

# **AGENDA**

Mansfield Conservation Commission  
Wednesday, October 21, 2009  
Audrey P. Beck Building  
CONFERENCE ROOM B  
7:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Opportunity for Public Comment**
4. **Minutes**
  - a. September 16, 2009
5. **New Business**
  - a. IWA Referrals:
    - W1440- Chew- Thornbush Road- House Addition & Shed
    - W1441- Kleinfelder-7 Storrs Road- Soil Testing
    - W1439- Kovarovics- Daleville Road
  - b. Election of Officers
  - c. Water Supply Issues
  - d. Other
6. **Continuing Business**
  - a. Invasive Plantings (PZC has agreed to revise Zoning Regulations)
  - b. Protecting Mansfield's Aquifers (no new information)
  - c. CL&P "Interstate Reliability Project" (no new information)
  - d. Proposed UConn Composting Facility (no new information)
  - e. Ponde Place Student Housing Project (no new information)
  - f. Natchaug River Basin project (no new information)
  - g. Eagleville Brook Impervious Surface TMDL Project (no new information)
  - h. Other
7. **Communications**
  - a. Minutes
    - Open Space (9/15/09)
    - PZC (9/8/09; 9/21/09; 10/5/09)
    - IWA (9/8/09; 10/5/09)
  - b. Notice of Columbia Land Protection Workshop 11/7/09
  - c. UConn/DEP Drainage Agreement
  - d. CCM August Issue Town and City
  - e. The Habitat, Summer 2009
  - f. Other Correspondence
8. **Other**
9. **Future Agendas**
10. **Adjournment**

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Town of Mansfield  
**CONSERVATION COMMISSION**  
Meeting of 16 September 2009  
Conference B, Beck Building  
**(DRAFT) MINUTES**

*Members present:* Scott Lehmann, John Silander, Joan Stevenson. *Members absent:* Robert Dahn, Peter Drzewiecki, Quentin Kessel, Frank Trainor. *Others present:* JC Beall, Katrina Higgins, Grant Meitzler (Wetlands Agent).

1. The meeting was **called to order** at 7:37p by Acting Chair John Silander.
2. The draft **minutes of the 19 August 09 meeting**, circulated by e-mail shortly thereafter, were approved as written.
3. **IWA referral W1438 (Beall & Higgins, Wormwood Hill Rd)** Because abutters did not receive the legally required notice, the proposal approved by the IWA as W1433 is being considered *de novo*.

Silander participated in the IWA Field Trip to the site on 9/15/09 and made the following observations: (1) The small wetland shown on the site plan did not appear have any obligate wetland vegetation, but may contain standing water at times. To qualify as a vernal pool, water would have to remain in it for more than a month (usually 2-3 months) in the spring. A determination of whether this is likely is a matter for a hydrologist and a vernal pool biologist. (2) It is also unclear whether the small wetland drains to a pond below (if it does, the potential impact on neighboring wetlands may be greater); this also is a matter for a hydrologist. (3) Only a portion of the septic system and a portion of the driveway lie within the 150 ft wetlands buffer; it may be possible to alter the plan slightly so that house, driveway, and septic are not in the buffer (and the proposal would presumably need no wetlands permit).

Concerning (1), Meitzler pointed out that a vernal pool is just a wetland from the perspective of Town wetland regulations, so a finding that it is or isn't a vernal pool has no regulatory force. Concerning (2), he noted that the wetland is in a bowl whose lip rises about 12-18 inches above it on the down-slope side.

Stevenson and Lehmann recused themselves, leaving just one disinterested Commission member present, a number insufficient to pass a credible motion. Accordingly, the members present agreed simply to pass the above observations along to the IWA. {Beall & Higgins then left the meeting.}

4. **2009 Planning Acquisition and Management Guidelines.** These guidelines, updated by the Town Council on 8/24/09, assign to the Commission responsibility for "periodically monitoring Mansfield's existing conservation easements." (IV) Since there are many such easements, this will be a big job. While planning was deferred to a better-attended meeting, it was suggested (1) that we settle on a monitoring period – one year? two years? – and schedule site visits on a monthly basis throughout it, and (2) that we enlist the help of neighbors through letters asking them to report any untoward activity on conservation easements. In response to a query about who is responsible for posting signs demarcating conservation easements, Meitzler said that most easements are connected to subdivisions and that the subdivision's surveyor must certify that boundaries are correctly delineated and signed.

5. **Invasive plantings.** The CVS site (W1429 - groundwater purification project) was replanted with invasives because Town regulations apparently cover only new projects, not replantings

(unlike current State regulations, which prohibit any planting of invasive species on state land, including UConn property). The sense of members present was that the Commission should propose stronger regulations to the PZC, but this too was deferred to a better-attended meeting.

**6. Adjourned** at 8:15p

Scott Lehmann, Secretary, 17 September 09

Memorandum:

October 1, 2009

To: Inland Wetland Agency

From: Grant Meitzler, Inland Wetland Agent

Re: New Business for the October 5, 2009 meeting

**Modification Request:**

W1439 - Kovarovics - Daleville Rd - driveway relocation  
yes no

fee paid ..... x  
certified receipts ..... n.a.  
map dated ..... 12.20.07 revised 9.19.09

This application is for a change to the driveway access that was previously approved. The change will eliminate a pulloff parking area next to the road on the north side, and place a driveway leading to the house on the south side. No work is proposed in wetlands but work is within the 150' regulated area adjacent to wetlands.

Wetland Separating Distances

item	previous	proposed
house	40	40
septic	44	44
reserve	40	40
<b>driveway</b>	<b>68</b>	<b>26</b>
footing drain	32	32
well	73	73

Copies of the original approval motion and map are attached.

The applicant has submitted the full application form in the event the Agency feels a full permit review is needed.

**New Applications:**

W1440 - Chew - Thornbush Rd - house addition & shed in buffer  
yes no

fee paid ..... x  
certified receipts ..... x  
map dated ..... 12.20.07 revised 9.19.09

This application is for a house addition and a shed for an existing property. No work is proposed in wetlands but work is within the 150' regulated area adjacent to wetlands.

Receipt and referral to the Conservation Commission is appropriate.

W1441 - Kleinfelder/Mittelman - 7 Storrs Rd - Site investigation

	yes	no
	-----	-----
fee paid .....	x	
certified receipts .....	x	
map dated .....	9.18.2009	

This application is for site investigation to determine limits of soil contamination on the north side of the site. The work described is for borings to obtain soil samples for testing and testing at a site drainage system outlet.

Receipt and referral to the Conservation Commission is appropriate.

APPLICATION FOR PERMIT  
MANSFIELD INLAND WETLANDS AGENCY  
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268  
TEL: 860-429-3334 OR 429-3331  
FAX: 860-429-6863

FOR OFFICE USE ONLY

File # W 1439  
Fee Paid 650-  
Official Date of Receipt 9-28-09

## REQUEST FOR MODIFICATION

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 MICHAEL AND KIM KOVAROVLIS

Mailing Address P.O. Box 94

ASHFORD, CT Zip 06278

Telephone-Home 429-7727 Telephone-Business CELL: 208-1099

### Title and Brief Description of Project

CHANGE DRIVEWAY LOCATION

Location of Project DALEVILLE ROAD NEAR SNET POLE # 3015

Intended Start Date 10-15-09

### 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

SEE ATTACHED PROJECT DESCRIPTION

- 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

SEE ATTACHED PROJECT DESCRIPTION

- 3) Describe the type of materials you are using for the project:

SEE ATTACHED PROJECT DESCRIPTION

- a) include **type** of material used as fill or to be excavated

SEE ATTACHED

- b) include **volume** of material to be filled or excavated

PROJECT DESCRIPTION

- 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).

SEE ATTACHED PROJECT DESCRIPTION

**Part D - Site Description**

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

SEE ATTACHED PROJECT DESCRIPTION

## Kovarovics - Daleville Road - Inland Wetland Application

### Part C & D - Project description

Subject property is located on the easterly side of Daleville Road being a lightly wooded site with slopes of 2 to 17 percent containing 3.6 acres. The wetlands in the area of the proposed improvements are associated with an intermittent watercourse located northerly and easterly of the proposed house.

There is no proposed activity within wetland soils, as delineated by a certified soil scientist. The proposed activity within the upland review area is as follows:

- Driveway - ~~25~~ 15 feet at its closest point
- House - 40 feet at its closest point
- Foundation Drain - 32 feet at its outlet
- Well - 73 feet at its closest point
- Septic Tank - 64 feet at its closest point
- Pump Chamber - 60 feet at its closest point
- Primary Septic Area - 44 feet at its closest point

The proposed development will disturb approximately 16,050 square feet (0.37 acres) of upland soils. Approximately 60 cubic yards of septic fill will be required for the installation of the proposed septic system. Approximately 60 cubic yards of gravel fill will be required for the construction of the proposed driveway and approximately 500 cubic yards of clean fill will be required for the construction of the proposed house. The proposed house has been designed to accommodate a walkout basement in the rear matching the existing grade reducing the amount of fill required.

The wetlands located down gradient from the proposed improvements will be protected with a silt fence barrier and maintained until all disturbed areas have been stabilized. The equipment to be used will consist of an excavator, bulldozer and backhoe.

IWA

## **Request for site change**

9-28-2009

Kim & Mike Kovarovics  
Daleville Road Property

### Reasons for Change in Driveway Access

With the driveway in its present location, several dangerous conditions exist such as:

- Backing onto Daleville Road into oncoming traffic
- The possibility of heavy delivery trucks etc. inadvertently causing damage to the proposed septic system
- Damage to parked vehicles from plowing, sanding and vandals

The proposed driveway location would allow for direct access to the basement level to accommodate a garage keeping vehicles inside protected and out of sight, as well as allowing for a turn-around area for safer entrance onto Daleville Road and a more direct access to the house for emergency needs .



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# OLD MOTION

Wetlands DRAFT Motion for: Kovarovicks

Holt \_\_\_\_\_ moves and \_\_\_\_\_ <sup>grant</sup> seconds to ~~grant~~ an Inland Wetlands License under Section 5 of the Wetlands and Watercourses Regulations of the

Town of Mansfield to Michael + Kim Kovarovicks

(file W 1396 ) for construction of a single-family dwelling on a lot of record

on property owned by the applicants

located at Daleville Rd near SNET Pole #3015

as shown on a map dated 12/20/07, revised through \_\_\_\_\_

and as described in other application submissions, ~~and as heard at Public Hearing(s) on~~

This action is based on a finding of no anticipated significant impact on the wetlands, and is conditioned upon the following provisions being met:

1) Appropriate erosion and sedimentation controls (as shown on the plans) shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized;

~~2) Maps shall not be signed until all DEP permit requirements have been addressed;~~

2) There shall be a minimum separating distance of 25 feet between site work and the edge of wetlands, and the installation of silt fence as shown on the plan shall provide a staked work limit.

(last) This approval is valid for a period of five years (until 4/07/13), 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.



APPLICATION FOR PERMIT  
MANSFIELD INLAND WETLANDS AGENCY  
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268  
TEL: 860-429-3334 OR 429-3331  
FAX: 860-429-6863

FOR OFFICE USE ONLY

File # W 1440  
Fee Paid \$155.00  
Official Date of Receipt 9-28-09

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 Michael R. Chew

Mailing Address 16 Thornbush Rd  
Mansfield Center CT Zip 06250

Telephone-Home 860-460-8538 Telephone-Business \_\_\_\_\_

Title and Brief Description of Project

15x15 Addition to existing  
house and a 15x20 shed

Location of Project See attached Map

Intended Start Date Addition - Spring 2010 Shed - Fall 2009

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.

Addition - 15x15 Room w/ concrete foundation Built into existing house.

Shed - 15x20 Storage shed built on eastern edge of property

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.

Addition - 225 ft<sup>2</sup>  
Shed - 300 ft<sup>2</sup>

3) Describe the type of materials you are using for the project: concrete foundation  
typical Building Materials i.e. Lumber, Fasteners, Shingles

- a) include **type** of material used as fill or to be excavated Topsoil to eliminate frost heave
- b) include **volume** of material to be filled or excavated

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).

Silt fence and hay bales as needed

**Part D - Site Description**

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

Addition - flat one tree to be removed

Shed - slight hill, will be graded out to level

**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.

*None at this time*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 \_\_\_\_\_

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
	36.82.15
	36.82.21
	36.82.20
	36.82.18
	36.82.16

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.)

\$385.  \$110.  \$60.  \$25.

*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

Date

*[Handwritten Signature]* 28 Sept 09



THORNBUSH ROAD

I

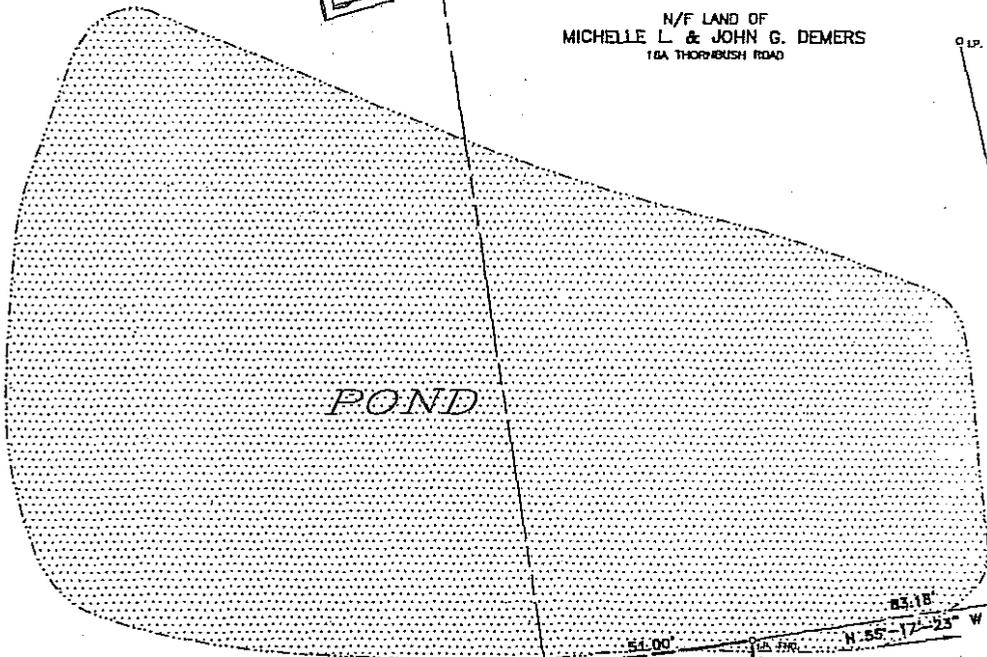
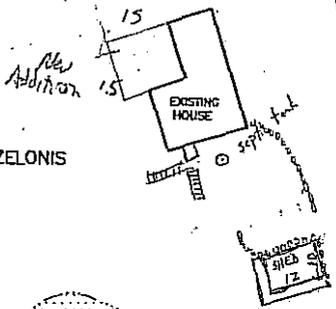
6/22/06

10x12 shed assembled from 'kit'  
will be located on an existing concrete  
slab from old foundation

N/F LAND OF  
ANTHONY B. & MAYRE J. ZELONIS  
16 THORNBUSH ROAD

N/F LAND OF  
MICHELLE L. & JOHN G. DEMERS  
16A THORNBUSH ROAD

#6  
49



1" = 30'

PORTION OF LAND CONVEYED TO ROYAL  
DATED JULY 20, 1944 AND RECORDED  
LAND RECORDS.

REFERENC

1. "BOUND MANSFIE BY DATI
2. "BOUND MANSFIE WAGNER DATUM I
3. "PLAN O WILLIMAN CIVIL EN
4. "THE RIE = 100"
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6. "MAP SH CONN. S RECORDE

LR00 FOUND RECENTLY REMOVED

34.50'

LR00 SET

205.80'

152.80'

N 55°-17'-23" W

54.00'

LR00 FND

40.50'

LR00 SPT

N 55°-17'-23" W

83.18'

LR00 FND

LR00 FND

N/F LAND OF

APPLICATION FOR PERMIT  
MANSFIELD INLAND WETLANDS AGENCY  
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268  
TEL: 860-429-3334 OR 429-3331  
FAX: 860-429-6863

FOR OFFICE USE ONLY  
File #  
W 1441  
Fee Paid \$155  
Official Date of Receipt 10-1-09

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 John Liddon of Kleinfelder

Mailing Address 99 Lamberton Road, Suite 201

Windsor, CT

Zip 06095

Telephone-Home \_\_\_\_\_ Telephone-Business 860-683-4200 ext 139

**Title and Brief Description of Project**

Delineation Investigation and Wetland Surface Water/Sediment sampling

Location of Project 7 Storrs Road, Willimantic, CT

Intended Start Date Upon wetland permit approval

**Part B - Property Owner (if applicant is the owner, just write "same")**

Name Eugene S. Mittelman

Mailing Address 3400 South Ocean Boulevard

Palm Beach, FL

Zip 33480

Telephone-Home \_\_\_\_\_ Telephone-Business \_\_\_\_\_

Owner's written consent to the filing of this application, if owner is not the applicant:

Signature see attached \_\_\_\_\_ date \_\_\_\_\_

Applicant's interest in the land: (if other than owner) Environmental Monitoring

**Part C - Project Description (attach extra pages, if necessary)**



**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.

N/A

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**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 9/18/09

3) Zone Classification PB-1 (Planned Business 1 zone)

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
Colonial BT LLC	1451 Foster Drive Willimantic, CT 06226-1527
Paul Kozelka Republic Oil Co.	PO Box 436 Willimantic, CT 06226
Connecticut DOT	2800 Berlin Turnpike Newington, CT 06131-7546

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).

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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.)

\_\_\_ \$365. \_\_\_ \$110. \_\_\_ \$60. \_\_\_ \$25.  \$155.00

*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.**

*John Lidson*

2009.09.24  
12:02:24 -04'00'

Applicant's Signature

Date



September 24, 2009

Mary Caruso  
ExxonMobil Oil Corporation  
C/O Quantum Management Group, Inc.  
3705 Quakerbridge Road, Ste 102  
Hamilton, NJ 08619

**RE: Proposed Scope of Work – Delineation Investigation and Wetland Surface Water/Sediment Sampling  
Former Mobil Service Station No. 01-G1P  
7 Storrs Road, Willimantic, Connecticut**

Dear Ms. Caruso:

Kleinfelder, on behalf of ExxonMobil Oil Corporation (ExxonMobil), is submitting this scope of work for a release area delineation and wetland surface water and sediment sampling event at the above-referenced site. Based on the data collected to date and on-site sensitive receptors, Kleinfelder is proposing to address the following data gaps previously identified for further site characterization:

- Delineation of the release area associated with AOC-4, the former 55-gallon drum staging area, vertically, to the south and to the north.
- Determination of surface water and sediment conditions in the vicinity of a wetland area receiving storm water run-off from the subject property.

The supplemental site investigation will include the following elements:

- Obtain an inland wetlands permit from the Town of Mansfield, CT
- Pre-drill protocol, including utility mark out (Call-Before-You-Dig)
- Advance shallow soil borings with an approved soft-dig technology and collect soil samples
- Pre-clear a boring location to 8 feet below ground surface (bgs)
- Advance a manually driven geoprobe to collect a soil sample and possibly install a temporary groundwater well
- Survey

## **SUBSURFACE CLEARANCE PROTOCOL**

Prior to subsurface activities, Kleinfelder will notify Connecticut's Call Before You Dig (CBYD) service to complete clearance of public utilities located at the site. Kleinfelder is requesting a variance on the subsurface clearance procedure regarding a private utility mark-out (PUMO). Subsurface structures and utility lines at the subject property were located and mapped during previous investigations. The most recent PUMO was conducted on April 6, 2009. All boring locations will be completed in accordance with all other ExxonMobil subsurface utility clearance procedures. The Subsurface Clearance Checklist will be submitted prior to mobilization to the site for subsurface investigation activities.

## **SITE INVESTIGATION**

The release area associated with the former 55-gallon drum staging area (western portion of AOC-4) is defined to the east and west; however, additional assessment is necessary to delineate the extents of impact to soil vertically (SB-D), to the south (SB-C) and to the north (SB-A and SB-B) of AOC-4. The proposed shallow soil borings will be advanced using a hand auger. The deep (<15 feet bgs) soil boring (SB-D) will be advanced from 8 feet bgs to 15 feet bgs using a hand Geoprobe. Samples will be collected continuously in two-foot depth intervals and subsequently screened using a PetroFLAG ® Hydrocarbon Test Kit. Selected soil samples will be submitted for laboratory analysis based on screening results.

During delineation of the release area to the north, groundwater may be encountered at the ground surface. If saturated soils exist at the ground surface, then it may be necessary to additionally collect groundwater samples to achieve delineation in accordance with Connecticut Department of Environmental Protection (CT DEP) guidance for site characterization. If applicable, groundwater samples will be collected from temporary well points installed at locations SB-A and SB-B. Soil and/or groundwater samples collected for the delineation of AOC-4's release area will be submitted for laboratory analysis for the following parameters:

- Volatile organic compounds (VOCs) and methyl tert-butyl ether (MTBE) by 8260
- Semi-volatile organic compounds (SVOCs) by 8270
- Total and synthetic precipitation leaching procedure (SPLP) Resource Conservation and Recovery Act (RCRA) 8 metals
- Extractable total petroleum hydrocarbons (ETPH) by CT ETPH

Storm water run-off (along with possible historical gasoline surface releases) flows toward two on-site storm water catch basins, which are part of a drainage network emptying into a topographically depressed area adjacent to a wetland area on the northeast section of the property. Surface water and sediment samples will be collected from this discharge area and submitted for laboratory analysis to further characterize conditions at the site. Surface water and sediment samples will be analyzed for the following parameters:

- Aromatic volatile organic compounds (AVOCs) and MTBE by 8260
- Total and SPLP lead (sediment)
- Total and dissolved lead (surface water)

### SITE INVESTIGATION REPORT

After the conclusion of site activities and analysis of the data, a Delineation Investigation Report will be prepared which summarizes the investigation activities and findings.

Please contact the undersigned if you have any questions regarding the above-presented scope of work.

Sincerely,  
Kleinfelder

 2009.09.24  
12:02:44 -04'00'

John J. Liddon  
Environmental Scientist

 Date:  
2009.09.24  
12:03:09 -04'00'

Daniel M. Hunter, PG  
Project Manager

Attachment

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DRAFT  
Town of Mansfield  
Open Space Preservation Committee  
September 15 2009 Minutes

Members Present: Steve Lowery, Ken Feathers Jim Morrow

1. Meeting called to order at 7:45
2. Minute of the May and June meeting approved on motion by Feather /Lowery
3. Opportunity for Public Comment:
  - none present
4. Old Business
5. New Business
  - November Open Space Referendum was discussed. Some concerns express were:  
Why is it bad not to spend money? Will voter turn out be enough to approve the referendum question?
6. Meeting adjourned 8:30

Respectfully Submitted  
Jim Morrow

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## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Tuesday, September 8, 2009

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), J. Goodwin, K. Holt, P. Kochenburger, B. Pociask, B. Ryan  
Members absent: B. Gardner, R. Hall P. Plante  
Alternates present: M. Beal, G. Lewis, L. Lombard  
Staff Present: Gregory Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:43 p.m. All alternates were appointed to act in members' absence.

#### **Minutes:**

8/3/09-Pociask MOVED, Lombard seconded, to approve the 8/3/09 minutes as written. MOTION PASSED with all in favor except Goodwin who disqualified herself.

8/19/09 Field Trip- Holt MOVED, Ryan seconded, to approve the 8/19/09 minutes as written. MOTION PASSED with Holt, Ryan, Beal and Favretti in favor and all others disqualified.

#### **Public Hearing:**

##### **Special Permit Conversion, 1620 Storrs Road, Y. Ghiaei o/a, File #1276-2**

Chairman Favretti opened the continued Public Hearing at 7:45 p.m. Members present were Favretti, Goodwin, Holt, Kochenburger, Pociask, Ryan and alternates Beal, Lewis and Lombard were appointed to act.

G. Padick, Director of Planning read the legal notice as it appeared in the Chronicle on 8/25/09 and 9/2/09 and noted a 9/2/09 memo from G. Padick, Director of Planning and letter from the applicant requesting an extension of the Public Hearing.

Holt MOVED, Ryan seconded, that the Commission accept the applicant's request for a thirty-five (35) day extension of the Public Hearing period for the proposed Conversion from a one to two family house, located at 1620 Storrs Road, Y. Ghiaei o/a, File #1276-2; furthermore, that the Public Hearing on this application be continued until October 5, 2009. MOTION PASSED UNANIMOUSLY.

Favretti noted that this item should be added to the Field Trip agenda.

#### **Zoning Agent's Report:**

Hirsch noted that there is no new activity at the Hall or DeBoer properties. Hirsch reviewed the minor modifications that the Chairman and he had approved.

Holt MOVED, Pociask seconded, that the PZC authorize the staff to release the \$7000 site development bond to Michael Healey for site work at 476 Storrs Road, because the authorized work has been completed per PZC-approved plans with the following condition. The bond shall not be released until the staff verifies that the required parking lot pavement striping has been completed per approved plans. MOTION PASSED UNANIMOUSLY.

#### **Old Business:**

##### **1. Application to Amend the Zoning Map and Special Permit Application for a Proposed 35 Unit Multi-Family Development, Whispering Glen, LLC, 73 Meadowbrook Lane, PZC Files #1283 and #1284**

Members discussed the proposal and noted concerns they had which include the close spacing of Buildings #22 and #23, overdevelopment of the site based on its size, verification that the landscape plan has appropriate plantings, and the cramping of underground utilities. After discussion, Pociask and Favretti agreed to work with staff on a motion.

2. **Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Road and Mansfield Avenue**  
Lombard disqualified himself. Padick reviewed his update memo. Discussion followed and no objections were raised. Padick will proceed with writing regulations for the re-zoning of the Industrial Park zone on Pleasant Valley Road and Mansfield Avenue.

**New Business:**

1. **Site Modification Request: Proposed driveway, parking, walkway and other site work, B'nai Brith Hillel property, 54 North Eagleville Rd. File #1289**

Pociask disqualified himself. Goodwin MOVED, Holt seconded, that the PZC Chairman and Zoning Agent be authorized to approve the modification request of B'nai Brith Hillel Foundation of CT for site improvements at 54 N. Eagleville Road, as depicted on a 7/28/09 site plan as prepared by Datum Engineering and Surveying, LLC, and as described in other application submissions, subject to the following conditions:

1. All work, including the new driveway, new sidewalk, new handicap parking space and drainage improvements, shall be approved by the University of Connecticut. This modification approval shall not become effective until UConn acceptance of this work has been provided in writing.
  2. Silt fencing shall be provided in accordance with the recommendation contained in the 9/2/09 report from Mansfield's Assistant Town Engineer.
  3. This approval is limited to the work shown on the 7/28/09 plan, the addition of silt fencing and the removal of stumps from presently cleared areas. Other work, including grading and parking alterations necessitate additional PZC review and approval.
  4. This action waives sideline setback provisions for the new handicap parking, pursuant to the provisions of Article X, Section A.4.d. This waiver is based on existing site and neighborhood characteristics.
- MOTION PASSED with all in favor except Pociask who disqualified himself.

2. **Site Modification Request: Proposed Weddings/Temporary outing liquor permits at The Gardens At Bassetts Bridge Farm, 552 Bassetts Bridge Rd. PZC File # 1217**

After discussion, it was determined that more information was needed from the applicant to determine if this proposal would be a significant change and require a Special Permit. Members requested that the applicant be present at the next meeting to answer questions.

3. **Request to continue work on Amphitheater Stage, Dog Lane, Hellenic Society Paideia o/a PZC File #1049-7**

Kochenburger MOVED, Ryan seconded, that the Planning and Zoning Commission modify its 3/3/08 action regarding the Greek Amphitheater/Exhibit area project on Dog Lane to revise condition #1 to read as follows:

The only work authorized at this time is the placement of fill and stone within the theater, the installation of theater seating, the completion of the stage, the completion of a ramp to the stage area and associated drainage and sediment and erosion control work. No additional work shall take place until architectural plans for the altered exhibit area structure have been approved by the PZC.

MOTION PASSED with all in favor except Pociask and Holt who were opposed.

4. **Updates from Director of Planning**

- A. **Four Corners Sewer Committee**

Padick summarized the Design Guideline Comments he prepared for the Four Corners Sewer Committee and distributed to PZC members this evening.

- B. **Community Quality of Life Committee**

Padick referenced the 9/3/09 communication from the Town Manager suggesting the Poughkeepsie, NY Zoning Regulations, pertaining to family and student housing, might serve as a model for PZC consideration.

- C. **Storrs Center Downtown Project**

Padick updated the PZC on the progress of the Storrs Center and noted that a modification application may come to the PZC this fall.

- D. Fall Bonding Referendum Re: Open Space Acquisition and Management, the Hunting Lodge Road walkway bikeway, the replacement of the Laurel Lane and Stone Mill Road bridges and a salt storage facility.

Padick briefly discussed the items that will be on the fall bonding referendum.

- E. Agricultural Zoning Regulations

Padick noted that he and Chairman Favretti met with the Agriculture Committee and have agreed to work with them in drafting revisions to Mansfield's Agricultural Regulations.

- F. WINCOG Regional Plan Update

Item was noted.

**Reports of Officers and Committees:**

Favretti noted a 9/15/09 Field Trip at 1:00 p.m. There were no other reports.

**Communications and Bills:**

Noted.

**Adjournment:**

Favretti declared the meeting adjourned at 9:28 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

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## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, September 21, 2009

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, R. Hall, P. Kochenburger, P. Plante, B. Ryan  
Members absent: J. Goodwin, K. Holt, B. Pociask  
Alternates present: M. Beal, G. Lewis, L. Lombard (7:05 p.m.)  
Staff Present: Gregory Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:02 p.m. All alternates were appointed to act in members' absence.

#### Minutes:

9/8/09-Beal MOVED, Lewis seconded, to approve the 9/8/09 minutes as written. MOTION PASSED with all in favor except Gardner and Hall who disqualified themselves. Plante noted that he listened to the tapes.

9/15/09 Field Trip- Gardner MOVED, Ryan seconded, to approve the 9/15/09 minutes as written. MOTION PASSED with Ryan, Gardner, Beal and Favretti in favor and all others disqualified.

#### Zoning Agent's Report:

Noted.

#### Old Business:

1. Application to Amend the Zoning Map and Special Permit Application for a Proposed 35 Unit Multi-Family Development, Whispering Glen, LLC, 73 Meadowbrook Lane,

2. PZC File #1283

Kochenburger MOVED, Plante seconded, to approve, the application of Whispering Glen LLC, (File #1283) to rezone 10.12 acres of land, owned by Lakeway Farms L.P. from R-20 to DMR, as shown on plans dated 10/15/08 as revised to 6/30/09 and located at 73 Meadowbrook Lane, and as heard at Public Hearings on 5/4/09, 6/1/09, 7/6/09, and 8/3/09.

This zone change shall become effective on the date an associated Whispering Glen Special Permit application is filed on the Land Records. Approval is granted for the following reasons:

1. The subject re-zoning is consistent with mapping and text specified goals, objectives, and recommendations contained in Mansfield's 2006 Plan of Conservation and Development. The subject site and abutting properties to the east, north and west are classified as medium to high density residential in Mansfield's Plan. The proposed re-zoning also is considered consistent with mapping and text recommendations contained in the 2002 Windham Region Land use Plan and the 2005-2010 Conservation and Development Policies Plan for Connecticut.
2. The subject site is proximate to existing multi-family housing and commercial uses and will be served by public sewer and water systems. Adjacent land is already zoned DMR and this re-zoning essentially extends the existing zone.
3. The site is physically capable of supporting multi-family residential development. An associated special permit application suitably addresses potential environmental, traffic and neighborhood impacts associated with a specific development plan.
4. The proposed re-zoning is considered to be consistent with approval considerations contained in Articles I and XIII of Mansfield's Zoning Regulations and Section 8-2 of the State Statutes.

MOTION PASSED UNANIMOUSLY.

**PZC File #1284**

Kochenburger MOVED, Plante seconded, to approve with conditions, the Special Permit application of Whispering Glen LLC, (File #1284) for a multi-family housing development on property located at 73 Meadowbrook Lane, in a new DMR zone, as submitted to the Commission and as shown on plans dated 10/15/08 as revised to 6/30/09 and as described in other application submission and as presented at Public Hearings on 5/4/09, 6/1/09, 7/6/09, and 8/3/09.

This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B, Article X, Section A.6, and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval is specifically tied to the applicant's submissions and the conditions cited in this motion. Unless modifications are specifically authorized, the proposed uses and site improvements shall be limited to those authorized by this approval. Any questions regarding authorized uses, required site improvements, and conditions cited in this approval, shall be reviewed with the Zoning Agent and Director of Planning and, as appropriate, the PZC.
2. No Zoning Permits shall be issued and no construction shall commence, until final plans have been approved by the Windham Water Works (water supply), Windham Engineering Department (sewer), Mansfield Public Works Department (encroachment, driveway, drainage permits) and all permits required by the Connecticut Department of Environmental Protection.
3. Based on application submissions, this approved multi-family housing development will have a unit ownership format and accordingly, all construction, conveyance and ownership of dwelling units and associated site improvements shall be in conformance with the provisions of Chapters 825 and 826 of the State Statutes and the Common Interest Ownership Act for Connecticut, as amended through Public Act 09-225. Unless an alternative approval and filing schedule is approved by the Commission, this Special Permit approval shall not be filed on the Land Records and no construction shall commence, until appropriate legal documents are submitted to and approved by the Town Attorney, Director of Planning and PZC Chairman. Required documents shall address the following requirements:
  - That all unit owners are required to be members of a homeowners association and share in the cost of meeting all association obligations.
  - That all roadways, walkways, drainage systems, sanitary sewer and water systems, utilities, landscaping and any other infrastructure and common area elements shall be constructed and maintained under established best management practices by the developer and/or homeowners association. Particular attention needs to be given to short term and long term maintenance requirements for the drainage system, including the detention basin and other drainage structures and the rain garden.
  - That appropriate provisions have been made for association governance.
  - That appropriate provisions have been made to ensure adequate funding of all association obligations.
4. Based on the provisions of Article X, Section A.4.d and Article X, Section R and other provisions of Mansfield's Zoning Regulations, this approval accepts the applicants building layout with respect to setbacks from front and side property lines. The proposed setbacks with associated landscaping enhance the overall design of the project and do not detrimentally affect abutting properties.
5. Based on the provisions of Article X, Section A.6.f, this approval accepts the applicant's proposed minimum separation between buildings of twenty (20) feet for all proposed buildings except for the building containing units 21 and 22. Building 22/23, which encroaches into the proposed

recreation/community area and the private patio areas of units 19 & 21, detracts from the overall project design and accordingly, a required separation variation is not authorized. The currently configured building 22/23 shall be eliminated. One or both of these units may be added to other buildings as long as a twenty (20) foot separation distance is met and other site improvements are not significantly altered. Any such revision shall be reviewed and approved by the PZC Chairman, with staff assistance.

6. This approval is conditioned upon compliance with the affordable housing provisions of Article X, Section A.6.k. Prior to the issuance of any Zoning Permits for buildings containing an affordable unit, more specific provisions that implement the applicant's July 2009 draft "Affordable Housing Strategy" shall be submitted to and approved by the PZC Chairman, with staff assistance.
7. Prior to the issuance of any Zoning Permit, a cash site development bond in the amount of \$5,000, and with associated bond agreement, shall be submitted to and approved by the PZC Chairman with staff assistance. This bond will help address any drainage and erosion and sedimentation problems that are not appropriately addressed by the developer.
8. This approval authorizes work to proceed in three (3) phases. Within each phase all site improvements for the subject phase shall be completed and/or bonded, in accordance with zoning provisions, before any Certificate of Compliance is issued.
9. Prior to the issuance of any Certificate of Compliance, a stormwater and landscape best management program shall be submitted by the developer to address the use of fertilizers, pesticides and other chemicals that may be associated with the maintenance of landscape areas and the use of sand, salts and chemicals that may be associated with the maintenance of roadways and walkways. The program shall also incorporate the Best Management Practices identified in the notes on Sheet 4 of the approved plans. The management program shall be approved by the PZC Chairman, with staff assistance.
10. Prior to the issuance of any Certificate of Compliance, a right of way dedication along Meadowbrook Lane and a conservation easement shall be submitted by the developer, approved by the PZC Chairman with staff assistance and filed on the Land Records. The easement shall utilize the Town's model format with exceptions for trail/recreational improvements and sewer lines that pass through the easement area.
11. All excess material removed from the site shall be deposited in appropriate locations that comply with municipal zoning and inland wetland requirements.
12. A soil scientist or other professional deemed qualified by the PZC Chairman with staff assistance, shall oversee the wet basin and rain garden plantings.
13. During periods of construction, the applicant shall submit to the Zoning Agent bi-weekly erosion and sediment control monitoring reports until disturbed areas are stabilized.
14. Finals plans shall incorporate the following additional revisions:
  - A. Two sewer line revisions cited in the 7/28/09 report from the Assistant Town Engineer.
  - B. Incorporation of map notes on the landscaping plan that clearly indicates:
    1. That no plantings shall be placed within 5 feet of fire hydrants (see 7/29/09 report from Deputy Chief/Fire Marshal)
    2. That no plants on the State's Invasive Species list shall be used.
  - C. Relocation/Re-design of handicap parking spaces and signage (see 7/30/09 report from Director of Planning)
  - D. Correction of Sheet 9 detail for 4 foot wide walkway, Sheet 1 Chart of Zoning Requirements and update of cut/fill chart on Sheet 4 (see 7/30/09 report from Director of Planning)
  - E. Grading, drainage and unit floor elevation revisions to address issues raised in a 7/30/09 report from Director of Planning and an undated report from J. Lenard of the Design Review Panel.

- F. Information presented in narrative form regarding the color and nature of building materials shall be added to the architectural elevation plans.
- G. Building location revisions to establish a minimum separation distance of 20 feet between all buildings (see 7/30/09 report from Director of Planning).
- H. Revision to landscape plan to eliminate species that have been identified as inappropriate for this site (see species list emailed to project engineer), and to eliminate on sheet 3 reference to a "mini-sledding area".
- I. Addition of approval blocks to the Landscape and Architectural plans with appropriate reference to Mansfield Inland Wetlands Agency on all sheets involving work in the IWA's jurisdiction.
- J. Incorporation of minor revisions and more details to address sanitary laterals, utility installation, particularly in areas with numerous underground utilities, and drainage systems.

15. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.

MOTION PASSED UNANIMOUSLY.

**3. Site Modification Request: Proposed Weddings/Temporary outing liquor permits at The Gardens At Bassetts Bridge Farm, 552 Bassetts Bridge Rd. PZC File #1217**

Mr. and Mrs. Bell gave a summary of their proposal. Members asked specific questions regarding how many events they propose to accommodate, how close their nearest neighbor is, will there be a limit on the number of guests, live music, security, length of events, advertising and additional signage. Mrs. Bell responded that they would not have more than 1 wedding per weekend during the months of May to October; their nearest neighbor is approximately 1,800 feet away; there will be no more than 100 guests; there would be live music; the events would be a maximum of 5 hours in length not to exceed 11 pm; and there would be no additional signage but they would advertise. Some members suggested that if a special permit or special event permit were necessary that it be a "seasonal" permit instead of renewal for every event and it could be revisited if any problems were brought to the attention of staff. Beal noted that he felt the road is wide enough and has good sight lines to accommodate the once a week traffic that this application could generate. Item was tabled until the next meeting.

**4. Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Rd and Mansfield Ave.**

Item tabled-awaiting draft from staff.

**5. Special Permit Application, Proposed Conversion from one to two family, 1620 Storrs Road, Y. Ghiaei o/a, File #1276-2**

Item tabled-Public Hearing continued until 10/5/09.

**New Business**

**1. New Special Permit Application, Proposed Retail Package Store, 153 N. Eagleville Rd, Pesaro's LLC, o/a. File #585-3**

Kochenburger MOVED, Lombard seconded, to receive the Special Permit application, (File #585-3) submitted by Pesaro's LLC, for a retail package store, on property located at 153 North Eagleville Road, owned by the applicant, as shown on plans dated 9-16-09, and as described in other application submissions, and to refer said application to the staff, for review and comments, and to set a public hearing for October 19, 2009. MOTION PASSED UNANIMOUSLY.

**Reports of Officers and Committees:** No items reported.

**Communications and Bills:** Noted.

**Adjournment:** Favretti declared the meeting adjourned at 7:39 p.m.

Respectfully submitted,

Bonnie Ryan, Acting Secretary

## DRAFT MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, October 5, 2009 Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan  
Members absent: B. Pociask  
Alternates present: M. Beal, G. Lewis, L. Lombard  
Staff Present: Gregory Padick, Director of Planning

Chairman Favretti called the meeting to order at 8:43 p.m. Alternate Beal was appointed to act in Pociask's absence.

Holt MOVED, Plante seconded, to add two items to the agenda under New Business: 1) an extension for Gibbs Oil; 2) a PZC replacement for the 4 Corners Sewer Advisory Committee. MOTION PASSED UNANIMOUSLY.

#### Minutes:

9/21/09-Hall MOVED, Plante seconded, to approve the 9/21/09 minutes as written. MOTION PASSED with all in favor except Goodwin and Holt who disqualified themselves.

#### Public Hearing:

##### Special Permit Application, Proposed Conversion from one to two family, 1620 Storrs Road, Y. Ghiaei o/a, File #1276-2

Chairman Favretti opened the continued public hearing at 8:45 p.m. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Plante, Ryan and alternates Beal, Lombard and Lewis. Beal was appointed to act. Gregory Padick, Director of Planning, noted a 10-1-09 memo from G. Padick; a 9-30-09 memo from G. Meitzler, Assistant Town Engineer; and a 9-25-08 report from Eastern Highlands Health Department and noted that the Health Department indicated verbally that this memo is still applicable.

Padick stated that because the applicant had not sent out neighborhood notification in a timely manner, the hearing should be continued to the 10/19/09 meeting to allow adequate time for any interested abutters to comment. Plante MOVED, Holt seconded, to continue the public hearing until 10/19/09. MOTION PASSED UNANIMOUSLY.

#### Zoning Agent's Report:

Items A - D were noted.

Holt MOVED, Plante seconded, that the Commission receive the special permit requests for the renewal of live music permits and schedule a public hearing for October 19, 2009. MOTION PASSED UNANIMOUSLY.

#### Old Business:

##### 1. Site Modification Request: Proposed Weddings/Temporary outing liquor permits at The Gardens At Bassetts Bridge Farm, 552 Bassetts Bridge Rd. PZC File #1217

After extensive discussion, it was the consensus of the Commission that the proposal could have significant impact to neighbors and therefore necessitated a special permit application. Holt MOVED, Gardner seconded, that the applicant submit a Special Permit application for this proposal due to the potential for significant impact to the neighborhood. MOTION PASSED with all in favor except Goodwin who was opposed.

##### 2. Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Rd and Mansfield Ave.

Item tabled - awaiting draft from staff.

##### 3. Special Permit Application, Proposed Retail Package Store, 153 N. Eagleville Rd, Pesaro's LLC, o/a, File #585-3 Item tabled – awaiting 10/19/09 Public Hearing.

**New Business:**

1. **Request to Waive Underground Utilities across Forest Rd. Nelson Brook Estate Subdivision, File #1239**  
Kochenburger MOVED, Holt seconded, that the Planning and Zoning Commission waive the requirement for underground utility installation for the only lot in the Nelson Brook Subdivision, and authorize overhead service as described in a 9/22/09 letter from Christopher Kueffner. This action is taken because the applicant has adequately addressed the waiver criteria of Section 11.2 of the Subdivision Regulations. MOTION PASSED with all in favor except Plante who disqualified himself.
2. **Request for Filing Extension, Hallock Subdivision, Wormwood Hill Rd, File #1285**  
Kochenburger MOVED, Gardner seconded, that the Planning and Zoning Commission, pursuant to Section 6.5 of the Subdivision Regulations, grant a second ninety-day extension for filing final subdivision plans for the Hallock Subdivision (File #1285). MOTION PASSED UNANIMOUSLY.
3. **Request for Filing Extension, Clark Subdivision, Hanks Hill & Farrell Rds, File #1280**  
Kochenburger MOVED, Plante seconded, that the Planning and Zoning Commission, pursuant to Section 6.5 of the Subdivision Regulations, grant a second ninety-day extension for filing final subdivision plans for the Clark Subdivision (File #1280). MOTION PASSED UNANIMOUSLY.
4. **Town Council Referral, Proposed Sewer Service Area Mapping**  
Kochenburger MOVED, Holt seconded, that the Planning and Zoning Commission has reviewed the draft sewer service area mapping prepared by Mansfield Public Works Department pursuant to State guidelines. The subject mapping is consistent with Mansfield's Plan of Conservation and Development and accordingly, it is recommended that the Water Pollution Control Authority authorize the submittal of this map to the State Department of Environmental Protection. MOTION PASSED UNANIMOUSLY.
5. **Site Modification Request, Chucks Margarita Grill, Proposed Deck, 1498 Stafford Rd, File #303**  
Plante MOVED, Hall seconded, that the PZC receive this Request For Modification from Chuck's Margarita Grill at 1498 Stafford Road, for the construction of a deck addition and refer it to staff for review and comment. MOTION PASSED UNANIMOUSLY.
6. **Gibbs Expansion Project, 9 Stafford Rd, PZC File #404-3**  
Kochenburger MOVED, Holt seconded, that the Planning and Zoning Commission approve a second extension of the period of time to begin construction of the Gibbs Expansion Project on property located at 9 Stafford Road. The new date to begin construction is October 1, 2010 unless an additional extension is requested and approved. MOTION PASSED UNANIMOUSLY.
7. **PZC Delegate-Four Corners Sewer Advisory Committee**  
Commissioner Plante stated that due to a busy schedule he can no longer be the PZC delegate to the Committee and hopes another PZC member is interested. Favretti asked that members think about it and report at the next meeting if anyone is interested.

**Reports of Officers and Committees:**

Favretti noted a 10/15/09 Field Trip at 1:30 p.m. He recommended that during the next zoning regulation revision, the matter concerning invasive plants should be revised to state that it is the responsibility of the applicant to ensure that no invasive species, listed on the current State of CT Invasive Plants list, are used on their plans.

**Communications and Bills:** Noted.

**Adjournment:** Favretti declared the meeting adjourned at 9:35 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

MINUTES  
MANSFIELD INLAND WETLANDS AGENCY  
Regular Meeting  
Tuesday, September 8, 2009  
Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), J. Goodwin, K. Holt, P. Kochenburger, B. Pociask, B. Ryan  
Members absent: B. Gardner, R. Hall P. Plante  
Alternates present: M. Beal, G. Lewis, L. Lombard (7:08 p.m.)  
Staff present: G. Meitzler (Wetlands Agent)

Chairman Favretti called the meeting to order at 7:01 p.m. Alternates Beal, Lewis and Lombard were appointed to act in members' absence.

**Minutes:**

8-3-09 - Beal MOVED, Ryan seconded, to approve the 8-3-09 minutes as written. MOTION PASSED with all in favor except Goodwin who disqualified herself.

8-19-09 Field Trip - Holt MOVED, Ryan seconded, to approve the 8-19-09 field trip meeting minutes as written. MOTION PASSED with Ryan, Holt, Favretti and Beal in favor and all others disqualified.

**Communications:**

The 9-19-09 Conservation Commission Draft Minutes and 9-3-09 Wetlands Agent's Monthly Business report were noted. Ryan noted the Conservation Commission's concern regarding invasive plants in the landscape at the CVS site and suggested the IWA respond to the Conservation Commissions comments.

**Old Business:**

W1424- Whispering Glen Condominiums - Meadowbrook Lane

Holt MOVED, Pociask seconded, to grant an Inland Wetlands License pursuant to the Wetlands and Watercourses Regulations of the Town of Mansfield to Whispering Glen, LLC (file no. W1424), for a 32-unit condominium project on property owned by Lakeway Farms L.P. located on the south side of Meadowbrook Lane, as shown on plans dated 10/15/2008 bearing latest revision date 6/30/2009, and as described in other application submissions. This action is based on the application submissions, comments heard at public hearing sessions held on 5/04/2009, 6/01/2009, 7/06/2009 and 8/03/2009, and written comments received from the Conservation Commission and the Open Space Preservation Committee, and consideration of applicable regulations.

The agency finds that the proposal is a feasible and prudent plan, as now revised and conditioned, and that there are no readily available feasible and prudent alternatives to the proposal. This finding reflects revisions to the footpath along the steep slope at the rear of the project area, reduction in the number of buildings that has increased separation distances from wetlands, and revised protective efforts on the treatment of the sewer line wetlands crossing.

Based on the above considerations, the Agency hereby finds this project will not cause significant impact, provided the following conditions are met:

1. Erosion and sedimentation controls (as shown on the plans) shall be in place prior to construction and maintained during construction and removed when disturbed areas are completely stabilized.
2. The stream flow diversion for the sewer line crossing is to be done during time of low water. A plastic tarp is to be kept on hand, of sufficient size to serve as an emergency liner for stream flow.
3. This approval becomes effective when all required state Department of Environmental Protection permits have been obtained.

Additionally, the Inland Wetlands Agency Chairman, with assistance from the Inland Wetlands Agent, is hereby authorized to approve additional plan revisions, as required by the Planning and Zoning Commission, including but not limited to: grading, drainage and utility systems, parking, landscaping and building locations,

provided the revisions do not significantly alter proposed work within regulated areas or intensify potential impacts on wetlands and watercourses. Any significant revisions shall require additional Inland Wetlands Agency approval.

This approval is valid for a period of five years (until September 8, 2014), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED with all in favor except Goodwin who disqualified herself.

W1436- Gaffney- 125 Wildwood Road - 90' x 30' Fire Pond

Holt MOVED, Beal seconded, to grant an Inland Wetlands License under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to Matthew Gaffney (file no. W1436), for construction of a low stonewall on the easterly edge of the wetland next to the house, on property owned by the applicant, located at 125 Wildwood Road, as shown on plans dated 9/1/09 and a letter dated 8/21/09, and as described in other applications 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 and maintained during construction and removed when disturbed areas are completely stabilized;
2. Silt fence shall be installed along the line of the new stonewall to protect against sediment moving into the active brook-flow area.
3. Said silt fence shall be located with the consent of Wetlands Agent Meitzler, and it shall be depicted on the 9/1/09 plan before any work begins.
4. There shall be no work done beyond the limits shown on the 9/1/09 plan.

This approval is valid for a period of five years (until September 8, 2014), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED UNANIMOUSLY.

W1437- B'Nai Brith (Hillel)- North Eagleville Rd- parking & yard work

Pociask disqualified himself. Attorney Samuel Schrager summarized the key components of this application which include safe parking and safe pedestrian access. Holt MOVED, Ryan seconded, to grant an Inland Wetlands License under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to B'nai Brith, Hillel of Connecticut Foundation, (file no. W1437), for parking, yard work and sidewalks, on property owned by the applicant, located at 54 North Eagleville Road, as shown on plans dated July 28, 2009 with sediment and erosion protection added, and as described in other applications 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 (as shown on the plans) shall be in place prior to construction and maintained during construction and removed when disturbed areas are completely stabilized;
2. The silt fencing shown on the plan shall be extended along the west side of the wetlands, placing it between the presently cleared areas and the wetland. This involves a distance of about 75 feet.
3. This approval is limited to the work on the 7/28/09 plan, the additional silt fencing, and the removal of stumps from the presently cleared area behind the building. Other work, including grading for future parking areas, will require additional Wetlands Agency approvals.
4. Construction shall not commence until UConn's approval is provided, as portions of the sidewalk and proposed driveway area are on UConn property.

This approval is valid for a period of five years (until September 8, 2014), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before

any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED with all in favor except Pociask who had disqualified himself.

**New Business:**

**W1438- Beall & Higgins- Wormwood Hill Road-Single Family House in Buffer**

The applicants' representative from Killingly Engineering and the abutters' Attorney, Matthew Willis, requested a Public Hearing. Holt MOVED, Ryan seconded, to receive the application submitted by J. C. Beall and Katrina Higgins (IWA File #1438) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for the construction of a single family residence and on-site well and septic, at Wormwood Hill Road, on property owned by the applicant, as shown on a map dated 6-12-09, and as described in other application submissions, and to refer said application to the staff and Conservation Commission for review and comment, and to set a Public Hearing for October 5, 2009. MOTION PASSED with all in favor except Goodwin who was opposed.

**Field Trip:**

A field trip date was set for Tuesday, September 15, 2009 at 1:00 p.m.

**Reports of Officers and Committees:**

None noted.

**Other Communications and Bills:**

Noted.

**Adjournment:**

The meeting was adjourned at 7:38 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

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**DRAFT MINUTES**  
MANSFIELD INLAND WETLANDS AGENCY  
Regular Meeting  
Monday, October 5, 2009  
Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin (7:48 p.m.), R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan  
Members absent: B. Pociask  
Alternates present: M. Beal, G. Lewis (7:02 p.m.), L. Lombard  
Staff present: G. Meitzler (Wetlands Agent)

Chairman Favretti called the meeting to order at 7:00 p.m. Alternate Beal was appointed to act in Pociask's absence and Lewis was appointed to act until Goodwin arrived.

**Minutes:**

9-8-09 - Plante MOVED, Ryan seconded, to approve the 9-8-09 minutes as written. MOTION PASSED with all in favor except Hall who disqualified himself.

9-15-09 Field Trip - Ryan MOVED, Holt seconded, to approve the 9-15-09 field trip meeting minutes as written. MOTION PASSED with Ryan, Holt, Gardner, Favretti and Beal in favor and all others disqualified.

**Communications:**

The 9-16-09 Conservation Commission Draft Minutes and 10-1-09 Wetlands Agent's Monthly Business report were noted.

**New Business:**

W1440- Chew- Thornbush Road- House Addition & Shed

Holt MOVED, Ryan seconded, to receive the application submitted by Michael R. Chew (IWA file #1440) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for the construction of a 15' x 15' addition to an existing house and construction of a 15' x 20' shed on property located at 16 Thornbush Road on property owned by the applicant, as shown on a map dated June 22, 2006, revised September 28, 2009 and as described in other application submissions, and to refer the application to the staff and Conservation Commission for review and comment. MOTION PASSED UNANIMOUSLY.

W1441- Kleinfelder-7 Storrs Road- Soil Testing

Holt MOVED, Ryan seconded, to receive the application submitted by John Liddon Kleinfelder (IWA file #1441) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for delineation investigation and wetland surface water/sediment sampling on property located at 7 Storrs Road on property owned by Eugene S. Mittelman, as shown on a map dated September 18, 2009 and as described in other application submissions, and to refer the application to the staff and Conservation Commission for review and comment. MOTION PASSED UNANIMOUSLY.

W1439- Kovarovics- Daleville Road

Holt MOVED, Gardner seconded, to receive the application submitted by Michael and Kim Kovarovics (IWA file #1439) under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield for relocation of a driveway located on Daleville Road, near SNET Pole # 3015, on property owned by the applicants, as shown on a map dated December 20, 2007, revised September 19, 2009 and as described in other application submissions, and to refer the application to the staff and Conservation Commission for review and comment. MOTION PASSED UNANIMOUSLY.

**Public Hearing:**

W1438- Beall & Higgins- Wormwood Hill Road-Single Family House in Buffer

Chairman Favretti opened the Public Hearing at 7:15 p.m. Members present were Favretti, Gardner, Hall, Holt, Kochenburger, Plante, Ryan, and alternates Beal, Lombard and Lewis. Beal and Lewis were appointed to act. Grant Meitzler, Wetlands Agent, read the legal notice as it appeared in the Chronicle on 9/22/09 and 9/30/09. Meitzler referenced the following communications that have been received and distributed to the Agency: a 9-

16-09 copy of the Conservation Commission minutes; a 9-30-09 memo from G. Meitzler, Wetlands Agent; and a 9-30-09 memo from Windham Water Works.

Representing the applicant was Attorney Antoinette Webster, of Kahan, Kerensky & Capossela Law Firm, and Norm Thibeault, of Killingly Engineering. Thibeault's plan depicted the limited activity within the 150' wetland setback on a map dated 5-26-09. He noted there are no changes to the plans that were previously submitted and approved by this Agency, adding that they are here not because they feel there is any impact, but because of a clerical error and the applicant felt that in the best interest of the public they should hold a public hearing. Thibeault reviewed the statutes that define significant impact and his determination that there are none on this site and reviewed the plans in detail. Thibeault read into the record and submitted for the file a 9-8-09 report from John Ianni, Professional Soil Scientist, as well as a Septic System Nitrogen Renovation Analysis.

Plante asked Thibeault what the sight line distances are from the driveway to the east and west. Holt questioned if the applicant had considered a conservation easement on the property abutting the existing conservation easement of the Green Estate.

Representing the abutter was Attorney Matthew Willis, of Branse, Willis and Knapp Law Firm, and Donald Aubrey, of Towne Engineering. Aubrey distributed a 10-1-09 letter and a marked up set of plans. Aubrey discussed at length the water run-off problem the abutters have and stated that it could worsen with the effects of this proposal. He requested at a minimum the abutters install extra erosion and sediment control measures to protect the neighboring property and wetlands.

Holt noted that Aubrey suggested a conservation easement in the same location she questioned.

Thibeault disagreed with Aubrey's statements that there are any significant drainage or water run-off issues. He and Attorney Webster consulted with the applicant and had no objection to installing extra erosion and sediment control hay bales on the upward side of construction, and extra crushed stone at the footing drain outlet, but they were not open to a conservation easement as proposed by Aubrey. Webster stated that the applicant's design was to minimize the effects to the natural character of the lot and did not feel that a conservation easement was necessary or appropriate.

Penn Handwerker, an abutter, asked if the applicant's engineer is wrong in his calculations, who will be responsible for the expenses to correct possible water damage on his property? He requested, at a minimum, treatments of the land to minimize the impact the drainage may have on his property.

Hall questioned Handwerker if there were problems on his property during this summer's heavy rains.

Attorney Webster summarized the applicant's proposal and the additional measures they are willing to include for erosion and sediment control.

Meitzler stated that he would like to revisit the site and investigate some of the claims made by Aubrey and report back to the Agency at a Special Meeting on 10/19/09.

Chairman Favretti noted no further comments or questions from the audience or the Agency, and declared the public hearing be continued to a Special Meeting on 10/19/09..

**Field Trip:** A field trip date was set for 10/15/09 at 1:30 p.m.

**Reports of Officers and Committees:** None noted.

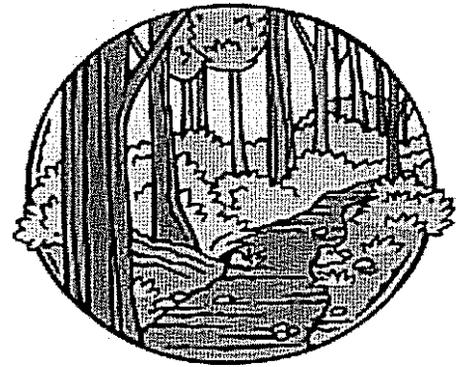
**Other Communications and Bills:** Noted.

**Adjournment:** The meeting was adjourned at 8:35 p.m.

Respectfully submitted,  
Katherine K. Holt, Secretary

# Your Family's Land

A Land Protection Forum for Land Owners  
in Columbia, Hebron, Andover, Bolton, Coventry,  
and surrounding towns  
sponsored by the Columbia Open Space Committee



Where: Yeoman's Hall, 323 Rt. 87, Columbia  
When: Saturday, November 7<sup>th</sup> 9-11:30 AM  
FREE ( but an RSVP is appreciated: 228-0110 )

This forum will provide information for land owners who have an interest in protecting their family's farm and forest land, but need help in understanding their options and the steps they need to pursue in creating a plan for the future of their land. Three professionals with expertise in open space protection will speak in layman's language about various methods of protection, with a particular emphasis on Conservation Easements. Generous time will be allowed for Questions and Answers after each speaker and at the conclusion

## Forum Agenda

9:00 AM **Displays, handouts, and refreshments**

9:15 AM **The Reasons for and Methods of Protecting Your Land**

Your land has important values that can be protected for the enjoyment of future generations even if you need to sell or develop parts of it.

*John D. Pagini* AICP has served as a professional planner in Connecticut, Colorado, and Massachusetts for nearly 35 years and is the Conservation Coordinator for Joshua's Trust, a 14-town land trust in eastern CT.

9:45 AM **What the Landowner Needs to Know about Conservation Easements**

A conservation easement is a permanent deed restriction which allows an owner to retain ownership of his/her land while limiting future use and generating tax savings.

*Mark Branse* is an attorney practicing law in Glastonbury where he is Senior Partner at Branse, Willis & Knapp, LLC. Mr. Branse specializes in representing towns and owners in regard to land use planning.

10:30 AM **Refreshment Break**

10:45 AM **Land Trusts: Their Role in Protecting Land**

*Richard Hyde* will speak about the steps by which a land trust acquires land and easements, and how that land is looked after "in perpetuity" (forever).

Mr. Hyde is a former State Geologist who has served on his town's Planning & Zoning Commission. He has long been involved with Joshua's Trust, and is currently VP in charge of Acquisitions

11:15 AM **Questions & Answers**



**MEMORANDUM OF AGREEMENT  
BETWEEN THE  
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND  
UNIVERSITY OF CONNECTICUT**

This Memorandum of Agreement ("MOA") is made and concluded in Hartford, Connecticut by and between the Connecticut Department of Environmental Protection ("Department"), represented by Betsey Wingfield of the Department's Bureau of Water Protection and Land Reuse, and the University of Connecticut ("University"), represented by Barry Feldman, Vice President. The purpose of this memorandum is to document the agreement between the parties regarding the University's recent proposal to undertake improve, and construct certain flood and water quality enhancement projects at the University's main campus, which is located in Storrs-Mansfield, Connecticut ("site").

Whereas, the University is the State of Connecticut's flagship institution of higher learning with campuses located in different parts of Connecticut.

Whereas, at sometime in 1995, the University initiated certain improvements and expansion programs at the site, which at various times have been designated as UCONN 2000 and UCONN 21<sup>st</sup> Century programs, the University has thus far undertaken significant improvement, expansion and construction activities pursuant to said programs.

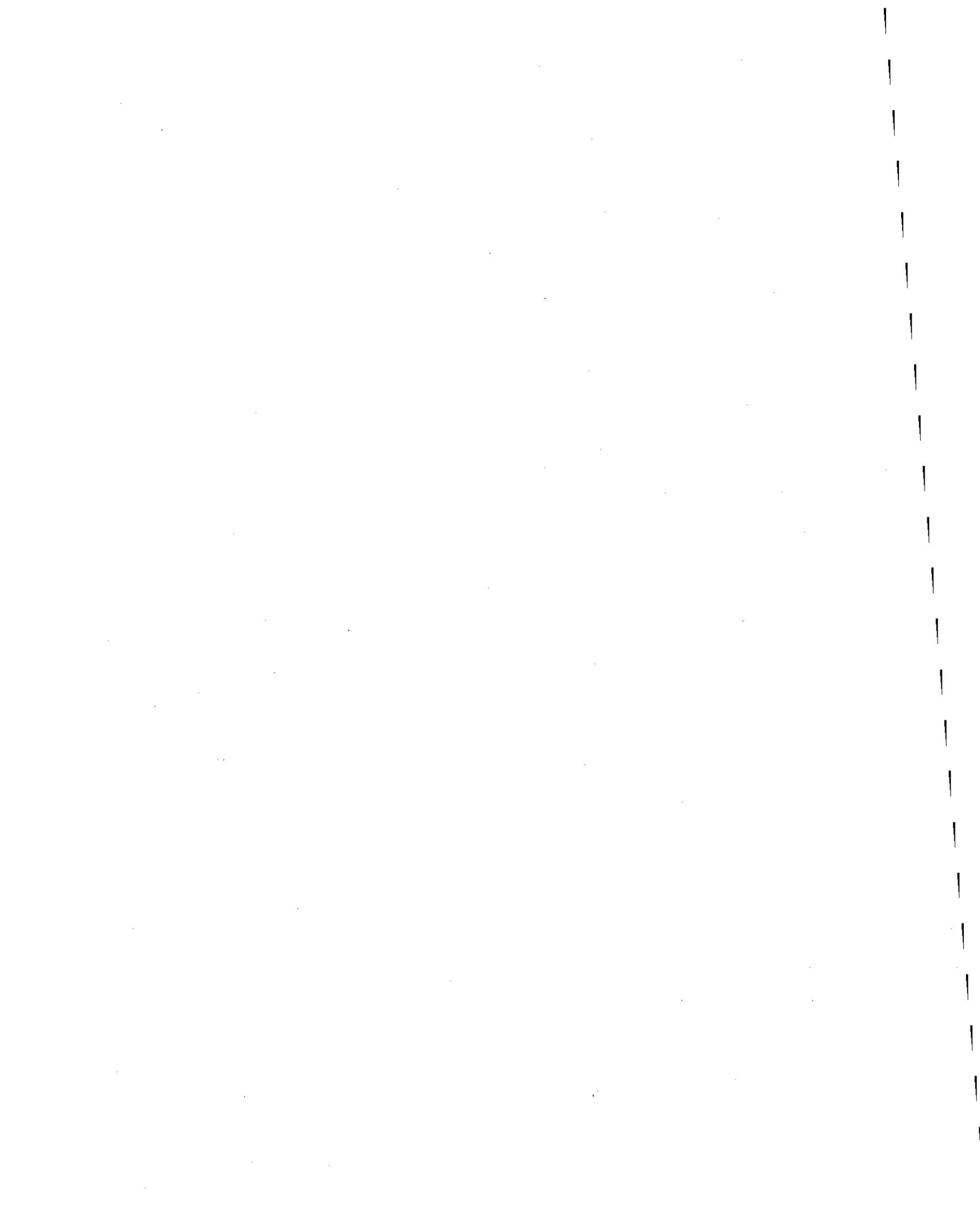
Whereas, the significant improvement, expansion, and construction activities conducted by the University have altered the flow and flooding characteristics of Eagleville Brook and Roberts Brook leaving the site.

Whereas, the University is required pursuant to Conn. Gen. Stat. § 25-68d to obtain Flood Management Certification approval prior to undertaking such improvement, expansion, and construction activities described above.

Whereas, on October 27, 2003 the University submitted an application for Flood Management Certification (FMC), and, in response to the April 4, 2006 DEP letter regarding the 2003 FMC application, on April 26, 2006 the University submitted a revised application for Flood Management Certification #FM-2003-216 ("permit application"), in which both submittals were prepared in accordance with the Regulations of Connecticut State Agencies (RCSA) section 25-68h-3.

Whereas, the University in the permit applications proposed to construct certain flood and water quality improvement projects including the following:

1. Construction of outlet and channel protection at the Swan Lake discharge watercourse, from where it daylights upstream of the existing stone wall at the western limits of Valentine Meadow to its confluence with the Mirror Lake discharge watercourse;



2. Modifications to the Mirror Lake Spillway, through the addition of a V-notch weir and related work;
3. Construction of water quality enhancement projects at W-lot and at the storm water outlets into both Swan Lake and Mirror Lake;
4. Modifications to the culvert which conveys Eagleville Brook southerly from the Towers section of campus, which will divert stormwater runoff from 55 acres of the Eagleville Brook watershed to Swan Lake and the Roberts Brook watershed;
5. Removal of the gabions at the inlet of a privately owned culvert on Hunting Lodge Road, downstream of campus on Eagleville Brook; and

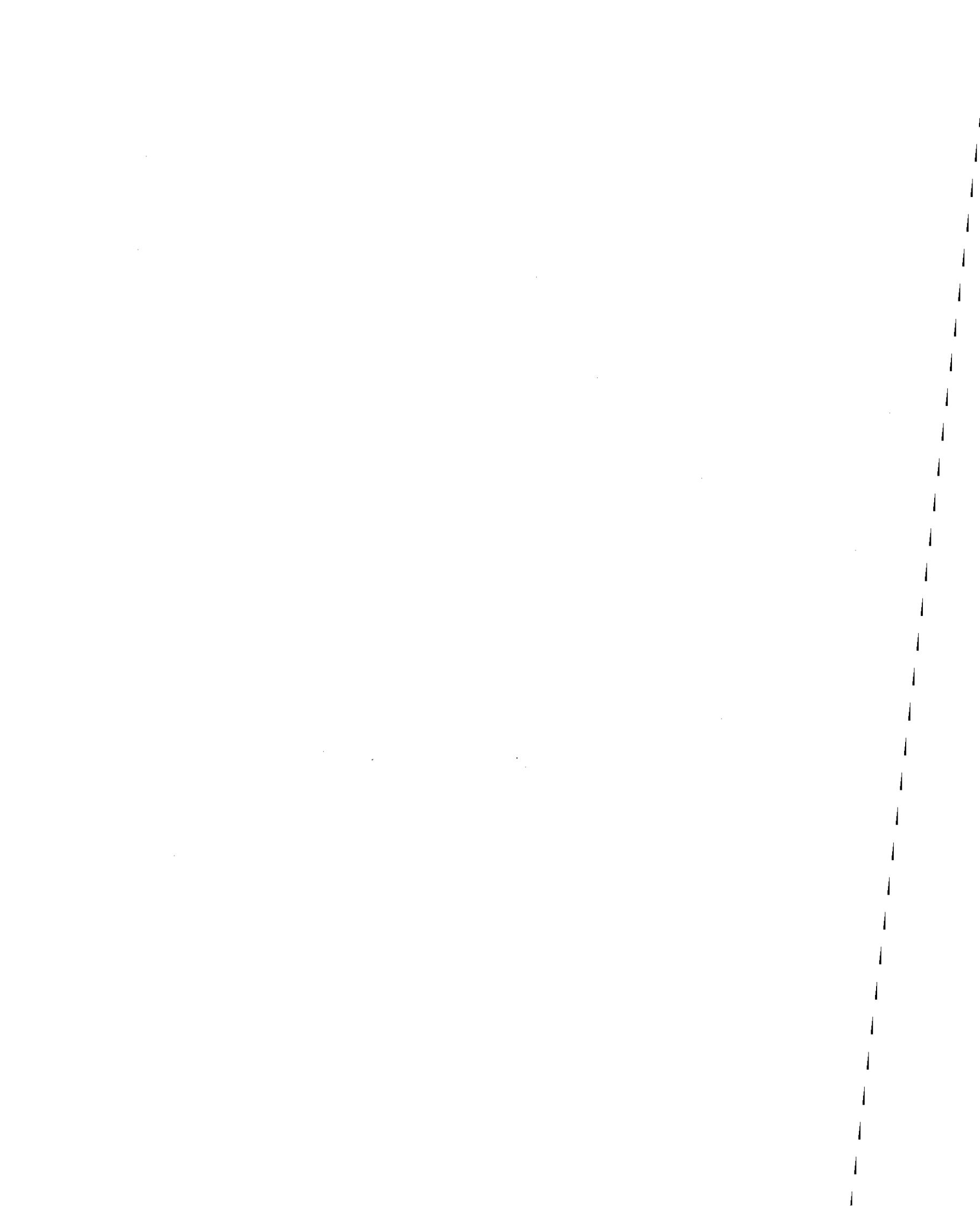
Whereas, the University fully comprehends that it would have to seek and obtain proper authorization prior to the initiation of any of the proposed flood and water quality improvement projects including, but not limited to, authorization pursuant to the Inland Wetlands and Watercourses Act, Dam Safety Act, Connecticut Water Diversion Policy Act, and 401 Water Quality Certification.

Whereas, the Department has completed its review of the permit application and has determined that the flood and water quality improvement projects proposed by the University are necessary for improvement of both on-site and off-site flood and water quality conditions and that completion of the projects are necessary for proper certification of the site in accordance with the Flood Management Statutes and the RCSA.

Whereas, the Department's Fisheries Bureau has identified a segment of Eagleville Brook, located within a wetland complex east of the intersection of North Eagleville Road and Hunting Lodge Road, with stream banks that have been severely eroded by flood flows. This severe bank erosion has resulted in the continued discharge of significant volumes of sediment to downstream segments of the Eagleville Brook.

Whereas, two segments of Eagleville Brook (CT 3100-19\_01 and CT 31-0019\_02) situated at the site were included on the *2004 List of Connecticut Waterbodies Not Meeting Water Quality Standards* 1 (2004 List) for not meeting aquatic life goals contained within Connecticut's *Water Quality Standards*.

Whereas, the Department issued a document entitled "A Total Maximum Daily Load Analysis for Eagleville Brook, Mansfield, CT," dated February 8, 2007 pursuant to the requirements of Section 303(d) of the Federal Clean Water Act. This document stated the most probable cause of the impairment to the two segments of Eagleville Brook is a complex array of pollutants transported by stormwater. This document established a Total Maximum Daily Load (TMDL) target of 12% impervious cover ("IC") in the Eagleville Brook watershed as a surrogate for a complex array of pollutants transported by stormwater runoff that impacts aquatic life.



Whereas, it has been found that the level of IC in the Eagleville Brook exceeds that which is likely to meet aquatic life standards and 12% IC has been set as a target that can result in acceptable aquatic life.

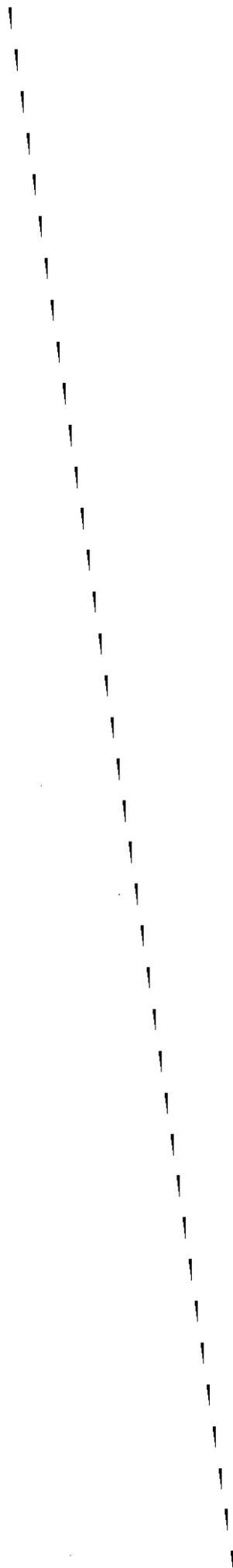
Whereas, the Department, on the basis of the review and analysis conducted, has determined that completion of the proposed flood and water quality improvement projects would improve the quality and decrease the quantity of stormwater discharged into the impaired segments of Eagleville Brook, and would therefore be in compliance with the TMDL for Eagleville Brook.

Therefore, the University of Connecticut agrees as follows:

1. To undertake and complete all proposed flood and water quality improvement projects including, but not limited to, the 5 projects identified in this MOA herein. Projects 1 through 3 can be completed in any order whereas 4 and 5 must be completed in a sequential order;
2. To submit to the Department and the United States Army Corps of Engineers within two years from the date of this MOA, all relevant permit applications required for authorization of construction activities associated with number 1 of the proposed flood and water quality improvement projects (construction of outlet and channel protection at the Swan Lake discharge watercourse, from where it daylight upstream of the existing stone wall at the western limits of Valentine Meadow to its confluence with the Mirror Lake discharge watercourse) identified in this MOA herein;
3. To submit to the Department, on a two-year interval for a 10-year total period beginning after two years from the date of submission of the first permit applications identified in paragraph 2 above, all required permit applications required for authorization of construction activities with regard to the remaining four proposed flood and water quality improvement projects;
4. All flood and water quality improvement projects proposed in the permit application including, but not limited to, the 5 projects identified in this MOA herein shall be completed within twelve years from the date of this MOA;
5. To submit to the Department an annual report that documents the progress of completion of the proposed flood improvement projects; and
6. Any future and/or proposed improvement, construction and developmental project at the site shall be conducted in accordance with Flood Management Statutes, the RCSA, and the Eagleville Brook TMDL Analysis.

Therefore, the Department of Environmental Protection agrees as follows:

1. To review future permit applications submitted pursuant to Conn. Gen. Stat. § 25-68d, with due weight given to the benefits realized by the

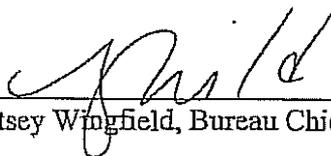


implementation of the proposed flood and water quality improvement projects completed prior to receipt of said permit application; and

2. To use the benefits gained by the completion of the proposed flood and water quality improvement projects to balance the effects of future construction projects at the site.

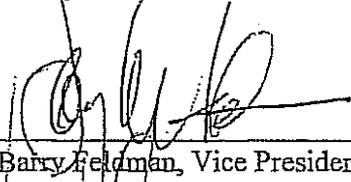
Signed:

Department of Environmental Protection  
Bureau of Water Protection and Land Reuse

By   
Betsy Wingfield, Bureau Chief

9/24/09  
Date

University of Connecticut

By   
Barry Feldman, Vice President

Sept 09  
Date

