

AGENDA
Inland Wetland Agency
REGULAR MEETING
Monday, August 6, 2012
Council Chambers, Audrey Beck Building

Call to Order: 7:00 PM

Review of Minutes of Previous Meetings and Action Thereon:
7.16.2012 - Regular Meeting

Communications:
Conservation Commission: No IWA related comments
GM Monthly Business memorandum

Public Hearings:
None

Old Business:
None

New Business:
New Application:
W1500 - Tolis - Hickory Lane - above ground pool and deck

Modification Request:
W1497 - Guarino - Spring Hill Rd - deck for above ground pool

Reports of Officers and Committees:

Other Communications and Bills:
The Habitat Summer 2012
Notice of Wetlands Application in Willington

Adjournment:

PAGE
BREAK

DRAFT 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

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.

Memorandum:

July 11, 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

- 8.04.11: Inspection - no vehicles are within 25' of wetlands.
- 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.

Memorandum:
To: Inland Wetland Agency
From: Grant Meitzler, Inland Wetland Agent
Re: New Business for August 6, 2012 meeting

August 1, 2012

New Application:

W1500 - Tolis - Hickory lane - above ground pool in buffer

	yes	no
	-----	-----
fee paid	x	
notice to neighbors	x	
map dated	7.31.2012	

This application is for an above ground pool within the 1250' regulated area adjacent to wetlands.

Receipt and referral to the Conservation Commission is appropriate.

REQUEST FOR MODIFICATION:

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

	yes	no
	-----	-----
fee paid	x	
map dated	5.02.2012	previous plan
	7.31.2012	pool deck detail

This application is for a deck for access to the 21' diameter above ground pool, that was approved at the June 4, 2012 meeting, in the back yard of the house at 216 Spring Hill Rd.

The deck has been placed within the 20' distance between the house and the pool. Excavation work should be limited to 6 to 8 concrete base holes that represents about one cubic yard of material. This is a very small amount of material and can be graded in the directly adjacent yard.

This is a Modification Request and can be acted upon at this meeting.

PAGE
BREAK

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

FOR OFFICE USE ONLY
File # W1500
W _____
Fee Paid \$ 185
Official Date of Receipt 7-19-12

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 Paul Tolis

Mailing Address 37 Hickory Ln
Mansfield CT Zip 06250

Telephone-Home 487-9514 Telephone-Business 982-0528

Title and Brief Description of Project Above Ground Pool & Deck

Location of Project Same

Intended Start Date ASAP

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

Above ground pool install + deck

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

600 sq. ft.

3) Describe the type of materials you are using for the project: Metal Pool with vinyl liner

- a) include *type* of material used as fill or to be excavated _____
- b) include *volume* of material to be filled or excavated _____
Leveling existing gravel then 2 inches of sand

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).

There is a stone wall & veg.

Part D - Site Description

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

Flat weeds gravel 4ft down

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 are none

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 7-31-2012

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
<u>Mike + Patty St Jean</u>	<u>43 Hickory Lane</u>
<u>Mike + Judy Spencer</u>	<u>42 Hickory Lane</u>
<u>Bryan B. Dow</u>	<u>6 Hickory Lane</u>
<u>Oscar + Joyce Miners</u>	<u>181 Brookside Lane (3 Hickory Lane)</u>

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

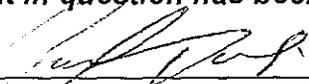
Submit the appropriate filing fee. (Consult Wetlands Agent for the fee schedule available in the Mansfield Inland Wetlands and Watercourses Regulations.)

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

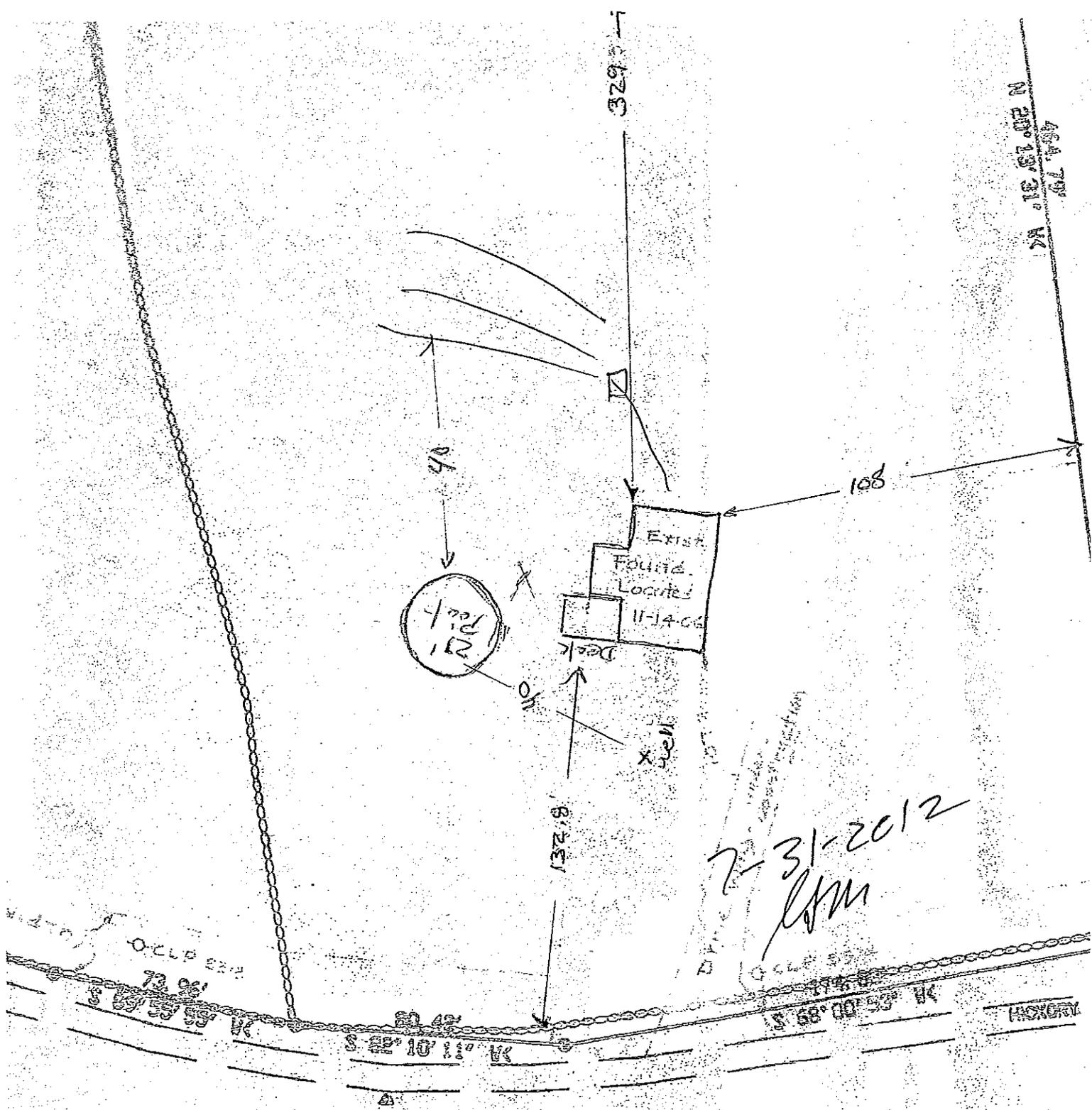
\$60 State DEP Fee

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.


Applicant's Signature

7-19-2012
Date



MAP REFERENCES

RTY OF GARY KISS; HICKORY LANE, MANSFIELD, CT. SCALE 1"=50'
 1975. STEPHEN A. FILIP LAND SURVEYOR ASHFORD CT. CERTIFIED A-2.
 RIDGE ESTATES MANSFIELD, CT., SCALE 1"=40', FEB. 1971, SHEETS
 7, ROBERT J. SCHNEIDER REGISTERED LAND SURVEYOR #0097 STORRS, CT.

I HEREBY CERTIFY THAT EACH LOT CONTAINS
 OF CONTIGUOUS AREA THAT DOES NOT INCLL
 SLOPES EXCEEDING 20% IN ANY COURSES, W/
 INLAND WETLANDS

[Handwritten Signature]
 STEPHEN A. FILIP
 LICENSED
 LAND SURVEYOR
 STATE OF CONNECTICUT
 REG. NO. 7757

Tuesday July 31, 2012
Grant Meitzler, Wetlands Agent
Inland Wetland Agency Town of Mansfield, CT
Audrey P. Beck Building
4 South Eagleville Rd.
Mansfield, CT 06268

Jon Guarino
216 Spring Hill Rd.
Storrs, CT 06268

W1499

RE: Addendum to Wetlands permit File #W1499 for installation of pool at
216 Spring Hill Rd.

Dear Grant,

As we discussed a few weeks ago I am attaching documents for construction of a deck on the house side of the pool that was approved by the Inland Wetland Commission on 6/4/2012. At this point in time the pool has been completed and Building and Zoning have both provided final signoff. I would like to have this addendum added to the agenda of this Inland Wetlands Committee meeting to be held on 8/6/2012. Construction of the deck (once approved) will commence late this summer (2012) or in the spring of 2013.

The proposed deck will be constructed between back of the garage and the near edge of the pool and will not be connected to any existing structure on the property. The deck will measure approximately 12x14 and will be 53"-54" from the ground at the edge of the pool. The construction of the deck will allow for easier yet more secure access to the pool.

I want to assure you (and the committee) that the conditions of the approval issued on 6/4/2012 have been complied with. The silt fence is in place and grass is growing to help stabilize the areas between the back of the pool and the wetlands.

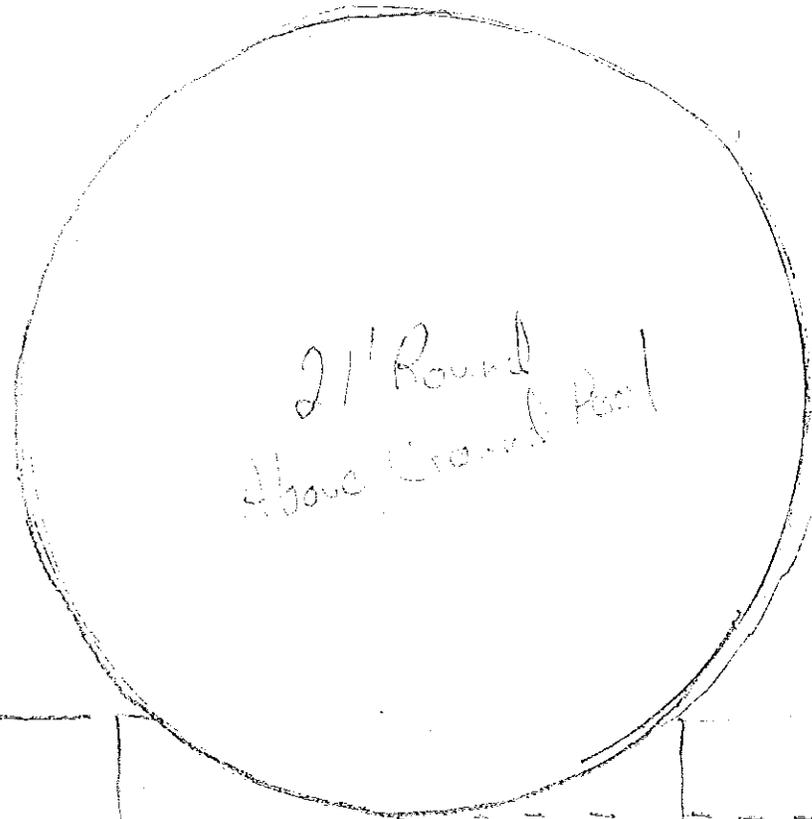
I appreciate you taking the time to get this in front of the committee. Feel free to reach out to me at 860-428-2873 if you have any further questions or concerns.

Respectfully,

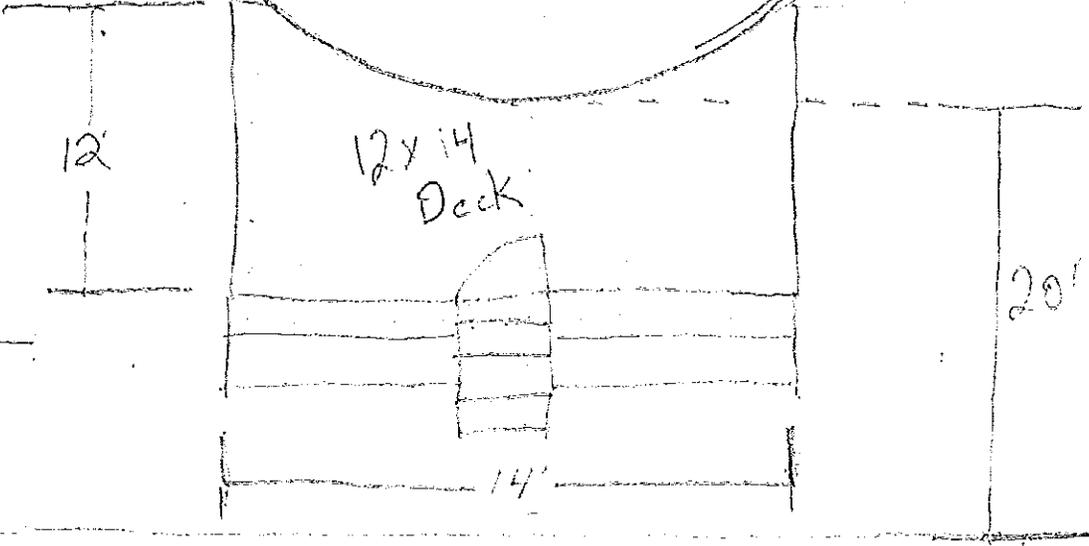


Jon W. Guarino

Info Spring 12-6-2 → Jon W. G... (owner)
Addendum to File # W11499
Permit # 12-6-2



Height of Deck at
Edge of Pool
will be 53"-54"



Back of range

7-31-2012
KSM.

**TOWN OF MANSFIELD
INLAND WETLAND AGENCY**

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILL ROAD
STORRS, CT 06268
(860) 429-3330

Wednesday, June 06, 2012

Mr. Jon W. Guarino
216 Spring Hill Road
Storrs, CT 06268

Re: Mansfield's IWA Approval
IWA file #1499

Dear Mr. Guarino,

At a meeting held on 6/4/12, the Mansfield Inland Wetlands Agency adopted the following motion:

~~"to approve an Inland Wetlands application for wetlands file W1497, submitted by Jon W. Guarino for yard improvements and installation of an above-ground pool 21 feet in diameter in the rear yard of property owned by the applicant, located at 216 Spring Hill Road, as depicted on a plan dated May 2, 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 prior to construction, maintained during construction, and removed when disturbed areas are completely stabilized.
2. The pool is to be installed 20 feet away from the house foundation as shown on said plan.
3. Silt fence is to be installed along the downhill edge of the sand area spread across the rear of the yard to limit movement of the sand into adjacent wetlands areas.
4. Bare areas around the pool location shall be seeded and stabilized as soon as practical.

~~This approval is valid for a period of five years (until June 4, 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."~~

If you have any questions regarding this action, please call the Planning Office at 429-3330.

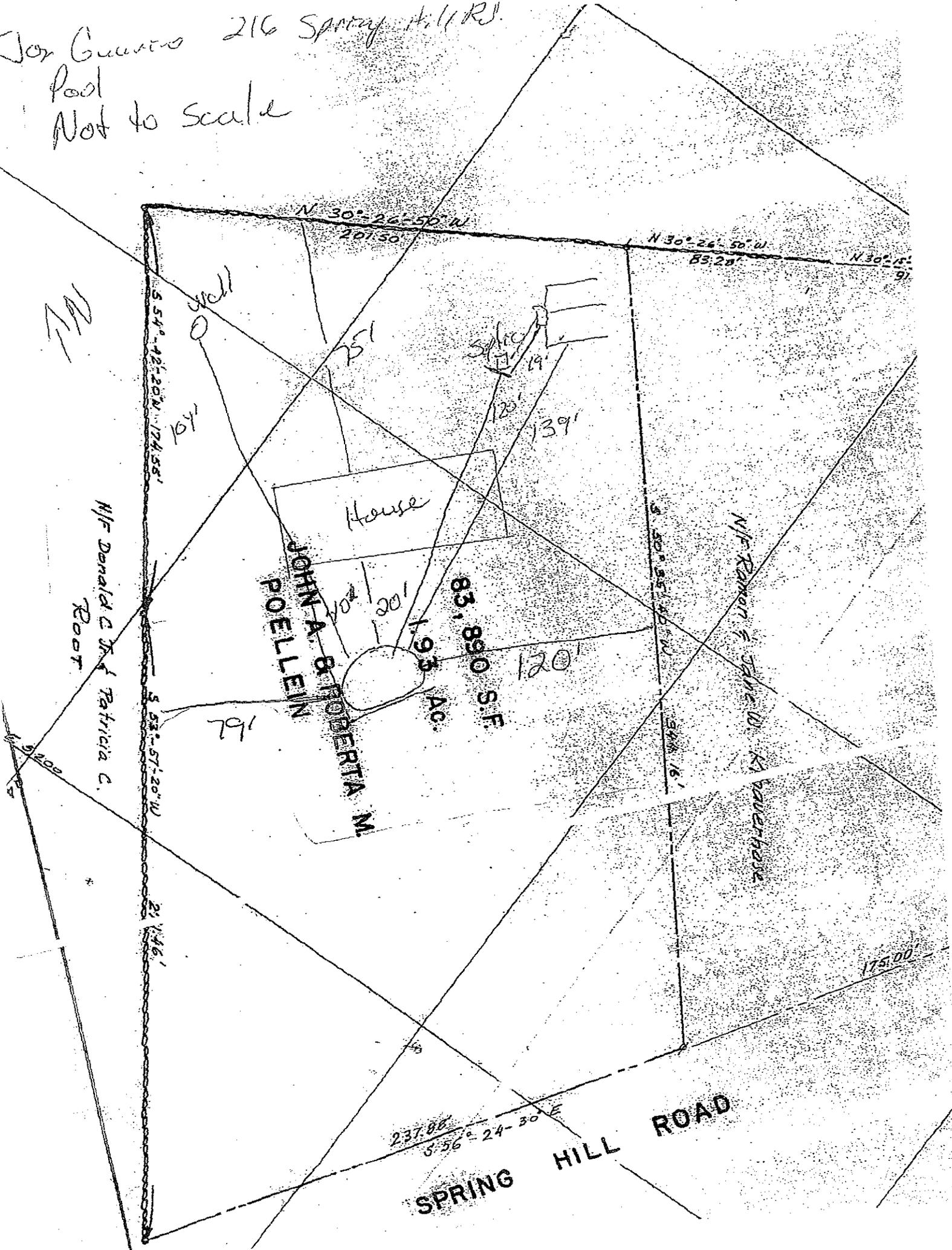
This letter constitutes your license.

Very truly yours,



Katherine K. Holt, Secretary
Mansfield Inland Wetlands Agency

Don Guertso 216 Spring Hill (R)
Pool
Not to Scale



M/F Donald C Jr & Patricia C.
ROOF

House
JOHN A. B. ROBERTA M.
POELLEIN

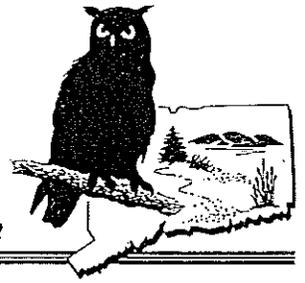
83,890 S.F.
1.93 AC.

M/F RAYMON & JANE W. KAUFMANN

237.86
S 56° 24' 30\"/>
SPRING HILL ROAD

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

forest, continued on page 10

★ Inside

	PAGE
CACIWC News	2
Journey to the Legal Horizon: Expert Opinion?	3
Windham Conservation Commission Consortium	6
Inland Wetlands and Watercourses Act	8
Need for Dedicated Conservation Funding in CT	14
Community-based Funding for Open Space	16

CACIWC

Board of Directors

Officers

Alan Siniscalchi	President
Laura Magaraci	Vice President
Maureen FitzGerald	Secretary
Charles Dimmick	Treasurer

County Representatives

Alicia Mozian	Fairfield County
Ann Beaudin	Hartford County
Vacant	Litchfield County
Marianne Corona	Middlesex County
Anita Goerig	New Haven County
Mary Ann Chinatti	New London County
Rodney Parlee	Tolland County
Vacant	Windham County

Alternate County Representatives

Vacant	Fairfield County
Vacant	Hartford County
Vacant	Litchfield County
Heidi Wallace	Middlesex County
Peter Basserman	New Haven County
Vacant	New London County
Tom Ouellette	Tolland County
Vacant	Windham County

Darcy Winther DEEP Liaison



The Habitat is the newsletter of the Connecticut Association of Conservation and Inland Wetlands Commissions (CACIWC). Materials from *The Habitat* may be reprinted with credit given. The content of *The Habitat* is solely the responsibility of CACIWC and is not influenced by sponsors or advertisers.

Editor: Tom ODell

Associate Editor: Ann Letendre

Correspondence to the editor, manuscripts, inquiries, etc. should be addressed to *The Habitat*, c/o Tom ODell, 9 Cherry St., Westbrook, CT 06498. Phone & fax 860.399.1807 or e-mail todell@snet.net.

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

STEVEN DANZER, PHD & ASSOCIATES LLC
Wetlands & Environmental Consulting



STEVEN DANZER, PHD
Professional Wetland Scientist (PWS)
Soil Scientist

203 451-8319
WWW.CTWETLANDSCONSULTING.COM

WETLAND BOUNDARIES • POND & LAKE MANAGEMENT
CONSTRUCTION FEASIBILITY CONSULTATIONS • ENVIRONMENTAL STUDIES

ENVIRONMENTAL PLANNING SERVICES

Wetland, Biological and Soil Surveys,
Impact Assessment and Mitigation Planning

– MICHAEL S. KLEIN, Principal –
Certified Professional Wetland Scientist / Registered Soil Scientist

89 BELKNAP ROAD • WEST HARTFORD, CT 06117
PHONE/FAX: (860) 236-1578

Email: michael.klein@epsct.com • Web: www.epsct.com

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). 

Barton & Loguidice, P.C.

Engineers • Environmental Scientists • Planners • Landscape Architects



Engineering for the Environment

permitting • wetlands • wildlife and botanical surveys
threatened and endangered species
stream crossing and natural restoration
stormwater management



Serving clients throughout the Northeast
1-800-724-1070 • www.bartonandloguidice.com



Connwood Foresters, Inc.

Serving CT, MA, RI & NY Since 1945

Forest Stewardship Plans
Property Tax and Cost Savings
Baseline Documentation Reports
Wildlife Habitat Improvements
Permit Acquisition

Expert Witness Services
Timber Sales and Appraisals
Boundary Location/Maintenance
Invasive Species Control
GIS & GPS Mapping

USDA NRCS Technical Service Provider for
Gov. funded stewardship plans/activities
for land trusts & individuals

860-349-9910

CONNWOOD.COM

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

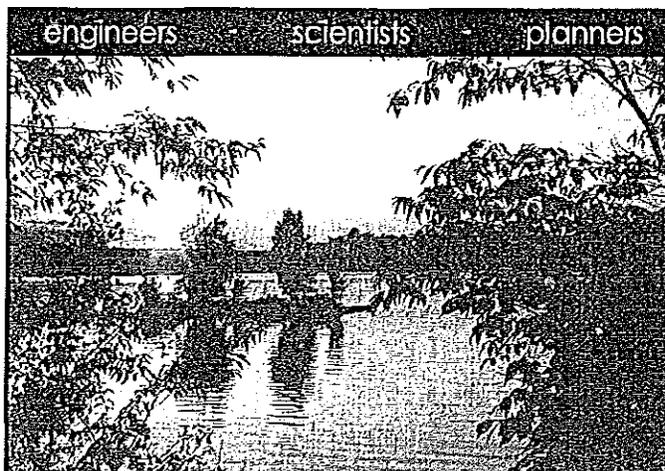
The WCCC as a large regional group has been able to draw many well known speakers from the State, towns, corporations and ranks within our conservation commissions.

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





Ferrucci & Walicki, LLC

WWW.FWFORESTERS.COM

MARK KASINSKAS, DAN PERACCHIO, MIKE FERRUCCI, TOM WALICKI

- Open Space Management Plans
- Recreation Trails
- Baseline Mapping & GIS
- Habitat Improvement
- Municipal Watershed Management
- Timber Harvest Planning & Oversight
- USDA-NRCS Technical Service Provider

860-349-7007



FUSS & O'NEILL

- Water / Wastewater
- Stormwater
- Watershed Studies
- Ecological Risk Assessments
- Ecological Restoration
- Third-Party Review of Plans and Permit Applications
- Wetlands Delineations
- Water Quality and Biological Monitoring

Connecticut - Massachusetts - Rhode Island - South Carolina

800-286-2469 www.fando.com

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 CRRRA 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)

Trash, Oil, Grease, Barrels, etc.
In your Stormwater?

More than 40,000 Stormwater projects

Made In CT!

Pura SNOUT® and Bio-Skirt®
in your Catchbasin!

Best Management Products, Inc.
800-504-8008 www.bmpinc.com
USA (toll free) 268-9726 or 916-941-6100 Canada (toll free) 228-5146



State of Connecticut
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127
www.ct.gov/dep

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, hoophouses 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)."

Rev. 10/09

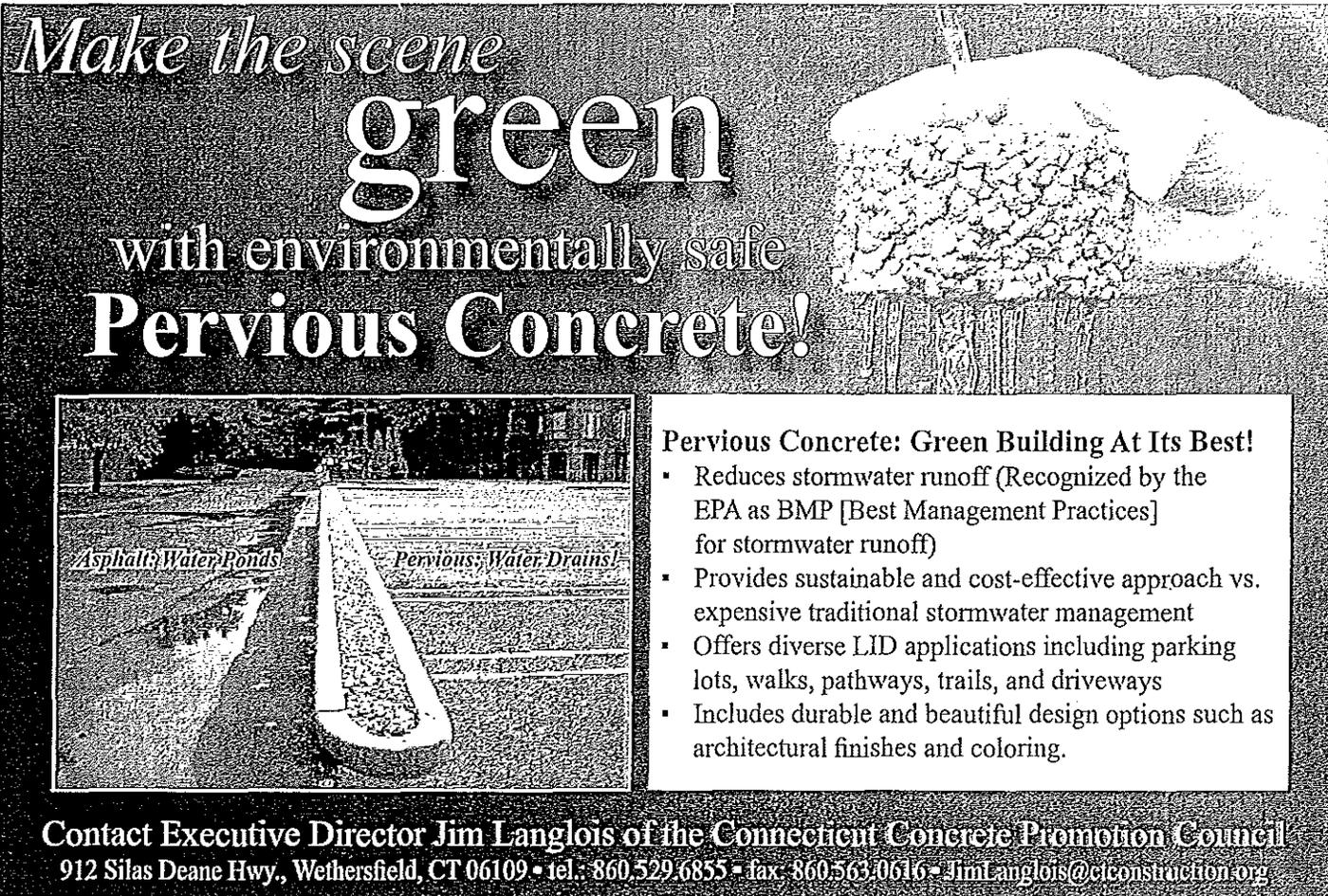
forest, continued from page 1

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.

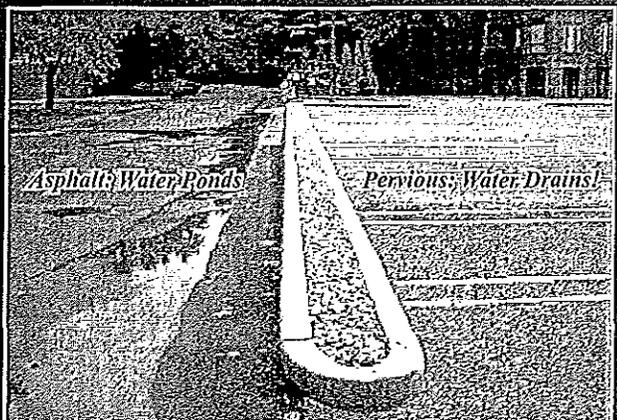
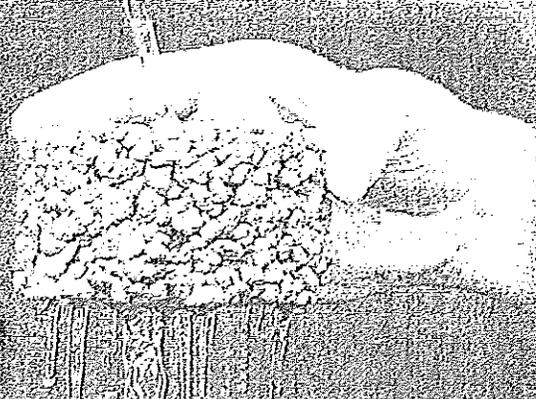
Another example of a current and future threat to healthy, functioning forestlands is the increasing parcelization of our existing forest lands. Continued development is fragmenting our forests, degrading many of the ecological functions and benefits these forests provide. How do we best maintain contiguous 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



Make the scene
green
with environmentally safe
Pervious Concrete!



Pervious Concrete: Green Building At Its Best!

- Reduces stormwater runoff (Recognized by the EPA as BMP [Best Management Practices] for stormwater runoff)
- Provides sustainable and cost-effective approach vs. expensive traditional stormwater management
- Offers diverse LID applications including parking lots, walks, pathways, trails, and driveways
- Includes durable and beautiful design options such as architectural finishes and coloring.

Contact Executive Director Jim Langlois of the Connecticut Concrete Promotion Council
912 Silas Deane Hwy., Wethersfield, CT 06109 • tel.: 860.529.6855 • fax: 860.563.0616 • JimLanglois@ccconstruction.org

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>.

Dues are Due

Membership forms can be downloaded from caciwc.org, click on About Us, look for Membership.

Protect and encourage your local wildlife and waterways with natives.

Bioengineering materials and seed mixes for wetlands, riparian buffers, detention/retention basins, and wildlife/pollinator habitat.

ERNST SEEDS
9000 Mercey Park, Wallingford, CT 06495
800-875-1921 • 860-866-5191
info@ernstseed.com
www.ernstseed.com

LAW OFFICES OF

Branse, Willis & Knapp, LLC



Zoning & Inland Wetlands
Commercial & Residential Real Estate
Business Law • Municipal Law
Wills & Probate

MARK K. BRANSE • MATTHEW J. WILLIS
ERIC KNAPP • RONALD F. OCHSNER
BRENDAN SCHAIN

148 Eastern Boulevard, Suite 301
Glastonbury, CT 06033
Tel: 860.659.3735 • Fax: 860.659.9368

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



AKRF'S WATER RESOURCES

Unlocking the Potential of Water

- Watershed Management
- Aquatic Systems Restoration
- Wetlands Delineation, Assessment & Mitigation
- Biological Surveys
- Landscape Architecture
- Regulatory Support
- Sustainable Design & Planning
- Environmental Impact Assessment



Environmental, Planning,
and Engineering Consultants

700 Main Street, Suite C
Willimantic, CT 06226

tel: 860-423-7127

fax: 860-423-7166

www.akrf.com

Connecticut • New York City • New Jersey • Long Island • Baltimore/Washington • Hudson Valley



Applied Ecology Research Institute

Providing Solutions for Connecticut's
Inland Wetlands & Conservation Commissions

Michael Aurelia

Certified Professional Wetlands Scientist

72 Oak Ridge Street Greenwich, CT 06830

203-622-9297

maurelia@optonline.net

We're
always
growing!



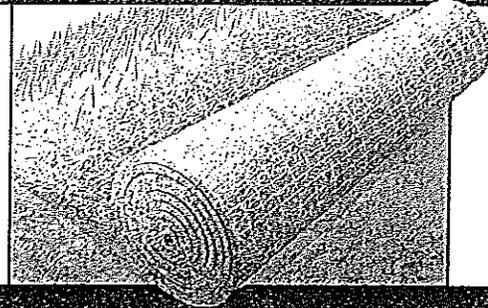
New England Wetland Plants, Inc.
Wholesale Native Plant Nursery

Your source for:

- Trees, Shrubs, Ferns, Flowering Perennials, and Grasses
- Coastal and Inland Wetland Plants
- Specialty Seed Mixes
- Coir logs, Straw Wattles, Blankets, and Mats

New England Wetland Plants, Inc.
820 West Street, Amherst, MA 01002
Phone: (413) 548-8000 Fax: (413) 549-4000
Email: info@newp.com Web: www.newp.com

**EJ Prescott
Is Your Local Source For
NPDES COMPLIANCE**



SOMETIMES YOU NEED A SPECIALIST.

North American Green, Inc., the nation's leading erosion control blanket and turf reinforcement product manufacturer, is pleased to offer our products through this local source with specialized knowledge, training and expertise.



**EROSION CONTROL Products
Creative SOLUTIONS**

North American Green rolled erosion control products are guaranteed to assist in meeting the EPA's NPDES Phase II regulations for erosion control on slopes, drainage channels, shorelines and active job sites to reduce sediment migration.



NPDES Compliance is as easy as installing North American Green erosion control products - available locally only through this authorized source!

If you need information about the Phase II rules or the North American Green products that can ensure your job site is compliant, talk to the local Erosion Control Specialists today at:

Team EJ Prescott
36 Clark Road • Vernon, CT 06066
(860) 875-9711

North American Green 1-800-772-2040



Improving our environment

Operating globally and delivering services locally, our network of 6500 professionals collaborate to improve the communities in which we operate.

We provide innovative solutions for wetland delineation and permitting, wildlife assessment, green infrastructure design, stormwater permitting, civil & environmental engineering

In Connecticut, contact our Middletown location at (860) 635 8200 or Trumbull at (203) 268 8990

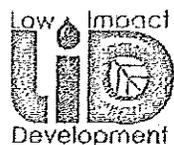
www.ghd.com



- * Low Impact Development Analyses, Designs & Regulations
- * Design of Stormwater systems for water quality improvement and volumetric reductions
- * Third-party technical reviews of land development projects
- * General Civil Engineering services for land development projects, including representation at land use agency meetings
- * Expert testimony for court cases
- * Educational workshops on Low Impact Development for Design Professionals, municipal staff and land use commissions

Steven Trinkaus, PE, CPESC, CPSWQ

Trinkaus Engineering, LLC
114 Hunters Ridge Road
Southbury, CT 06488
203-264-4558 (phone & fax)
Email: strinkaus@earthlink.net



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 ¼ 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

Quality **Integrity**

Redniss & Mead

*"Enhancing Properties & Communities
through
Exceptional Land Use Services"*

Land Surveying • Civil Engineering • Planning & Zoning Consulting • Permitting
22 First Street, Stamford, CT 06905 203-327-0500 www.rednissmead.com

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

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* 

AGRESOURCE

The Source for Compost and Soil

Including: Wetland Soil and Organic Fertilizer

800-315-3320 WWW.AGRESOURCEINC.COM



Connecticut Association of Conservation and
Inland Wetlands Commissions, Inc.
27 Washington Street
Middletown, CT 06457

NON-PROFIT
U.S. Postage
PAID
Permit No. 65
Vernon, CT
06066

Summer 2012

Current Occupant OR
RUDY J. FAVRETTI, CHAIR
INLAND WETLANDS AGENCY
4 SOUTH EAGLEVILLE RD.
MANSFIELD, CT 06268

THE HABITAT

*Dedicated to constant vigilance, judicious management
and conservation of our precious natural resources.*

www.caciwc.org



Printed on
recycled paper

Community-Based Funding for Open Space and Farmland

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 conservation initiatives. Prepare to provide your town officials 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





FUSS & O'NEILL

146 Hartford Road, Manchester, CT 06040
TEL: (860) 646-2469 FAX: (860) 533-5143

56 Quarry Road, Trumbull, CT 06611
TEL: (203) 374-3748 FAX: (203) 374-4391

738 Hopmeadow Street, Simsbury CT 06070
TEL: (860) 658-0456 FAX: (860) 658-5580

78 Interstate Drive, West Springfield, MA 01089
TEL: (413) 452-0445 FAX: (413) 846-0497

50 Redfield Street, Ste. 100, Boston, MA 02122
TEL: (617) 282-4675 FAX: (617) 282-8253

3 Executive Park Drive, Ste. 204, Bedford, NH 03110
TEL: (603) 589-8027 | (800) 286-2469

317 Iron Horse Way, Ste. 204, Providence, RI 02908
TEL: (401) 861-3070 FAX: (401) 861-3076

80 Washington Street, Ste. 306, Poughkeepsie, NY 12601
TEL: (800) 394-8081 FAX: (845) 452-5186

717 Lady Street, Suite E, Columbia, SC 29201
TEL: (803) 376-6034 FAX: (803) 376-6035

Letter of Transmittal

To: Mr. Grant Meitzler
Inland Wetlands Agent
Town of Mansfield
A.P. Beck Building
4 South Eagleville Road
Mansfield, CT 06268

Date: July 23, 2012

Project No: 20090029.A30 Task No.:200

Re: Notice of Wetlands Application in Willington
Willington Oaks Apartments

Telephone No:

We are sending you: Attached Under Separate Cover via 1st Class Mail

Shop Drawings Prints Plans Specifications
 Copy of Letter Change Order Reports Other

Copies	Date	No.	Description
1	7/13/2012		Notice of Wetlands Application in Willington CT

- For approval
- As requested
- For your use
- For review & comment
- Returned loaned prints
- Return signed original
- For bids due
- Submit _____ copies for distribution
- Furnish as submitted
- Furnish as noted
- Rejected
- Resubmit _____ copies for approval

c: Susan Yorgensen
Mark Melhuish
Stephanie Lessick
Dana St. Pierre
File

Signed:

Joyce Cheung



FUSS & O'NEILL

July 12, 2012

Mr. Grant Meitzler
Inland Wetland Agent
Town of Mansfield
A.P. Beck Building
4 South Eagleville Road
Mansfield, CT 06268

Re: Notice of Wetland Application in Willington, CT
Willington Oaks Apartments
380 Daleville Road
Willington, CT

Dear Mr. Meitzler,

This letter will serve as your notification of the submission of a wetland application to the Town of Willington for the tree removal, clearing and grubbing work at two (2) of the septic systems in Willington Oaks Apartments.

This notification is issued as required per Section 8.3 Paragraph A under the Willington Inland Wetlands and Watercourse Regulations, for work that is occurring within 500 ft of municipal boundary.

The two septic systems are located within the regulated upland review area. Land clearing and grubbing within the 0.31 acre is anticipated to have minimal impacts to the adjacent wetland. The project will not generate any additional traffic and no additional increase of surface runoff is expected. If you have any questions or comments, please do not hesitate to contact me at (860) 646-2469 x5309 or email at mgaston@fando.com.

Sincerely,

Marshall E. Gaston, P.E.
Senior Project Manager

146 Hartford Road
Manchester, CT
06040
1 860.646.2469
800.286.2469
1 860.533.5143
www.fando.com

Connecticut
Massachusetts
Rhode Island
South Carolina