

Town of Mansfield
CONSERVATION COMMISSION
Meeting of 21 August 2013
Conference B, Audrey P. Beck Building
MINUTES

Members present: Aline Booth (Alt.), Robert Dahn, Neil Facchinetti, Quentin Kessel, Scott Lehmann. *Members absent:* Joan Buck (Alt.), Peter Drzewiecki, John Silander, Michael Soares. *Others present:* Leigh Duffy, David Freudmann, Rick Hossack, Alison Hilding, Sherry Hilding, Grant Meitzler (Wetlands Agent), Linda Painter (Town Planner), Susan & Philip Spak, Patricia Suprenant, Betty Wassmundt.

1. The meeting was **called to order** at 7:31p by Chair Quentin Kessel. Booth was designated a voting member for the meeting.

2. Public comment.

- a. In a letter dated 8/21 and e-mailed to Commission members, **Winifred Gordon** expresses concern about sacrificing green space for UConn's Tech Park and about importing water to support expansion at UConn and development elsewhere in Mansfield. The letter is attached.
- b. **Rick Hossack** also voiced concern about UConn's expansion and urged the Commission to object to the Town's joining UConn in contracting with the Connecticut Water Company (CWC) to import water (primarily from the Shenipsit Reservoir).
- c. **Betty Wassmundt** objected to the Town Council's timeline for a decision on the CWC proposal – why 60 days? There should be no rush to judgment. A better case for Mansfield's involvement in what is basically a UConn project should be made, in her view. She also expressed concern about protecting the Fenton River watershed, as UConn will continue to draw water from the Fenton well-field.
- d. **Alison Hilding** asked whether UConn needs the Town's participation to import water. Linda Painter noted that the Tech Park legislation requires cooperation with the Town on that project, which will require additional water from somewhere; she added that development at Four Corners requires sewerage and additional water. Ms. Hilding predicted that the CWC project will increase development pressure – and, inevitably, development – in Mansfield, and maintained that what will be lost as a result outweighs the benefits of additional water for Four Corners and the assisted living facility proposed by Masonicare. In her view, UConn's interests are driving fundamental changes in Mansfield, detrimental to quality of life here. She also doesn't like inter-basin water transfers.
- e. **Pat Suprenant** viewed water importation as a benefit to UConn and (on balance) a cost to Mansfield. She doubted that an overlay zone would be adequate to control induced development. The Town should realize that its interests do not coincide with UConn's and go its own way. She also expressed disappointment that growth-control provisions in the draft State Plan of Conservation and Development were watered down in the final document to the point of having no effective force.
- f. **Sherry Hilding**, who likes Mansfield the way it is, thought the Town should not abet UConn's expansion plans by signing on to the CWC proposal.

3. The (amended) **draft minutes** of the 19 June 2013 meeting were approved as written.

4. Town Council Referral: CWC proposal. The Commission has been asked by the Town Council to review the Water Source Study's Record of Decision (ROD), in which the Connecticut Water Company was selected over Windham Water Works and the Metropolitan

District Commission as the preferred supplier of new water for UConn and Mansfield. In advance of the meeting, Kessel circulated by e-mail a draft comment, which served as the basis for discussion. The Commission did not directly address the broad issues raised in the public comments. Kessel's draft comment and the Commission's discussion of it focused more narrowly on the ROD and statements made by Tom Callihan in his presentation to the Town Council on 8 August 2013.

Lehmann asked for clarification of "statements at the August 8, 2013 [Council] meeting that the Tech Park might put the University in charge of any off-campus improvements somehow related to the Tech Park." (draft, paragraph 4) What exactly was said and what authority is being claimed? Painter supplied copies of Tom Callihan's power-point presentation and Sec. 92 of Public Act 11-57, which he cites in slide 3. She thought that water importation is probably not within the scope of "off-campus improvements undertaken as part of said [= Tech Park] project," but noted that she is not a lawyer. Dahn suggested recommending that the Town get a legal opinion on the extent of powers granted to the University by the Tech Park legislation. Also unclear is what Callihan means by "normalization" of the "University role in town development decisions" (slide 14).

Facchinetti wondered if the Commission shouldn't express concern about the inter-basin water transfer, as this was an important consideration in its stated preference for obtaining any new water from Windham Water Works. Kessel replied that, in his view, the ROD did a good job of arguing that inter-basin transfers should not be dismissed out-of-hand and that the environmental impacts of the CWC proposal were indeed limited.

Facchinetti also worried that the CWC's proposed Customer Advisory Commission will be weaker than a Water Board and that water rates for Mansfield customers now getting water from UConn will go up to cover the capital costs of the new water line (which CWC has proposed to assume). David Freudmann noted that the state has budgeted money for additional UConn water and suggested applying it to the CWC project instead of having CWC front all the capital cost. There was general agreement that the Council should look closely at financial aspects of this project.

A **motion** (Dahn, Lehmann) authorizing Kessel to revise his draft comment on the ROD in light of the discussion and to submit it to the Council was approved unanimously. It is attached.

Most of the visitors left the meeting at this point.

5. Conservation Easement monitoring. The Commission has been asked to monitor the Town's conservation easements on some regular basis. The last time anybody did this was about twenty years ago, when there were a lot fewer easements. Kessel suggested monitoring on a 10-year cycle, which would reduce the annual load to a manageable number. Further planning was deferred to the September meeting.

6. Continuing business. Jessie Shea wonders if the unchanging list of continuing business items should be pruned. Instead, "Water issues" will be added to the list.

7. Adjourned at 9:23p. Next meeting: 7:30p, Wednesday, 18 September 2013.

Scott Lehmann, Secretary, 24 August 2013; approved 18 September 2013.

Attachment 1: 21 August 2013 letter from Winifred (Winky) Gordon.

To the Member of Mansfield's Conservation Commission:

I am writing to ask that you exercise your powers in advising the PZC and Town Council about best practices for preserving Mansfield's rural character and ensuring wise use of natural resources.

Like many others, I am disturbed by UConn's plans to build on a major parcel of green space when there are alternatives that would make better use of existing infrastructure. I am horrified by the vision of ultra-modern structures that will equal 3 times the size of the Eastbrook Mall displacing what is currently woodlands, wetlands, and prime agricultural soils. As you are aware, this sort of development is in direct opposition to the recommendations of the State Plan of Conservation and Development. The concurrent proposal to bring water from the Shenipsit Reservoir to feed UConn's expansion and Mansfield's development makes this an even greater environmental travesty.

My questions to the town of Mansfield: do we really want another small city on the UConn campus? How will this benefit our town? How can we reimagine the Four Corners development to make it an appropriate size for sourcing local water? Don't we think that the State of CT (UConn) should be held to its own best advice about water use and development through the State POCD and the call for a statewide water plan?

We are at a critical time in planning our town's future. Do we want to simply go along with what UConn thinks is best or do we want to be an active participant in determining Mansfield's future? Perhaps the Mansfield Tomorrow project can be the vehicle for letting residents weigh in on how we want to live with our very large neighbors.

Respectfully,

Winifred T. Gordon
36 C Charter Oak Square
Mansfield Center 06250

Attachment 2: Conservation Commission Comment on Record of Decision for Supplemental Water, 24 August 2013.

At the Town of Mansfield Town Council (TC) meeting on August 8, 2013, the Council referred the Record of Decision (ROD) and its choice of the Connecticut Water Company (CWC) to the Mansfield Conservation Commission (CC) for comment. The forwarding of the following comments was agreed to at the CC August 21, 2013 meeting. Not only was the ROD considered, but also comments made at the TC meeting by representatives of the University and the law firm of Pannone, Lopes, Devereaux & West (PLDW) on the governance of the proposed water system for the Town of Mansfield and the University of Connecticut. Further input was provided by the numerous citizens who attended our August meeting and provided well-reasoned input on this matter.

The CC believes that the Town of Mansfield should insist upon an equitable agreement between the Town, the University, and the CWC. This agreement must be transparent and fair to the taxpayers of Mansfield and should provide an adequate water supply to meet the stated needs of the University and Mansfield into the future.

PLDW states that “With regard to growth management off-campus, Mansfield’s authority through its zoning regulations would be controlling.” At the September 4, 2012 Special Meeting of the PZC Regulatory Review Committee, Mansfield Director of Planning and Development, Linda Painter, stated that she would work with the EIE on a timeline to ensure that new regulations are adopted prior to the submission of permits to the DEEP and coordinated with the upcoming POCD update. As noted below, the CC recommends a moratorium on lot- and sub-division approvals along any proposed pipeline route until the proposed overlay zone, or a similar measure to prevent undesirable development along the pipeline route is a part of Mansfield’s PZC regulations.

The CC is concerned about statements made by the University's Tom Callahan at the August 8, 2013 TC meeting that the Tech Park legislation would put the University in charge of any off-campus improvements somehow related to the Tech Park: "Section 92 ***The university shall have the charge and supervision of all aspects of the project*** authorized under this section (as provided for pursuant to UConn 2000), as provided in section 10a-109n of the general statutes. Such ***charge and supervision shall extend to any off-campus improvements*** undertaken as part of said project. The ***university shall work in consultation with the town of Mansfield regarding any on-site or off-site utilities*** that are financed pursuant to this section." (slide 3, emphasis in original) This is an odd statement to make when the Tech Park is projected to increase water demand by about only 10% over the next 45 years – sort of like the tail wagging the dog. Also, Mr. Callahan's statement about “normalization” of the University role in Town development decisions (slide 14) is worrisome. This does not seem to bode well for an equitable governance agreement between the Town and the University. The CC recommends that the Town pursue legal opinions on the intent and extent of the powers granted to the University by Public Act 11-57. The Town's rights, or lack of rights should be established before entering into negotiations with the University and CWC.

In these negotiations, it is important to protect the taxpayers of Mansfield from unreasonable charges. No agreement should, by itself, result in assessment fees for non-users and forced hookups to the new system. The CWC is run as a profit-making business. One can only assume that the seemingly generous offer of the CWC to front the money for the pipeline and other improvements will be more than recaptured by the water-use fees charged the Town of Mansfield and the University. CWC rates may be regulated by PURA, but these rates will certainly take into account the capital costs of establishing the new system. How does the University plan to use the \$8 million in tech Park funding for water and the \$18 million for water in the Next Generation funding now that CWC has offered to pay these costs? An analysis should be provided to determine whether a portion of this \$26M invested into the infrastructure costs that CWC has proposed to assume might not make long-term fiscal sense (through lower water rates to the Mansfield and the University).

Footnote 2 to Table 1-1 in the ROD raises several questions:

Footnote 2 includes 0.35 mgd from the Fenton well field in their safe yield, when during the summer there are periods it is not appropriate to pump any water from the Fenton wells.

There is also reference to Well D, which has been scheduled for repairs. Have these repairs been carried out, and if not, when will they be? The CC notes that inadequate maintenance of the Willimantic River well fields resulted in over-pumping from the Fenton in the 1990s and early 2000s.

The CC hopes the plan to move Pumping Station A farther from the Fenton River will be implemented at some point. This is projected to increase the yield from this portion of the

Fenton River aquifer while lessening its impact upon the river itself.

The following section numbers refer to the ROD.

2.2.13 (p. 37). “UConn submits that reliance upon the Mansfield overlay zone ... addresses the need to mitigate potentially more intensive development resulting from the availability of a pipeline water supply.”

The CC members have no knowledge of this overlay zone. The CC recommends a moratorium on lot and sub-division approvals along any proposed pipeline route until the overlay zone, or some other form of protection, is a part of Mansfield’s PZC regulations (*cf.* Mansfield’s recent moratorium on subdivisions, while those regulations were rewritten).

2.12. “Any new developments in the Eagleville Brook drainage basin will need to show that there will be no net increase in storm water runoff for storm events up to and including the 1% annual chance storm event to be consistent with the TMDL and the requirements of the Floodplain Management certification.”

There should be a clear statement detailing just who will be responsible for the implementation of this requirement and how it will be overseen and enforced.

2.18. MDC Statement: The CC notes that unless service connections to other municipalities were allowed along the proposed pipeline to UConn, UConn might have to own and maintain the pipeline from East Hartford. Not only would the MDC option have been more expensive to the Town of Mansfield, but the additional interconnections might have encouraged undesirable urban sprawl (induced development).

CWC Statement: The CC was impressed with the CWC’s stated support of Mansfield’s interests, especially not having a ”wheeling fee” for the transfer of water through the University system and support of establishing a formal governance structure and a Customer Advisory Council. As stated earlier regarding the agreement, this governance structure should be transparent and establish an equitable governance process.

The CC believes it is logical to bring the additional water by a route entering the UConn system along the to-be-constructed Tech Park road. This should minimize disturbance, if the work is coordinated with the road construction, and deliver the water more directly to the UConn storage system.