

Town of Mansfield
CONSERVATION COMMISSION
Special Meeting of 26 February 2020
Council Chambers, Audrey P. Beck Building
(Yet-to-be-approved) MINUTES

Members present: Mary Harper, Quentin Kessel, Erin King, Scott Lehmann, Will Ouimet (Alt.), Chadwick Rittenhouse, Michael Soares. *Members absent:* John Silander.

Others present: Jennifer Kaufman (Wetlands Agent), Linda Painter (Director of Planning & Development), Miranda Davis (EEB, UConn). **W1611-1 Applicants:** David Fresk (J.E. Shepard Co.), Tom Cody (Robinson & Cole). **W1611-1 Intervener:** Robert Sitkowski (UConn). **W1612:** Kathy Ward (Mansfield Non-profit Housing Development Corp.), Kathleen Dorgan (Dorgan Architecture & Planning), Rob Newton (BSC Group), Rebecca Field & Hannah Rudd (Mansfield Housing Authority). {Others may have attended without signing the attendance sheet.}

1. The meeting was **called to order** at 6:31p by Chair Michael Soares. Only those who attended the 2/19/20 meeting may vote on motions related to W1611-1. In the absence of one Alternate Ouimet was, in addition, entitled to vote at this meeting on other motions.

2. The **draft minutes** of the meeting of 19 February 2019 were amended to correct a typo and infelicitous wording and to be more specific about Soares' disclosure in the first paragraph of item 3 and, as amended, were accepted without dissent.

3. Process. The purpose of beginning this meeting 30 minutes earlier than originally scheduled was to finish consideration of W1611-1 before a presentation on W1612 at 7:00p. Hard copies of comments to the IWA regarding W1611-1, drafted by Soares, were distributed at the meeting. However, before the Commission could consider and act on them, Tom Cody requested that its members disclose any past or present affiliation with UConn, which has intervened in the W1611-1 application. After Commission members did so, Atty. Cody suggested that it would be appropriate for current UConn employees – Ouimet & Rittenhouse – to recuse themselves.

At this point, Kaufman called the Town Attorney. While awaiting a reply, the Commission briefly turned to agenda item 5C; see item 6 of these minutes. Kaufman then reported that the Town Attorney advised that recusal was not necessary, as long as Commission members currently employed by UConn disclosed as much and stated in good faith that their affiliation would not affect judging the application on its merits. Ouimet and Rittenhouse did so state. There being insufficient time to consider Soares' draft comments on W1611-1 before 7:00p, the Commission agreed unanimously (**motion:** Soares, Ouimet) to defer action on it to the end of the meeting.

4. IWA referral: W1612 (Mansfield Non-Profit Housing Development Corp., multi-family development at 113-21 S. Eagleville Rd).

The applicant proposes a multi-family development (“Eagleville Green”) on a 5.2 acre parcel on S. Eagleville Rd near its junction with Maple Rd. It would consist of 42 units (18 one-bedroom, 17 2-bedroom, 7 3-bedroom) in 7 two-story buildings constructed on slab, with surface parking for 87 vehicles. 30% (= 13) of the units would be affordable (and income-restricted) housing. The development would be served by the public water and sewer system in this part of Mansfield. The area to be developed is essentially flat, sloping a bit down to a wetland between the proposed development and Knollwood Rd to the east and to undeveloped land to the south. No work in wetlands is proposed, but 1.14 acres of the upland review area (URA) would be

disturbed, with construction activity as close as 10 ft to the wetland. The Town has engaged CME to review the proposal with respect to wetlands impact and management of storm-water.

The project falls under provisions in the zoning regulations that encourage construction of affordable housing by (1) excusing the developer from certain normal requirements (such as standard set-backs and open space dedication) and (2) shifting the burden of proof to the Town, should the application be denied or approved with onerous conditions (the Town would need to show that its other interests outweighed the need for affordable housing). However, these special provisions do not affect wetlands, and Kaufman directed the Commission to review W1612 as it would any other application to the IWA.

Kathy Ward, President of Mansfield Non-Profit Housing Development Corp.(MNHD), introduced Kathy Dorgan and Rob Newton, who presented the proposal.

Ms. Dorgan characterized MNHD as a group of neighbors working to insure good housing for everyone in Mansfield. Such housing should meet the needs of its residents, be respectful of its site, enhance the neighborhood, and be built to last. She noted that the proposed development would be a short walk from the Senior Center and WRTD bus stop, and within walking distance of Storrs Center and UConn. She displayed architectural views of the proposed development, noting that its units, ranging in size from one to three bedrooms, would each provide private outdoor space. MNHD, in her view, has worked hard to make the project meet normal expectations about developments in Mansfield.

Mr. Newton reviewed the site plan and various aspects of the project.

- Two structures now exist on the parcel near the wetland. The one closest to the wetland would be rehabbed, the other demolished to make room for new construction. New buildings would be arrayed on both sides of a one-way U-shaped driveway with entrance and exit on S. Eagleville Rd.
- The site would be leveled to facilitate storm-water management. Its soils are well-suited to absorbing storm-water.
- Runoff from 3 buildings enclosed by the U-shaped driveway would be collected and directed into a surface detention basin there. Runoff from the curbed driveway and parking areas would go into 3 underground detention basins (vaults). Most storm water from the 4 buildings on the exterior side of the driveway would also be directed into the underground basins.
- Overflow from detention basins would be directed into the wetland via two outflows: one to the east, the other into a swale off the property to the south and thence into the wetland. {Linda Painter explained that the owner of the adjacent property has granted an easement for the second outflow, contingent upon the PZC's agreeing that the easement would count toward any open-space designation required for development of that property.}
- The wetland is of high quality, with relatively few invasive plants; it drains to the east, under Knollwood Rd. Storm-water from the driveway and parking areas would be cleaned in hydrodynamic separators before going to the underground basins and thence into the wetland. Sewage is not an issue, since it will be pumped into sewers for treatment off-site.
- Plantings will consist of native species.

Kaufman noted that, after a couple of rounds of comments on the application by CME and responses from the applicant, a few technical issues remain, such as the appropriate size of storm-water piping.

Q&A Most answers were given by Mr. Newton.

- Q (Rittenhouse): How close to the wetland would the proposed development be?
- A: The bottom of the engineered slope to wetlands at the eastern edge of the development would be 10 ft from the wetland at its closest point.
- Q (Rittenhouse): How much impervious surface is in the URA? A: We don't have that number; there are about 1.1 acres of disturbance within the URA.
- Q (Rittenhouse): The site plan shows three snow stockpile areas and a dumpster along the eastern portion of the driveway above the wetland. Do these drain to pavement or to the wetland? A: Some of each. Some snowmelt could flow directly into the wetland.
- Q (Lehmann): What sort of cleaning would runoff from pavement get before it ends up in the wetland? A: Hydrodynamic separators are designed to remove 80% of total suspended solids (TSS); oils are trapped on top and sediment on the bottom. They would be inspected semi-annually and cleaned as needed.
- Q (Soares): How long would it take for the detention basins to drain by infiltration? A: Within 24 hours – more precisely, 15.3 hours – for the surface basin; within 72 hours (ConnDOT's standard) for the underground basins .
- Q (Soares): DEEP recommends that underground basins be designed to drain within 48 hours. Why choose the less demanding ConnDOT standard instead? A: It's easier to satisfy at this site, and the DEEP number is a guideline, not a requirement.
- Q (Rittenhouse): How were infiltration rates at the basin locations determined? A: Test holes and percolation were used to determine soil type, water table and drainage rates at each location.
- Q (Lehmann): There was a strong 'gas smell' at the junction of Maple & S. Eagleville Rds on Saturday evening, 2/22. Is the proximity of the natural gas pumping station a problem for this project. A: We understand that gas is released from time to time to test whether a leak would be detectable. The smell does not last long.
- Q (Soares): The URA, which ideally should be a buffer between development and wetlands, would be heavily developed here. Were alternatives considered? A: We considered a larger and taller building with 67 units, but it didn't seem appropriate for this site. Instead, we put more effort into controlling runoff into wetlands. Driveway and parking areas are to be curbed, and runoff from them cleaned, before ending up there.
- Q (Kessel): What will be done to keep fertilizer, pesticides, and other pollutants off the slope to wetlands along the eastern edge of the development? A: There will be a maintenance agreement.
- Q (Rittenhouse): Was consideration given to minimizing impervious surface for facilities – dumpster, snow stockpiles, a future patio – near the wetland, or to moving them elsewhere? A: They are sited at what seem the best locations for them, and their total impervious surface area is small.

After some discussion, the Commission agreed unanimously (**motion:** Lehmann, Soares) to comment to the IWA as follows:

This project may have a significant impact on wetlands. The Commission's concerns are:

- (1) The project involves intensive development in the upland review area, which ideally should buffer wetlands from development. This increases the risk of compromising the wetland, particularly during the construction phase.
- (2) Construction should be carefully monitored to minimize potential negative impacts on the wetland. CME should be consulted on writing and effectively implementing an

appropriate monitoring plan.

- (3) Snow stockpiles are to be located where melting snow, perhaps contaminated with de-icing salts and other pollutants, can drain into the wetland. The applicant should consider relocating these stockpiles, or designing their pads so that snowmelt is contained within the driveway and parking area.
- (4) To avoid nutrient loading and pollution of the wetland, BSC's letter of 9/13/19 to Kathleen Dorgan recommends "No use of fertilizers, pesticides and herbicides in vicinity of the wetland," a recommendation reiterated in CME's letter of 12/23/19 to the IWA (comment 12b). The phrase "vicinity of" (or "close proximity of," in CME's formulation) is vague and needs clarification. Also unclear is how this recommendation is to be implemented or, if included in a management plan, how such a plan would be implemented.
- (5) There appears to be a mismatch between storm-water collection piping that can handle a 10-year storm and underground basins that can handle a 100-year storm. See the conclusion (8.0, p.14) of BSC's Stormwater Management Report (February 2020). CME should be asked to assess this apparent discrepancy.
- (6) In line with a ConnDOT standard, the underground storm-water basins are to drain by infiltration within 72 hours, whereas DEEP recommends 48 hours. What does CME think is the appropriate drainage time, and why?

5. W1611-1 (J. E. Shepard Co. & Capstone Collegiate Communities, 358 unit multi-family development, 1621 Storrs Rd & Middle Tpk).

Soares read comments to the IWA he had drafted on this proposal. Minor corrections and changes were proposed, and the draft, as amended, was approved (**motion:** Soares, Ouimet) by a vote of 4,0,3. Kessel abstained as promised at the meeting of 2/19, and Harper & King abstained because they were absent on 2/19 and did not hear the presentations on W1611-1. The comments are attached to these minutes.

6. UConn hockey arena EIS. Commission members were notified by e-mail on 2/25 that an EIS on UConn's proposed hockey arena was now available. Since nobody had looked at it, consideration was deferred to the March meeting. For background, see minutes of the Commission's 6/19/19 meeting, item 5.

7. Membership. Genevieve Rigler has resigned, so the Commission has an opening for another Alternate member.

8. Conservation Easement monitoring. King is working on SOPs for using the electronic Survey 123 monitoring form and hopes to have this done for the March meeting. For background, see minutes of the Commission's 12/18/19 meeting, item 4.

9. Adjourned at 9:09p. Next meeting: 7:00p, Wednesday, 18 March 2020.

Scott Lehmann, Secretary, 28 February 2020.

ATTACHMENT

Comment on 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)

The Conservation Commission has reviewed W1611-1 and finds that the proposed development may have a significant impact on the wetland and intermittent watercourse. Additionally, the Commission finds that the project as proposed is very likely to contribute adversely to the cumulative impact on the adjacent vernal pool and its aquatic species. Below is a list of our concerns with the current proposed development, followed by corresponding recommendations to ensure significant impacts are avoided:

Site Plan

Concerns: Along the eastern boundary, wetlands off-site were not delineated, and so the location of the Upland Review Area (URA) on the site plan is assumed. Also, the site plans do not show the vernal pool and associated fringe wetlands; these resources are off-property but in the current plans the wetland's URA is on the property and the vernal pool's buffer is at the property line.

- We recommend that the IWA inquire if the applicant or their Soil Scientist requested permission from the owner to access 1641 Storrs Rd (parcel ID# 9.23.4) in order to delineate the wetland. If not, we recommend that the applicant or its representative do so in order to delineate the missing section and revise site plans with the accurate URA boundary.
- We recommend that the IWA require that the site plans show the vernal pool and the delineation of the fringe wetland. These resources should be shown in order to verify the locations of the corresponding URA and vernal pool buffer.

Construction

Concern: The construction phase has the potential to cause significant damage to the adjacent wetland and vernal pool. For the wetland east of the property, this concern is due mainly to the amount of work proposed close to the wetland boundary (discussed below under "Project Scope"). For the vernal pool adjacent to the property, this concern is due to work within the vernal pool basin.

- We support the recommendation by the Town's consultant, Land Tech, that the IWA require the applicant to hire an independent monitor to regularly conduct field inspections and report to the Town Staff on Erosion & Sedimentation control, issues of concern, etc. Inspections should occur regularly, as well as following precipitation events of a size to be determined by the IWA.
- We recommend that the IWA require monitoring of the stormwater management system and methods of bonding for system maintenance and repair should it fail. In all instances, the IWA should ensure that the Town is not liable for system failure.

Stormwater Management

Concern: Land Tech states that the proposed stormwater management system is adequate, yet the project does not consistently adhere to CT DEEP's 2004 Connecticut Stormwater Quality Manual (Manual). In lieu of municipal stormwater guidance for the applicant, it is our reasoning that stormwater guidelines adopted by the State of CT would be the most appropriate standards to follow.

We recommend that the IWA ask Land Tech for clarification regarding their assessment. Specifically, what factors are the basis for the Manual's guideline to have two test pits for every infiltration basin? And, what factors are the basis for the Manual's guideline to have "three feet of vertical distance from the seasonally high water table" and "four feet from bedrock" (CT SWQM)? Last, what is the basis for Land Tech's assessment that the applicant's design is adequate, even though it doesn't meet these standards? For a site with poor infiltration (according to USDA-NRCS) and a project relying substantially on these basins to protect the adjacent wetlands, our objective is to resolve the apparent discrepancy between the Manual's recommendations and Land Tech's assessment.

Loss of the Vernal Pool's Upland Habitat (permanent loss of amphibian species)

Concern: Given the size and proximity of the project, it is likely that the project will have a significant impact that "diminishes the natural capacity of an inland wetland or watercourse to... support aquatic, plant or animal life and habitats" (Mansfield Inland Wetland Regulations, p. 6). This opinion is based on the professional experience of Commission members qualified as a wildlife biologist and wetlands scientist, respectively.

- We recommend that the IWA request any analysis and findings on the vernal pool and its upland habitats and to review those materials prior to a decision on this application. At our meeting on 2/18/20, it was stated numerous times that the vernal pool nearest the property is part of a complex of vernal pools that was studied extensively for the design, permitting, and construction of UConn's Discovery Drive. This included a study of amphibians' movement to and through adjacent uplands. This work was integral in informing DEEP's permit, issued to UConn, as to the permitted developable areas along the east side Discovery Drive (south of the vernal pool). It is not clear why this information or these entities (UConn's Office of Environmental Health and Safety, Fuss & O'Neill, Inc.*) have not been included thus far; it is our understanding that they have direct knowledge of the vernal pool's connections to adjacent uplands, including a potential critical reliance on the subject property's uplands.
- We recommend that the IWA require a reduction of the project's footprint in the Upland Review Area along the southern property boundary (i.e., Buildings 800 and 900).
- We recommend that the IWA require that no stormwater from the development is directed toward the vernal pool's drainage area nor to any infrastructure – such as a rain garden or infiltration basin – in that drainage area.

Project Scope

Concerns: The project as proposed maximizes the parcel's land use in a manner that may significantly impact wetlands. First, it is our interpretation that the project eliminates nearly the entire undeveloped upland in the URA along the eastern boundary. As designed, the URA appears to contain no forested upland as buffer but does contain four buildings (400, 500, 600, 700), the majority of the surface stormwater infrastructure, subsurface infiltration chambers, infiltration basins, an access path, parking, and landscaping. Second, the applicant stated the project as proposed contains 34% impervious cover of the property. In 2012, UConn-CLEAR estimated impervious cover of this drainage basin to be 7%, which is likely higher now and will continue to increase with redevelopment of the Four Corners area. The Commission agrees with CT DEP's 1997 statement that land adjacent to wetlands/watercourses should be regulated because "most of the activities which are likely to impact or affect these resources [wetlands, watercourses] will be located in that area." Despite the stormwater management system's proposed attenuation, the Commission finds the extensive development of the URA to be

potentially harmful and would prefer to see a reduced footprint in the project's URAs, particularly along the eastern property boundary.

- We recommend that the IWA request that the applicant provide the following information: what is the percent area of disturbance within the each of the two URAs on the property?
- We advise the IWA to closely examine the proposed disturbances within the URA. For this review, we ask that Land Tech provide comments to the IWA on why such development in the URA is unlikely to have a significant impact. We suggest Section 1.1 of the IW Regulations be referenced as a summary of the potential impacts and resources that can be impacted.

Wetland (& Habitat) Protection

Concerns: The geometry of the conservation easement differed between the applicant's digital presentation and hard copies shared at our meeting on 2/18/20.

- We recommend that the IWA have the applicant clarify the extent of the proposed conservation easement, which should be contiguous with UConn's easement to the south and contain all wetlands on the subject property, as shown on the last page of the hard copy distributed at the above-mentioned meeting.
- We recommend that, to ensure against impacts to the wetland and the unique species known to inhabit it, the applicant include the upland of 1± acre at the northeastern corner of this property in the conservation easement.

Water Quality

Concern: There may long-term impacts to water quality, as non-point source pollutants are introduced from the proposed development. The wetland adjacent to the property drains northward and eventually joins Cedar Swamp Brook, a stream whose uppermost segment was listed in 2018 by DEEP as impaired (bacteria levels exceeding State standards).

We refer to the above recommendations under "Construction," "Stormwater Management," and "Project Scope" to protect water quality.

*Disclosure: Michael Soares, chairman of the Conservation Commission, is an employee of Fuss & O'Neill. He was hired after the ecological studies for Discovery Drive were conducted and has not been involved in the project. This fact was disclosed to the applicant, intervener, and the other Commission members during the 2/18 meeting and Mr. Soares was not asked to recuse himself.

Approved 26 February 2020.