

**Town of Mansfield
CONSERVATION COMMISSION
Meeting of 20 February 2008
Conference B, Beck Building
MINUTES**

Members present: Robert Dahn, Quentin Kessel, Scott Lehmann, Frank Trainor. *Members absent:* Peter Drzewiecki, Rachel Rosen, John Silander. *Others present:* Greg Padick (Town Planner), Matt Hart (Town Manager), Jennifer Kaufman (Parks Coordinator), Grant Meitzler (Wetlands Agent); Hank Torcellini (Gardner & Peterson Associates), Scott Glennon (President, White Oak Condominium Association); Sue Harrington, Cindy Weiss, & Jean Haskell (Parks Advisory Committee); Joan Stevenson.

1. The meeting was **called to order** by Chair Quentin Kessel at 7:34p. The agenda was re-ordered to make discussion of the White Oak septic problem the first item of business.

2. White Oak Condos Sanitary Easement. Background: Pursuant to discussion at the Commission's 16 Jan 08 meeting, a statement objecting to granting a sanitary easement on 7.6 acres of the Town-owned in Dunhamtown Forest to the White Oak Condominium Association was drafted, circulated to Commission members by e-mail, revised, and e-mailed on 22 Jan 08 to Town Planner Greg Padick and Town Manager Matt Hart. Mr. Padick responded immediately, suggesting that the Commission "may not have been fully informed about this proposed easement issue" and asking that it hold off submitting the statement to the PZC and Town Council until it had heard a presentation on the matter at this meeting. The Commission agreed to do so.

Mr. Padick sketched the history of the issue. The White Oak complex was approved in an era when the Town did not have the kind of review to which it now subjects applications for development; because the site does not have adequate septic capacity, such a development would not be approved today. In 2004, Eastern Highlands Health District and the DEP responded to a history of septic problems at the complex by threatening to issue an order making the Town legally (and perhaps financially) responsible for fixing the system. After investigating, Town staff concluded that no on-site fix was possible and that the most feasible location for a rebuilt system was on adjacent Town-owned land. The Town gave the White Oak Condominium Association permission to test this location, and a proposal based on this information has been developed by Gardner & Peterson Associates. If Town staff determines that this plan is the only feasible one, it will be presented to the Council for referral and review, at which time the Commission will be invited to comment. Mr. Padick said he did not believe that granting the septic easement would set a bad precedent, since the situation is (in his view) unique.

Hank Torcellini of Gardner & Peterson displayed a map of the complex and proposed off-site system. The site cannot handle the volume of septic waste generated by the complex; some septic systems are now located in wetlands, and the capacity of

soils to accept waste is very limited throughout. Adjacent Town land is the only area that meets DEP's requirements, in his view. About 2.5 acres would be cleared for the leaching field; a construction road would be built to haul in the required fill. Asked whether an engineered on-site solution was possible, if money were no object, Mr. Torcellini said no: there just isn't enough land that's not wetland. Asked whether reducing the number of residents at the complex would enable an on-site solution, Mr. Torcellini again said no: the site is so poor that at most one single-family home should have been approved for it.

Scott Glennon of the White Oak Condominium Association expressed the hopes of residents that a solution to the complex's septic problems can be worked out with the Town.

Mr. Torcellini and Mr. Glennon then left the meeting.

Town Manager Matt Hart asked Mr. Padick what would happen in a similar situation where DEP issued an order but no Town land was available. Mr. Padick replied that the Town would have to deal with it. The only alternative to condemnation might be pumping effluent to some private land off-site; if no willing seller could be found, the Town could consider taking private property for reasons of public health by eminent domain.

Lehmann commented that the Town could have avoided misunderstandings by being more open about what was going on and informing the Commission and other relevant committees at the outset about the septic problem and its likely solution. Mr. Padick replied that the matter had been discussed at meetings of the Town's Land Committee, to which the Commission had failed to send a representative. The existence of such a committee was news to the Commission, and Kessel asked to be informed of future meetings.

Mr. Padick then left the meeting, along with the visitors from the Parks Advisory Committee.

3. Administrative Procedures. Matt Hart noted that the updated Administrative Procedures for the Commission submitted to him may conflict with a legal opinion that Town boards, commissions, and committees may not take public positions at odds with Town policy. (The update carries over original language permitting the Chair to "speak publicly or carry on correspondence in the name of the commission" on matters about which the Commission has taken a position.) Kessel agreed that there is a conflict, suggesting that the legal opinion overlooks language in Sec.7-131(b) of the Connecticut General Statutes, which empowers the Commission to make recommendations to the PZC, IWA, and other municipal agencies on various matters. Mr. Hart also noted (and the Commission agreed) that the Disqualification section should reference the Town's ethics rules.

Finally, Mr. Hart asked about procedures for nominating prospective Commission members. He indicated that he would like a resumé and an opportunity to speak with a nominee before deciding whether to appoint him or her. Mr. Hart then left the meeting.

4. White Oak statement. The Commission agreed that its statement on the White Oak Sanitary Easement needs revision, but decided to defer submitting a comment until it receives a referral from PZC. The Commission remains unhappy about learning about

this project only now, when it appears to be so far along as to be a “done deal”, and agreed that the Town should insist on compensation, in payment or in kind, for any septic easement in Town open-space.

5. Since the Commission agreed not to send its White Oak statement to the PZC and Town Council at this time, the draft **minutes of the 16 January 08 meeting** were amended to un-attach the statement and to delete the last sentence (“It is attached.”) of item 5. As amended, the minutes were approved unanimously.

6. The Town will **honor early members of the Conservation Commission** at the Town Council’s next meeting (7:30p, Monday, 25 February). Commission members were urged to attend.

7. Wildlife Habitat Incentive Program. The Town is applying to USDA for financial assistance (under the Wildlife Habitat Incentive Program) in controlling invasive plants along Schoolhouse Brook. The Commission unanimously agreed (motion: Lehmann, Trainor) to support the application.

8. Proposed Zoning changes for Pleasant Valley. The PZC has proposed changes in zoning for the Pleasant Valley area, which are advertised as providing more protection for prime agricultural land and water resources. Kessel observed that some of uses permitted in the PVCA area off Mansfield Av. do not appear to be consistent with the goal of protecting the underlying aquifer; he suggested that a comment from the Commission cite the Gibbons Report in making this point. The hour being late, Lehmann volunteered to look at the Gibbons Report and to draft a brief comment for circulation by e-mail. PZC has scheduled a public hearing on the proposed zoning change is on 17 March, just before the Commission’s next meeting.

9. Adjourned at 9:35p.

Scott Lehmann, Secretary
21 February 08
Approved 19 March 08