

## MINUTES

<b>Members Present:</b>	S. Accorsi, P. Aho, B. Chandy, L. Cooley, C. Cotton, D. Plante, K. Rawn, V. Ward
<b>Members Absent:</b>	R. Hall
<b>Alternates Present:</b>	J. DeVivo, K. Fratoni
<b>Staff Present:</b>	L. Painter, Director of Planning and Development; J. Kaufman, Senior Planner/Inland Wetlands Agent; J. Woodmansee, Planning Specialist; E. Galbraith, Administrative Assistant

## CALL TO ORDER AND ROLL CALL

Chair Aho called the regular Inland Wetlands Agency meeting to order at 6:30 pm. Members present are Chandy, Rawn, Accorsi, Plante, Aho, Ward, Cotton, Cooley, Fratoni and DeVivo. Alternate DeVivo is seated for absent member Hall.

## APPROVAL OF MINUTES

Ward MOVED, Chandy seconded, to approve the June 15, 2020 special meeting Minutes as presented.

Motion PASSED unanimously.

## COMMUNICATIONS

Kaufman confirmed the Conservation Commission's July meeting has been cancelled, and the Agent monthly report was noted.

## OLD BUSINESS

### **A. W1611-1- Application of J.E. Shepard Company and Capstone Collegiate Communities-Construction of a 358-Unit Multi-family Development-1621 Storrs Road and Middle Turnpike (Assessor Parcel IDs 9.23.1, 9.23.7 and 9.23.8)**

Rawn MOVED, Ward seconded, to grant an inland wetlands license pursuant to the Inland Wetlands and Watercourses Regulations of the Town of Mansfield to the J.E. Shepard Company and Capstone Collegiate Communities for construction of a 358-unit multi-family development at 1621 Storrs Road and Middle Turnpike, Assessor Parcel IDs 9.23.1, 9.23.7 and 9.23.8, (File W1611-1) as shown on site development plans prepared by Bohler Engineering, dated December 30, 2019 and revised through February 6, 2020, as described in application submissions and as heard at public hearings on March 4, 2020, May 4, 2020 and June 1, 2020.

In approving this application, the Inland Wetlands Agency considered all Public Hearing testimony and communications. This action is based on a finding of no anticipated significant impact on the wetlands and watercourses, and is conditioned on the following provisions being met:

1. The applicant or owner shall pay the cost of an independent, third-party qualified erosion and sediment control professional to inspect the site during construction on a weekly basis and after each measurable precipitation event of 0.25 inches or greater to ensure that appropriate erosion and sedimentation controls are maintained during construction until the site is permanently stabilized. This professional shall be retained by and report solely to the Mansfield Inland Wetlands Agency or their designee.
2. The applicant or owner shall file a financial guarantee in an amount and form approved by the Inland Wetlands Agent in consultation with the Assistant Town Engineer and Town Attorney. The financial guarantee shall cover the cost of installation, maintenance and repairs of all erosion and sedimentation control measures during construction and until the site is stabilized, as well as the costs of any wetland restoration efforts should the erosion and sedimentation controls fail. The financial guarantee shall comply with the requirements of Article 6, Section C of the Mansfield Zoning Regulations and shall include an agreement between the Town and the owner/developer. The agreement shall be approved by the Town Attorney prior to execution by the IWA Chair and Town Finance Director. A surety bond shall not be accepted as a financial guarantee without the explicit authorization of the IWA.
3. The "Wetland Buffer Restoration Plan" depicted on the February 6, 2020 site plans shall be installed prior to the issuance of any Certificate of Zoning Compliance.
4. The Stormwater Management/BMP Facilities Maintenance Agreement required by Article 6, Section B.4.t of the Mansfield Zoning Regulations shall include the following provision: For the first three years, no less than twice per year, the owners shall inspect and certify that the level spreaders, wetland buffer and stormwater basin plantings are functioning and being maintained as designed. This certification shall be submitted to the Town of Mansfield Planning and Development Department on or about April 30 and September 15. Should any of the plantings fail to thrive or the level spreader need to be repaired, the owner must repair immediately and submit a report of compliance to the Mansfield Planning and Development Department. At the end of three years, the applicant or owner shall certify that species planted as part of the "wetland buffer restoration plan" and within the stormwater basin planting have an 80% survival rate and at least 75% of these areas are covered by native species.
5. The applicants shall submit the text of a proposed conservation easement to the Agency's attorney for review. The land area for the conservation easement shall be consistent with the site development plan dated December 30, 2020 and revised through February 6, 2020. The intent of conservation easement shall be to allow the area to continue to evolve in its forested state and to preserve the integrity of the wetlands. Prior to filing the conservation easement, the owner or their representative shall submit a baseline report documenting the existing conditions of the conservation easement area. The conservation easement text shall include provisions that include but are not limited to annual monitoring certifying that terms of the easement are upheld. This easement

must be executed and recorded on the Mansfield Land Records prior to the issuance of any Zoning Permits for the project.

6. Placards shall be placed along the edge of the wetlands acknowledging the wetland resource and indicating that no dumping of any type is allowed, including brush, leaves or any other debris. Placards and locations shall be approved by the Town Inland Wetlands Agent.

This approval is valid for five years (until July 6, 2025) unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment.

After Vera seconded the proposed motion, Kaufman suggested an amendment within condition five. The suggestion was to add the text "by the owner/applicant" after the text "...but are not limited to annual monitoring certifying that terms of the easement are upheld."

Aho asked if Rawn or Ward had any objection to Kaufman's suggested amendment, to which both members confirmed they had no objection.

Motion PASSED unanimously.

After the motion passed, Kaufman reported that staff found a typographical error also within condition five. The date of the site development plan was incorrectly stated as "December 30, 2020," and should be amended to read "December 30, 2019."

Ward MOVED, Accorsi seconded, to accept the amendment as suggested by Jennifer Kaufman to the agreement for the J.E Shepard Co.

Motion PASSED unanimously.

At this point, Chandy inquired if members absent from any portion of the public hearing had noted for the record that they reviewed the recording of the missed meetings. After this inquiry, Accorsi and DeVivo both affirmed that they had watched the recording of the March 4, 2020 public hearing.

Ward MOVED, Chandy seconded, to adjourn the 7-6-2020 IWA meeting until immediately following completion of the 7-6-2020 PZC meeting.

Motion PASSED unanimously.

The meeting was adjourned at 6:45 pm.

The regular meeting of the Inland Wetland Agency reconvened at 7:43 pm. Kaufman reported that the motion previously passed for JE Shepard did not reference the June 15, 2020 hearing date.

Ward MOVED, Plante seconded, to accept the second amendment to the application motion for the J.E. Shepard Company and Capstone Collegiate Communities to include the June 15, 2020 hearing date. The end of the first paragraph shall read "public hearings on March 4, 2020, May 4, 2020, June 1, 2020 and June 15, 2020."

Motion PASSED unanimously.

## **NEW BUSINESS**

### **A. W1613- Application of Clear Mountain Capital to Change the Town's Inland Wetlands and Watercourses Map on four parcels located at 497 Middle Turnpike and Cedar Swamp Road (Assessor's Parcel IDs 8.14.14-2, 8.14.14-3, 8.14.14-4, and 8.14.19) (File W#1613)**

Ward MOVED, Rawn seconded, to:

- 1) Receive the application of Clear Mountain Capital (owner/applicant) to amend the Towns Inland Wetlands and Watercourses Map on our parcels located at 497 Middle Turnpike and Cedar Swamp Road (Assessor's Parcel IDs 8.14.14-2, 8.14.14-3, 8.14.14-4, and 8.14.19) (File W#1613);
- 2) Refer the application to the Conservation Commission;
- 3) Schedule a public hearing for Tuesday, September 8, 2020 at 6:30 pm in the Council Chamber of the Mansfield Town Hall or a virtual meeting per the Governor's Executive order 7B; and
- 4) Authorize staff to engage the services of Land Tech, LLC to provide independent review of the application. Pursuant to 8.6 of Mansfield's Inland Wetlands Regulations, fees incurred for this review will be the responsibility of the applicant and a deposit in the amount of the estimated cost shall be received prior to issuance of a notice to proceed.

## **REPORTS FROM OFFICERS AND COMMITTEES**

Noted.

## **OTHER COMMUNICATIONS AND BILLS**

None.

## **ADJOURNMENT**

The meeting was adjourned at 7:49 pm.

Respectfully Submitted:



Emmy A. Galbraith  
Administrative Assistant