

AGENDA
Mansfield Conservation Commission
Regular Meeting
Wednesday, November 14, 2012
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. October 17, 2012
- 5. New Business**
 - a. IWA Referral: W1505 – Beacon Hill Estates, Section II
 W1507 – Shifrin- Masfield Hollow Hydro Project
 - b. PZC Referrals PZC #1214-3- Beacon Hill Estates, Section II
 - c. 2013 Conservation Commission Meeting Calendar
 - d. Town of Mansfield Ethics Training
 - e. Other
- 6. Continuing Business**
 - a. Protecting Dark Skies in the Last Green Valley
 - b. Water Source Study for the Four Corners Area/Environmental Impact Evaluation (EIE)
 - c. Swan Lake Discharge Mirror Lake Dredging and other UConn Drainage Issues
 - d. UConn Agronomy Farm Irrigation Project
 - e. Eagleville Brook Impervious Surface TMDL Project
 - f. UConn Hazardous Waste Transfer Station
 - g. Ponde Place Student Housing Project
 - h. CL&P "Interstate Reliability Project"
 - i. Other
- 7. Communications**
 - a. Minutes
 - Open Space (10/16/12)
 - PZC (11/5/12-not available at this time)
 - IWA (11/5/12-not available at this time)
 - b. Inland Wetlands Agent Monthly Business Report
 - c. Fall 2012 The Habitat
 - d. DEEP Letter re: Eagleville Lake Dam
 - e. DEEP Letter re: Alternative Campus Drainage Master Plan
 - f. Other
- 8. Other**
- 9. Future Agendas**
- 10. Adjournment**

Town of Mansfield
CONSERVATION COMMISSION
Meeting of 17 October 2012
Conference B, Audrey P. Beck Building
(draft) MINUTES

Members present: Aline Booth (Alt.), Neil Facchinetti, Quentin Kessel, Scott Lehmann, John Silander. *Members absent:* Joan Buck (Alt.), Robert Dahn, Peter Drzewiecki, Frank Trainor. *Others present:* Grant Meitzler (Wetlands Agent).

1. The meeting was **called to order** at 7:31p by Chair Quentin Kessel. Alternate Aline Booth was designated a voting member for this meeting.

2. The draft **minutes of the 19 September 2012 meeting** were approved as written.

3. **IWA referral: W1504 (Kueffner, Rte. 195)** An Aerial Forest Ropes Course is proposed on approximately 10 acres of a 118 acre parcel on the south side of Rte. 195 west of Baxter Rd. Parking for the facility would be on fairly level land between wetlands along Rte. 195 and fairly steeply rising land to the south. The parking lot would be accessed from Rte. 195 by a short driveway across a narrow isthmus of drier land between wetland areas. Portions of the lot would be quite close to wetlands – as close as 10 ft on the east; a gravel surface and rain gardens would attenuate storm-water flows from the lot into wetlands. After some discussion, the Commission agreed unanimously to the following **motion** (Facchinetti, Booth):

Because the parking surfaces are permeable and separated from wetlands in some areas by catchment basins, the Commission does not foresee a significant impact on wetlands from this project, despite its close proximity to wetlands and the large number of trees that need to be removed. However, to increase the margin of safety, the Commission recommends that the eastern and western ends of the parking area be shifted or reduced in size to increase their distance from wetlands. Sedimentation and erosion controls should be in place during construction, and the area should be stabilized and maintained for the long term after construction.

4. **Updates.**

a. Kessel reported that the draft EIS for the **Four Corners Area Water Source Study** is now scheduled for release on 06 November; the public comment period will be 45 days. The fourth of five meetings on siting UConn's **Hazardous Waste Transfer Station** will be tomorrow, 18 October. Kessel expects UConn to resist moving the facility from its current location behind Horsebarn Hill in a public water supply watershed on grounds of cost.

b. UConn has provided the Storrs Heights Neighborhood Association with a list (by brand name) of pesticides and herbicides used on the **UConn Agronomy Farm** in 2010 and 2011. Facchinetti provided the list, with information on active ingredients compiled by the Association, to the Commission (see attachment). He noted that a number of experimental chemicals (20 of 41 for 2011) had unspecified ingredients so the Association has no idea what they are. The Association fears that residential wells in Storrs Heights may be at risk of pollution and has asked that water samples from UConn's monitoring wells on the Farm be tested for all the pesticides and herbicides used on the farm. The University has refused to do so, citing expense (which it estimates at \$200K); samples are tested for only a few chemicals; concentrations of nitrates from fertilizer applications are used as a proxy for the others. After some discussion, in which Silander recalled being advised not to drink any water from taps

on the Farm during a visit there about 20 years ago, the Commission agreed unanimously on the following **motion** (Kessel, Lehmann):

The Commission is concerned about the potential for contamination of the public water supply watershed and nearby residential wells from pesticides and herbicides applied on the UConn Agronomy Farm, especially since water samples from monitoring wells are not tested for all of these chemicals and no information about the chemical composition of experimental applications has been released. The Commission asks the PZC to forward its concerns to the Connecticut DEEP.

8. Adjourned at 8:41p. Next meeting: 7:30p, Wednesday, 21 November 2012 (the day before Thanksgiving)

Scott Lehmann, Secretary, 18 October 2012.

Attachment: "2010-2011 Pesticide Applications – UConn Research Farm"

Memorandum:

November 1, 2012

To: Inland Wetland Agency
From: Grant Meitzler, Inland Wetland Agent
Re: New Business for November 5, 2012 meeting

New Application:

W1505 - Beacon Hill Estates, Sect. II - Beacon Hill Rd/Mansfield City Rd
17 lot subdivision

	yes	no
	-----	-----
fee paid	x	
notice to neighbors	x	
map dated	7.15.2012	

This application is for a 17 lot subdivision. The subdivision has frontage on Mansfield City Rd but access is provided through the earlier Sect. I of Beacon Hill. There is proposed work in wetlands for a shared drive way crossing wetlands.

Receipt and referral to the Conservation Commission are appropriate.

W1507 (W1452/W1339) - Shifrin - Mansfield Hollow Hydro Project

	yes	no
	-----	-----
fee paid	x	
notice to neighbors	x	
map dated	4.26.2010	

This application is for a hydro-power installation at the Kirby Mill in Mansfield Hollow. This project was originally approved (W1339, appr. 4.06.2006) with subsequent minor modification (W1452). Both of these approvals expired on 4.06.2011. With this expiration, approval of a new permit is needed. This delay has been caused by extensive time periods required to obtain state and federal permits and not by inaction on the part of the applicant.

The plan submitted with this application has remained unchanged since the Agency's last action on May 3, 2010. The earlier approvals have expired because of a recent change to the statute dealing with permit expiration time limits. The statute now requires a new permit application.

Receipt and referral to the Conservation Commission are appropriate. The Conservation Commission is meeting a week earlier than usual because their regular meeting day falls on Thanksgiving Eve. This will make it possible to complete the referral to the Conservation Commission within the time between 11.05.2012 and a Special Meeting on 11.19.2012, if the Agency is willing.

Request for Exemption:

W1506 - Town of Mansfield - Lions Memorial/Dorwart Preserve footbridge
Parks & Recreation

	yes	no
	-----	-----
fee paid	n.a.	
notice to neighbors	n.a.	
map dated	revised May 2012	

This request is for an exemption under Section 4.1 B (second) of the wetlands regulations:

"The following operations and uses shall be permitted, as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

A. . . .

B. Outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, diving, camping, boating, water skiing , trapping, hunting, fishing and shell fishing where otherwise legally permitted and regulated."

C. . . .

The proposed work here will consist of placing a footbridge approximately 15 feet long over a wetland area better described as a groundwater seepage area than as a watercourse. Photographs attached. The location shows standing water rather than a flowing brook bed. The application indicates the bridge will be anchored with two iron rods on each end to stabilize a foundation for the bridge that will not require excavation.

I think this proposal represents a preferable alternative to creating a walkway through this location that would represent a long term potential for impact.

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

FOR OFFICE USE ONLY
File # 1505
Fee Paid \$1,060-
Date Received 10-18-12

Applicants are referred to the Mansfield Inland Wetlands and Watercourses Regulations for complete requirements, and are obligated to follow them. For assistance, please contact Grant Meitzler, Inland Wetlands Agent at the telephone numbers above.

Please print or type or use similar format for computer; attach additional pages as necessary.

Part A - Applicant

Name Eagleville Development Group, LLC

Mailing Address P.O. Box 855

Manchester, CT Zip 06045

Telephone-Home 860-649-4800 Telephone-Business 860-247-7400

Title and Brief Description of Project
Beacon Hill Estates - Section II

17 Lot Residential Development

Location of Project South side of Mansfield City Road

Intended Start Date April 1, 2013

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

Name Gladys Marshall c/o Diane Kestenholz (daughter)

Mailing Address 31 Aspen Circle

Barnegat, NJ Zip 08005

Telephone-Home 860-420-4953 Telephone-Business 609-698-7942
c/o Attorney Antoinette Webster or Diane Kestenholz (daughter)

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

Signature see attached purchase & sale agreement date _____

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

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: _____

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

See E & S Control Plan Sheet 13 of 13.

Part D - Site Description

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

See attached project description.

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.

Yes, a proposal was submitted showing the potential of constructing a new road from Mansfield City Road crossing the wetlands providing a conventional subdivision design.

Part F - Map/Site Plan (all applications)

1) Attach to the application a map or site plan showing **existing conditions** and the **proposed project** in relation to wetland/ watercourses. Scale of map or site plan should be 1" = 40'; if this is not possible, please indicate the scale that you are using. A sketch map may be sufficient for small, minor projects. (See guidelines at end of application – page 6.)

2) Applicant's map date and date of last revision 7-15-12

3) Zone Classification RAR 90

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

See attached sheet.

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 X 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 X 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 X 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.)

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

X \$60 State DEP Fee

Note: The Agency may require you to provide additional information about the regulated area which is the subject of the application, or about wetlands or watercourses affected by the regulated activity. If the Agency, upon review of your application, finds the activity proposed may involve a "significant activity" as defined in the Regulations, additional information and/or a public hearing may be required.

The undersigned applicant hereby consents to necessary and proper inspections of the above mentioned property by members and agents of the Inland Wetlands Agency, at reasonable times, both before and after the permit in question has been granted by the Agency.

Applicant's Signature

Date

10/17/12

**Beacon Hill Estates - Section II - Mansfield City Road
Mansfield Inland Wetlands Agency Application**

Part C & D - Project description

Subject property is located on the southerly side of Mansfield City Road containing in total 62.0 acres. Parcel has 807.39 feet of frontage along Mansfield City Road and 51.46 feet along the future road extension from Beacon Hill Estates - Section I. The proposed development will consist of constructing a new road (1,490 feet) from Beacon Hill Drive for the development of 17 new residential lots. The entire property is presently wooded containing 48.71 acres of upland soils and 12.72 acres of wetland soils. The easterly portion of the property was historically fields with a farm lane crossing the wetlands to access the westerly portion of the property. This proposal intends to use the historic farm lane to cross the wetlands in the form of a common driveway for three residential lots. The majority of the proposed development will be to the east of the wetlands in the area which originally was fields and actively farmed. The majority of the subject property contains slopes less than 10 percent. There is a small area (approximately 0.89 acres) located at the westerly most portion of the property abutting land of the State of Connecticut and land of Dzurec adjacent to the wetlands that contains slopes exceeding 15 percent.

The wetland soils limits were delineated by a certified soil scientist.

The proposed activity within the upland review area is as follows:

Lot #32: Site Grading - 140 feet at its closest point
Primary Septic Area - 149 feet at its closest point
Reserve Septic Area - 134 feet at its closest point

Lot #38: Site Grading - 106 feet at its closest point
Primary Septic Area - 120 feet at its closest point
Reserve Septic Area - 77 feet at its closest point

Lot #39: Site Grading - 100 feet at its closest point
Primary Septic Area - 110 feet at its closest point
Reserve Septic Area - 67 feet at its closest point

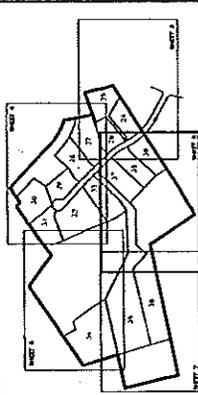
Lot #40: Site Grading - 140 feet at its closest point
Reserve Septic Area - 121 feet at its closest point

Retention Basin: Located entirely in upland soils with site clearing and grading approximately 50 feet from wetland soils at its closest point.

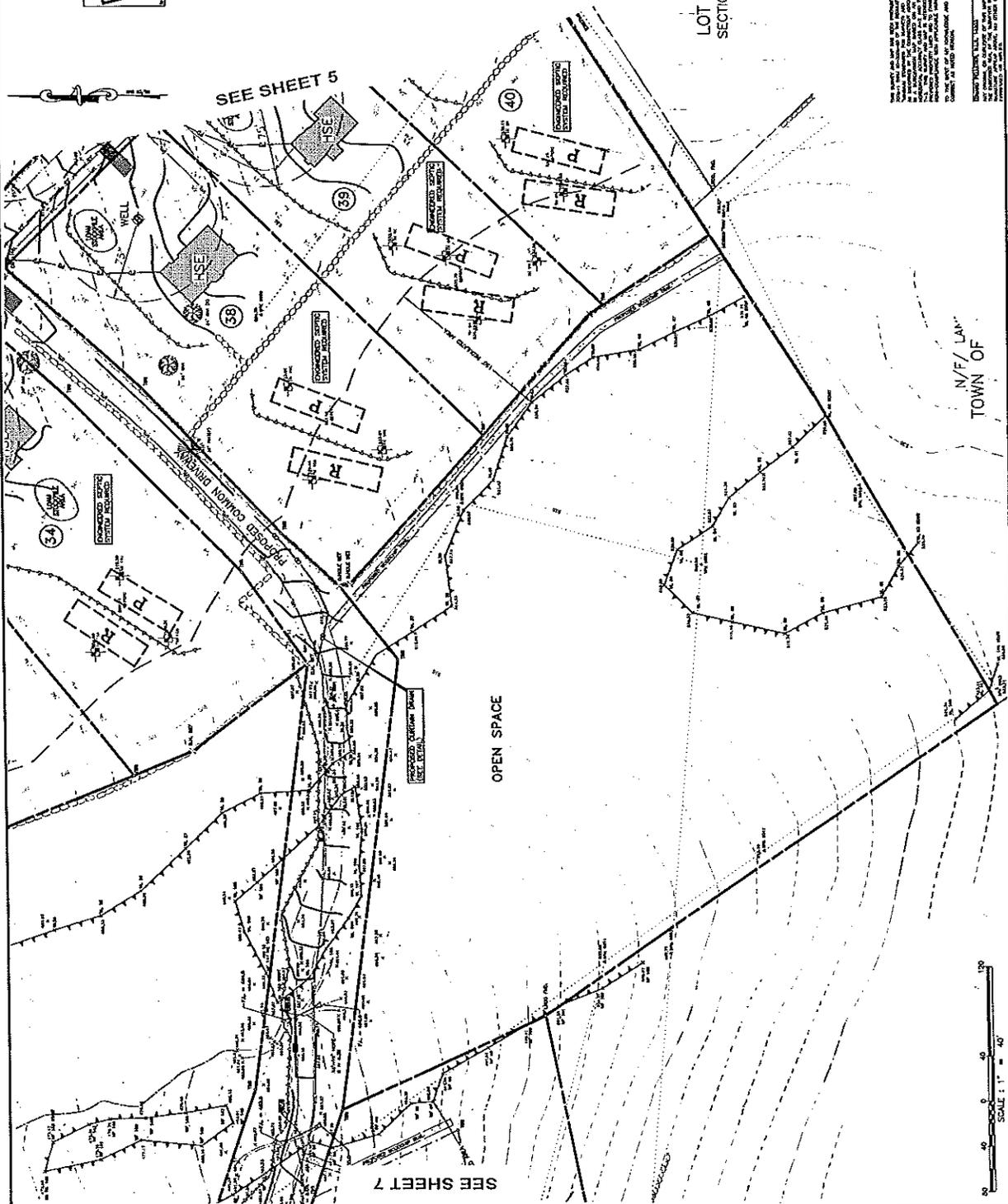
Common Driveway: Proposal is to construct a common driveway in approximately the same location of the historic wetland crossing. The common driveway will cross two wetland areas, the first being approximately 40 feet wide displacing about 700 square feet of wetland soils and the second being approximately 166 feet wide displacing about 4,190 square feet of wetland soils. The proposed common driveway will require approximately 290 cubic yards of gravel fill.

Walking Trail: Proposal is to construct a walking trail along the easterly side of the open space parcel extending the existing walking trail from Section I of Beacon Hill subdivision northerly to the proposed common driveway approximately 480 feet in length. The walking trail would be about 2 feet from the edge of wetland soils at its closest point. A length of walking trail is also proposed on the westerly side of the open space in the conservation easement from the common driveway southerly about 140 feet to provide an access to the conservation easement along the southerly boundary of this parcel. The construction of the walking trail will require about 80 cubic yards of gravel and will be covered with wood chips.

PAGE
BREAK



SHEET KEY MAP
SCALE: 1" = 500'



LOT 11
SECTION I

APPROVED BY THE TOWN OF MANSFIELD BOARD OF ZONING ADJUSTMENT
DATE: _____

APPROVED BY THE TOWN OF MANSFIELD BOARD OF ZONING ADJUSTMENT
DATE: _____

APPROVED BY THE TOWN OF MANSFIELD BOARD OF ZONING ADJUSTMENT
DATE: _____

APPROVED BY THE TOWN OF MANSFIELD BOARD OF ZONING ADJUSTMENT
DATE: _____

APPROVED BY THE TOWN OF MANSFIELD BOARD OF ZONING ADJUSTMENT
DATE: _____

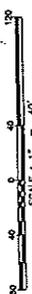
APPROVED BY THE TOWN OF MANSFIELD BOARD OF ZONING ADJUSTMENT
DATE: _____

SITE DEVELOPMENT PLAN
FOR
SUBDIVISION
BEACON HILL

SECTION II
WILKES FARM ROAD
MANSFIELD, CONNECTICUT
EAGLEVILLE DEVELOPMENT GROUP, LLC
MANSFIELD, CONNECTICUT 06108
CLAYTON MARSHALL
MANSFIELD, CT 06108
DATE: JULY 18, 2008
SCALE: 1" = 40'

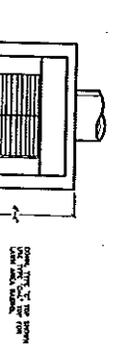
DAVID M
ENGINEERING & SURVEYING, LLC
132 CONANTVILLE ROAD
MANSFIELD CENTER, CT 06250
TEL: (860)484-1887 FAX: (860)484-1888
REG. NO. 12000
CONNECTIONS: PL. 000000

TOWN OF N/F/LAW

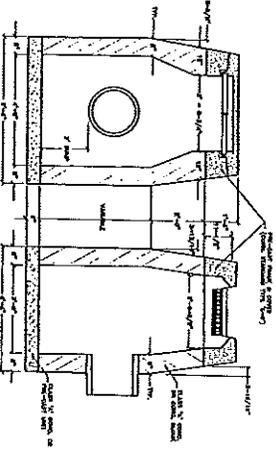
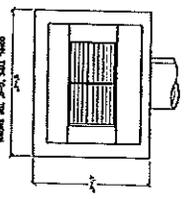


SEE SHEET 7

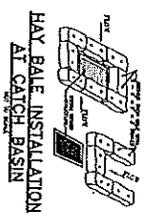
SEE SHEET 5



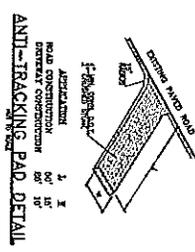
CONN. STATE STANDARD
CATCH BASIN



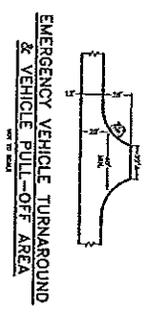
CONN. STATE STANDARD
CATCH BASIN - TYPE "C-C"



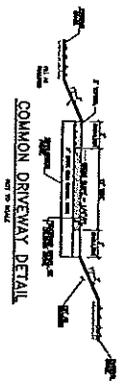
HAY BALE INSTALLATION
AT CATCH BASIN



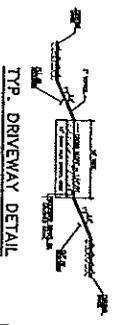
ANTI-TRACKING PAD DETAIL



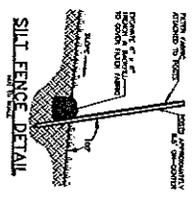
EMERGENCY VEHICLE TURNAROUND
& VEHICLE PULL-OFF AREA



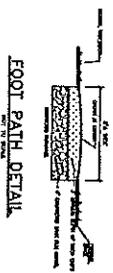
COMMON DRIVEWAY DETAIL



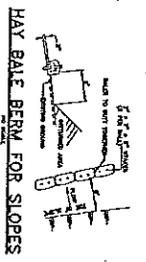
TYP. DRIVEWAY DETAIL



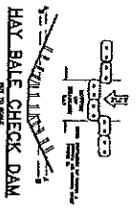
SILT FENCE DETAIL



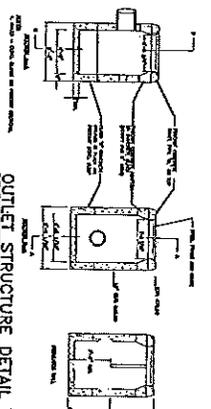
FOOT PATH DETAIL



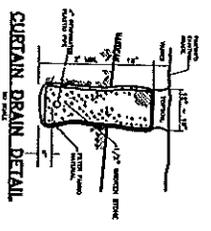
HAY BALE BERM FOR SLOPES



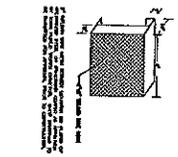
HAY BALE CHECK DAM



OUTLET STRUCTURE DETAIL



CURTAIN DRAIN DETAIL

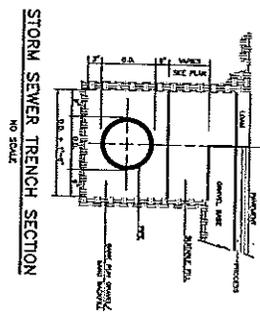


CURB AND GUTTER DETAIL

APPROVED BY THE STATE OF CONNECTICUT
 APPROVED BY THE UNITED PLANNING AND ZONING COMMISSION
 APPROVED BY THE BOARD OF PUBLIC WORKS
 DATE: _____

DATUM
 ENGINEERING & SURVEYING, LLC
 183 GOVERNMENT ROAD
 MANISTEE CENTER, CT 06250
 TEL: (860) 459-1227 FAX: (860) 459-1244
 428 MAIL ZONE 21003

BEACON HILL
 SECTION II
 WILDS POND ROAD
 SUBDIVISION
 MANISTEE, CONNECTICUT
 DEVELOPER: EXCLUSIVE DEVELOPMENT GROUP, LLC
 180 W. MAIN STREET
 MANISTEE, CONNECTICUT 06250
 CLAYTON MANSFIELD
 300 W. MAIN STREET
 MANISTEE, CT 06250
 DATE: MAY 14, 2012
 SHEET 11 OF 23



STORM SEWER TRENCH SECTION

BREAK

PAGE

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

FOR OFFICE USE ONLY
File # 1507
Fee Paid \$185⁰⁰
Date Received 11-1-12

Applicants are referred to the Mansfield Inland Wetlands and Watercourses Regulations for complete requirements, and are obligated to follow them. For assistance, please contact Grant Meitzler, Inland Wetlands Agent at the telephone numbers above.

Please print or type or use similar format for computer; attach additional pages as necessary.

Part A - Applicant

Name SAM & MICHELLE SHIFRIN

Mailing Address 114 MANSFIELD HOLLOW ROAD
MANSFIELD CENTRAL, CT Zip 06250

Telephone-Home 860-423-3731 Telephone-Business 860-423-7800

Title and Brief Description of Project
MANSFIELD HOLLOW HYDRO - CONSTRUCT HYDRO ELECTRIC
GENERATING FACILITY AND MODIFIED 5/5/10
SAME AS ORIGINALLY APPROVED 4/6/06

Location of Project 114 MANSFIELD HOLLOW RD, MANSFIELD (THE KIRBY MIU)

Intended Start Date JAN 1, 2013 (PROJECT STARTED 10/15/2010)

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

a) CONSTRUCTION OF INTAKE STRUCTURE, HEAD RACE, AND TAIL RACE.

b) CONSTRUCTION OF A PORTION OF THE HEAD RACE, TAIL RACE AND TURBINE

THIS PROJECT IS EXACTLY THE SAME AS WAS ORIGINALLY APPROVED ON MAY 5, 2010 APRIL 6, 2006 AND MODIFIED ON MAY 5, 2010

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

c) APPROX 5,200 CF

b) APPROX 6,400 SF

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

CONCRETE, PROCESS GRAVEL, STANDARD RIP RAP.

- a) include type of material used as fill or to be excavated ON-SITE SANDS & GRAVEL
- b) include volume of material to be filled or excavated 1,245 CUBIC YARDS

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 SEDIMENTATION & EROSION CONTROL PLAN AND ORIGINAL APPLICATION.

Part D - Site Description

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

SLIGHTLY WOODED, GENTLY SLOPING, UNDERLAIN WITH WELL DRAINED SOILS.

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.

ALTERNATIVE CORRODAM DESIGN; HEAD RACE CONSTRUCTION UTILIZING PIPES; AND DEWATERING ALTERNATIVES TO PREVENT SEDIMENT TRANSPORT.

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 APRIL 26, 2010

3) Zone Classification PAR-90

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

TO FOLLOW

2) **Written Notice to Abutters.** You must notify abutting property owners by certified mail, return receipt requested, stating that a wetland application is in progress, and that abutters may contact the Mansfield Inland Wetlands Agent for more information. Include a brief description of your project. Postal receipts of your notice to abutters must accompany your application. (This is not needed for exemptions).

Part I - Additional Notices, if necessary

- 1) Notice to Windham Water Works is attached. If this application is in the public watershed for the Windham Water Works (WWW), you must notify the WWW of your project within 7 days of sending the application to Mansfield--sending it by certified mail, return receipt requested. Contact the Mansfield Inland Wetlands Agent to find out if you are in this watershed.
- 2) Notice to Adjoining Town. If your property is within 500 feet of an adjoining town, you must also send a copy of the application, on the same day you sent one to Mansfield, to the Inland Wetlands Agency of the adjoining town, by certified mail, return receipt requested.
- 3) The Statewide Reporting Form (attached) shall be part of the application and specified parts must be completed and returned with this application.

Part J - Other Impacts To Adjoining Towns, if applicable

- 1) Will a significant portion of the traffic to the completed project on the site use streets within the adjoining municipality to enter or exit the site? ___ Yes No ___ Don't Know
- 2) Will sewer or water drainage from the project site flow through and impact the sewage or drainage system within the adjoining municipality? ___ Yes No ___ Don't Know
- 3) Will water run-off from the improved site impact streets or other municipal or private property within the adjoining municipality? ___ Yes No ___ Don't Know

Part K - Additional Information from the Applicant

Set forth (or attach) any other information which would assist the Agency in evaluating your application. *(Please provide extra copies of any lengthy documents or reports, and extra copies of maps larger than 8.5" x 11", which are not easily copied.)*

Part L - Filing Fee

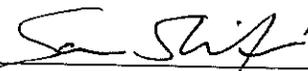
Submit the appropriate filing fee. (Consult Wetlands Agent for the fee schedule available in the Mansfield Inland Wetlands and Watercourses Regulations.)

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

___ \$60 State DEP Fee

Note: The Agency may require you to provide additional information about the regulated area which is the subject of the application, or about wetlands or watercourses affected by the regulated activity. If the Agency, upon review of your application, finds the activity proposed may involve a "significant activity" as defined in the Regulations, additional information and/or a public hearing may be required.

The undersigned applicant hereby consents to necessary and proper inspections of the above mentioned property by members and agents of the Inland Wetlands Agency, at reasonable times, both before and after the permit in question has been granted by the Agency.


Applicant's Signature

11/1/12
Date

Sam and Michelle Shifrin
78 Bricktop Rd.
Windham, CT 06280
October 26, 2012

Mansfield Planning and Zoning Commission & Inland Wetland Agency
Chairman, Jo Ann Goodwin
Audrey P. Beck Municipal Building
4 South Eagleville Road
Mansfield, CT 06268

Subject: P&ZC and IWA Approval Status

Dear Chairman Goodwin,

Please accept this letter as a request for the Mansfield P&ZC and the IWA to affirm the status of previous approvals for the Mansfield Hollow Hydro project. Modification approvals were granted by both agencies on May 5, 2010 (see attached letters). We have worked diligently on this project for many years, and although the progress has been slowed by a very weak economy and declining electricity values making it difficult to secure the full project funding, we have kept the project continuously moving forward.

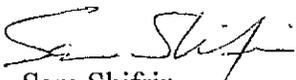
Construction officially commenced on October 15, 2010 and has continued without interruption since that time. Monthly progress reports have been submitted to the Federal Energy Regulatory Commission (FERC) from that date and FERC has annually visited to review progress. The project has been accepted by Section 1603 of the American Recovery and Reinvestment Act of 2009 which required official "start of construction" prior to the end of 2011.

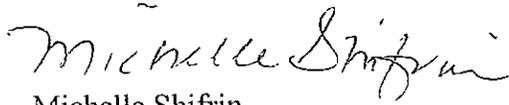
The work currently being done has not required us to actually "pull" building permits since most of that work has taken place inside the Kirby Mill and includes; construction of the project turbines, construction of the head gate mechanisms, test pits and boring, and power house cost reduction design modifications. We have received a land easement from the Army Corp of Engineers allowing access on Army Corp property for construction activities, and have also completed the Historic Properties Management Plan (HPMP) in coordination with the State Historic Preservation Office (SHPO). Our archeologist has completed the above ground historic assessment of potential historically important areas per the HPMP.

Time is of the essence since we do anticipate site work and civil works construction to begin late this fall or very early in the spring of 2013, so will need to acquire the building permits very soon, thus the reason for our request of affirmation of our current permits.

If you need any additional information or would like to discuss this request, we would be very pleased to meet with you (or others) at your convenience. Thank you very much for your past support and for your consideration in this matter. We can be reached at 860-423-7800 (day) or 860-423-3731 (eve) and look forward to hearing from you.

Sincerely,


Sam Shifrin


Michelle Shifrin

Cc: Mr. Curt Hirsch, Zoning Agent
Mr. Grant Miesler, Wetlands Agent

**TOWN OF MANSFIELD
INLAND WETLAND AGENCY**

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

May 5, 2010

Sam and Michelle Shifrin
78 Bricktop Road
Windham, CT 06280

Re: Mansfield's modification request approval
IWA file #1452

Dear Mr. & Mrs. Shifrin,

At a meeting held on 5/3/10, the Mansfield Inland Wetland Agency adopted the following motion:

"to approve modifications to an Inland Wetlands License pursuant to the Wetlands and Watercourses Regulations of the Town of Mansfield granted to Sam & Michele Shifrin (file no. W1452), for modifications to approval of permit W1339 previously issued to Sam & Michele Shifrin installation of Hydro-Power facilities at the Kirby Mill within regulated areas located at 114 Mansfield Hollow Road. The modifications include relocation of the structure containing the turbines, a portion of the inlet conduit, and modification to the outlet sluiceway, as shown on a revised site plan dated 4.26.2010, and other application submissions.

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

1. The conditions of the previous approval are to remain in effect except for the following modifications.
2. Erosion and sedimentation controls shall be in place prior to construction and maintained during construction and removed when disturbed areas are completely stabilized.
3. A double row of silt fencing is to be placed along the downhill side of the construction area.

This approval is valid until April 3, 2011, at which time a renewal of the modified permit is required if work has not been completed. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment."

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

This letter constitutes your license.

Very truly yours,



Katherine K. Holt, Secretary
Mansfield Inland Wetland Agency

file # 1214-3
filing date 10-18-12

**MANSFIELD PLANNING & ZONING COMMISSION
APPLICATION FOR SUBDIVISION OR RESUBDIVISION APPROVAL**

Name of subdivision Beacon Hill Estates-Section II

Name of subdivider (applicant) Eagleville Development Group, LLC Phone # 860-649-4800
(please PRINT)

Address P.O. Box 855, Manchester, CT 06045
(street) (town) (state) (zip)

Signature [Handwritten Signature] (owner)
(optionee) Date 10/17/12

OWNER (IF OTHER THAN SUBDIVIDER)

Name Gladys Marshall c/o Diane Kestenholz Phone # 609-698-7942
(please PRINT)

Address 31 Aspen Circle, Barnegat, NJ 08005
(street) (town) (state) (zip)

Signature see attached purchase & sale agreement Date _____

FEES

See Town Council-approved Fee Schedule & Eastern Highlands Health District Review Fee Schedule
(Subdivisions will not be reviewed by Eastern Highlands Health District unless an Application for Plan
Review has been submitted)

SUBDIVISION DATA

Location: Southerly side of Mansfield City Road

Zoning district RAR 90 Total # of acres 62
Total # of lots 17

EXTENSION OF TIME

Pursuant to Section 8-26d, subsection (b) of the Connecticut General Statutes, the undersigned applicant hereby
consents to an extension of time within which the Planning and Zoning Commission is required by law to approve,
modify and approve or disapprove a subdivision plan known as

and located at/on _____

It is agreed that such extension of time shall not exceed 65 days and it is understood that this extension of time is in
addition to the first 65-day period after the receipt of the application by the Planning & Zoning Commission.

Signature _____ Date _____

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BEACON HILL – SECTION II

MANSFIELD CITY ROAD
MANSFIELD CONNECTICUT

OVERVIEW

The project proposed entails the development of a moderately small residential subdivision off of Mansfield City Road, on the west side of Mansfield, Connecticut. The proposed development will consist of 17 new building lots on approximately 62 acres on a new cul-de-sac to be constructed off the present Beacon Hill Estates. Lots on this plan are numbered 24 through 40 as an extension of the previously constructed Beacon Hills Subdivision.

The development access will be a 1500' long cul-de-sac serving 14 lots, with a long common drive serving an additional 3 rear lots.

SITE LOCATION

The site of the proposed development is a block of land of about 62 acres located on the south side of Mansfield City Road. It is bounded by residential developments, including the previously constructed Beacon Hill Estates on the east, low-density rural housing on the west, and primarily unimproved and conservation lands to the south and southwest.

The area is zoned Rural Agricultural Residence (RAR-90) and the site itself is a re-grown woodlands re-establishing from past use as agricultural pasture and croplands.

GEOGRAPHY

The subject site is located near the top of a long slope; the overall terrain rises steadily from the Willimantic River basin on the west to the top of the hill which is located to the southeast of the subject parcel in the area of the previously developed Beacon Hill Estates subdivision. Grades run parallel the proposed cul-de-sac road at a fairly consistent 4%-6% grade.

The hillside is fairly-well forested (second growth) with light underbrush, and soils in the area are predominantly Paxton and Montauk fine sandy loams, and Charlton-Chatfield complex well-drained soils.

EXISTING CONDITIONS / PROPOSED CONDITIONS

Most of the property to be affected by the proposed development is an area of previously farmed land, with many stone walls and established cart paths. The proposed plan is configured to make use of the existing paths and to utilize the existing stone walls as property boundaries wherever possible.

The proposed cul-de-sac which will run directly down hill from the existing Beacon Hills Estates will be drained to a detention basin which will be located between the proposed development and Mansfield City Road, and which will empty into a new catch basin proposed for Mansfield City Road. A new culvert is also proposed for Mansfield City Road to connect the proposed catch basin with an existing catch basin at the north west end of the proposed development. The construction of the proposed detention basin and associated new structures in Mansfield City Road will help alleviate some of the existing drainage concerns along the town road.

HYDROLOGY

The point of interest in our consideration of pre- versus post-development conditions is the existing catch basin in Mansfield City Road at the northwest end of the proposed development.

The design proposed utilizes a small detention basin and outlet structure to ensure that peak stormwater run-off from the site will not exceed the peak stormwater run-off rates that currently exist.

We used the Hydraflow Hydrographs Extension for AutoCAD program to model existing and proposed storm sewers and to analyze capacity for the 2-year, 10-year, 25-year, and 50-year storm events.

Assuming the present 18-inch culvert leaving the existing catch basin at the northwest end of the project was operating at capacity, we utilized the Hydraflow Hydrographs Extension program to design an on-site stormwater detention system. Hydrographs of peak discharges were prepared utilizing the Rational Method, and the TR-55 stormwater program. Hydrographs for "developed conditions" and "pre-developed conditions" were compared for development of target release values which were then used to design the size and outlet configuration for the detention structure.

The on-site system will be constructed of a shallow detention area which will discharge from an outlet structure to a new catch basin in Mansfield City Road.

A comparison of calculated pre-development and post-development stormwater flows to the 18-inch culvert are as follows:

STORM EVENT	EXISTING COND.	DEVELOPED COND.	REPORT SUMMARY PAGE
2-YR	4.3 cfs	3.5 cfs	2
10-YR	6.5 cfs	5.0 cfs	13
25-YR	7.8 cfs	6.0 cfs	24
50-YR	8.8 cfs	6.6 cfs	35

Stormwater calculations for design of drainage structures in the new road and in Mansfield City Road were based on Rational Method calculations and assumed a very conservative 5-minute time of concentration. Drainage areas were delineated on digital (Autocad) mapping. Drainage area delineations, gutter flow analysis, and storm sewer design calculations are included in Appendix A.

A schematic model of existing and proposed watersheds, and hydrographs comparing pre-development and post-developed conditions were utilized in design of the detention basin. This information is included in the Watershed Model Analysis included here in Appendix B.

Appendix C contains information on soils types and delineation as determined by USDA Natural Resources Conservation Service.

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TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Conservation Commission
From: Linda M. Painter, AICP, Director of Planning and Development
Date: November 8, 2012
Re: 2013 Draft Meeting Schedule

Please review the attached 2013 draft meeting schedule for the Conservation Commission.

The following motion has been prepared if members deem it appropriate. **That the Conservation Commission approve the 2013 meeting schedule for the Conservation Commission.**

CONSERVATION COMMISSION

MEETING SCHEDULE 2013

(3rd Wednesday of the month at 7:30 p.m. in Conference Room B)

JAN 16

JULY 17

FEB 20

AUG 14

MAR 20

SEPT 18

APR 17

OCT 16

MAY 15

NOV 20

JUNE 19

DEC 18

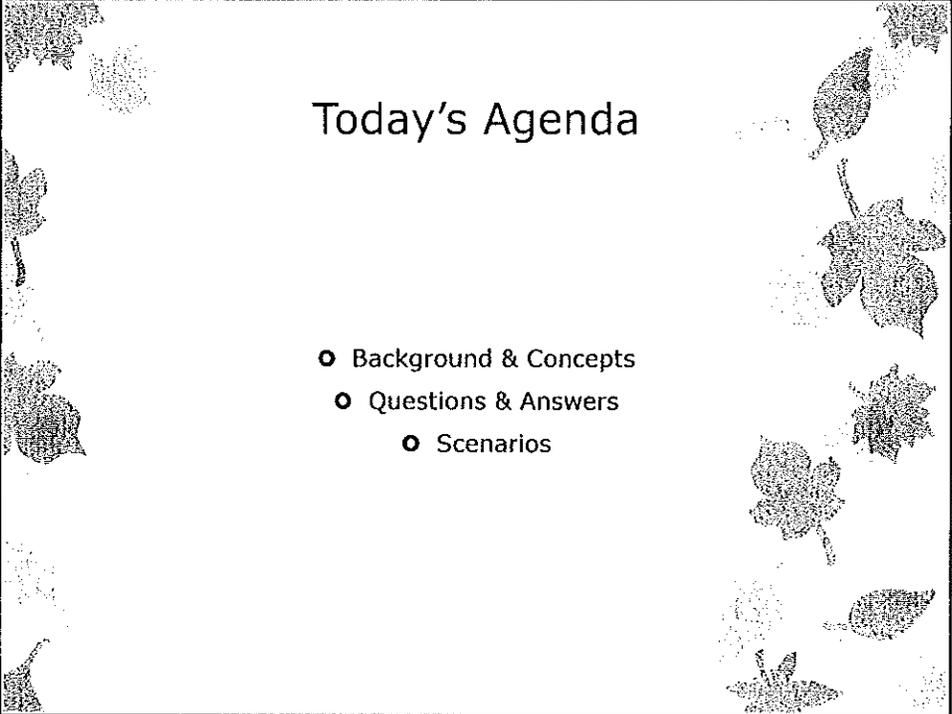
ALL MEETINGS UNLESS OTHERWISE NOTED MEET AT 7:30 PM IN THE
CONFERENCE ROOM B
AUDREY P. BECK BUILDING
4 SOUTH EAGLEVILLE ROAD
STORRS, CT 06268



Town of Mansfield Ethics Training

September/October 2012

Please sign-in at the table.



Today's Agenda

- Background & Concepts
- Questions & Answers
 - Scenarios

Background

- Ethics Code originally adopted by the Town Council in June 1995.
- Ethics Code revised by the Town Council in May 2012 following an extensive 3 ½ year public review process including 65 public meetings:
 - 32 Ethics Board meetings
 - 11 Council meetings
 - 22 Personnel Committee meetings
- State Ethics Commission does not hear cases regarding municipal employees or officials.
- The Connecticut Municipal Ethics Task Force reported that 124 of 169 towns have an ethics code and 70 towns have an Ethics Commission/Board (2009 data).

Ethics Board

- Appointed by the Town Council.
- Provides advisory opinions, hears complaints, offers advice to Council on matters related to Ethics.
- 5 regular members with staggered 3-year terms & 2 alternate members with staggered 2-year terms.
 - Nora Stevens, Chair
 - Saul Nesselroth, Vice Chair
 - John DeWolf
 - Jim Raynor
 - Win Smith
 - Lena Barry, Alternate & Secretary
 - 1 Alternate Vacancy

Code Applicability

- Town of Mansfield employees.
- Mansfield Board of Education employees.
- Various elected and appointed public officials.
 - Includes certain advisory committee members with legislative, administrative or judicial functions. Examples:
 - Conservation Commission
 - Historic District Commission
 - Housing Code of Appeals
 - Advisory Committee on the Needs of Persons with Disabilities when acting as the ADA Grievance Committee

Nuts & Bolts of the Code

- PURPOSE.
 - Promote good government and assure accountability.
 - Promote public trust.
 - Establish standards of conduct for officials and employees.
 - Provide guidance to officials and employees.
 - Encourage decision making, both policy and administrative, that is merit-based.
 - Promote honest and fair deliberations and decision making.

Nuts & Bolts of the Code (25-7)

- **CONFLICT OF INTEREST.** Employees and officials may participate in a matter of general policy when the interest is shared with a substantial segment of Mansfield's population.

Prohibitions exist on officials and employees participating in matters and transactions that will provide a financial gain to themselves or businesses, individuals or family members they are affiliated with.

When participation in a matter is within the scope of duties of an official or employee, they should disclose such conflict to the Ethics Board, agency and supervisor in writing.

Nuts & Bolts of the Code (25-7)

- **GIFTS.** Prohibits accepting gifts from any person interested in any pending matter within such official or employee's official duties.
- **Gifts can include:**
 - Food, beverages, meals
 - Entertainment
 - Money
 - Gift cards
 - Travel
- **Gift exclusions:**
 - Plaques, certificates, ceremonial awards
 - Promotional materials not exceeding \$20 in value
 - Honorary degrees
 - Meal/registration fees/travel costs to an event in which the employee is participating in an official capacity
 - Full list of exclusions provided in Section 25-4 of the Code

Nuts & Bolts of the Code (25-7)

- **OUTSIDE BUSINESS.** Prohibits business activity, including outside employment, that is incompatible with proper discharge of duties or impairs judgment related to official duties.
- **REPRESENTING PRIVATE INTERESTS.** Restricts appearances on behalf of private interests before any board, agency or commission of the Town.
- **SELF-REPRESENTATION.** Asserts an employee or official's right to represent their personal interests before board, agency or commission of the Town.

Nuts & Bolts of the Code (25-7)

- **CONFIDENTIAL INFORMATION.** Prohibits disclosure of confidential information. Prohibits use of confidential information for financial gain of self or others.
- **USE OF TOWN PROPERTY.** Prohibits use of Town property (e.g. equipment, vehicles) for personal use unless it is permissible pursuant to Town policy (e.g. cell phone use, vehicle use, technology use) or generally available to the public (e.g. internet, computers).
- **CONTRACTS WITH THE TOWN.** Prohibits nepotism in the procurement process. Ensures that the Town's Purchasing Ordinance and Procedures are followed.

Nuts & Bolts of the Code (25-7)

- **FINANCIAL BENEFIT.** Prohibits employees and officials from misusing their position with the Town to gain a financial benefit for themselves or a business, individual or family member for whom they are associated with.
- **FEEES OR HONORARIA.** Prohibits employees and officials acting in an official capacity from accepting fees or honorariums for an article, appearance, speech, or participation in an event.
- **BRIBERY.** Prohibits accepting anything of value (e.g. gifts, money, loans) when such acceptance is a reward or promise for future employment, vote, or official action.

Nuts & Bolts of the Code (25-7)

- **DISCLOSURE.** Requires employees and officials for which the Code is applicable to disclose their name, address, and the Town of Mansfield affiliation when speaking before an agency or body regardless of whether said affiliation is related to the matter being addressed.
- **POLITICAL ACTIVITY.** Limitations on political activity such as:
 - Prohibitions on officials and supervisors requesting subordinates to participate in or donate to a campaign or other political activity.
 - Prohibits official town time, equipment, vehicles, etc. from being used for a campaign or other political activity (fundraisers, elections, referendums) not connected with their official duties.
 - Restrictions on political endorsements while on Town time or duty.

Questions & Answers

- Question: I serve on an advisory committee and I'm not sure if the Ethics Code is applicable to me. How can I find out?
- Answers:
 - Check Section 25-4 of the Ethics Code on the official website or the Town Clerk's Office.
 - Contact the staff person to your Committee, Board or Commission.
 - Contact the Assistant Town Manager or Town Clerk.
 - Contact the Ethics Board.
 - If the Code is applicable to you, the Town Clerk's Office will notify you after your appointment or election (new members) or at times of formal revisions to the Code.

Questions & Answers

- Question: How can I obtain a copy of the Ethics Ordinance?
- Answers:
 - Available on the Town's official website.
 - Available at the Town Clerk's & Town Manager's Offices.
 - Available on the Town of Mansfield employee intranet site.
 - Provided in new hire packets.
 - Provided to newly appointed or elected officials.
 - Provided to existing employees or officials upon request.

Questions & Answers

- Question: I am an official or employee of Mansfield and a complaint has been filed against me. What are my rights? How will I be notified?
- Answers:
 - You will be provided a copy of the Code, the Complaint Procedures, and a copy of the complaint.
 - The Ethics Board Chairperson or Vice Chair will contact you in writing.
 - The Board will meet with you at your convenience. During all meetings you have the right to representation (union or legal counsel). If no probable cause is determined, the complaint will be closed and all records will be confidential.
 - If probable cause is determined, a hearing will be held. The Board will render an opinion which may be subject to disclosure.

Scenario – Advisory Opinion

- Scenario: A Town employee in the Parks and Recreation department is considering taking a weekend job with an area private gym. The private gym is considered a competitor of the Community Center. The employee is unsure if accepting the position would be a conflict of interest and violate the Ethics Code.
- Recommended Solutions:
 - Be proactive, seek advice.
 - Consult with the Ethics Board. Request an advisory opinion from the Board to determine if accepting the position would violate the Ethics Code.
 - Consult with the Town Manager's Office. Seek advice to determine if the outside job conflicts with the "Outside Employment" sections of their relevant collective bargaining agreement or personnel rules.

Scenario – Recusal

- Scenario: A Town Council member is an attorney employed by a manufacturing firm. The company would like to open a business in Mansfield and is seeking a tax abatement from the Town. The Town Council will be discussing the matter at its upcoming Council meeting.
- Recommended Solutions:
 - Before discussion on the agenda item begins, the Council member should disclose his affiliation with his employer in open session.
 - The Council member should recuse himself and not participate in discussions on the matter nor vote on the matter.
 - The Council member should consider leaving the table or room during discussions and deliberations on the matter.

Scenario – Gifts

- Scenario: A Mansfield police officer assisted a stranded motorist over the weekend with a flat tire. In appreciation of his efforts, the motorist sends the officer a gift card for \$100 to a local department store.
- Recommended Solutions:
 - Report the gift card to his supervisor. Return the gift card to the sender. Explain that although grateful for the acknowledgement, employees can't accept gifts in excess of \$25. Copy Human Resources on the communication.
 - Report the gift card to his supervisor and donate it to a Town department that can use it for official Town business. Document the "re-gifting" with Human Resources and notify the sender as indicated above.
 - Report the gift card to his supervisor and donate it to a non-profit serving residents of Mansfield. Document the "re-gifting" with Human Resources and notify the sender as indicated above.

Scenario – Conflict of Interest

- Scenario: A volunteer firefighter, John Doe, works for "Company ABC" that makes fire apparatus (trucks). The Town has issued a request for proposals for a new fire truck. John Doe's employer, "Company ABC" wants to submit a proposal for the truck.
- Recommended Solutions:
 - The volunteer firefighter should disclose in writing his affiliation with his employer, "Company ABC," to the Town via the Fire Chief and Ethics Board.
 - The volunteer firefighter should not participate in the bid preparation or selection process on behalf of the Town.
 - The volunteer firefighter should recuse himself from working on the bid submittal for "Company ABC." If the award is granted to his employer, "Company ABC," he should not work on the truck project.
 - For transparency and appearances, the volunteer firefighter could ask his employer to submit a letter to the Fire Chief and Ethics Board stating that he will not participate in the bid or project for Mansfield.

Questions?

- Contact the Ethics Board at EthicsBoard@mansfieldct.org
- Contact the Assistant Town Manager at HR@mansfieldct.org
- Go to www.mansfieldct.gov and select the Ethics Board's web page.

Mansfield Open Space Preservation Committee
DRAFT Minutes of October 16, 2012 meeting

Members present: Jim Morrow (chair), Michael Soares, Ken Feathers, Vicky Wetherell, Quentin Kessel, Roberta Coughlin, Jennifer Kaufman (staff).

1. Meeting was called to order at 7:30.
2. Vicky was appointed acting secretary.
3. Minutes of the September 18, 2012 meeting were approved.

New Business

4. *Executive Session* The committee voted to go into executive session at 7:35, and to come out of executive session at 8:25. A recommendation will be forwarded to the Town Manager.

4. *PZC Referrals* The committee declined to comment on the Kueffner/Stoddard, Healey, and Storrs Center applications. The committee discussed the new special permit application for Whispering Glen. They will have a field trip to the property on October 21 before submitting comments to PZC.

Old Business

5. *Easement Project* The committee began discussion and will continue as the first item at their November meeting.

6. Meeting adjourned at 9:30.

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Memorandum:

November 1, 2012

To: Inland Wetland Agency
From: Grant Meitzler, Inland Wetland Agent
Re: Monthly Business

W1419 - Chernushek - hearing on Order

- 3.10.09: The hearing on the Order remains open and should continue until the permit application under consideration is acted upon.
(The Order was dropped on approval of the application required in the Order.)
- 4.30.09: Former rye grass seeding is beginning to show green. I spoke with Mr. Chernushek this afternoon who indicated health problems that delayed his starting but indicated he will be working this weekend. I will update on this Monday evening.
- 5.26.09: A light cover of grass growth has come in. Mr. Chernushek indicates health problems and two related deaths have delayed his start of work since the permit approval was granted. It appears that some light work has started. He has further indicated that he will start a vacation on June 22, 2009 to finish the work.
- 6.13.09: Work is underway.
- 6.21.09: Bulldozer work has been completed - finish work remains. The additional silt fencing has been placed along the northerly wetlands crossing, and the additional pipe under the southerly crossing has been installed. Remaining work includes finish grading along edges, spreading stockpiled topsoil, and establishing grass growth.
- 7.01.09: I spoke with Mr. Chernushek who indicated he expects work to be completed by September 1, 2009. (Site photo attached).
- 9.03.09: Mr. Chernushek has been working on levelling and grading. The formerly seeded areas have become fairly thick growth surrounding the central wet areas. He has further indicated that with the combination of weather and the slower moving of earth with the payloader compared to the earlier rented bulldozer has led him to contact contractors for earth moving estimates which have not yet been received. The site is not yet finished but has remained quite stable.
- 9.12.09: I met with Mr. Chernushek today and discussed again what his plans are for stabilizing this work site.
- 10.01.09: Mr. Chernushek indicated he has not heard back from the contractor he had spoken with about removing material, and is in progress of contacting others. In discussion is removal of material from the site either within the 100 cubic yard limit or obtaining a permit for such removal.
- 10.28.09: Mr. Chernushek has indicated he has made arrangements with DeSiato Sand & Gravel to remove 750 cubic yards of material. Staff is in the process of clarifying permit requirements.
- W1445 - Chernushek - application for gravel removal from site**
- 11.30.09: Packet of information representing submissions by Mr. Chernushek, Mr. DeSiato and myself is in this agenda packet as Mr. Chernushek's request for modification.
- 12.29.09: Preparation of required information for PZC special permit application is in progress. Tabling any action until the February 1, 2010 meeting is recommended.
- 1.12.10: 65 day extension of time received.
- 2.18.10: No new information has been received.

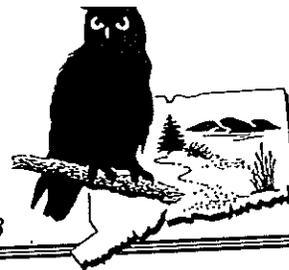
- 2.25.10: This application has been withdrawn.
- 6.30.10: As viewed from the adjacent property, the upstream and downstream areas have grown to a decent protected surface. I did not see indication of sediment movement.
- 10.26.10: A sale of the East portion of the Chernushek property has been in negotiation.
- 12.27.10: The property exchange has been completed. The owner is now the neighboring property owner Bernie Brodin. He has indicated his intention to stabilize the area as weather permits.
- 4.25.11: Mr. Brodin indicates he is starting with grading and spreading hay and seed to stabilize disturbed areas.

Mansfield Auto Parts - Route 32

- 11.03.11: Inspection - two vehicles are within 25' of wetlands. Vehicle doors and a camper or trailer are stored in the extreme rear lot not approved by zoning for use.
- 11.30.11: Inspection - two vehicles are within 25' of wetlands. Employees indicate cars will be moved soon. Payloader repair parts are to be there later today and cars will be moved as soon as parts are installed. Owner indicated in earlier discussion that the doors would be moved. Rate of tire removal has increased with a company in Massachusetts removing them by truckload. At time of this discussion (about a week ago) nearly 2,000 tires had been removed from the lot by the railroad tracks.
- 12.07.11: Inspection - two vehicles are within 25' of wetlands. Payloader repairs not yet completed. Weekly inspections will be made until the two vehicles and doors are moved.
- 12.27.11: Inspection - 1 vehicle within 25' of wetlands - owner indicates it will be moved this week. Payloader is back in operation. Owner indicates doors in "rear" lot will be moved this week. Large number of tires have been moved from lot by RR tracks - approximately 65% of tires have been removed.
- 2.01.12: Inspection - employee indicates payloader repair has had problems and the one car within 25' has not yet been moved. Tire removal has continued and about 90 percent of the tires have been removed. A truck from the company removing the tires arrived while I was at the site.
- 3.01.12: Inspection - owner indicates payloader is repaired. Owner indicates the one car within 25' will be moved. Tire removal is nearing completion.
- 3.28.12: On the way to see the car moved I found the payloader blocking the entrance drive to the rear area, with the mechanic under the hood. He indicated the new engine had stopped running on the way to move the remaining car. Inspection today showed the payloader in the same location.
- 5.01.12: Payloader remains in the same location with a bad motor.
- 5.17.12: Payloader and the one vehicle have been moved. There are no vehicles within 25' of wetlands.
- 6.22.12: Inspection - no vehicles are within 25' of wetlands.
- 7.10.12: Inspection - no vehicles are within 25' of wetlands.
- 8.16.12: Inspection - no vehicles are within 25' of wetlands.
- 9.19.12: Inspection - no vehicles are within 25' of wetlands.
- 10.05.12: Inspection - no vehicles are within 25' of wetlands.

THE HABITAT

A newsletter of the Connecticut Association of Conservation
and Inland Wetlands Commissions, Inc.



volume 24 number 3

Fall 2012

CACIWC's 35th Annual Meeting
& Environmental Conference
Saturday, November 17, 2012
9:00am to 3:30pm

Four Points by Sheraton
275 Research Parkway
Meriden, CT 06450

In response to your requests, a broad selection of administrative, legal, procedural, and scientific workshops in a series of reformatted tracks are offered this year for both new and experienced inland wetlands and conservation commissioners and their agents.

- Open Space & Conservation Biology
- Land Use Law & Legal Updates
- Wetlands Science & Engineering Track
- Commission Administration & Planning Track

See pages 8 & 9 for the complete list of workshops.

A lunchtime discussion on Connecticut environmental and land use legislation will be provided by **Martin Mador**, Legislative Chair of The Connecticut Chapter of the Sierra Club.

There is still time to submit your nominations for a CACIWC annual award! See page 9 or www.CACIWC.org for more information.

Dr. Michael Klemens Will Highlight CACIWC's 35th Annual Meeting & Environmental Conference

"Ecological Stewardship and Economic Development: Do We Have to Choose?"

Too often the choice between environmental health and economic prosperity is positioned as a choosing between one and the other. This keynote address will examine the roots of this perceived dichotomy which is at the basis of so much of the conflict and confrontation that surrounds land use decision-making. Dr. Klemens will explore options that are available to local leaders and communities to better resolve conflicts, understand the strengths and limitations of science and their practitioners, and plan for more ecologically and economically resilient communities, drawing on his own thirty plus years of experience in the field.



Educated in the United States and Europe, Dr. Michael W. Klemens is a conservation biologist and land-use planner who seeks to achieve a balance between ecosystem requirements and human needs. He has conducted field work in East Africa and throughout the United States and has written several books including the definitive study of Connecticut's amphibians and reptiles and authored over 100 scientific papers. He

is the co-author (with Aram Calhoun) of the Best Development Practices manual for vernal pool resources which is incorporated by reference into Connecticut's 2004 Stormwater Manual as well as the guidance document promulgated by the Army Corps of Engineers for the New England Region in 2011. He is on the scientific staff of the

Klemens, continued on page 12

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www.caciwc.org

CACIWC News Briefings

The many challenges of national efforts to preserve open space and the severe drought affecting many regions of the country reminds us of the value of intact wetlands systems and other important habitats here in Connecticut and emphasizes the importance of the ongoing work by CACIWC member commissions and staff. As we approach our 35th annual meeting, the CACIWC Board of Directors extends our thanks to all Connecticut conservation and wetlands commissioners, agents, directors.

1. Based on suggestions from last year's meeting, the CACIWC Board of Directors and its Annual Meeting Committee have assembled another new series of workshops designed to bring useful information to attendees of this year's 35th Annual Meeting and Environmental Conference. After many years of service as the host to our annual meetings, MountainRidge in Wallingford was sold and closed to the public requiring us to search for a new venue. We are excited to return to our original location, now known as Four Points by Sheraton (275 Research Parkway Meriden, CT 06450). Additional details of our meeting, scheduled for Saturday, November 17, 2012 at Four Points by Sheraton in Meriden, can be found in this issue of *The Habitat*.

2. Our keynote speaker, *Dr. Michael Klemens*, will help us celebrate this special 35th anniversary event. We are looking for **photographs documenting the activities of Connecticut's conservation and wetlands commissions through the years**. Please scan or digitize the photographs and send them to us at AnnualMtg@caciwc.org along with suggested captions and information on whom to credit. Watch for additional conference news on our website: www.caciwc.org.

3. Don't forget to **register early for 2012 Meeting**. While increasing costs have required us to raise our general admission fees, the Committee has again decided not to increase the registration fee for members from town commissions *who register early and are current with their membership dues*. Although our conference registration form was mailed to each commission, you can also print one from our website: www.caciwc.org.

4. The Board has been pleased by the number of commissions who have already sent in their 2012-13 membership dues in response to the reminder and renewal form mailed earlier in June. A copy of this form and additional information can also be found on our website: www.caciwc.org. Would you or your company like to provide additional support to CACIWC? The

CACIWC news, continued on page 13



Journey to The Legal Horizon

by Attorney Janet Brooks

The Agricultural Exemption: The Year in Review

The agricultural exemption continues to be a topic which yields lots of legal fruit. Since December 2011 there have been one Appellate Court decision and three Superior court (trial court) decisions. While only Supreme Court and Appellate Court decisions are binding precedent for everyone, we can get an idea of the troublesome portions of the exemption by examining what's going on at the Superior Court level.

Attorney's fees were awarded to a downstream property owner which intervened in support of a town's wetland enforcement in court. In *Conservation Commission v. Red 11, LLC*, the town and intervenor prevailed in having earlier wetlands appeals brought by the LLC conducting farming activities, some of which were determined not to fall within the ag exemption. Then the town and intervenor prevailed in their enforcement action that the LLC had filled some wetlands and drained other wetlands without a permit. In that decision the Appellate Court upheld the Superior Court order requiring substantial restoration efforts. *In this cycle of the litigation, the Appellate Court upheld the Superior Court's award of an eye-popping \$391,967.80 for attorney's fees.*¹ The threat of attorney's fees usually serves as a deterrent and encourages parties to settle. Red 11, LLC is liable for the town's attorney's fee and costs of \$69,569.80 (which Red 11, LLC did not contest), the intervenor's attorney's fee and costs, which totaled \$426,437.79 (only the attorney's fee portion was contested) and its own legal fees.

This is not the usual course of litigation for cases involving the agricultural exemption. Most cases involve individuals, as the following Superior Court cases exemplify. Many exemption cases aren't pursued because of the cost of litigation. As a result there has been a slow development of the case law in this area which has hampered uniform application of the exemption. Often we are looking to Superior

Court decisions because there is no applicable Appellate Court or Supreme Court decision. However, as one of the judges in the case below pointed out, Superior Court decisions do not bind other Superior Court judges in their work. That can result in a "variety" of Superior Court decisions which are inconsistent with each other, which await resolution by a higher court.

The farming exemption decisions in the past year do not involve whether or not there is truly an agricultural activity being undertaken, but rather whether that activity falls within the exemption or not. The exemption in Connecticut General Statutes § 22a-40(a)(1) is, shall we say, inelegantly written, utilizing a double negative:

"...if the statute would be amended to include a list of explicitly included and explicitly excluded activities within the exemption, we would have better compliance."

"(a) The following operations and uses shall be permitted in wetlands and watercourses, as of right: (1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming

operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale."

I remain convinced that if the statute would be amended to include a list of explicitly included and explicitly excluded activities within the exemption, we would have better compliance.

legal horizon, continued on page 4

legal horizon, continued from page 3

In *Yorgenson v. Chapdelaine*,² the Eastford wetlands commission was granted a temporary injunction against Chapdelaine's digging, removing of soil or stumps and use of heavy equipment in wetlands and adjacent to a watercourse. A temporary injunction is granted to preserve the status quo (or sometimes to return to the status quo before the violation occurred) at the outset of a lawsuit. The agency has a heavy burden to satisfy the court. In this case a cease and desist order was issued since Chapdelaine did not appear to defend her activities of clearing and filling near a stream. Nor did she appeal the final order that the commission issued. Months later she asserted that she could undertake farming activities without local oversight, trying to establish that the activities were exempt. Appearing pro se before the commission, she tried to rely on case law, but did not respond to the agency's request for more information. The agency determined that some of her activities fell within the exemption, but not all. She ended up in court, the defendant in an enforcement action. Chapdelaine pointed to a 2006 Superior Court decision that concluded the preparatory activities (stumping and grading the land) were encompassed within the agricultural exemption. This Superior Court judge disagreed -- as he was entitled to, as Superior Court decisions are not binding on anyone, except the parties involved. Now, there is non-binding case law for each side of the controversy for future cases.

In *Inland Wetlands and Watercourses Commission v. Andrews*,³ the Superior Court followed established precedent in granting the Wallingford wetlands agency relief against a property owner engaged in agricultural activities that the agency determined did not fall within the farming exemption. When the agency issued its initial cease and desist order, Andrews filed

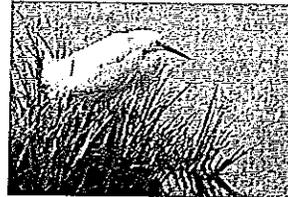
a determination for exemption. The agency denied that the activities were exempt. Andrews did not appeal the final order. The agency subsequently issued another order. Andrews did not appear at the agency hearing, nor did he appeal the second order when it became final. The agency brought an enforcement action to the Superior Court. Following established Supreme Court precedent, the Superior Court ordered the land owner to refrain from conducting regulated activities without a permit and to engage in restoration with specified kinds of professional expertise within a defined timeframe. In the Wallingford and Eastford cases the people subject to enforcement actions do not have latitude to contest the orders in court, if they did not pursue appeals of the underlying orders.

The final wetlands decision turns out differently for the Fairfield wetlands agency. In *Taylor v. Conservation Commission*,⁴ the Superior Court admonishes that Taylor should be permitted to engage in his farming activities "unencumbered by the micromanagement of Fairfield officials, or 'gotcha' surveillance by residents of an upscale neighborhood." A neighbor took a video of Taylor removing material

legal horizon, continued on page 14

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2012 Environmental Legislation Recap

Open Space and Conservation

A NEW OPEN SPACE LAW

In June Governor Malloy signed into law Public Act No. 12-152, An Act Concerning the State's Open Space Plan. The new Act requires Connecticut to devise a formal strategy for protecting open space, and to update it every five years. For a direct link to PA 12-152 go to caciwc.org Home Page.

The bill requires the state Department of Energy and Environmental Protection (DEEP) to prepare the strategy for achieving the 21 percent goal in consultation with the state Department of Agriculture, the state Council on Environmental Quality, municipalities, regional planning agencies, and private land conservation organizations such as Connecticut Audubon Society. For example, many of the bill's provisions started as recommendations in Connecticut Audubon's *Connecticut State of the Birds* reports.

The strategy must include an estimate of the number of acres preserved statewide, as well as timetables for land acquisition by the state, plans for managing the state's preserved lands, and an assessment of the resources the state will need to acquire and manage open space. It has to identify the highest priorities for land acquisition, including wildlife habitat and ecological resources that are in greatest need of immediate preservation, and the general location of each priority. This is particularly important because many of the state's

highest quality conservation lands are at risk of being lost partly because few people know where they are.

The bill also requires the DEEP to work with other state agencies to identify lands they own that might have conservation value, and to devise a plan for preserving the tracts with the highest conservation value. This provision could lead to the preservation of important acreage without having to spend state funds. CACIWC supported this legislation and appreciates the work of the Connecticut Council on Environmental Quality, which beginning in early January worked to draft the bill and guided it through the General Assembly; and Audubon Connecticut, the state office of the National Audubon Society, for its leadership in getting the bill passed.

COMMUNITY INVESTMENT ACT SURVIVES

Community Investment Act (CIA) funds made it through the session intact and is safe until 2014. This is a priority for CACIWC and other environmental partners. Enacted with tremendous bipartisan support in 2005, the CIA provides increased funding for state programs for open space, farmland/dairy production, historic preservation and affordable housing.

In previous years, funds from the CIA account were siphoned into the general fund to help offset budget deficits. This year, the Appropriations Bill gave the Governor authority to recommend the movement of money from certain non-appropriated accounts to cover any deficit, **except from the CIA** and certain other accounts. Your representatives in the General Assembly deserve a thank you for their strong support.

FUNDING FOR INVASIVE PLANT COORDINATOR

Passage of H.B. 5413, An Act Concerning Invasive Plants, will enable the Invasive Plants Council to maintain the services of an invasive plants coordinator.

open space legislation, continued on page 14



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2012 Environmental Legislation Recap

Inland Wetlands Regulation and Watercourses Act

In 2012 the Connecticut General Assembly amended the Inland Wetlands and Watercourses Act (IWWA) with the passage of Public Act No. 12-151.

Public Act No. 12-151 amends section 22a-42a(d)(1) and section 22a-42a(d)(2) of the General Statutes of Connecticut. Specifically, the Public Act amends (d)(1) by stating that permit conditions can include seasonal restrictions provided the inland wetlands agency or its agent determines that such restrictions are necessary to carry out the policy of the IWWA; and amends (d)(2) by specifying that for regulated activities involving development projects also requiring approval under Connecticut General Statutes Chapter 124 (Zoning), Chapter 124b (Incentive Housing Zones), Chapter 126 (Municipal Planning Commissions) or Chapter 126a (Affordable Housing Land Use Appeals), the wetlands permit approval is valid until the companion planning and/or zoning permit approval expires, or for ten years from the date of issuance of the wetlands permit, whichever is earlier.

The following changes to the Inland Wetlands and Watercourses Model Municipal Regulations (IWW-MMR) Fourth Edition, dated May 1, 2006, as amended by the Department of Energy and Environmental Protection's Legislation and Regulation Advisories dated February 1, 2007; December 10, 2007; October 14, 2008; March 3, 2010; November 17, 2010; and September 8, 2011 are made in order to conform to Public Act No. 12-151:

Section 11: Decision Process and Permit

The underlined language noted below is new and should be added to your regulations. The bracketed language noted below should be deleted from your regulations.

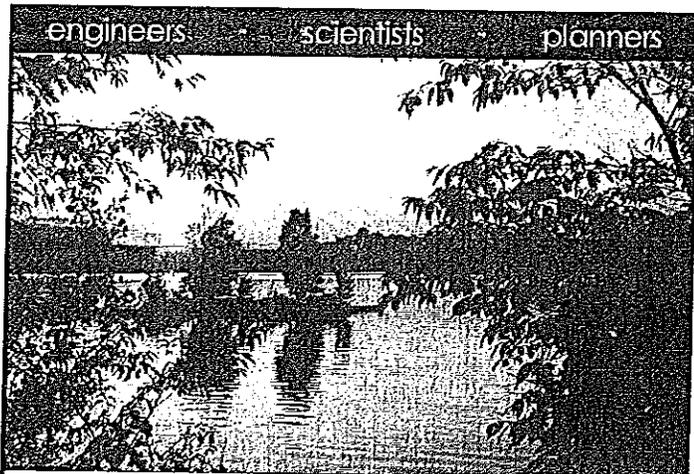
11.1 The Agency, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which

would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources. Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Agency, or its agent, determines that such restrictions are necessary to carry out the policy of sections 22a-36 to 22a-45r inclusive, of the Connecticut General Statutes.

11.2 ... 11.5

11.6 Any permit issued by the Agency for the development of land for which an approval is required under [section 8-3, 8-25 or 8-26] chapter 124, 124b, 126 or

IW legislation, continued on page 15



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BYLAWS ~ Adopted 1977; amended 1984, 1993, 2000, 2005

Proposed Amendments

2012 Proposed Amendments (deletions in brackets, additions are underlined)

ARTICLE I - NAME, PURPOSE, and OFFICES

1.4 The principal office of the association is located in the Town of [Vernon] Middletown, County of [Tolland] Middlesex, State of Connecticut.

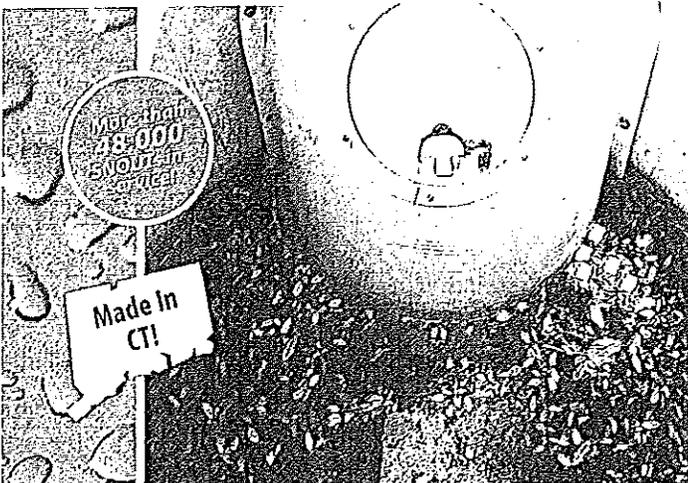
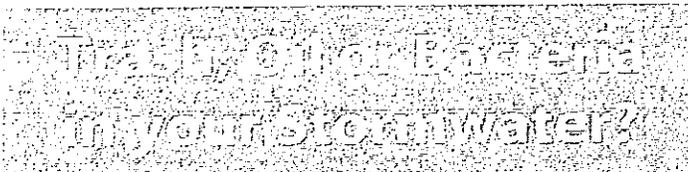
- eight Alternate County Representatives, one from each Connecticut county;
- up to three Alternate at Large Representatives from any Connecticut County; and
- past presidents of the association (ex officio, without voting power).

ARTICLE IV - BOARD OF DIRECTORS

4.1 The Board of Directors shall consist of:
- the four officers of the association;
- eight County Representatives, one from each Connecticut county;

ARTICLE VII - ELECTION AND TERMS OF OFFICE

7.1 Officers and directors of the Board of Directors shall be elected at the Annual Meeting and shall serve for a term of two years, or until his/her successor has been elected and has taken office. Any past or present member or designated agent / enforcement officer of a Connecticut Conservation or Inland Wetlands Commission / Agency may be elected to the Board of Directors as an Officer, County, or Alternate County Representative. Any Connecticut resident with experience working on conservation issues may be elected to the Board of Directors as an Alternate at Large Representative.



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ARTICLE X - MEETINGS

10.3.5 An Alternate County Representative or Alternate at Large Representative shall be entitled to vote at meetings of the Board of Directors if he/she is substituting for [the] a County Representative or is seated by the President. No more than 12 voting members may be seated at any Board of Directors meeting.

Editor's Note: Proposed Amendments will be voted on at 35th Annual Meeting. For present Bylaws go to caciwc.org, click on About CACIWC.

CACIWC's Environmental Conference Workshops

SESSION 1 (9:30 - 10:30 AM)

(* Denotes Advanced Workshop)

A1. "New Approaches to Natural Resource Inventories"

Dr. Benjamin Oko, Ridgefield Conservation Commission

Ridgefield's Conservation Commission has received recognition for its comprehensive and innovative approach to a natural resource inventory. The inventory was conducted using a combination of professional and volunteer efforts. Dr. Oko, who served as the Commission's chair for ten years, guided the project. He will discuss the process of setting goals, developing methodology and outline the initial findings of the inventory. The benefits of the Ridgefield approach will be discussed and compared to other methodologies.

*B1. "Working with Expert Consultants"

Janet Brooks, Attorney at Law, LLC

Confused about the use of expert evidence? Attorney Brooks will review the current state of law and highlight a recent court case where both experts were disregarded by the trial judge. Come learn why.

*C1. "Vernal Pools: Road Effects on Biochemical Cycling & Amphibian Performance"

Steven P. Brady, School of Forestry, Yale University
Joseph T. Bushey, Civil & Environmental Engineering, University of Connecticut

Roads are distributed pervasively throughout much of North America, posing a suite of negative effects on native habitats. Contaminants and nutrients are deposited onto roads, and carried into adjacent habitats; road salt is chief among these in certain areas. In temporary aquatic habitats, which are typically small and shallow, such contaminants can become highly concentrated. Studies suggest that even in relatively undeveloped settings, roads can dramatically reshape wetlands environments. The workshop will outline the results of these studies.

*D1. "The State Plan of Conservation and Development (POCD): Next Steps"

Daniel Morley, Policy Development Coordinator
State of Connecticut, Office of Policy and Management (OPM)

Communities across the state have reviewed the *Draft Conservation & Development Policies: A Plan for Connecticut*, including the Plan's new Locational Guide Maps identifying Priority Conservation, Priority Development and Balanced Growth Areas. In this workshop, Daniel Morley, OPM Policy Development Coordinator, will discuss the record of local involvement during preparation of the Plan, the process by which comments have been addressed in the proposed final documents, and the opportunity for further municipal and public input through the upcoming legislative hearing.

SESSION 2 (10:45 AM - 12:00 PM)

(* Denotes Advanced Workshop)

*A2. "CT Wildlife Update: Declining Birds, Declining Dollars: Cause and Effect"

Min T. Huang, Migratory Game Bird Program Leader
CT Department of Energy and Environmental Protection (DEEP)
In tighter financial times, many aspects of our society are impacted in a variety of ways. The environment is no exception. Dr. Huang will focus on the decline of many of our state's non-harvested birds and the possible causes for those declines. He will review the current lack of dedicated funding for non-harvested wildlife and discuss ways in which such a stream of revenue, if available, could benefit them. Dr. Huang will also review his current projects including ruffed grouse survival and dispersal, chimney swift survival rate estimates, purple martin dispersal, along with shrub land and forest interior bird productivity and distribution.

*B2. "2012 Wetlands Law Update with Question & Answers Session"

Janet Brooks, Attorney at Law, LLC;
David Wrinn, CT Attorney General's Office;
Mark Branse, Branse, Willis & Knapp, LLC

This trio of wetlands attorneys has been brought back by popular demand to keep you current with the latest state Supreme Court and Appellate Court cases and legislative amendments to the wetlands act. This work shop will also include a 30-min question-and-answer session that you have asked that we bring back again each year!

C2. "How Sanitarians & Wetlands Agents Can Work Together to Protect Wetlands"

Amanda Clark, State of Connecticut, Department of Public Health (DPH) & others

Does receipt of a local Health District approval mean that proposed septic system work won't have an impact on a wetland or watercourse? This workshop is intended to explain the basics of how a septic system works, how sanitarians evaluate different soil types and what analysis is done to ensure proper treatment of effluent and guard against failures, what are possible impacts to a wetland or watercourse from septic effluent and what types of septic design or mitigation methods might be used to lessen the impact.

D2. "Can Open Space Be Permanently Protected?"

Amy B. Paterson, Esq., Executive Director,
Connecticut Land Conservation Council (CLCC)
& other panelists

Effective stewardship of open space is a challenging task. This workshop will review issues and obstacles to efforts to protect state, municipal and private open space in perpetuity. The panel will cover existing administrative policies and statutory provisions and review the use and effectiveness of deed restrictions and conservation easements; the role and authority of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board; the role of the Conveyance Act in conservation land transfers, and an overview of PA 12-152, An Act Concerning the State's Open Space Plan, as well as a search for new and creative ways to provide better protection.

Open Space &
Conservation Biology Track

Land Use Law &
Legal Updates Track

Wetlands Science &
Engineering Track

Commission Administration &
Planning Track

Saturday, November 17, 2012

SESSION 3 (2:00 - 3:15 PM)

(* Denotes Advanced Workshop)

A3. "Invasive Species, Climate Change & Other Factors"
Dr. Kirby Stafford, Connecticut Agricultural Experiment Station (CAES), Vice Director, Chief Scientist/State Entomologist;
Dr. John Silander, UCONN Dept. of Ecology and Evolutionary Biology; Gregory Bugbee, CAES Department of Soil and Water.

New Englanders are confronted with increasing occurrences of non-native invasive species, with new or changing impacts on existing habitats and wildlife. Many of these circumstances are related to our changing climate and other factors. This workshop will highlight specific examples, including Emerald ash borer, as well as broader trends, and will discuss how we can address these evolving issues.

***B3. "Working Within Your Town to Manage Complex Applications"**
Attorney Mark K. Branse, Branse, Willis & Knapp, LLC

This workshop will discuss how municipal wetlands agencies can enhance their ability to respond to complex applications. The importance of forming and managing a municipal review team, including both in-house expertise and consultants, will be discussed. Attorney Branse will also cover motions, conditions, and modifications of approval, keeping the record straight in the digital age, ensuring that the parties to play fair, and even how to maintain crowd control.

***C3. "Defining a 'Likely' Impact to the Physical Characteristics of Wetlands"**
Marjorie Shansky, Esq.;
Lisa Krall, Natural Resources Conservation Service (NRCS);
Michael Klemens, PhD

Previous workshops have made it clear that a wetlands commission cannot consider impacts to aquatic, plant or animal life in the upland review area or beyond unless the proposed activity will likely impact or affect the physical characteristics of a wetland or watercourse. This workshop is intended to provide guidance to correctly define the physical characteristics that are needed for a commission to qualify what a likely impact is to a wetland to build a record that supports a decision.

D3. "Strengthening Conservation Commissions, a Panel Discussion"
Martin Mador, Legislative Chair, The Connecticut Chapter of the Sierra Club;
Tom Ouellette, Vice-Chair, Vernon Conservation Commission;
Rod Parlee, Chair, Bolton Conservation Commission;
Elaine Sych, Coordinator, Connecticut Environmental Review Teams (ERT)

What can your conservation commission do to be more effective? This panel discussion will review successful approaches taken by a variety of conservation commissions during the past decade and review new tools developed to enhance local efforts such as the Environmental 911 brochure. The many contributions of Connecticut's Environmental Review Teams (ERT) will be discussed.

**CACIWC 2012 Annual
Recognition Awards**

There is still time to submit your nominations for a CACIWC annual award. Nominations will be accepted until **October 31, 2012** in six award categories:

1. Wetlands Commission of the Year
2. Conservation Commission of the Year
3. Wetlands Commissioner of the Year
4. Conservation Commissioner of the Year
5. Commission Agent or Staff of the Year
6. Lifetime Achievement Award

Please see www.CACIWC.org for the nomination form and additional information. Completed nomination forms should be emailed to the CACIWC Annual Award Nominations Committee at: AnnualMtg@CACIWC.org.

SCHEDULE FOR THE DAY

Registration & Breakfast	8:30 – 9:00 am
Welcome & Business Mtg.	9:00 – 9:30 am
Session 1 Workshops	9:30 – 10:30 am
Break 1	10:30 – 10:45 am
Session 2 Workshops	10:45 am – 12:00 pm
Lunch & Keynote speaker	12:00 – 1:30 pm
Awards	1:30 – 1:45 pm
Break 2	1:45 – 2:00 pm
Session 3 Workshops	2:00 – 3:15 pm
Final display viewing	3:15 – 4:00 pm

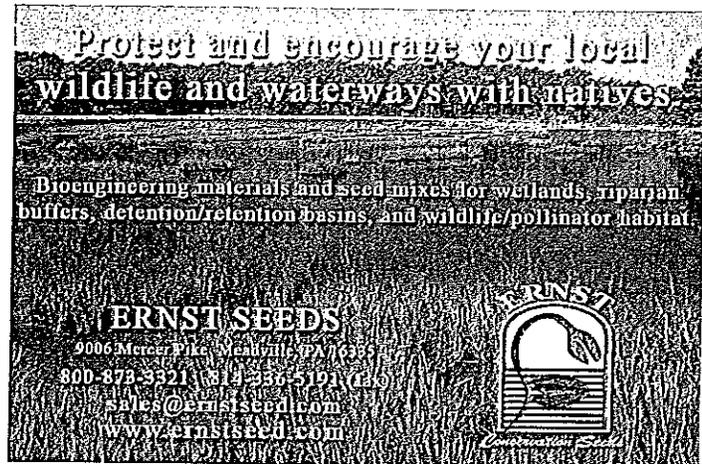
Displays will be on view
from 8:30 am – 4:00 pm.

DEEP's 2012 Municipal Inland Wetland Commissioners Training

Segment 3 of the DEEP's 2012 Municipal Inland Wetland Commissioners Training Program will be conducted in late October through mid-November. This year participants will be able to choose one of two workshop topics – Vernal Pool Ecology or Monitoring for Benthic Macro invertebrates: What These Organisms Can Tell Us About the Health of a Stream.

Participants choosing to attend the vernal pool workshop will have a choice of two dates- Friday October 26th and Saturday November 3rd. Both workshops will be held in Middletown. Participants choosing to attend the macro invertebrate workshop will also have a choice of two dates – Thursday November 8th and Wednesday November 14th. Both workshops will be held in Burlington. Program brochures containing registration information will be mailed to every municipal inland wetlands agency in early October.

Finally, the DEEP is still accepting registrations for the new online Segment 1 course. Registrations will be accepted up to December 1st and all coursework needs to be completed by December 15th. The course will be shut down at that time for edits and maintenance. If you have any new members on your commission please recommend that they take this course. For more information please contact Darcy Winther of the Wetlands Management Section at (860) 424-3019.



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CT Inland Wetlands & Watercourses Act Section 22a-42a

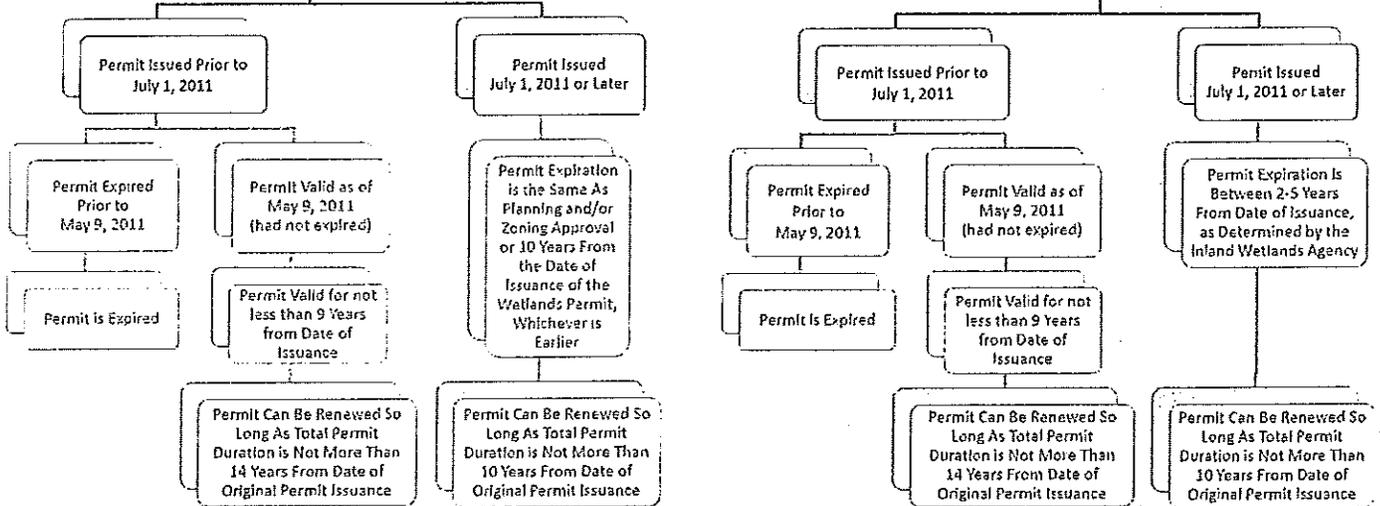
Application Received

Permit Expirations
Refer to the CT Inland Wetlands and Watercourses Act for specific statutory language and permit timeframes

For Regulated Activities Associated with Projects Requiring Approval Under Any of the Following Chapters ("Planning and/or Zoning Approval"):

- CGS Chapter 124 (Zoning)
- CGS Chapter 124b (Incentive Housing Zones)
- CGS Chapter 126 (Municipal Planning Commissions)
- CGS Chapter 126a (Affordable Housing Land Use Appeals)

For All Other Regulated Activities



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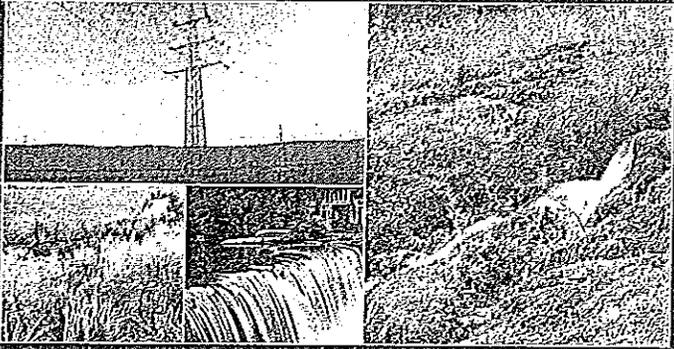


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Klemens, continued from page 1

American Museum of Natural History, serves as a consultant to various Federal agencies, and is adjunct faculty at several universities.

Locally, Michael has served over six years on the Salisbury Planning and Zoning Commission, most recently and currently as its Chairman. Under his leadership the P and Z has assumed authority over critical natural resources such as vernal pools, complementing the authority of the local Inland Wetland Commission to afford seamless protection of both the pools and the critical upland habitat. He states that "recognizing the distinct regulatory authorities of these agencies, and creating regulations that dovetail with one another, is the best legal fix that can fill the void created by the regressive Avalon Bay decision." He was recently re-elected on a platform that "brings an independent perspective to planning issues, mindful of the need to balance the stewardship of community interests with rights of land-owners to use their properties productively. Increased public participation in municipal government is essential, and that all points of view have merit and require the serious attention of local government."

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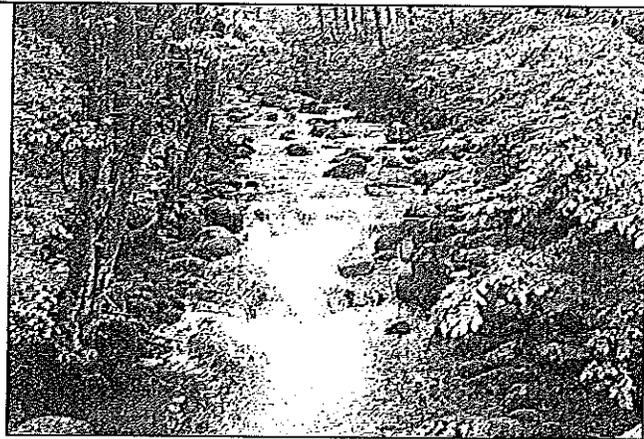


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Steven Trinkaus, PE, CPESC, CPSWQ



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website also provides a description of additional individual and business membership categories. Please consider making an additional contribution to support CACIWC education and outreach efforts!

5. Although the Board and its Annual Meeting Committee have already received several excellent nominations for our **2012 Annual CACIWC Awards**, there is still time to submit yours! The 2012 nomination form has been placed on our website. Just print it out, scan it and email it to us at: AnnualMtg@caciwc.org.

6. While we continue to hear from individuals who are interested in filling one of our current board vacancies many positions still remain. Please submit your name to be considered for nomination at: board@caciwc.org Let us know if you currently do not have time to serve on the board, but wish to volunteer in support of our many administrative, education, and outreach activities.

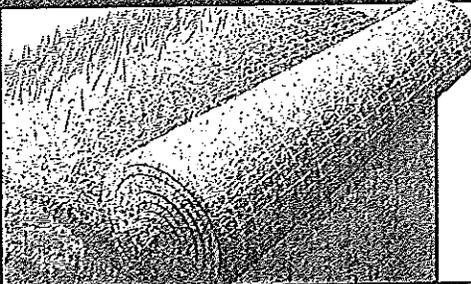
7. To provide us with additional opportunities to recruit new members, our board of directors has proposed several **bylaws amendments**, copies which were mailed to each commission. These amendments include the creation of several *alternate at large* positions that can represent more than one county. These positions will also allow us to retain well qualified directors from areas whose county and alternate county positions are already filled. We hope that you will vote to support these amendments during the business meeting of our annual conference.

8. During the last several months the board has been reviewing priority goals established for the 2008 **strategic plan** and evaluating the board's progress in attaining these goals. Board members will be selecting new goals and objectives for the next three to five years. You will be hearing more about these efforts during the coming year.

We thank you for your efforts to protect wetlands and conserve natural resources in your town!

~ Alan J. Siniscalchi, President

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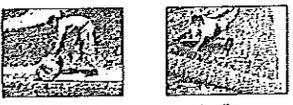


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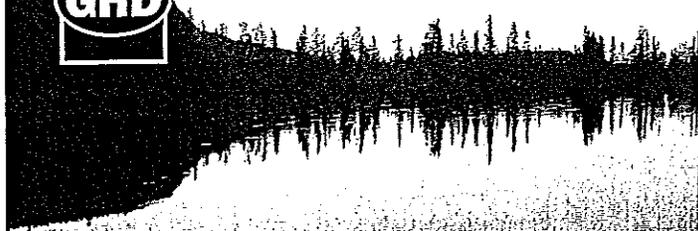


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legal horizon, continued from page 4

from a trench on his property in which he conducts farming, although the Superior Court points out that the area is more conducive to "McMansions." The agency issued a cease and desist order and required him to restore the "watercourse." Taylor had removed 5 cubic yards of material from the ditch, such as debris, leaves, grass clippings and sediment. A soil scientist (it is not stated for whom he worked) believed the activity was not affecting drainage. In upholding the order, the agency did not require restoration, it gave Taylor 60 days to file for a permit to maintain the ditch. Taylor appealed. On appeal the Superior Court sought a definition of "reclamation" and found only a footnote mentioning the dictionary definition of reclamation in an Appellate Court decision. Applying the most restrictive definition of reclamation, the Superior Court found that it did not include Taylor's activity which maintained the ditch in its present location and its current dimensions. Maintaining the ditch was just part of "prudent farming."

There continues to be a broad spectrum in which the Superior Court cases appear. One unifying theme is that where the recipient of a cease and desist order does not appeal a final order, there is virtually no opportunity to contest that the activities complained of were actually exempt. On the other hand, if the person brings an appeal, the Superior Court can examine the basis of agency decision. In this Fairfield case, that worked to the advantage of the property owner.

The lack of Appellate Court and Supreme Court precedents continue to thwart uniform application of the farming exemption statewide.

Janet P. Brooks practices law in East Berlin. You can read her blog at: www.ctwetlandslaw.com.

(Endnotes)

¹ You can read the case on the Judicial Website at: <http://www.jud.ct.gov/external/supapp/Cases/AROap/AP135/135AP344.pdf>. Or go to: www.jud.ct.gov, click on Opinions, click on Appellate Court Archives, click on 2012, scroll down to "published in the Connecticut Law Journal of 5/29/12, click on the case.

² Superior Court, judicial district of Windham, Docket No. WWM CV 11 6003791 S (December 12, 2011).

³ Superior Court, judicial district of New Haven, Docket No. CV 10 5033404 S (January 23, 2012).

⁴ Superior Court, judicial district of Fairfield, Docket No. CV 11 6017217 S (August 30, 2012).

open space legislation, continued from page 5

Funding for the position will be provided to DEEP via the Department of Agriculture (DoAg) budget.

BAD BILLS DEFEATED

S.B. 445, An Act Concerning Liability for the Recreational Use of Land, which would have rolled-back protections from liability extended to municipalities for the recreational use of land, died during the session.

S.B. 447, An Act Modernizing the State's Telecommunications Laws, also died during the session. There was strong opposition to a section of the bill which would have allowed the construction of public or private telecommunications towers to be considered as compatible uses of state park and forest conservation lands.

S.B. 343, An Act Concerning Intervention in Permit Proceedings Pursuant to the Environmental Protection Act of 1971. This bill proposed amendments that would have severely weakened the CT Environmental Protection Act of 1971 (also known as CEPA). CEPA provides citizens with the ability to challenge land use proposals that would unreasonably pollute, impair or destroy Connecticut's natural resources.

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126a of the Connecticut General Statutes shall be valid [for five years provided the Agency may establish a specific time period within which any regulated activity shall be conducted] until the approval granted under such chapter expires or for ten years, whichever is earlier. Any permit issued by the Agency for any [other] activity for which an approval is not required under chapter 124, 124b, 126 or 126a shall be valid for not less than two years and not more than five years. [Any permit issued by the Agency prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval.]

11.6.1 Notwithstanding the provisions of Section 11.6 of these regulations, any permit issued by the Agency prior to July 1, 2011 that was in effect and did not expire prior to May 9, 2011 shall be valid for a period not less than nine years after the date of such approval.

The flow chart on page 11 includes the new relevant statutory permit approval time frames to assist the commission in revising commission regulations to reflect these new amendments. Also note, that in your wetland commission's regulations all references to the "Department of Environmental Protection" and "DEP" should be changed to the "Department of Energy and Environmental Protection" and "DEEP."

Should you have any further questions regarding the above changes, please feel free to contact Darcy Winther of the Wetlands Management Section at (860) 424-3019. 

conservation initiatives and investments, or not.

- How much the conveyance fee should be up to 1% of the sale amount over \$150,000
- What conservation purpose(s) the fund will be used for.

Commission and municipal support will be critical to the passage of this local funding opportunity.

For more information on CRCA and how your commission can help support the legislation please contact Tom ODell by email at todell@snet.net and Amy Paterson, CLCC Executive Director, at abpaterson@ctconservation.org. 

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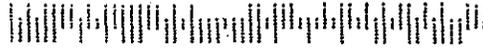
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Editor's Note: Please pass this article on to your Town Planner. Often projects identified in the town's Plan of Conservation and Development would benefit from establishment of a local CRCA matching fund.

Matching Funds for Municipal Conservation & Redevelopment Grants

Most State, Federal and private granting agencies require municipalities to have at least a 50% match for grants requesting funding for conservation-related projects such as open space protection, farm land acquisition, restoration of degraded land, historic preservation, and implementation of storm water management plans. The Community Redevelopment and Conservation Act (CRCA) will provide municipalities with a local match fund to increase the town's success in competing for grants that enhance local economies, public health and the environment.

CRCA will enable a municipality to establish a conveyance fee (up to 1%) on buyers of real property on the sale amount over \$150,000. The proposed

legislation will specify that the fee be retained by the municipality, kept in a separate account and be used for the planning and implementation of a broad range of local preservation, conservation, restoration and development projects.

Provided there is support for the legislation from municipalities, the Connecticut Land Conservation Council and its partners are planning to introduce the Community Redevelopment and Conservation Act in the 2013 session of the Connecticut Legislature, next January. The legislation would give the town the right but not the obligation to establish the program. It would be up to the voters in each town to decide:

- To establish the conveyance fee as a reliable source of funds for leveraging resources for



October 26, 2012

Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106

Attn: Jennifer Perry, Supervising Environmental Analyst

Re: Dam Repair Temporary Authorization No. DS-201206309TA
Eagleville Lake Dam, CT Dam #7804, Hazard Class C (High)

Dear Ms. Perry,

In response to your letter addressed to me dated September 21, 2012, the Commissioner of the Department of Energy and Environmental Protection has approved a temporary authorization to conduct a regulated activity at Eagleville Lake Dam in Mansfield and Coventry. Your attention is directed to the conditions of the enclosed authorization. You should read your authorization carefully, as all construction and work must conform to that which is authorized. Lastly, please be advised this authorization is valid for ninety (90) days, whether consecutive or not (i.e. days of work taking place), from the date of its issuance.

If you have any questions concerning the enclosed authorization, please contact me at (860) 424-3880.

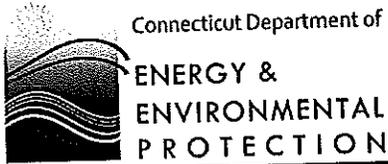
Sincerely,

Arthur P. Christian II, Supervising Civil Engineer
Inland Water Resources Division
Bureau of Water Protection and Land Reuse

COPIES FURNISHED TO:

Karl Acimovic
Town Clerks (Mansfield & Coventry)
Chief Elected Officials (Mansfield & Coventry)
Planning Commissions (Mansfield & Coventry)
Inland Wetland Commissions (Mansfield & Coventry)
Conservation Commissions (Mansfield & Coventry)

PAGE
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TEMPORARY AUTHORIZATION

To: Jennifer Perry
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106

Authorization No.: DS-201206309TA
Authorization Type: Dam Construction Temporary Authorization
Town(s)/City(ies): Mansfield & Coventry
Project: Eagleville Lake Dam, CT Dam #7804, Hazard Class C (High)

Pursuant to Connecticut General Statutes Sections 22a-6k(b) and 22a-403 the Commissioner of the Department of Energy and Environmental Protection (DEEP) hereby grants a temporary authorization to the Department of Energy and Environmental Protection's Engineering Services Section "grantee" to conduct repairs at Eagleville Lake Dam in the Town of Mansfield and Town of Coventry. This repair work shall be in accordance with this authorization and the plans entitled "Improvements and Repairs to Eagleville Lake Dam" dated August 2012, revised 08-20-12 and prepared by Karl F. Acimovic.

In granting this temporary authorization the Commissioner has found that (1) such activity will not continue for more than ninety days; (2) such activity does not pose a significant threat to human health or the environment; (3) such authorization is necessary to protect human health or the environment or is otherwise necessary to protect the public interest; (4) such authorization is not inconsistent with the federal Water Pollution Control Act, the federal Rivers and Harbors Act, the federal Clean Air Act or the federal Resource Conservation and Recovery Act, and (5) the commissioner has the authority to issue a general permit for such activity under section 22a-411.

AUTHORIZED ACTIVITY

Specifically, the grantee is authorized to conduct the repair work necessary correct deficiencies as shown on the above referenced plans. The repair authorized includes placing and grouting standard riprap at the base of the spillway, where there is a scoured area; repairing deteriorated concrete along the left and right training walls; removing sediment from the intake structure; installing a new eel passage; and removing brush and woody vegetation on the dam, training walls and among the existing riprap.

This work shall be completed within ninety (90) days, whether consecutive or not (i.e. days of work taking place), of the initiation of work authorized by this temporary authorization beginning as soon as Eagleville Lake can be drawn down as necessary for this project. Refilling of the Lake shall be initiated as soon as possible and be done in such a manner that a downstream release is maintained at all times.

This authorization does not derogate any present or future property rights or other rights or powers of the State of Connecticut, conveys no property rights in real estate or material nor any exclusive privileges,

and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected hereby.

GRANTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS AUTHORIZATION SHALL SUBJECT GRANTEE AND CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.

This authorization is subject to the following conditions:

SPECIAL CONDITIONS

1. Within ten (10) days of the completion of the construction authorized herein, the grantee shall notify the Commissioner in writing of the completion of said construction.
2. As-built drawings certified by the engineer depicting the construction authorized herein shall be submitted within thirty (30) days of the completion of said construction, which shall include any deviations from the approved plans and specifications. Said drawings shall be prepared and sealed by the engineer who oversaw the construction. In addition, the grantee shall arrange for submission of an electronic copy of the final record drawings in Adobe Acrobat "pdf" format.
3. All of the construction activities authorized herein shall be performed under the supervision of a Professional Engineer licensed in CT.
4. Prior to the start of construction, a water handling plan/flood contingency plan shall be submitted to the engineer/consultant for approval. These approved plans shall be submitted to DEEP's Dam Safety Section. Any changes in the erosion and sedimentation control plan shall also be submitted concurrently with these documents.
5. The proposed work shall take place from November 1 to April 1, the dormant season of the Wood Turtle. The work may take place outside of this dormant season if the following conditions are met: all workers at the site shall be educated about the turtles; and on each work day, before large equipment, trucks or vehicles are moved on site, the workers shall look closely for turtles that may have wandered onto the site and move the turtles to a safer location.

GENERAL CONDITIONS

1. Pollution Prevention/Best Management Practices
Grantee shall not cause or allow the authorized activity, including any construction associated therewith, to result in pollution or other environmental damage and shall employ the best management practices to prevent such damage. Grantee shall, in addition to employing any other best management practices necessary to prevent such damage, perform the following:
 - (A) Controlling Erosion. Grantee shall install and maintain in optimal condition erosion and sedimentation controls to prevent erosion and discharge of material into any waters of the state, including wetlands, as a result of the authorized work or any construction associated therewith.

Such controls shall be installed and maintained in conformity with the Connecticut Soil Erosion and Sediment Control, published by the Connecticut Council on Soil and Water Conservation pursuant to Section 22a-328 of the General Statutes.

(B) Disposing of Excess Material Properly. All excess material and solid waste generated during any construction associated with the authorized activity shall be disposed of in accordance with applicable federal, state and local laws.

2. Recording and Reporting Violations

Within 48 hours after the grantee learns of a violation of this authorization, he shall report the violation in writing to the Commissioner. Such report shall include the following information:

- (A) the provision(s) of the authorization that has been violated;
- (B) the date and time the violation(s) was first discovered and by whom;
- (C) the cause of the violation(s), if known;
- (D) if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected;
- (E) if the violation(s) has not ceased, the anticipated date when it will be corrected,
- (F) steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
- (G) the signatures of grantees and of the individual(s) responsible for actually preparing such report.

3. Modification of Authorized Work

In constructing the authorized work, the grantee may not make any alteration, except a de minimis alteration without first obtaining written approval from the Commissioner for such alteration. For the purposes of this temporary authorization, a de minimis alteration means a change in the design or operation of the authorized activity that does not increase its adverse environmental or other impacts and does not significantly change its location.

4. Contractor Notification

If the authorized activity will be constructed by a person(s) under contract to the grantee, the grantee shall (1) give a copy of the temporary authorization and of their approval of authorization hereunder to such contractor(s) prior to the start of construction, and (2) for one year after completion of construction, retain a written receipt for such copy, signed and dated by such contractor(s).

5. Expiration of Authorization

This authorization shall expire ninety (90) days, whether consecutive or not (i.e. days of work taking place), from the date of issuance. This authorization may not be renewed.

OTHER CONDITIONS

1. Reliance on Request for Authorization

In evaluating grantee's request for authorization, the Commissioner has relied on information provided by the grantee. If such information proves to be false or incomplete, this approval of authorization may be suspended or revoked in accordance with law, and the Commissioner may take any other legal action provided by law.

2. Other Applicable Law

Nothing in this authorization shall relieve the grantee of his obligation to comply with any other applicable federal, state and local law, including the obligation to obtain any other lawfully required authorization.

3. Other Rights

This authorization is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state and local laws pertinent to the property or activity affected by such authorization. In conducting any activity hereunder, the grantees may not cause pollution, impairment or destruction of the air, water or other natural resources of this State. The issuance of this authorization shall not create any presumption that this authorization should or will be renewed.

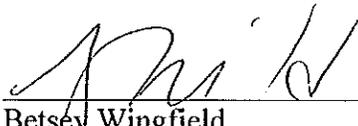
4. Certification of Documents

Any document, including but not limited to any notice, information or report, which is required to be submitted to the Commissioner under this temporary authorization shall be signed by grantee or his duly authorized representative, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with Section 53-157b of the General Statutes, and in accordance with any other applicable statute."

Issued as a Temporary Authorization of the Commissioner of the Department of Energy and

Environmental Protection on: November 1, 2012



Betsy Wingfield

Bureau Chief

Bureau of Water Protection and Land Reuse

October 22, 2012

Richard Miller, Director of Environmental Policy
University of Connecticut, Storrs Campus
31 Le Doyt Road, Unit 3055
Storrs, CT 06269-3055

Re: Memorandum of Agreement / FM-2003-216
Alternative Campus Drainage Master Plan

Dear Mr. Miller:

This correspondence is in response to the University of Connecticut's (UConn's) request for consideration of an alternative to the flood mitigation outlined in the 2009 Memorandum of Agreement (MOA). This mitigation, noted as item four of the 2009 agreement and consisting of a 55 acre diversion of storm water runoff from the Eagleville Brook watershed to the Swan Lake and Roberts Brook watersheds, was originally scheduled to be completed on September 24, 2021. By letter dated February 28, 2011, the Department agreed to give the University time to pursue a low impact development (LID) alternative in lieu of the agreed mitigation. On April 16, 2012 an assessment of this alternative was received, entitled "Assessment of Low Impact Storm Water Design Features on Flood Characteristics Eagleville Brook Watershed, Storrs, CT," dated February 2012. This intent of this assessment was to evaluate the effectiveness of the proposed alternative on mitigating peak flows for the 2, 10 and 100 year storm events.

By email dated May 7, 2012, the Department requested additional information regarding the watershed maps found in the February 2012 analyses. The intent of the request was to clarify the connection between the watershed maps and the input data utilized for the computer model. In particular the nomenclature utilized on the maps did not correlate with the model and the sub basins on the watershed maps did not include design points or flow paths which made it difficult to follow the routing of the sub basins. A site visit was conducted on July 30, 2012, followed up with a meeting at your office. The following concerns were raised at the meeting:

1. To what storm event were the low impact development measures designed? The information submitted shows that the majority of the low impact development measures such as the water quality swales, pervious pavement & pavers and green roofs have been designed with an overflow where runoff is directed into the existing storm water management system. During what storm event do the low impact development measures discharge to the overflow and outlet to the traditional stormwater management system? Has this been accounted for in the model?

2. Do the soils found where the low impact development measures are installed have appropriate infiltration rates for the larger/ higher intensity storm events? The information in the February 2012 submission does not discuss permeability or soil types found in the areas where the LID measures have been installed. It is unclear what happens during the large / high intensity storm events where volumes in excess of soil infiltration capacity can cause ponding and overflow. Did UConn consider infiltration rates when designing and installing the LID measures?

The above mentioned concerns pertain to the overall methodology of modeling LID measures. In general, LID measures are not effective in reducing peak flows from large storms. There is an apprehension with recommending the authorization of future development projects that may increase peak runoff until this matter is resolved. Should you have any questions regarding this matter please feel free to contact me at telephone number (860) 424-4162.

Sincerely,



Jeffrey Caiola

Inland Water Resources Division

cc: Gregory Padick, Mansfield Director of Planning
Quentin Kessel, Mansfield Conservation Commission
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