

MINUTES

MANSFIELD INLAND WETLANDS AGENCY
Regular Meeting, Monday, May 7, 2007
Council Chambers, Audrey P. Beck Municipal Building

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

Chairman Favretti called the meeting to order at 7:00 P.M. and appointed Alternate Beal to act in Kochenburger's place.

Minutes:

4/4/07 - Hall MOVED, Plante seconded, to approve the Minutes as written. MOTION PASSED UNANIMOUSLY.

4/10/07 Field Trip - Holt MOVED, Ryan seconded, to approve the Field Trip Minutes as written. MOTION PASSED with Lombard, Ryan, Holt, Gardner and Favretti in favor and all others disqualified.

Communications:

The Draft Minutes of the 4-18-07 Conservation Commission were noted with particular attention to the comments regarding Files W1372 and W1373. The 4/25/07 Wetlands Agent's Monthly Business report was also noted.

Old Business:

1. W1370-Girard College Development Fund - located on Ellise Road, for a 1-lot subdivision, with driveway crossing wetlands
Chairman Favretti disqualified himself. Vice Chairperson Goodwin presided, appointing alternate Lombard to act in Favretti's place. Attorney Caposella and Steve Filip were present to answer further questions. With no questions or comments, Holt MOVED, Ryan seconded, to grant an Inland Wetlands License under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to Girard College Development Fund (file W1370), for a single lot residence with a stream crossing and bridge construction, on property owned by the applicant, located on Ellise Road as shown on a map dated 1/2/07, revised through 4/30/07 and as described in other application submissions, and as heard at Public Hearings on 3/19/07 and 4/4/07.

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 and maintained during construction and removed when disturbed areas are completely stabilized and have been approved by the Wetlands Agent.
2. Maps shall not be signed until all DEP permit requirements have been addressed.
3. All work on the brook crossing shall be done during the dry weather period (June to September). Monitoring the expected weather, during the weeks this work is active, needs to be done to minimize adverse impacts, and shall be coordinated with the Wetlands Agent.

This approval is valid for a period of five years (until 5/7/2012), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this agency for further review and comment. MOTION PASSED with all in favor except Favretti who had disqualified himself.

2. W1372 – Perfetto – N. Eagleville Road – house and garage addition
Chairman Favretti noted there were no further questions or comments. Holt MOVED, Ryan seconded, to grant an Inland Wetlands License under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to Roger E. and Joyce D. Perfetto (file W1372), for an addition to a single family residence, on property owned by the applicant, located at 461 North Eagleville Road, as shown on a map dated 6/17/87 and revised through 5/1/07 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 and maintained during construction and removed when disturbed areas are completely stabilized and have been approved by the Wetland Agent.
2. Maps shall not be signed until all DEP permit requirements have been addressed.
3. All excavated material shall be stockpiled and/or spread in locations well away from the two wetland/brook areas. The Wetlands Agent shall be consulted to determine the locations for stockpiles and spreading areas, and these locations shall be drawn on the map before construction activity can begin.

4. When the silt fence is installed, it needs to be placed completely around the down hill edges of the work area. This will require shifting or extending the amount of silt fence shown, and this too, shall be drawn on the map before construction activity can begin.

This approval is valid for a period of five years (until 5/7/2012), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this agency for further review and comment. MOTION PASSED UNANIMOUSLY.

3. W1373 – Lukas – Woodland Road – two lot subdivision

Chairman Favretti noted that Goodwin disqualified herself, and he appointed Lombard to act. After extensive discussion, and based on staff and Conservation Commission memos, Holt MOVED, Hall seconded, to table action and request a more accurate map depicting conservation and preservation easement revisions and a revision of the BAE on Lot B. Revised maps shall be larger in scale. MOTION PASSED with all in favor except Goodwin who had disqualified herself.

PUBLIC HEARING CONTINUATION:

W1371 – Datum Engineering – 108 Candide Lane – house within 150' (Leta & Costello)

Chairman Favretti opened the Public Hearing at 7:23 p.m. Members present were R. Favretti, B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Plante, B. Ryan, G. Zimmer, and alternates Beal and Lombard. Alternate Beal was appointed to act in Kochenburger's place. Wetlands Agent Meitzler read the Legal Notice as it appeared in the Chronicle on 4/24/07 and 5/2/07. Meitzler also noted a revised map dated 5-7-07, a 5-2-07 memo from Grant Meitzler, Wetlands Agent, a 7-16-02 informational memo from David H. Wrinn, a 4-30-07 Vernal Pool Assessment Report from Hank J. Gruner, Consulting Herpetologist, and a 2-10-07 report from Dr. Harvey Luce.

Ed Pelletier of Datum Engineering introduced Dr. Luce, who outlined his report. He indicated that the soils are good for a septic system which will have no significant impact on the wetlands. He noted that the erosion and sedimentation controls should include a double silt fence during construction. Luce suggested that all construction work should be done between April and October, and if there were any activity between October and April, there should be extreme measures used to control erosion and sedimentation. He stated that if these controls were followed, there will be no significant impact from construction on the wetlands. Any application of pesticides should be done by a licensed professional, but should be avoided unless a serious pest control problem occurs that cannot be remedied by another method. He noted that any fertilization should be applied using minimum application standards.

Holt asked if the applicant would be willing to add a note to the plans about the house having a maximum of three (3) bedrooms. Pelletier said that the septic system was designed for a 3-bedroom house and that adding a note about the 3-bedroom limit would not be a problem.

Zimmer asked if moving the house towards the west is a possibility. Pelletier stated that the house is already at the building area envelope line, and Luce noted that moving it 10 feet would have no effect on the wetland.

Zimmer also questioned if plantings could be put to screen runoff from fertilizer. Luce noted that the current natural vegetation is the best vegetative buffer and screening.

Hank Gruner, Consulting Herpetologist, discussed in detail how he determined that the subject wetland is a vernal pool. As per criteria that determine the validity of a vernal pool, this pool is free of fish and contains two of the indicator or obligate species, the wood frog and the marbled salamander. He felt the open space area to the east and south of the vernal pool is a high quality habitat for the species he found. He recommended maintaining hydrology and water quality for a suitable forest habitat that can support the biological community. Gruner suggested installing a physical barrier such as a stone wall or a split rail fence that would define the area to be protected and to increase the size of the conservation easement area. Some of his other suggestions included limiting the size and location of the lawn, encouraging a deed restriction on pesticides, installation of a sign indicating a pesticide-free environment and limiting site clearing near the vernal pool. He stated that with the proper precautions in place, the house site will have a minimal impact on the pool.

Favretti questioned Gruner about the discrepancy between his report and that of Dr. Klemens, which Gruner cited, regarding buffer areas around vernal pools. Gruner responded that he felt that none of the area to the west of the vernal pool is significant to the species that occupy the pool. He has observed that the land to the east is the most viable for these species and that is because there are small areas of wetland connected to larger areas of natural woodland. This mix of habitat has been observed to be a prime area for the indicator species to use. Holt asked Gruner about what effect nitrates from the septic system would have on the vernal pool. Gruner indicated that there will be little effect on the species found there, but he is more concerned with the application of herbicides and pesticides used for lawn care that may negatively impact the vernal pool and its inhabitants.

Favretti questioned Pelletier if the removal of trees and tree roots would have any effect on the vernal pool and its buffer, and if access for cleaning the septic tank in the future would cause problems. Pelletier indicated that the septic tank is close to the house and that tree removal would not affect the vernal pool area.

Holt asked Pelletier to clarify some of the separating distances for her.

Response: the house is 32 feet from the vernal pool and is 19 feet from the newly proposed boundaries of the conservation easement area; the septic reserve is 50

feet from the wetlands and 8 feet from the newly proposed conservation easement area.

Luce indicated that there will be no impact or change in the hydrology of the vernal pool from the development on the property, and there will be little impact or draw-down from either the well or the septic system.

Favretti asked for comments from the public and noted that there were none.

Gardner wondered if flipping the location of the garage and house would make a difference. The consultants agreed that there would be no change.

Holt and Favretti suggested that a consultant should be hired to help the Agency members analyze the data presented, and they expressed the importance of verifying the data due to the size of the lot, its configuration, and the close proximity of the construction activity to the vernal pool.

Art Kostapapas, Real Estate Broker for ERA, noted that his client is the applicant. He indicated that he feels the applicant hired the best consultants in their fields, and they have been working with the Wetlands Agent to address wetland issues.

Favretti stated that it was the desire of the Agency to obtain as much information as possible in order to make an intelligent decision. Then Gardner MOVED, Holt seconded, to continue the Public Hearing until June 4th and to authorize staff to hire a consultant. MOTION PASSED with all in favor except Plante who was opposed.

New Business:

1. W1374-Town of Coventry-Proposed Regulations
Meitzler noted that this is a procedural notice, and no action is necessary.
2. W1375-Capo-463 Middle Turnpike-above ground pool in buffer
Goodwin MOVED, Holt seconded, to receive the application submitted by Xiomora Capo (IWA File #1375) under section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for the installation of a 20-foot round above-ground swimming pool, at 463 Middle Turnpike, on property owned by the applicant, as shown on a map dated 5/3/07, and as described in other application submissions, and to refer said application to the staff and Conservation Commission for review and comments. MOTION PASSED UNANIMOUSLY._

Chairman Favretti noted that a Field Trip was necessary to review the Capo application, and it was set for Monday, May 14, 2007 at 1:00pm.

Reports of Officers and Committees:

None

Other Communications and Bills:

Noted

Adjournment:

The meeting was adjourned at 8:36 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary