity for public comment-no public in attendance
5. Executive Session in accordance with CGS section 1-200(6)(D)
 - Sale or purchase of real property
 - Discussion of possible site selection
6. Open space committee will report to Town Manager their comments about the property discussed.
7. Adjournment-Meeting adjourned at 6:50 pm.

Mansfield Open Space Preservation Committee
DRAFT Minutes of August 21, 2012 meeting

Members present: Jim Morrow (chair), Vicky Wetherell, Quentin Kessel, Jennifer Kaufman (staff).

1. Meeting was called to order at 7:35.
2. Vicky was appointed acting secretary.
3. Minutes of the July 17 meeting, July 30 special meeting (field trip), and August 6 special meeting (executive session) were approved.

New Business

4. *Sauve presubdivision review* The committee viewed maps and discussed the combined Site Analysis Assessment/Conceptual Layout Plan. A field trip is on August 28.

5. *Executive Session* The committee voted to go into executive session at 7:57 and voted to come out of executive session at 8:50. A report will be forwarded to the Town Manager.

6. Meeting adjourned at 9:20.

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, July 16, 2012
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, K. Holt, P. Plante, B. Pociask K. Rawn, B. Ryan
Members absent: R. Hall, G. Lewis
Alternates present: V. Ward
Alternates absent: S. Westa
Staff Present: Linda Painter, Director of Planning and Development
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:10 p.m., appointing Ward to act in members' absence.

Minutes:

6-18-12 Minutes: Ryan MOVED, Ward seconded, to approve the 6/18/12 meeting minutes as written.

MOTION PASSED Unanimously.

7-11-12 Field Trip Minutes: Holt MOVED, Chandy seconded, to approve the 7/11/12 field trip minutes as written. MOTION PASSED with Goodwin, Chandy, and Holt in favor and all others disqualified.

Zoning Agent's Report:

None.

1. Public Hearing

7:15 p.m. Application to amend the Zoning Regulations, Article VII, Section S.2; Article VIII; and Article X, Section A.4.d- M. Healey-applicant, PZC File #1310
Memo from Director of Planning and Development

2. Old Business

a. Gravel Permit Renewal

- o Hall property on Old Mansfield Hollow Road File #910-2

b. Application to amend the Zoning Regulations, Article VII, Section S.2; Article VIII; and Article X, Section A.4.d- M. Healey-applicant, PZC File #1310

c. 8-24 Referral-School Building Project

Memo from Director of Planning and Development

d. Other

3. New Business

a. Request for a BAE Revision, Lot 16 Beacon Hill Estates, PZC File #1214-2
Memo from Zoning Agent

b. Request for extension, 9 Stafford Road, PZC File #404-3
Memo from Zoning Agent

c. Subdivision Pre-Application: North Windham Road
Memo from Director of Planning & Development

d. Consideration of Proposed Alternate Appointment: Alex Marcellino
Email from Mark LaPlaca, Democratic Town Committee Chair

Reports from Officers and Committees:

Vera Ward noted that the next meeting of the Regulatory Review Committee will be Wednesday, July 25th at 1:15 p.m. in Conference Room C. She invited any interested members of the PZC to attend.

Linda Painter, Director of Planning and Development, noted that the D.O.T would not approve a bus pull-off for Cumberland Farms due to the fact that the proposed pull-off did not meet engineering standards. Painter noted that she will be working with WRTD to see if they will continue to stop at the property without a pull-off, and if necessary try to find an alternative stop for the bus heading northbound on Route 195.

Peter Plante requested that the Traffic Authority review the list of priority sidewalks planned to be built and send said list to the PZC.

Communications and Bills:

Noted.

Adjournment: The meeting was adjourned at 8:57 p.m. by the chairman.

Respectfully submitted,

Katherine Holt, Secretary

MINUTES
JOINT MEETING OF THE
MANSFIELD PLANNING AND ZONING COMMISSION
and
MANSFIELD INLAND WETLANDS AGENCY
Special Meeting
Monday, August 6, 2012
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, K. Holt, G. Lewis, P. Plante, K. Rawn, B. Ryan
Members absent: B. Pociask, R. Hall
Alternates present: V. Ward
Alternates absent: S. Westa
Staff Present: Linda Painter, Director of Planning and Development
Grant Meitzler, Assistant Town Engineer and Inland Wetlands Agent
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:08 p.m., appointing Ward to act in members' absence.

Pre-Subdivision Application: Beacon Hill Estates, Section II

Linda Painter, Director of Planning and Development, referenced her 8/2/12 memo and an updated map with an attached email from Edward Pelletier, Datum Engineering and Surveying. Said map was received and distributed to members at tonight's meeting. It was revised based on comments in Painter's memo. Painter reported that this subdivision proposal was referred to the Conservation Commission, Open Space Preservation Committee, Design Review Panel, Deputy Fire Marshal, Assistant Town Engineer/Inland Wetlands Agent, and The Eastern Highlands Health District. To date, the following communications have been received and distributed: an 8-1-12 email from Laurence Mayer, 46 Beacon Hill Drive; an 8-2-12 email from Douglas Hamilton and Pamela Paine, 43 Beacon Hill Drive; a 7-27-12 email from John Lenard, Design Review Panel member; 6-26-12 comments from the Open Space Preservation Committee; additional 7-31-12 comments from Vicky Wetherell, Open Space Preservation Committee; and 7-18-12 minutes from the Conservation Commission (with comments pertaining to this application). Painter also reported that the Deputy Fire Marshal recommended that the applicant consider providing a water source on the property for fire protection purposes.

Painter asked for feedback from the Commission/Agency regarding the suitability of Lots 6, 10 and 17. The general consensus of the Commission was that Lots 6, 10 and 17, as presently depicted on the preliminary plan, are suitable for development. Painter also stated that Eastern Highlands Health District will not review the proposal until a formal application is made; accordingly, the ability to develop 17 lots, as proposed, will be contingent on confirmation from EHHD that there is adequate well and septic capacity to support that number.

Painter also requested a determination from the Commission as to whether it considers Beacon Hill Road in its entirety a through street, or if it concurs with former Planner Greg Padick's initial assessment that the loop portion was a dead-end street. Painter stated the PZC will have to determine if a road is required to access Mansfield City Road. Grant Meitzler noted for the record that the loop portion of Beacon Hill Road was engineered and built 26 feet wide so as to meet the requirements of a through road. After discussion, the general consensus was that all of Beacon Hill Road should be considered a through road. Some members expressed concern with this approach and requested that the applicant provide an alternate layout showing a vehicular connection to Mansfield City Road, so as to provide an opportunity to fully evaluate that alternative.

Painter reviewed comments from other town staff and committees, emphasizing the comments from two members of the Design Review Panel, Conservation Commission, and the Open Space Preservation Committee all of whom would prefer that the west side of the wetlands remain undeveloped; or at minimum, that the 3 lots drawn west of the wetlands be reconfigured and shifted to the north to create a continuous open space area connecting the wetland to the DEEP property located at the southwest corner of the property. The consensus of the Commission was to maintain the 3 lots west of the wetlands but to shift them to the north as suggested.

Quentin Kessell, representing the Conservation Commission, and Jim Morrow, representing the Open Space Preservation Committee, were present and both reiterated the positions of their respective Committees.

Adjournment:

The meeting was adjourned at 7:50 p.m. by the chairman.

Respectfully submitted,

Katherine Holt, Secretary

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, August 6, 2012
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, K. Holt, G. Lewis, P. Plante, K. Rawn,
B. Ryan,
Members absent: B. Pociask, R. Hall
Alternates present: V. Ward
Alternates absent: S. Westa
Staff Present: Linda Painter, Director of Planning and Development
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:51 p.m., appointing Ward to act in members' absence.

Minutes:

7-16-12 Minutes- Plante MOVED, Ward seconded, to approve the 7/16/12 meeting minutes as corrected.
MOTION PASSED UNANIMOUSLY. Lewis noted for the record that he listened to the recording.

- a. August 6, 2012 Joint Meeting
- b. August 6, 2012 Regular Meeting
- c. August 28, 2012 Field Trip Minutes

Zoning Agent's Report:

Noted.

Old Business:

- d. Application to amend the Zoning Regulations, Article VII, Section S.2; Article VIII; and Article X, Section A.4.d- M. Healey-applicant, PZC File #1310
- e. Subdivision Pre-Application: North Windham Road, PZC File #1311
(tabled pending committee reports)
- f. Other

2. New Business

- a. New Special Permit Application, 54 residential apartments, 73 Meadowbrook Lane, Whispering Glen-Lakeway Farms, L.P., owner/applicant: PZC File #1284-2
- b. New Special Permit Application, Assembly-Banquet Hall, 476 Storrs Road, Healey, owner/applicant: PZC File #1312
- c. Application to Amend the Mansfield Zoning Map/Storrs Center Master Plan, Storrs Center Alliance, LLC, owner/applicant: PZC File #1246-10
- d. DAE Modification Request, Lot 5 Kidderbrook Estates, J. and C. Sweet, PZC File #1151-2
Memo from Zoning Agent
- e. Modification Request: Staples Center, PZC File #483-4
Memo from Zoning Agent
- f. Request for Special Permit Extension, United Services, Inc., North Frontage Rd, PZC File #1302
Memo from Zoning Agent

- g. Request for Determination of Efficiency Unit, 32 Fern Road, T. Cronin-owner
Memo from Zoning Agent
- h. Approval of Site Signage, Cumberland Farms, PZC File #1303-2
Memo from Zoning Agent
- i. Draft Connecticut Conservation and Development Policies Plan (2013-2018)
Memo from Director of Planning and Development
- j. Consideration of Cancelling the 9/18/12 Meeting
- k. Other

Reports from Officers and Committees:

A field trip was set for 8/28/12 at 3:30 p.m. with the wetlands item first and the remainder of the field trip dedicated to the subdivision pre-application on North Windham Road. It was recommended to allow 1 ½ hours for the site walk.

Communications and Bills:

None noted.

Adjournment: The meeting was adjourned at 8:47 p.m. by the chairman.

Respectfully submitted,

Katherine Holt, Secretary

DRAFT MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Tuesday, September 4, 2012
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, K. Holt, B. Pociask, K. Rawn, B. Ryan
Members absent: R. Hall, G. Lewis, P. Plante,
Alternates present: A. Marcellino, V. Ward, S. Westa
Staff Present: Linda Painter, Director of Planning and Development

Chairman Goodwin called the meeting to order at 7:12 p.m., appointing Ward and Westa to act in members' absence. Marcellino stated for the record he has been sworn in by the Town Clerk. He was asked to observe for his first meeting.

Minutes:

8-6-12 Joint Meeting Minutes- Ryan MOVED, Chandy seconded, to approve the 8/6/12 joint meeting minutes as written. MOTION PASSED with all in favor except Pociask who was disqualified. Westa noted for the record that she listened to the recording.

8-6-12 Regular Meeting Minutes- Ryan MOVED, Chandy seconded, to approve the 8/6/12 regular meeting minutes as written. MOTION PASSED with all in favor except Pociask who was disqualified. Westa noted for the record that she listened to the recording.

8-28-12 Field Trip Minutes- Ryan MOVED, Ward seconded, to approve the 8/28/12 field trip meeting minutes as written. MOTION PASSED with Goodwin, Chandy, Holt, Ryan, Ward and Westa in favor and all others disqualified.

Zoning Agent's Report: Noted.

Old Business:

- a. **Application to amend the Zoning Regulations, Article VII, Section S.2; Article VIII; and Article X, Section A.4.d- M. Healey-applicant, PZC File #1310**
Rawn MOVED, Holt seconded, to approve the application of Michael Healey, (File #1310), to amend Article VIII, Schedule of Dimensional Requirements and Article X, Section A.4.d to increase the maximum building height in the NB-1 and NB-2 zones from 30 feet to 35 feet and to allow the Commission to alter dimensional requirements related to building and site design through the site plan or special permit process as submitted to the Commission in a revised submission dated July 13, 2012, and heard at a Public Hearing on August 6, 2012. A copy of the subject regulation shall be attached to the Minutes of this meeting, and this amendment shall be effective as of October 1, 2012. Reasons for approval include:
1. The revision is considered acceptably worded and suitably coordinated with related zoning provisions.
 2. The revisions are consistent with Plan of Conservation & Development goals and objectives and the provisions of Article I of the Zoning Regulations. The changes to maximum height and the granting of discretion to the Commission to determine appropriate dimensional requirements on a site-by-site basis will promote better architectural and site design in the NB-1, NB-2 and Design Development Districts.
 3. The proposed change in maximum height for the NB-1 and NB-2 districts is consistent with the general height of existing buildings in the areas affected by the change.

4. The public hearing requirement for any dimensional adjustment made through the site plan approval or special permit approval process will ensure that potential land use impacts will be addressed.
MOTION PASSED with all in favor except Pociask who disqualified himself.

- b. **Subdivision Pre-Application: North Windham Road, PZC File #1311**
Tabled pending committee reports.

New Business:

- a. **New Special Permit Application, 54 residential apartments, 73 Meadowbrook Lane, Whispering Glen-Lakeway Farms, L.P., owner/applicant: PZC File #1284-2**
Chandy MOVED, Holt seconded, to receive the Special Permit application (File #1284-2), submitted by Lakeway Farms, L.P., for 54 residential apartments, on property located at 73 Meadowbrook Lane, as shown on plans dated 12-10-2011, and as shown and described in application submissions, and to refer said application to staff and committees for review and comments and to set a public hearing for 10-15-12.
MOTION PASSED UNANIMOUSLY.
- b. **New Special Permit Application, Assembly-Banquet Hall, 476 Storrs Road, Healey, owner/applicant: PZC File #1312**
Holt MOVED, Ryan seconded, to receive the Special Permit application (file #1312) submitted by Michael C. Healey, The Common Fields, for a Place of Assembly-Banquet Hall Use on property located at 476 Storrs Road as shown on plans dated 1-17-2012, as shown and described in application submissions, and to refer said application to staff and committees for review and comments and to set a Public Hearing for 10-1-12.
MOTION PASSED UNANIMOUSLY.
- c. **Application to Amend the Mansfield Zoning Map/Storrs Center Master Plan, Storrs Center Alliance, LLC, owner/applicant: PZC File #1246-10**
Holt MOVED, Ryan seconded, to receive the application submitted by Storrs Center Alliance (PZC File #1246-10), to amend the Zoning Map/ Master Plan for the Storrs Center Special Design District, owned by the applicant, located at Storrs Road and Post Office Road (northeast corner), in the SC-SDD (Storrs Center Special Design District), as shown on plans dated 08/29/2012 and as submitted to the Commission, to refer said application to the staff for review and comment and to set a Public Hearing for October 1, 2012.
MOTION PASSED UNANIMOUSLY.
- d. **DAE Modification Request, Lot 5 Kidderbrook Estates, J. and C. Sweet, PZC File #1151-2**
Joseph and Cara Sweet, were present and discussed the reasons why they are requesting a DAE modification. Holt MOVED, Ward seconded, that the Planning & Zoning Commission approve the modification request of Joseph and Cara Sweet, to revise the Development Area Envelope for Lot 5 of the Kidder Brook Estates Subdivision, as described in the 8/17/12 application, and shown on a plan dated, revised August 17, 2012. The proposed revision to the DAE will not affect neighboring properties, natural or manmade features or the overall character of the subdivision. This action shall be noticed on the land record. MOTION PASSED UNANIMOUSLY.
- e. **Modification Request: Staples Center, PZC File #483-4**
Rawn MOVED, Holt seconded, that the 8-21-12 application for a two-way traffic pattern behind the Staples Center development be approved as requested and as depicted on a site plan dated 8/29/12. The staff has reviewed the request and has determined that two-way traffic can be accommodated safely provided that several existing parking spaces are removed from use. If it is determined by the Zoning Agent that the uses of the site require additional parking, there is adequate area for the construction of more parking. Any construction of additional parking shall require approval of the Planning & Zoning Commission.
MOTION PASSED UNANIMOUSLY.

- f. **Request for Special Permit Extension, United Services, Inc., North Frontage Rd, PZC File #1302**
Pociask MOVED, Holt seconded, that the PZC approve a one-year extension until September 19, 2013, of the special permit granted to United Services, Inc., for the construction of an office building and associated site development on North Frontage Road. MOTION PASSED UNANIMOUSLY.
- g. **Request for Determination of Efficiency Unit, 32 Fern Road, T. Cronin-owner**
An extensive discussion with the home owner, Tom Cronin, was followed by a motion: Holt MOVED, Ward seconded, that it is the determination of the Planning and Zoning Commission that the efficiency unit located at 32 Fern Road, was in existence prior to the enactment of the Zoning Regulations pertaining to efficiency units, and therefore is "grandfathered" and a legal unit. MOTION PASSED UNANIMOUSLY.
- h. **Approval of Site Signage, Cumberland Farms, PZC File #1303-2**
Holt MOVED, Pociask seconded, that the PZC approve the Cumberland Farms proposed wall sign, a 24 square foot identity sign, conditional on the identity sign meeting the required setbacks as detailed in Article X, Section C.6.a and a 3' x 4' pricing sign. MOTION PASSED UNANIMOUSLY.
- i. **Draft Connecticut Conservation and Development Policies Plan (2013-2018)**
Linda Painter, Director of Planning and Development, summarized her 8/20/12 report and reviewed the key components of the 2013-2018 Draft Connecticut Plan of Conservation and Development (POCD) as it pertains to Mansfield. Painter noted that the POCD has been referred to several other Town Committees for comment and does not expect their reports until later in the month. The consensus of the Commission was to discuss this at the 10/1/12 meeting when all Committee reports are expected.
- j. **Consideration of Cancelling the 9/18/12 Meeting**
Pociask MOVED, Holt seconded, to cancel the September 18, 2012, meeting of the Planning and Zoning Commission. MOTION PASSED UNANIMOUSLY.

Reports from Officers and Committees:

- A field trip was set for WEDNESDAY 9/12/12 at 3:30 p.m. with the wetlands item first and the remainder of the field trip dedicated to the special permit application on Meadowbrook Lane. It was agreed that future Field Trips will be held on the 2nd Wednesday of the month.
- The need for a regular "core group" of Regulatory Review Committee members was discussed, and Ward, Rawn, Holt and Marcellino agreed to regularly participate on this Committee. Thursdays at 5:00 p.m. was designated as the meeting time by consensus. Ward reiterated that all members are always welcome to attend. Painter will review the meeting schedule and communicate with members as necessary.
- Members were asked to recommend individuals who might be a good addition to the Design Review Panel since there is a vacancy due to the passing of Ms. Isabelle Atwood. Holt suggested staff contact Rudy Favretti to see if he might be interested in serving as a citizen member, knowledgeable in town history.
- Chandy agreed to take Rawn's seat on the Town Gown Committee to relieve Rawn's scheduling conflict.
- Staff agreed to confirm the number of PZC members required to sit on the Traffic Advisory Committee and report back at the next meeting.

Communications and Bills: None noted.

Adjournment: The meeting was adjourned at 8:50 p.m. by the chairman.

Respectfully submitted,

Katherine Holt, Secretary

PAGE
BREAK

MINUTES
MANSFIELD INLAND WETLANDS AGENCY
Special Meeting on Monday, July 16, 2012
Council Chambers, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, K. Holt, P. Plante, B. Pociask K. Rawn, B. Ryan,
Members absent: R. Hall, G. Lewis
Alternates present: V. Ward
Alternates absent: S. Westa
Staff present: Grant Meitzler, Wetlands Agent

Chairman Goodwin called the meeting to order at 7:00 p.m., and appointed Ward to act in members' absence.

Minutes:

6-4-12 – Regular Meeting- Ryan MOVED, Rawn seconded, to approve the 6-4-12 minutes as written.

MOTION PASSED with all in favor except Plante and Pociask who disqualified themselves.

6-12-12 - Field Trip- Ryan MOVED, Holt seconded, to approve the 6-12-12 field trip minutes as written.

MOTION PASSED with Goodwin, Holt and Ryan in favor and all others disqualified.

7-10-12 - Field Trip- Holt MOVED, Chandy seconded, to approve the 7-10-12 field trip minutes as written.

MOTION PASSED with Goodwin, Holt and Chandy in favor and all others disqualified.

Communications:

The 6-20-12 draft minutes of the Conservation Commission and the 7-11-12 Wetlands Agent's Monthly Business report were noted.

Old Business:

W1499 – Town of Mansfield- North Eagleville Road- Sidewalks

Holt MOVED, Ryan seconded, to approve an Inland Wetlands application for wetlands file W1499, submitted by the Town of Mansfield Public Works Department, for the construction of a sidewalk along North Eagleville Road between Hunting Lodge Road and Northwood Apartments, on property owned by the Town of Mansfield within the road right-of-way, and as shown on plans dated May 18, 2012, 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 provisions being met:

1. Erosion and sedimentation controls shall be in place (as shown on the plans) prior to construction, maintained during construction, and removed when disturbed areas are completely stabilized.
2. Maps shall not be signed until all DEEP permit requirements have been addressed.
3. Before construction, the Town shall acquire permission from four abutting property owners as per the application and follow with easements upon completion of work.
4. A mitigation area of approximately 4,000 square feet shall be created to offset work to be done in three wetland areas. Because of this mitigation area, there will be a net increase in wetlands as per application submissions and the Wetlands Agent's memo of July 11, 2012.

This approval is valid until July 16, 2017, at which time a renewal of the permit is required if work has not been completed. 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.

New Business:

None

Adjournment: The Chairman declared the meeting adjourned at 7:09 p.m.

Respectfully submitted,

Katherine Holt, Secretary

MINUTES
MANSFIELD INLAND WETLANDS AGENCY
Regular Meeting on Monday, August 6, 2012
Council Chambers, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, K. Holt, G. Lewis, P. Plante, K. Rawn, B. Ryan,
Members absent: B. Pociask, R. Hall,
Alternates present: V. Ward
Alternates absent: S. Westa
Staff present: Grant Meitzler, Wetlands Agent

Chairman Goodwin called the meeting to order at 7:00 p.m., and appointed Ward to act in members' absence.

Minutes:

7-16-12 – Special Meeting- Plante MOVED, Ryan seconded, to approve the 7-16-12 minutes as written. MOTION PASSED with all in favor except Lewis who disqualified himself, but stated he did listen to the recording.

Communications:

The 7-18-12 draft minutes of the Conservation Commission and the 7-11-12 Wetlands Agent's Monthly Business report were noted.

Public Hearings:

None.

Old Business:

None.

New Business:

W1500 – Tolis – Hickory Lane – above-ground pool and deck

Ryan MOVED, Holt seconded, to receive the application submitted by Paul Tolis (File # W1500) under the Wetlands and Watercourses Regulations of the Town of Mansfield for an above-ground pool and deck in buffer, on property located at 37 Hickory Lane, as shown on a map dated 7-31-12 and as described in application submissions, and to refer said application to staff and Conservation Committee, for review and comments. MOTION PASSED UNANIMOUSLY.

Modification Request:

W1497 - Guarino - Spring Hill Rd - deck for above ground pool

Holt MOVED, Ryan seconded, that the Mansfield Inland Wetlands Agency approve the application for modification of an existing Wetlands approval (file W1497 approved on June 4, 2012) as submitted by Jon W. Guarino, for construction of a deck to access an above-ground pool on property owned by the applicant, located at 216 Spring Hill Road, and as depicted on a plan dated May 2, 2012, revised through July 31, 2012, and as described in other application submissions.

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

1. Excavation work shall be limited to 6 to 8 holes for the concrete bases, totaling about 1 cubic yard of excavated material;
2. Said material shall be graded into the applicant's yard area, but away from the wetland;
3. No waste or material of any kind shall be deposited in the wetland or on the wetland-side of the pool;

4. Appropriate erosion and sedimentation controls shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized.

This approval is valid for a period of five years (until August 6, 2017), unless additional time is requested by the applicant and granted by the 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.

Field Trip:

The Chairman acknowledged the need for a field trip for the Tolis application, date and time to be determined at the PZC meeting which follows.

Adjournment:

The Chairman declared the meeting adjourned at 7:06 p.m.

Respectfully submitted,

Katherine Holt, Secretary

DRAFT MINUTES
MANSFIELD INLAND WETLANDS AGENCY
Regular Meeting on Tuesday, September 4, 2012
Council Chambers, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, K. Holt, B. Pociask, K. Rawn, B. Ryan
Members absent: R. Hall, G. Lewis, P. Plante
Alternates present: A. Marcellino, V. Ward, S. Westa
Staff present: Grant Meitzler, Wetlands Agent

Chairman Goodwin called the meeting to order at 7:04 p.m., and appointed Ward and Westa to act in members' absence. Marcellino stated for the record he has been sworn in by the Town Clerk. He was asked to observe for his first meeting.

Minutes:

8-6-12 – Regular Meeting- Ryan MOVED, Ward seconded, to approve the 8-6-12 minutes as written. MOTION PASSED with all in favor except Pociask who disqualified himself. Westa stated that she listened to the recording.

8-6-12 – Joint Meeting- Ryan MOVED, Ward seconded, to approve the 8-6-12 minutes as written. MOTION PASSED with all in favor except Pociask who disqualified himself. Westa stated that she listened to the recording.

8-28-12-Field Trip- Ryan MOVED, Ward seconded, to approve the 8-28-12 minutes as written. MOTION PASSED with Goodwin, Chandy, Holt, Ryan, Ward and Westa in favor, and all others disqualified.

Communications:

The 8-16-12 Wetlands Agent's Monthly Business report was noted.

Public Hearings:

None.

Old Business:

W1500 – Tolis – Hickory Lane – above-ground pool and deck

Holt MOVED, Ryan seconded, to grant an Inland Wetlands License pursuant to the Wetlands and Watercourses Regulations of the Town of Mansfield to Paul Tolis (file # W1500), for the construction of an above-ground pool and deck in the wetland buffer, on property owned by the applicant, located at 37 Hickory Lane, as shown on plans dated January 30, 2006, revised to July 31, 2012, 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 provisions being met:

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

This approval is valid until September 4, 2017, at which time a renewal of the permit is required if work has not been completed. 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 with all in favor except Pociask who disqualified himself.

New Business:

W1501-Block – 8-22 Hanks Hill Road – Unit Replacement

Ryan MOVED, Holt seconded, to receive the application submitted by Michael Block of Block Properties, LLC, (File # W1501) under the Wetlands and Watercourses Regulations of the Town of Mansfield for a unit replacement in buffer, on property located at 8-22 Hanks Hill Road, as shown on a map revised to 8-22-12 and as described in application submissions, and to refer said application to staff and Conservation Commission for review and comments. MOTION PASSED UNANIMOUSLY.

Potential Wetlands Violation Ordinance

Linda Painter, Director of Planning and Development, briefed the Agency on the Regulatory Review Committee's discussion and reasons for writing a wetlands violation ordinance. The consensus of the Agency was to direct staff to work with the Town Attorney and Regulatory Review Committee to draft a wetlands violation ordinance and bring it back to the Agency for review.

Field Trip:

The Chairman acknowledged the need for a field trip for the Block application, date and time to be determined at the PZC meeting to follow.

Adjournment:

The Chairman declared the meeting adjourned at 7:10 p.m.

Respectfully submitted,

Katherine Holt, Secretary

Memorandum:

August 16, 2012

To: Inland Wetland Agency
From: Grant Meitzler, Inland Wetland Agent
Re: Monthly Business

W1419 - Chernushek - hearing on Order

- 3.10.09: The hearing on the Order remains open and should continue until the permit application under consideration is acted upon.
(The Order was dropped on approval of the application required in the Order.)
- 4.30.09: Former rye grass seeding is beginning to show green. I spoke with Mr. Chernushek this afternoon who indicated health problems that delayed his starting but indicated he will be working this weekend. I will update on this Monday evening.
- 5.26.09: A light cover of grass growth has come in. Mr. Chernushek indicates health problems and two related deaths have delayed his start of work since the permit approval was granted. It appears that some light work has started. He has further indicated that he will start a vacation on June 22, 2009 to finish the work.
- 6.13.09: Work is underway.
- 6.21.09: Bulldozer work has been completed - finish work remains. The additional silt fencing has been placed along the northerly wetlands crossing, and the additional pipe under the southerly crossing has been installed. Remaining work includes finish grading along edges, spreading stockpiled topsoil, and establishing grass growth.
- 7.01.09: I spoke with Mr. Chernushek who indicated he expects work to be completed by September 1, 2009. (Site photo attached).
- 9.03.09: Mr. Chernushek has been working on levelling and grading. The formerly seeded areas have become fairly thick growth surrounding the central wet areas. He has further indicated that with the combination of weather and the slower moving of earth with the payloader compared to the earlier rented bulldozer has led him to contact contractors for earth moving estimates which have not yet been received. The site is not yet finished but has remained quite stable.
- 9.12.09: I met with Mr. Chernushek today and discussed again what his plans are for stabilizing this work site.
- 10.01.09: Mr. Chernushek indicated he has not heard back from the contractor he had spoken with about removing material, and is in progress of contacting others. In discussion is removal of material from the site either within the 100 cubic yard limit or obtaining a permit for such removal.
- 10.28.09: Mr. Chernushek has indicated he has made arrangements with DeSiato Sand & Gravel to remove 750 cubic yards of material. Staff is in the process of clarifying permit requirements.
- W1445 - Chernushek - application for gravel removal from site**
- 11.30.09: Packet of information representing submissions by Mr. Chernushek, Mr. DeSiato and myself is in this agenda packet as Mr. Chernushek's request for modification.
- 12.29.09: Preparation of required information for PZC special permit application is in progress. Tabling any action until the February 1, 2010 meeting is recommended.
- 1.12.10: 65 day extension of time received.
- 2.18.10: No new information has been received.

- 2.25.10: This application has been **withdrawn**.
- 6.30.10: As viewed from the adjacent property, the upstream and downstream areas have grown to a decent protected surface. I did not see indication of sediment movement.
- 10.26.10: A sale of the East portion of the Chernushek property has been in negotiation.
- 12.27.10: The property exchange has been completed. The owner is now the neighboring property owner Bernie Brodin. He has indicated his intention to stabilize the area as weather permits.
- 4.25.11: Mr. Brodin indicates he is starting with grading and spreading hay and seed to stabilize disturbed areas.

Mansfield Auto Parts - Route 32

- 9.13.11: Inspection - no vehicles are within 25' of wetlands.
- 11.03.11: Inspection - two vehicles are within 25' of wetlands. Vehicle doors and a camper or trailer are stored in the extreme rear lot not approved by zoning for use.
- 11.30.11: Inspection - two vehicles are within 25' of wetlands. Employees indicate cars will be moved soon. Payloader repair parts are to be there later today and cars will be moved as soon as parts are installed. Owner indicated in earlier discussion that the doors would be moved.
Rate of tire removal has increased with a company in Massachusetts removing them by truckload. At time of this discussion (about a week ago) nearly 2,000 tires had been removed from the lot by the railroad tracks.
- 12.07.11: Inspection - two vehicles are within 25' of wetlands. Payloader repairs not yet completed. Weekly inspections will be made until the two vehicles and doors are moved.
- 12.27.11: Inspection - 1 vehicle within 25' of wetlands - owner indicates it will be moved this week. Payloader is back in operation. Owner indicates doors in "rear" lot will be moved this week. Large number of tires have been moved from lot by RR tracks - approximately 65% of tires have been removed.
- 2.01.12: Inspection - employee indicates payloader repair has had problems and the one car within 25' has not yet been moved. Tire removal has continued and about 90 percent of the tires have been removed. A truck from the company removing the tires arrived while I was at the site.
- 3.01.12: Inspection - owner indicates payloader is repaired. Owner indicates the one car within 25' will be moved. Tire removal is nearing completion.
- 3.28.12: On the way to see the car moved I found the payloader blocking the entrance drive to the rear area, with the mechanic under the hood. He indicated the new engine had stopped running on the way to move the remaining car. Inspection today showed the payloader in the same location.
- 5.01.12: Payloader remains in the same location with a bad motor.
- 5.17.12: Payloader and the one vehicle have been moved. There are no vehicles within 25' of wetlands.
- 6.22.12: Inspection - no vehicles are within 25' of wetlands.
- 7.10.12: Inspection - no vehicles are within 25' of wetlands.
- 8.16.12: Inspection - no vehicles are within 25' of wetlands.

THE HABITAT

A newsletter of the Connecticut Association of Conservation
and Inland Wetlands Commissions, Inc.



Summer 2012

volume 24 number 2

Landscape Level Forest Planning:

Why We Need To Be Thinking Large by Min T. Huang

Connecticut is one of the most heavily forested states in the United States, with about 60% of the state forested. Healthy forests clean our air and water, shelter our wildlife, sequester carbon, contribute tens of millions of dollars to our economy, and add immeasurably to the quality of our everyday lives. Yet every day, our forests are under threat. Invasive insects and diseases and our dense and growing human population continue to stress our forests in unprecedented ways. Conserving a healthy forest for future generations will require creating public awareness, identifying solutions to our problems and taking action.

Thinking Large: Engage All Stakeholders

The Department of Energy and Environmental Protection (DEEP) Division of Forestry manages Connecticut's State Forests, the largest single landholding in the state, to ensure that a viable and productive forest ecosystem provides clean air, water, carbon sequestration and climate moderation while unique, fragile, and threatened habitats are protected. This management model uses an ecological approach to resource sustainability. A goal for management of state forest lands is to perpetuate a forest ecosystem that graduates native and natural regeneration to the over-story and in doing so, creates a mosaic of different aged stands that acknowledges the habitat needs of native wildlife populations and

"The long-term ecological benefits of a healthy forested landscape will only be realized if we work together to meet shared objectives."

protects core old forest land. However, DEEP is just one landowner in the state, over 73% of our forests are privately owned. Another 8% are owned by Municipalities. Thus, if we are to provide, on a landscape scale, the ecological benefits of a healthy forest, we need to engage all stakeholders.

The Connecticut DEEP and the University of Connecticut are collaborating on a project to develop a Decision Support Tool (DST) to better inform long-term stewardship and management of Connecticut's forestlands. As a stakeholder and land owner in Connecticut, we are asking for your input into this process (contact information - end of article).

Thinking Large: Manage Competing Interests

Connecticut's forests are under increasing pressure not only from development but to competing management interests. The long-term ecological benefits of a healthy forested landscape will only be realized if we work together to meet shared objectives. In order to most efficiently utilize limited financial and human resources, stakeholders' objectives must be considered so that optimal conservation and management decisions can be made that don't jeopardize other important activities or ecosystem functions.

For example, there is a new regional initiative to restore habitat for the New England cottontail, a candidate species for listing under the Endangered Species Act. Though once common throughout New England, this species' historic range has been reduced by over 80%. Connecticut may play a unique role in this restoration effort because, of all the New England states, Connecticut continues to support the most globally significant proportion of the remaining New England cottontail population, and efforts at restoring habitat may

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CACIWC

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www.caciwc.org

◇◇◇◇◇◇◇◇◇◇ CACIWC News Briefings ◇◇◇◇◇◇◇◇◇◇

A large assembly of environmental agencies and organizations was excited to welcome U.S. Interior Secretary Ken Salazar to Connecticut on May 24th to formally designate the Connecticut River watershed as the **First National Blueway**. In addition to preserving important river and watershed areas, the blueway designations are designed to improve recreational access and appreciation of the outdoors and our important natural resources by all members of our society including our youth. The CACIWC Board of Directors will be working closely with commissions throughout the Connecticut River watershed to help inform residents of this important initiative.

1. The CACIWC Board of Directors has begun the process of developing an **updated strategic plan**. During the next several months the Board will review priority goals established for the 2008 plan, evaluate the board's progress in attaining these goals, and select new goals and objectives for the next three to five years. Board members have already expressed a commitment to give our education and outreach activities the highest priority. Initial discussions have also emphasized the need to assign both fiscal and human resources necessary to accomplish these goals including a proposal to hire a part-time Executive Director.

2. **Membership dues** are an essential part of our operating budget. They support various CACIWC programs including our Annual Meeting, educational materials, and *The Habitat*. During its May meeting, the Board voted to support a slight increase in its membership fees for the first time in many years. You will be receiving a reminder and renewal form for the 2012-13 membership year, which begins on July 1, 2012. A copy of this form and additional information can also be found on our website: www.caciwc.org. Would you or your company like to provide additional support to CACIWC? The website also provides a description of additional individual and business membership categories. Please consider making an additional contribution to support CACIWC education and outreach efforts!

3. The CACIWC Board of Directors will also be conducting a major review of our **bylaws** during 2012 to determine if any amendments are needed. This review will focus on the composition of board to determine whether the existing eight county-based representative structure should be modified. The Board will also be considering mechanisms that could permit use of virtual meetings and electronic voting for approval of urgent actions between regularly scheduled meetings or during inclement weather. The Board will seek early member feedback on any proposed changes, which must be approved by a majority vote of members at the Annual Meeting or a special meeting of the membership.

4. The Board of Directors is reviewing the many comments and suggestions that were submitted in 2011 annual meeting

CACIWC news, continued on page 12



Journey to The Legal Horizon

by Attorney Janet Brooks

Expert Opinion - Too Narrow or Too Broad? Fort Trumbull Conservancy, LLC v. New London, 135 Conn. App. 167 (2012)

The role of the expert and expert opinion occupies a central role in the consideration of a wetlands application. Experts weigh in for applicants, environmental intervenors and in third party reviews for the agency. While some may argue that the process now requires everyone to “lawyer-up,” I believe the case law is leading most parties to “expert-up.” A recent case from the Appellate Court articulates the weakness of expert opinion when the scope of the expert’s review is either too narrow or too broad. The Appellate Court ruled in *Fort Trumbull Conservancy, LLC v. New London*¹, held that neither opinion of two experts met the burden of proof which the environmental organization had to satisfy under the Connecticut Environmental Protection Act.

In this column we are examining a case that does not arise out of a wetlands agency proceeding, or any other land use proceeding. We will not focus on the legal proceeding and certain procedures only available to a judge in a court action, but on the pivotal role of expert opinion -- as the Conservancy ultimately lost its case based on the lack of satisfactory expert opinion.

I will take at face value, and I suggest that you do, too, how the Appellate Court characterizes the expert testimony and opinion. That is, it will not be useful for you to delve into what either of these experts actually did testify to, to determine if the Appellate Court was accurate. From this point forward the only characterization of the experts’ opinion that matters is the court’s.² It can’t be known from reading the case whether the scope of the experts (1) was limited by each of the expert’s belief that the narrowness or broadness was appropriate, (2) was limited by what the lawyer asked for, or (3) a combination of the two. We will only focus on why the Appellate Court upheld the trial court judge’s decision, which dismissed the organization’s lawsuit based on the lack of expert

opinion to support the allegation reasonable likelihood of unreasonable pollution to the Thames River.

What the Trial Court Did

The Fort Trumbull Conservancy, LLC (“Conservancy”) brought a lawsuit based on the same law which allows environmental intervenors to participate in wetlands agency proceedings. Without discussing the differences in bringing a direct court action, in the lawsuit the Conservancy alleged that the New London Development Corporation was implementing a storm water management plan on a 45-acre parcel that was reasonably likely to unreasonably pollute the Thames River. At trial the Conservancy offered two experts to substantiate

this claim, one a retired biology professor, the other an environmental consultant.

Although the Conservancy argued it wasn’t required to present expert opinion to prove its case, the trial court and Appellate Court quickly dismissed that notion, relegating it to a footnote. The specific allegations in the Conservancy’s

complaint included: the “deposition on the property and in the Thames River and waterbodies of at least eighteen contaminants and/or pollutants including but not limited to heavy metals and [polycyclic aromatic hydrocarbons that would] enter the soil, groundwater and surface water . . . and will be transported via storm water from the property to other sensitive receptors away from the property ... *As the [trial] court rightly concluded, those claims involved issues beyond the field of ordinary knowledge and experience of the trier of fact, necessitating expert testimony thereon.*”³

Here’s what the biology professor testified to. He examined the life forms in the river and a creek near the storm water system outfalls. He sampled and had

legal, continued on page 4

“Identifying the limitations of an expert’s background, methodology or scope of review -- and doing so on the record -- are ways to bolster the (Wetlands) agency’s decision-making process.”

legal, continued from page 3

analyzed a few sediment samples. His objective was to describe the existing conditions and overall health of the river. He testified that it wasn't his job to determine the source of the pollution. He concluded that the river and two related water bodies were degraded.

The environmental consultant's objective was to determine the level of contaminants in the storm water of the 45-acre property in question. He studied the storm water in an area of 312 acres which flowed through the subject property's 45 acres. He acknowledged that the total storm water which flowed through the storm water management system was even larger than the 312 acres. He extrapolated from a 1970s traffic report making certain assumptions to predict contamination leaving the 45-acre site. It came out that he didn't test the storm water entering or exiting the system. He didn't consider the contribution of sources, such as other untreated outfalls, marinas and that the river was an impaired waterbody under federal law. He criticized the Vortechnic system used, although conceding that it was better than nothing. The traffic report and his extrapolations did not account for the improvements in car technology. He said that no other scientist had used his methodology. Further, he testified that he didn't care about jurisdictional boundaries under the law, that the natural system was blind to such limits.

The trial court dismissed the Conservancy's case finding that the opinions of the experts were not sufficient to establish that the Development Corporation caused pollution, let alone unreasonable pollution to the river. To begin, neither expert testified to or was asked whether their opinions were based "on reasonable probability, reasonable certainty or

any other standard which resembled a probability."⁴ Next, there was no testimony that linked actual or potential pollution, such as the contamination in the sediment samples, to the Development Corporation's activities. It's what I call "connecting the dots." It's what the court calls "proximate cause." The Conservancy argued that it was "under no obligation to show what is going into the . . . system or even that actual pollution is coming out. . . . it is irrelevant . . . that the pollution is also caused in part . . . by storm water flowing from areas outside the [area]." The trial court and Appellate Court disagreed. Proof of pollution in the general area is not sufficient. If it was beyond the scope of the biology professor's review, it was incumbent upon the Conservancy to present another expert to make that connection. Finally, the trial judge dismissed the environmental consultant's methodology, stating that "in the testing, the selection of testing methods, the selection of testing sites, the decision not to test the water on the way in or out of the Vortechnic systems all make the court conclude that his testimony has no reasonable scientific basis."⁵

What Your Wetlands Agency Can Do

There are lessons from this case that can be applied to expert testimony before wetlands agencies. This is not limited to environmental intervenors who will be making allegations similar to those made by the Conservancy in its lawsuit. It holds equally for an applicant claiming to cause no harm or the expert conducting a third-party review for the agency. Like the trial judge, the agency is the finder of fact. The agency is not obligated to accept the reports and test results of an expert.⁶ Yet the agency can't "capriciously" ignore an expert⁷ and certainly not the sole expert on a topic. How can you not act capriciously? By routinely and methodically

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questioning experts who appear before the agency:

- Ask the expert to articulate how certain or how probable his/her opinion is.
- If Expert A states that a pollutant will end up in the water body, can Expert A also connect that pollutant to the applicant's activities? If not, is there an Expert B? If the pollutant ends up in the water body, is there an Expert C who can state that the pollutant in that amount constitutes an adverse impact?
- Is the expert testifying within the area of his/her expertise? You will only know by asking the expert's field of study and work in that field. Is the engineer testifying about a topic that requires a biologist ("the construction of this impoundment won't harm the aquatic life") or is the biologist testifying about a topic that requires an engineer ("this system can be reconfigured to allow the passage of aquatic life")
- If Expert X says s/he draws conclusions from a unique testing methodology, ask for explanations of how the methodology was arrived at, what other experts agree with the chosen methodology, why standard methods weren't employed.

As the "trier of fact," the agency has latitude to reject expert testimony, if not done capriciously. The consideration of expert opinion continues to be a major reason for agency denials to be reversed on appeal. Identifying the limitations of an expert's background, methodology or scope of review -- *and doing so on the record* -- are ways to bolster the agency's decision-making process.

Janet P. Brooks practices law in East Berlin. You can read her blog at: www.ctwetlandslaw.com.

(Endnotes)

¹ You can read the case on the Judicial Website at: <http://www.jud.ct.gov/external/supapp/Cases/AROp/AP135/135AP321.pdf>. Or go to: www.jud.ct.gov, click on Opinions, click on Supreme Court Archives, click on 2012, scroll down to "published in the Connecticut Law Journal of 5/1/12, click on the case.

² I write this digression because at one of the legal workshops at the 2011 CACIWC annual meeting, an environmental consultant made an impassioned plea and persuasive pitch that the Appellate Court had taken a portion of his report out of context and had mischaracterized his opinion. I was conducting that workshop with Assistant Attorney General David Wrinn and Attorney Mark Branse. Each of us responded that we "felt his pain," adding our examples of how the Supreme Court or Appellate Court had overlooked written arguments that we had made. Regardless of how foolish or inadequate (or worse) such a court opinion might make us feel, we are no longer free to argue "but that's not the way it was, I did make that argument."

³ (Emphasis added.) Fort Trumbull Conservancy, LLC v. New London, 135 Conn. App. 167, 183 n.11 (2012).

⁴ Fort Trumbull Conservancy, LLC v. New London, 135 Conn. App. 167, 174 (2012).

⁵ Fort Trumbull Conservancy, LLC v. New London, 135 Conn. App. 167, 189 n.14 (2012).

⁶ AvalonBay Communities, Inc. v. Inland Wetlands and Watercourses Agency, 130 Conn. App. 69, 80 n.17, cert. denied, 303 Conn. 908 (2011).

⁷ AvalonBay Communities, Inc. v. Inland Wetlands and Watercourses Agency, 130 Conn. App. 69, 81 n.18, cert. denied, 303 Conn. 908 (2011). ↴

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Windham County Conservation Consortium

The Windham County Conservation Consortium (WCCC) had their first meeting in October 2008. This new regional conservation consortium was encouraged and supported by the Green Valley Institute (GVI) and CACIWC. CACIWC reported on the initial efforts of the WCCC in *The Habitat* 2009 spring issue. The initial goal of the WCCC was to provide a regional conservation forum for cooperation between the (15) towns in Windham County. Three WCCC meetings are scheduled each year and members generally consist of conservation commission members from the individual towns. Since 2008 four additional towns located in New London and Tolland Counties now attend WCCC Meetings bringing our membership to (19) towns. In addition, the WCCC representing an entire county and beyond has been able to yield much more political clout in responding to environmental issues of concern in eastern Connecticut.

The following areas have been worked at WCCC Meetings over the past four (4) years:

SHARED KNOWLEDGE

Prior to the WCCC there was very limited communication between conservation commissions in Windham County. Improved communication has resulted in a better understanding of the efforts, successes and strengths of each town's conservation commissions. Sharing information and experiences not only benefits the individual towns but the region as a whole.

WCCC EDUCATION

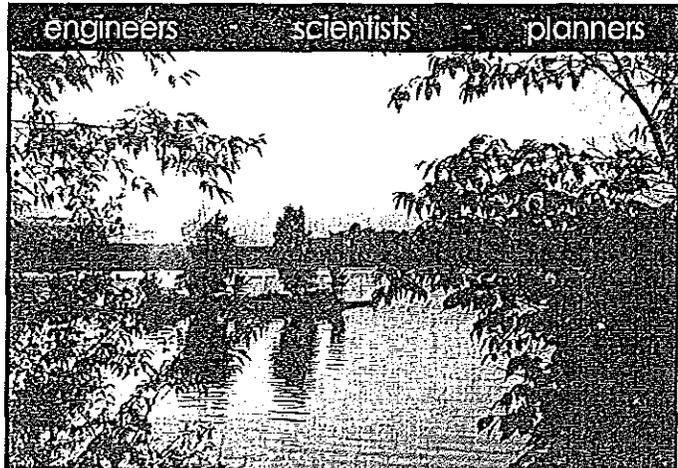
The WCCC as a large regional group has been able to draw many well known speakers from the State, towns, corporations and ranks within our conservation commissions.

The following are some of the presentations and subjects covered at WCCC Meeting:

- Franklin Ash Dump
- SMART Recycling, DEEP
- Forest Ecosystem
- Geographic Information Systems (GIS)
- Green energy
- Invasive plants
- Archaeology
- State forestry, DEEP
- Solar, wind
- Borderlands Project
- Natchaug River Basin Project
- Cell Tower Communication Technology

PUBLIC EDUCATION

The education programs presented at WCCC Meetings are shared with town conservation commissions and citizens. At a 2009 WCCC Meeting, Loretta Wrobel, Ashford, CT. volunteered to organize a five (5) town education workshop, Protecting Family Farms & Forests. The goal was to help educate the public on





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WCCC, continued from page 6

protecting farms and open space in eastern CT. The event included speakers from Joshua's Land Trust, legal, Nature Conservancy/GVI and land owners with conservation easements. The program was a success with (60) people attending the event.

FRANKLIN ASH DUMP

WCCC provided support, along with other conservation organizations and elected officials in opposition to the proposed incinerated ash dump in the town of Franklin, CT. This proposal was finally withdrawn by the CRRA in 2009 based on strong objections from conservations groups, citizens and elected officials across the spectrum.

RECYCLING

In 2009 the recycling rate in Connecticut was in range of 31% and below the national average. WCCC expressed concern regarding the low recycling rates in the State by writing letters to the DEEP Commissioner/staff and elected officials. WCCC is of the opinion that the State's low recycling rates and high waste stream is both costly and a negative for the environment in the State. WCCC is concerned that the continued low recycling rates in the State has the

potential to increase future needs for incinerated ash dumps in pristine areas, like the one proposed for the town of Franklin, CT.

In January 2012 DEEP personnel gave the WCCC a presentation on their efforts to improve recycling and reduce the waste stream in the State. WCCC continues to follow this situation based on both economics and conservation.

FORESTRY - STATE LANDS

In 2010 it was brought to the attention of the WCCC that none of five (5) State forests in Windham and New London Counties (over 41,000 acres) had foresters responsible for management of these State lands. Letters were sent to the DEEP Commissioner, DEEP staff and elected officials expressing concern regarding the expired State forest management plans and the reduction of State land foresters over the past decade or more. WCCC expressed the opinion that our State forests in eastern Connecticut are an environmental asset that needs to be managed and worked for both financial and environmental reasons.

Over the past year DEEP has been made progress by developing a forest management plan at the Goodwin Forest located in the towns of Hampton and Chaplin. The (10) year management plan at Goodwin Forest has been completed and is now in the approval stage at the DEEP in Hartford. In 2011 (3) foresters were hired by the DEEP for a two year period to update forest management plans in the State. WCCC has written a letter to the State legislators and the DEEP staff recommending that the three (2) year forestry positions be made permanent. Making these three positions permanent will allow for continued progress in updating and implementing State forest lands management plans across Connecticut.

SUMMARY

Over the past four (4) years the WCCC has become better connected with other external conservation organizations, elected officials, State conservation personnel and individuals on conservation issues in the State. This has allowed the WCCC to be become more aware of issues that can potentially have either positive or negative effects on our environment in eastern CT. Going forward the WCCC will continue to pursue new ideas to improve communication and cooperation between the towns in eastern Connecticut and other external conservation organizations.

Wayne Kilpatrick, Windham County Conservation Consortium (WCCC) 



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Inland Wetlands and Watercourses Act Connecticut General Statutes Section 22a-40: Permitted Operations and Uses Subsection (a)(1): Farming

"Sec. 22a-40. Permitted operations and uses. (a) The following operations and uses shall be permitted in wetlands and watercourses, as of right:

(1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale [.]"

1. This statutory subsection pertains to agricultural activities which are permitted in wetlands and watercourses as of right.

1.1. Often referred to as the "exemption" section.

2. This statutory subsection does not apply just to existing operations and uses; it also applies to new or proposed operations and uses.

2.1. The operation and use has no income requirement; it may be a hobby.

3. Court interpretation (case law) states that the Inland Wetlands Agency has the right to determine if a farming activity is exempt pursuant to this statutory subsection. The existence of an exemption (the application of the statutory language to the facts of a particular situation) is not determined by the applicant but rather by the Inland Wetlands Agency. The agency always has the authority to determine the reach of its jurisdiction over inland wetlands and watercourses.

3.1. Person claiming the benefit of the exemption has the burden of proving to the agency that the activity falls within the exemption.

3.1.1. If evidence in the agency's record equally supports that the activity is exempt and is not exempt, then the applicant has failed to meet the burden of proof and needs to apply for a permit to conduct a regulated activity.

3.2. Exemptions are "narrowly construed," which means that the agency is precluded from interpreting the exemption more generously, in favor of the person claiming the benefit of it, than the words of the statute allow.

3.3. Exemptions cannot be expanded upon by the agency, even if the agency thinks good policy reasons exist to do so; conversely, exemptions cannot be more narrowly read by the agency than the language of the exemption provision dictates, even if the agency thinks good policy reasons exist to do so.

4. The word "farming" is not defined within the Inland Wetlands and Watercourses Act. Therefore, use the definition found in Connecticut General Statutes Section 1-1(q).

4.1. "Sec. 1-1. Words and phrases. (a) In the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly.

(q) Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or,

in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoopouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124."

5. What is permitted as of right:

- 5.1. Grazing;
- 5.2. Farming;
- 5.2.1 Remember, CGS Section 1-1(q) includes the word "forestry". According to Webster's II New Riverside University Dictionary the term forestry means: the art and science of cultivating, maintaining, and developing forests; management of forestland. This can include various silvicultural practices including the harvesting of trees for firewood. Further, CGS Section 1-1(q) also allows for the salvaging of timber left by a storm.
- 5.3. Nurseries;
- 5.4. Gardening;
- 5.5. Harvesting of crops;
- 5.6. Farm Ponds of three acres or less essential to the farming operation;
- 5.7. Clearcutting of timber for the expansion of agricultural crop land;
- 5.8. Activities conducted by or under the authority of the DEP for the purposes of wetland or watercourse restoration or enhancement or mosquito control.

6. What is not permitted as of right and therefore requires an application for a permit:

- 6.1. Farm ponds greater than 3 acres;
- 6.2. Farm ponds of 3 acres or less not essential to the farming operation;
- 6.3. Road construction not directly related to the farming operation (remember, farming includes forestry. Therefore road construction not directly related to the forestry operation is not permitted as of right);
- 6.4. Road construction involving filling of wetlands or watercourses with continual flow;
- 6.5. The erection of buildings not directly related to the farming operation;
- 6.6. The erection of buildings involving filling of wetlands or watercourses with continual flow;
- 6.7. Relocation of watercourses with continual flow;
- 6.8. Filling of wetlands;
- 6.9. Reclamation* of wetlands;
- 6.10. Filling of watercourses with continual flow;

- 6.11. Reclamation* of watercourses with continual flow;
- 6.12. Clear cutting of timber for reasons other than the expansion of agricultural crop land;
- 6.13. Mining of top soil, peat, sand, gravel or similar material for the purposes of sale.

7. How to proceed with determination of exemption:

- 7.1. Agency or agent becomes aware of current activity or proposed activity for which no permit has been issued;
- 7.2. Agency or agent contacts actor requesting explanation;
- 7.3. Agency or agent requests presence of actor at next regular meeting to establish whether such activity is a regulated activity or a permitted as of right activity

-OR-

Actor files request for declaratory ruling regarding the agency's jurisdiction (if municipal regulations permit such a filing).

- 7.4. Agency finds facts which determine whether activity falls within the exemption;

7.4.1. Agency issues a jurisdictional ruling that activity is exempt; or

7.4.2. Agency issues a jurisdictional ruling that a permit be required; or

7.4.3. Agency issues a jurisdictional ruling that portions of the activity are exempt but other portions require a permit.

7.5. If actor is unwilling to cooperate with the agent or agency, and the agency finds the activity is not permitted as of right and therefore needs a permit, the agent or agency may issue, pursuant to Section 22a-44(a) of the General Statutes, an order to cease and correct such activities on the site until the actor has obtained such permit:

7.5.1. Agency must hold a hearing within 10 days of issuance of the order;

7.5.2. Duly authorized agent must offer evidence that the activity is "regulated";

7.5.3. Burden is on the agency to establish the activity is a regulated activity;

7.5.4. Agency must vote to affirm, revoke or amend the original order within 10 days of the completion of the hearing.

7.6. Agency may proceed directly to court to prevent actor from conducting activity without a permit, -OR- to enforce a final cease and correct order.

8. Appeals of municipal inland wetlands agency decisions

8.1. An appeal of an agency decision regarding the application of subsection 22a-40(a)(1) goes to the Superior Court as provided for in section 22a-43 of the General Statutes just like other appeals of agency decisions.

* *Reclamation*: The term is not defined in the CT Inland Wetlands and Watercourses Act. Webster's Ninth New Collegiate Dictionary "to make available for human use by changing natural conditions (~swampland)."



forest, continued from page 1

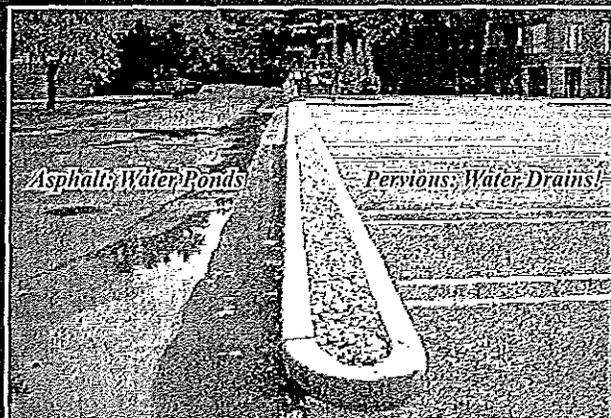
preclude the need for this species to be federally listed. Increased habitat restoration for this species, and other young forest dependent species will likely come at the cost of existing forest, as one of the most effective tools will be to cut existing forest to create early successional habitat. Current focus areas for cottontail restoration overlap some of the best contiguous forestlands in the state.

Another example of a current and future threat to healthy, functioning forestlands is the increasing parcelization of our existing forest lands. Continued development is fragmenting our forests, degrading many of the ecological functions and benefits these forests provide. How do we best maintain contiguous forest while catering to demands for development and continued urbanization? From a conservation standpoint, we all have some vision of what our forests and landscape should look like and the functions those forested landscapes should provide. To realize these visions will require an examination of our objectives and an explicit understanding of the tradeoffs that will be involved in getting to those endpoints. An integral part in the development of this DST will be the spatial component-where on the landscape should we conduct management activities and to what extent.

Thinking Large: Agree on Objectives

The first step in this process is to identify our objectives up front. That is critical. We need to collectively agree upon the objectives that will get us to our goal. Once those objectives are set, we can then start developing optimal policies that get us to that end. In the grand scheme of things, we think that our overall Fundamental Objective (bottom line) for forestland management is to have healthy, fully functioning forests. There are many components, however, that make up a healthy forest and the functions that such a condition provide and to get to this fundamental objective we will need to decide how to weigh the many different things that go into making a healthy, diverse forested landscape. To do this, we need to identify the specific things that will help us achieve our overall objective of a healthy, fully functional forest. For instance, we might feel that part of a healthy forest is to have a mosaic of different aged stands across the landscape, while at the same time, maintaining as much core forest (unfragmented) as possible. These two goals cannot be achieved in the same place, so we need to identify their relative importance to help us balance the two goals across the landscape. On the other hand, we may be more concerned with rare plants and animals, at the expense of all else. Achieving that goal may be at odds with the previous ones. Indeed, conflicts can even

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forest, continued from page 10

arise when different rare species have opposing needs. Clearly, balancing the many different things we want from our forests rapidly becomes a highly complex problem.

Our setting of objectives must also take into account scale. The desires of a small landowner (e.g. 20 acres) might be vastly different from those of someone who manages 200 acres or 20,000 acres. However, how one manages one parcel, will, in many instances have an effect on the ecosystem function as a whole. This is particularly the case with regards to fragmentation and parcelization. These potential differences in how the issue of scale affects our attitudes towards management are very important. For example, as a smaller landowner, would you be willing to conduct certain management if doing so was beneficial in the larger landscape context, even though it is not exactly what you would like to see happen on your land? If we are able to do a good enough job of planning at the landscape scale, we may be able to better elucidate the consequences of these types of decisions at the smaller scale. This would then make these types of decisions easier to make and hopefully more efficient.

Thinking Large: Measure Attributes

It is not enough to just develop a list of objectives. We need to understand what those objectives really mean, how they are related with each other and the consequences of each relative to the others and the overall fundamental objective. That is why we need to define each objective by means of measureable attributes. For instance, it might come to pass that collectively we may want to have a forest composition with appropriate levels of young forest. But, what

does that really mean? From a forest health standpoint this might be 20%. From a shrubland bird perspective maybe it should be 30%. Should there be consideration to the size of young forest patches, or their distribution across the landscape? This may depend on whether we want that young forest to benefit cottontails or birds, or something else entirely. What about the extent of core forest or reducing fragmentation? What are attributes of those objectives that we can use as measuring sticks? These attributes need to be defined so that when we start examining the tradeoffs between alternative management activities we have something to measure.

Key in this entire process is the recognition of wildlife and the effects that forest management activities will have on wildlife. These factors, as well as the impacts of forest management practices on things such as carbon sequestration and water quality, will have to be explicitly modeled and included into our decision making process.

Fortunately, formal methods have been developed to help guide the kinds of complex decisions we are facing. These tools do not actually make decisions – ultimately that is the role of actual landowners – but they can help to make clear the larger consequences of particular actions. In particular, they can help determine whether management aimed at achieving one specific goal, may have unintended consequences that hamper achieving other goals. If you would be interested in assisting us in the development of this Decision Support Tool and in working together to reach shared objectives, please contact us and we will include you in this process.

*Min T. Huang, Migratory Game Bird Program Leader,
CT Department of Energy and Environmental Protection
391 RT 32, N. Franklin CT 06254, 860-642-6528,
Min.huang@ct.gov*

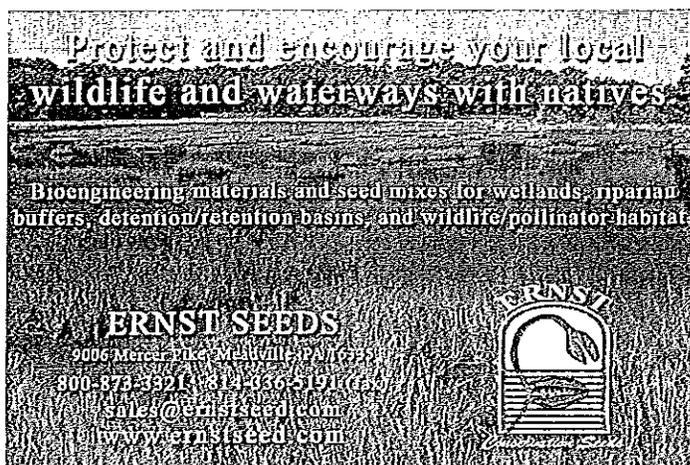
ANNOUNCEMENTS

CEQ

The Council on Environmental Quality's 2012 Annual Report on the condition of Connecticut's environment is available. For the full report, go to the CEQ website: <http://www.ct.gov/ceq/cwp/view.asp?a=986&Q=477460>.

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CACIWC news, continued from page 2

survey. If you missed the meeting or neglected to complete the survey you can still submit your suggestions for workshop topics and speakers to recruit for our upcoming **35th Annual Meeting and Environmental Conference**, scheduled for Saturday, November 17, 2012. Please send your ideas to us at AnnualMtg@caciwc.org along with any other general suggestions. Watch for additional conference news in upcoming issues of *The Habitat* and on our website: www.caciwc.org.

5. Although the board is continuing to review suggested candidates, many **CACIWC Board vacancies** remain (please see the list in this issue of *The Habitat* and on www.caciwc.org). The CACIWC bylaws specify that any past or present member of Connecticut conservation or inland wetlands commissions or their agent are eligible to serve. Would you be interested in filling one of these vacancies? Please submit your name to us for consideration at: board@caciwc.org.

6. The Board is also continuing its efforts to organize a number of **CACIWC advisory committees** to participate in the review of legislative initiatives and help us with our education and outreach efforts, strategic plan and bylaws revisions. Let us know your interest by sending your name to us at: board@caciwc.org.

Thank you again for your ongoing support of CACIWC. Please do not hesitate to contact us via email at board@caciwc.org if you have any questions or comments on the above items or if you have other questions of your Board of Directors.

We thank you for your efforts to protect wetlands and conserve natural resources in your town!

~ Alan J. Siniscalchi, President



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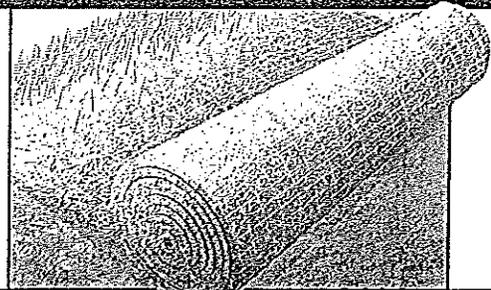
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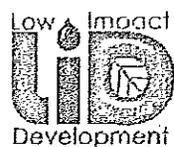
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The Need for Dedicated Conservation Funding in Connecticut

by Min T. Huang, Migratory Game Bird Program Leader,
CT Department of Energy and Environmental Protection

Connecticut's woods, wildlife, and rivers are part of our heritage, and it is our duty to take care of them for future generations to enjoy. This is becoming an increasingly difficult task. The continued erosion of financial resources for conservation efforts and an increasing public disconnect with nature are putting great strain on our cherished environment. There is no greater barometer to measure for the health of our environment than the wildlife that inhabits it. As you may know, in our great country, wildlife is public trust, collectively owned by all of us. The rose breasted grosbeak singing in your backyard belongs to society. That red-tailed hawk hunting over your neighborhood belongs to all of us. The white-tailed deer eating your ornamentals is not just your problem, it is our problem. We all have a stake in wildlife and many of our wildlife species are declining. Wildlife in Connecticut is at a crossroads and needs your help.

Given the committee you are a part of, it is likely you are the type of individual or group who does what you can to help conserve the environment. But there are some problems that need a larger, more coordinated conservation effort. Small scale wildlife conservation and habitat stewardship can and does start at home, but because wildlife knows no boundaries, long-term, effective wildlife conservation must be supported by a larger framework. We need your commitment to create that framework, through a dedicated source of money for sustained wildlife conservation.

Where does money for coordinated wildlife conservation come from? By and large, not from tax payer dollars. Currently, on a per capita basis, Connecticut is in the lowest 10% of the country in General Fund dollars spent on conservation. Yet, per capita we are the wealthiest state. Currently, fees from hunting and fishing licenses and a dedicated excise tax on hunting and fishing equipment pay for approximately 80% of the wildlife directed conservation in Connecticut. These monies are primarily directed at game species. However, the work being done to benefit game species has also benefitted many non-game wildlife species. As the numbers of hunters and anglers in Connecticut decreases each year, what effect does it have on our wildlife and their habitats? Given that the vast majority of mon-

ey devoted to wildlife conservation comes from sportsmen, decreasing sportsmen will result in decreased conservation funding and decreased conservation.

What good does a dedicated source of money do for wildlife? You need to look no farther than the game species that have benefited from a stable source of funding. A recent report published by the United States Fish and Wildlife Service on the conservation status of birds throughout North America concluded that the majority of hunted species (e.g. waterfowl) and those species associated with wetlands as a group (about a 1/4 of all birds), have increased over the past 40 years. This increase was due largely to the flow of dollars from hunting revenue that is subsequently directed towards wetlands conservation. The North American Wetlands Conservation Act and the Federal Duck Stamp Program have generated billions of dollars for wetland conservation and conserved over 30 million acres of habitat throughout North America. Money dedicated and spent specifically on wildlife conservation has resulted in the protection and enhancement of the natural world that we can all enjoy.

Perhaps you don't hunt, and maybe you do not feel the need to pay for wildlife because you are not a consumer of wildlife. Unfortunately, simply inhabiting the environment and living our daily lives negatively affects wildlife. Predators associated with human housing kill over 1 billion small mammals including rabbits and squirrels as well as over 1 billion birds each year. Windows from each of our homes are estimated to kill at least 1 bird per year, and communication towers and

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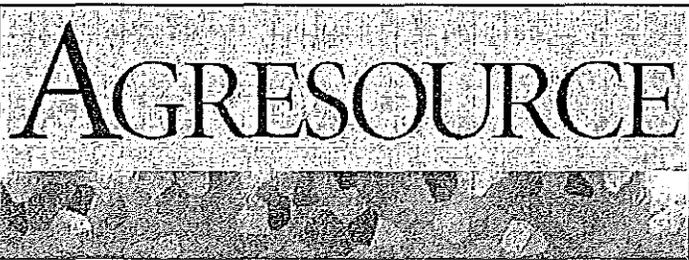
Respect *Service*

funding, continued from page 14

powerlines kill over 50 million birds per year across North America. Whether we hunt, harvest, and eat wildlife or are non-hunters and merely going through the daily rigors of life, we are all consumers of wildlife.

But, why should we care about wildlife? Why should wildlife rank high on your environmental priority list? Wildlife serves as a barometer for the overall health of the world we live in. Connecticut's natural environment is increasingly under siege and being destroyed by a wide number of forces, including intensified residential development, fragmentation, pollution, and changing land use patterns. We may be able to continue to enjoy a hike or a bike ride in our fragmented forest lands, but for wildlife, this fragmentation often means the difference between life and death. We are protected by our homes, but for wildlife, the environment is their home. If wildlife can't survive here, is it really healthy for us? Wildlife is our best barometer of environmental health. Remember the canary in the coal mine? What about all the eagles, hawks, and falcons who cracked their eggs as they incubated them because of the effects of DDT pesticides? The health of the canary and the raptors were indicators of the health of the environment for humans.

Although DDT is history now, we see new problems in our own backyards too big to solve as individuals. A new infectious disease has wiped out our local bat populations, and another insidious disease has begun to kill off our frogs. Our parents never had to be concerned about West Nile Virus or Lyme Disease. We do. What will our children and grandchildren have to worry about? A whole suite of new diseases has emerged in the Northeast and pose a significant threat for humans and wildlife. Additionally, pollinators and insect eating birds are disappearing from the landscape



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for unknown reasons. If we ignore these distress signals from wildlife, what kind of environment will we leave for our children?

Connecticut's wildlife needs your help. Wildlife and the natural world are in decline due to human activity or inactivity, as it may be. We are responsible for the state of our environment, and it is time we put forth our coordinated monetary resources to insure that we pass along a healthy environment to future generations. Collectively, if we are to stem the current trend in loss of habitat and species, dedicated funding for conservation is sorely needed. These funds are not only necessary for those agencies that are charged with the management of our natural resources, but for all of the local land trusts and conservation commissions that contribute so greatly to the fabric of conservation across our landscape. It is imperative that this funding mechanism be equitable, transparent, and accountable. Above all, it must be immune to the peaks and valleys of changing economic times.

We need your feedback on what sources of funding you would support and what aspects of wildlife conservation you feel needs the most support. How much would you pay to preserve something you love? How much is a healthy environment worth to you? Would you support a tax on bird seed, for instance, that would specifically support wildlife and habitat conservation? How about a tax on all outdoor equipment (binoculars, camping equipment, mountain bikes, etc)? Maybe part of the current sales tax should go towards wildlife/habitat conservation. These are all tools that have been implemented in other states. In fact, there are 10 states in the U.S. that have a dedicated source of funding for non-harvested wildlife conservation and habitat protection. Connecticut must become the 11th. Only through a concerted grassroots effort will this be possible. If the citizens of Connecticut feel wildlife conservation is important and critical enough, we need to come together. We need to develop a package that is palatable to legislators, equitable, immune to the whims of politics and provides a dedicated, sustained source of funding for wildlife.

Contact us. We will come to your organization to discuss the issues and your solution ideas. It's our wildlife, and you need to decide what it is worth to you.

*Min T. Huang, Migratory Game Bird Program Leader
CT Department of Energy and Environmental Protection
391 RT 32, N. Franklin CT 06254, 860-642-6528,
Min.huang@ct.gov* 



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Conservation Commissions—Your support is needed to establish a reliable community-based fund to support open space preservation and stewardship, and other local initiatives that enhance the environment, public health, and economic considerations.

This summer the Connecticut Land Conservation Council (CLCC) will be meeting with municipal leaders to introduce and discuss enabling legislation to allow municipalities to establish a conveyance tax (up to 1%) on buyers of real property on the sale amount over \$150,000.

The proposed legislation, the Community Redevelopment and Conservation Act (CRCA), will specify that the tax be retained by the municipality, kept in a separate account and be used for the planning and implementation of any of the following purposes: (1) Purchase of development rights to, acquisition of, or stewardship of open space land, forest land, farm land or waterfront property by the municipality or by the municipality in cooperation with the state or federal government or with a private organization such as a land trust; (2) historic preservation; (3) green building retrofits; (4) water treatment and storm sewers;

(5) energy conservation; (6) brownfield remediation, (7) clean air projects, or (8) alternative transportation infrastructure.

When CRCA is passed your municipality will be able to decide:

- To establish the conveyance tax as a reliable source of funds for conservation initiatives and investments, or not.
- How much the conveyance tax should be up to 1% of the sale amount over \$150,000.
- What conservation purpose(s) the fund will be used for.

The Community Redevelopment and Conservation Act will be introduced in the 2013 session of the Connecticut Legislature, next January. Your support is crucial. Please discuss the proposed legislation in your meetings. Review the towns Plan of Conservation and Development. CRCA funds will support many of the Plans with community-based reasons the municipality should support CRCA. We will help you prepare.

CRCA needs your support. Your comments and questions are encouraged. Contact Tom Odell, todell@snet.net and Amy Paterson, CLCC Executive Director, abpaterson@ctconservation.org.



★SAVE THE DATE★

November 17, 2012

CACIWC's 35th Annual Meeting and Environmental Conference



Naubesatuck Watershed Council
39 Davis St.
Willimantic, CT 06226

Mansfield Conservation Commission
Audrey P. Beck Municipal Building
4 South Eagleville Road
Mansfield, CT 06268

09/10/2012

Dear Conservation Commissioners,

Thank you for your support and recent letter of concern regarding the location of the hazardous waste storage facility (HWSF) on our shared drinking water watershed. We want to keep you informed about the results of your and our actions.

In keeping with our mission of "protecting and enhancing the beauty, biotic diversity, ecological interactions, and structures and processes of the three river systems — the Fenton, Mount Hope and Natchaug — that converge in Naubesatuck Lake, and provide the raw drinking water for the city of Willimantic and portions of Mansfield and groundwater for wells in the region, including Storrs," we are alerting you to three public documents that explain why the hazardous waste storage facility in the Fenton River watershed must be moved.

The first document is a recent letter sent by Connecticut's Council on Environmental Quality to UConn President Herbst, as a result of a recent NWC request for their opinion, supported by your letters.

The second letter was sent by Connecticut's Office of Policy and Management to the UConn administration, and clearly states OPM's position that the HWSF must be relocated.

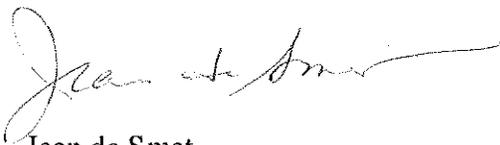
The third letter was sent by UConn's own resiting committee, which included representation from the Windham Water Works and Mansfield Town Planning Office, to former UConn President Austin at the end of that committee's work in 2004, urging

prompt action.

It is our hope that you will read and discuss the content of these letters, because if the hazardous waste station in the Fenton watershed is not moved to a site that conforms to state policies, it will signal that highest risk land uses are permissible in our shared drinking water watershed. That permission will be a breach of the public trust, and will make it very difficult to prevent the slippery-slope of further negative impacts upon the long-term conservation of Willimantic's drinking water resources.

Please know that we are available to come to your commission to discuss these letters and conservation issues. We will continue to keep you informed.

Thank you,

A handwritten signature in cursive script, appearing to read "Jean de Smet".

Jean de Smet
President, Naubesatuck Watershed Council

cc. Windham Conservation Commission

Windham Water Commission

Mansfield Town Council

Windham Town Council

Windham Region Council of Governments

Chaplin Conservation Commission

Ashford Conservation Commission

Willington Conservation Commission



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

Barbara C. Wagner
Chair

M. Howard Beach

Janet P. Brooks

Liz Clark

Bruce R. Fernandez

Karyl Lee Hall

Richard Sherman

Karl J. Wagener
Executive Director

May 23, 2012

Dr. Susan Herbst
President
University of Connecticut
Gulley Hall
352 Mansfield Road, Unit 2048
Storrs, CT 06269-2048

RE: Hazardous Waste Storage Facility

Dear Dr. Herbst:

I am writing on behalf of the Council to offer its recommendation regarding the University's proposal to identify the best site for its hazardous waste storage facility.

The Council commends your decision to initiate a new environmental impact evaluation to aid in site selection. The Council, which has been following the University's efforts to find the ideal site for many years, recommends that the new evaluation begin with the goal of relocating the facility out of the watershed of the Windham Water Works. While the existing site needs to be evaluated as the no-action alternative, the new evaluation should state that the project's purpose and need is to find the best site outside of the drinking water watershed and to relocate the facility at that site.

If the new evaluation were to give equal weight to the existing site, the Council predicts that the existing site would not be a preferred site when compared to well-chosen alternatives. However, if the range of alternatives is too restricted, then the Council can anticipate an outcome where the facility remains at its current location, which is far from ideal. Starting with the goal of relocating the facility to a better site would give more impetus to the selection of solid, realistic and better alternatives.

As you know, it is not just this Council that has recommended the relocation of the storage facility. The Office of Policy and Management has communicated repeatedly that the facility is not in conformance with the State Conservation and Development Policies Plan and could not be built today where it currently stands. The University's own master plan for the east campus recommends consideration of relocating the facility. When the Council learned at its public forum held last July in Mansfield that there was no current plan to relocate the facility, despite numerous past pledges and projects to do so, it was surprised. The subsequent announcement of a new evaluation was welcome news. Again, it is important to begin the evaluation with the goal of relocating the facility.

The Council offers this recommendation with considerable knowledge of the project. The Council held public meetings on campus and visited the storage facility several years ago. It recently received comments from citizens about the project and has received information about the project's status from OEP Director Richard Miller. The Council makes this recommendation pursuant to CGS Section 22a-12(b), which authorizes it to offer advisory recommendations to other agencies regarding proposed construction projects.

Thank you for your consideration of this recommendation. If you or your staff have any questions, please do not hesitate to contact me.

Sincerely,

Karl J. Wagner
Executive Director



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

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Karl J. Wagener
Executive Director

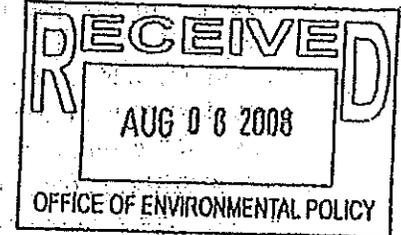


STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT
INTERGOVERNMENTAL POLICY DIVISION

August 5, 2008

Barry M. Feldman, Vice President and
Chief Operating Officer
University of Connecticut
352 Mansfield Road
Storrs, CT 06269-2014



Re: 90 - Day Hazardous Waste Storage Facility

Dear Mr. Feldman,

I am writing in regard to our July 23, 2008 meeting in which you and other members of the University staff explained current efforts in determining a suitable site for the 90-day hazardous waste storage facility. At that meeting, it was explained that two of the sites preferred by the Hazardous Waste Storage Facility (HWSF) Advisory Committee were no longer available. An alternative site immediately north of the Water Pollution Control Facility, while available, was problematic due to its narrowness, issues involving access, and close proximity to the popular Celeron path. Also at that meeting, we were shown that the existing facility has been cleaned up and security improved in recent months, with additional improvements to come. In light of these developments, OPM was asked for its guidance on how best to proceed.

As expressed in the past, we at OPM find the current site for the facility extremely problematic. We do not feel that it is appropriate to have such a facility within a water supply watershed and in such close proximity to an aquifer protection area. Even though the soils at the current site are substantially impervious to any hazardous liquids percolating down into the water table, there is no protection against runoff to nearby streams, all of which eventually feed into the Willimantic water system. While the possibility of a catastrophic spill may be remote, it is nonetheless an unacceptable risk, because the impact of such an occurrence could well be irreversible.

In recent years, the University of Connecticut has made great strides towards enhancing its reputation in the community regarding environmentally friendly policies and actions. The University's commitment to ECO Husky activities and its pioneering efforts in utilizing LEEDS standards in construction projects places the University in the forefront of public institutions in regard to environmental management and sustainability issues. We feel it is of the utmost importance that UConn avoid losing the momentum gained in this regard by allowing the HWSF siting process to languish or backslide at this time.

We note that a CEPA study of the facility siting is currently underway. As early as this past March, a scoping notice appeared in the Connecticut Monitor suggesting that site 7, (the site north of the WPCF) is now the preferred alternative. While we agree that this site is somewhat constrained, we do not see any compelling reason why its feasibility should not continue to be evaluated under the CEPA process. Perhaps there is a creative engineering solution that could overcome the site constraints. However, because the siting committee made its recommendations a full four years ago and some circumstances may have changed since then (i.e. the approval of the North Hillside Road extension, also the capping of the land fill), perhaps additional potential sites worthy of investigation should be added to the CEPA review.

It is my recommendation that, should site 7 prove to be unworkable, the University continue to investigate alternate locations until a feasible site is identified that is outside the water supply watershed. My staff and I remain available to the University to offer input regarding the siting effort and the subsequent design process. We look forward to working with the University in the construction of a modern, state-of-the-art storage facility that reflects UConn's commitment to good environmental stewardship and ensures the highest level of protection to the community.

Sincerely,



W. David LeVasseur, Undersecretary

Cc: Thomas Callahan
Richard Miller

March 22, 2004

Phillip Austin, President
University of Connecticut
Gulley Hall
Storrs, Connecticut 06269

Letter of Transmittal: Hazardous Waste Facility Comparative Site Study
for the University of Connecticut March, 2004

Dear President Austin,

Our Advisory Committee has completed its work to provide input on the above noted study, to locate a site for a new facility to house the temporary storage of hazardous waste at the University of Connecticut campus in Storrs. The charge originally given to the Committee was to evaluate the current site (southeast of Horsebarn Hill Rd) and one other (inside the fence line of the existing UCONN water pollution control facility (WPCF)). The Committee was to use methodology, developed by the Consultants chosen, to analyze the suitability of each site for a new hazardous waste storage facility which would be used, as is the current facility, to receive, consolidate and temporarily store such waste awaiting shipment to an approved disposal facility. The Advisory Committee included the following members:

John Flaherty, Captain, UCONN Fire Department
Glenn Warner, Associate Professor & Director, UCONN Institute of Water Resources
Michael Callahan, P.E. & Chairman, Windham Water Works Commission
Meg Reich, Willimantic River Alliance
Gregory Padick, Town Planner, Mansfield, CT
Karla Fox, Associate Vice President & Chair, UCONN Master Plan Advisory Committee
Pamela Schipani, Associate Director, UCONN Residential Life
Jennifer Kaufman, Mansfield Resident near WPCF

As is detailed in the accompanying report, the Committee met periodically from October, 2003 through March, 2004 with the University's Director of Environmental Policy, who chaired the Committee, and Staff of the Environmental Health & Safety Department, who provided technical expertise about the operation of the facility, as well as the Consultants selected to prepare the site analysis and report. A Public Meeting was also held in November, 2003, at which citizens from Mansfield, Windham and the University community provided comments, concerns, background information and correspondence, particularly on the current facility's location.

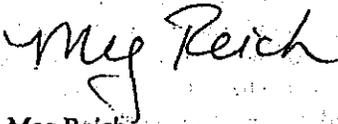
Given the interests the members represent and the concerns raised at the Public Meeting, the Committee insisted that additional sites be evaluated and the recommended methodology modified. In all, six sites were evaluated using the modified method. After some productive discussions, as well as extra time and effort by Staff and Consultants, the Committee unanimously agreed that the site to the west of the WPCF is best suited for such a facility, and recommend it to you for further consideration.

The Committee would like to offer the following specific observations and/or conclusions:

1. The existing facility has been at its current location, within the public drinking water supply watershed of the Willimantic Reservoir since 1989. It has not had any incidents, due undoubtedly to the care and efforts of the staff that run it. The current facility is inadequate and a new facility is needed. Now is the time for the University to locate a new facility, on campus, outside of the public drinking water supply watershed.
2. The Committee strongly believes that a hazardous waste storage facility located on the campus, and associated collection and consolidation services provided by UCONN's Environmental Health & Safety Department, ensures the highest level of protection to the University community and its neighbors. We believe that alternative approaches (such as direct pick up by a vendor) without a storage facility would afford less protection.
3. A new, state-of-the-art facility located on the main campus is necessary. Even though the Committee is confident that we have selected the best site, we urge the University to make special efforts to minimize and mitigate the risks from a new facility on adjacent neighbors & land uses, as well as on the Willimantic River watershed, where the Committee is recommending that it will be located.
4. The Committee urges the University to proceed expeditiously to conduct the Environmental Impact Evaluation and provide a new facility at the recommended location.
5. The Committee has developed and attached a list of recommendations which we think should be taken into account in siting, designing, constructing and operating a new facility. We hope that these thoughts will be of use in the next phases of planning for a new hazardous waste storage facility for the University's Storrs campus.
6. Once a site is finalized, the University's Master Plan should be updated to include this new facility.

And finally, the Committee also wants to commend the efforts of Richard Miller, UCONN Director of Environmental Policy, Meghan Ruta, Environmental Intern and Betsey Frederick, SEA Consultants for providing structure, organization and technical support to the Committee; and also for their good humor and flexibility in meeting the changing demands of Committee members.

Sincerely,



Meg Reich
for the Advisory Committee members

enclosures as noted.

HW Site Study 3/2004
HW Committee Recommendations