

Town of Mansfield  
**CONSERVATION COMMISSION**  
Meeting of 20 May 2015  
Conference B, Audrey P. Beck Building  
**MINUTES**

*Members present:* Aline Booth (Alt.), Neil Facchinetti, Quentin Kessel, Scott Lehmann, Grant Meitzler, John Silander, Michael Soares. *Members absent:* Joan Buck (Alt.), Robert Dahn. *Others present:* Jennifer Kaufman (Wetlands Agent); Chris & Lindsey Niarhakos, Edward Pelletier (Datum Engineering), Gerald Hardisty (Ces Engineering); Mary & Ross Harper, Matt Willis, Esq., Donald Aubrey (Towne Engineering).

**1.** The meeting was **called to order** at 7:30p by Chair Quentin Kessel. Alternate Booth was designated a voting member for this meeting.

**2. Public comment.** All of the public comment period was devoted to wetlands application W1548 (Niarhakos, 101 East Rd). This application, a modification of W1545, concerns a proposed 3-lot subdivision of a 14.6 acre parcel of land on East Rd: the existing house at 101 East Rd would be on Lot 1, while new homes could be built on Lots 2 and 3 downhill from it along the road. The parcel, formerly owned by Frank Trainor, was acquired from his estate by Chris and Lindsey Niarhakos. Lot 3 abuts property owned by Mary and Ross Harper.

Ed Pelletier of Datum Engineering displayed a large map of (& site plan for) the parcel and reviewed the application. A large wetland straddles the boundary between Lots 2 and 3, extending to the rear boundary of the parcel and beyond. No activity is proposed in wetlands, but nearly all development would be within the 150 ft regulated area. A conservation easement would cover 24% of the parcel: a strip about 150 ft deep along the rear boundary of the parcel, plus smaller 50 ft deep strips along the road. The major changes from W1545 are: (1) House sites on Lots 2 and 3 are closer to East Rd; (2) Lot 3's septic system is located closer to the house to minimize potential impact on the Harpers' well and property; (3) Runoff from impervious surfaces on Lots 2 and 3 would be directed away via shallow swales to shallow 30 x 80 ft depressions toward the rear of these lots for ground-water recharge.

Matt Willis, attorney for the Harpers, explained that their property has been damaged by surface water runoff in the past and that they fear development of Lots 2 and 3 will make things worse. Consequent to logging on the parcel 15 years ago, their driveway washed out three times. They have had to move their septic system and to deal with water in the basement.

Don Aubrey (former Mansfield Town Engineer, now of Towne Engineering), who has been retained by the Harpers, displayed a map of the parcel showing surface water flows and a chart with water-table data. He noted that the parcel has a history of water problems, recalling that the Town put in drains on East Rd after Trainor complained to him about runoff from UConn cornfields uphill. Mr. Aubrey reported that groundwater in standpipes on the parcel was within 5-8 inches of the surface for long periods of time this spring, raising doubts that septic systems on Lots 2 and 3 would function properly during similar periods of high groundwater. Failure of Lot 3's septic system would threaten the Harpers' well. He also doubted that the proposed swales and detention basins would do much good, noting that a swale along the top boundary of the parcel (probably constructed by Trainor to divert runoff from UConn land) had been overtopped by heavy rain. Collecting water in Lot 3's detention basin could even make matters worse, as it lies directly upslope from the Harpers' house. Even if the swales and basins are not overtopped by storm-water, we don't know where runoff that seeps from them into the ground will go and where it might emerge.

Silander asked if Lot 3's basin could be moved farther back beyond the Harpers' house.

Pelletier replied that that could be done.

Pelletier and Gerald Hardisty emphasized that the proposed swales and detention basins are designed to mitigate the impact of developing Lots 2 and 3 (by capturing and retaining runoff from impervious surfaces), not to rectify pre-existing water problems on the Harpers' property. Aubrey's position is that the hydrology of the parcel is not well enough understood to be reasonably sure that this development would in fact be neutral and not exacerbate these problems for the Harpers.

The discussion ended at 8:30p and the assembled members of the public left the meeting.

3. The draft **minutes** of the 15 April meeting were approved as written.

4. **IWA referrals.** {Lehmann visited these sites on the 5/13/15 IWA Field Trip. His report is attached}

a. **W1548 (Niarhakos, 101 East Rd).** See item 2. above for description and discussion, much of which is not clearly related to impact on wetlands. Lehmann remarked that seeing skunk cabbages growing on Lot 2 outside the delineated wetland didn't increase his confidence in the accuracy of wetlands mapping on this parcel. After some discussion, the Commission unanimously agreed (**motion:** Lehmann, Silander) to comment as follows:

The Commission is uneasy about the potential wetlands impact of the proposed development. Nearly all of the proposed work on Lots 2 and 3, including engineered septic systems and swales to divert surface water to settling basins, is within the regulated area. Moreover, development of Lot 3 may worsen surface and groundwater problems for abutters Mary & Ross Harper. Don Aubrey of Towne Engineering, whose experience with the parcel dates from his tenure as Mansfield's Town Engineer, has described the hydrology of the area as unusual and not amenable to standard modeling. Wetland plants (observed on the IWA Field Trip) growing outside the mapped wetland testify to inaccurate mapping or unusual hydrology. The length of the watershed yields significant surface and ground water flows, especially after heavy rain, that are a challenge to the Harpers' septic system, basement and yard. The Commission is concerned that the swale and recharge areas proposed for Lots 2 and 3 may concentrate such flows, to the further detriment of the Harpers' property.

b. **W1549 (Jensen Mobile Home Park, Rte. 44).** The applicants tidied up a portion of their property by pushing an estimated 9 yards of earth, stones, stumps, broken pavement, and trash off the edge of a terrace into a wetland. Pursuant to a complaint from a neighbor, Kaufman investigated. At her request, stumps and trash were removed and the applicants have requested a wetlands permit for remediation. They propose seed the slope of fill (about 6 ft high by 100 ft long) with grass covered with straw. There was general agreement that this would not suffice to prevent further damage to the wetland: the slope is steep, shaded, unconsolidated, and vulnerable to erosion. Lehmann asked whether the applicants would be fined for filling a wetland without a permit, but was told that the Town has no ordinance authorizing such fines. After some discussion, the Commission unanimously agreed (**motion:** Soares, Silander) to comment that:

The applicant's unauthorized movement of earth and stones into the wetland has significantly impacted it, and the remediation proposed is not adequate to prevent further damage from erosion. The applicant should consult a professional landscaper about how to stabilize the slope and submit a proposal for doing so, perhaps with shade-tolerant shrubs and netting, that will work. A Jersey barrier or berm should be placed on top to protect the wetland from similar assaults in the future. Finally, the Commission is troubled that the Town apparently

lacks an ordinance authorizing fines to deter violations of wetlands regulations. Had the applicant applied for a permit to dump 9 yards of fill into the wetland, stabilizing it afterward, the permit would (we trust) have been denied. Yet in asking only that the applicant stabilize the slope after the deed is done, the Town is in effect granting such a permit. This is bizarre, and unfair to those who play by the rules.

**5. UConn Agronomy Farm.** Rep. Greg Haddad has sent Facchinetti the final report on monitoring ground- and well-water in the Storrs Heights area for pesticides used in turf management research at the Agronomy Farm. The report indicates that none of the pesticides disclosed by UConn had been found in wells monitored. Haddad's accompanying e-mail {attached} was cautiously hopeful that the legislature would act to require that integrated pest management be used to the greatest possible extent on state lands.

**6. Plan of Conservation and Development.** Kessel reported that Town Planner Linda Painter has endorsed nearly all of the Commission's comments the draft PoCD.

**7. Adjourned** at 9:30p. Next meeting: 7:30p, Wednesday, 17 June 2015.

Scott Lehmann, Secretary, 21 May 2015; approved 17 June 2015.

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**Attachment 1: Scott Lehmann's Report on 13 May 2015 IWA Field Trip**

**W1549** (Jensen Mobile Home Park, Rte 44). A pile of earth and rocks on a terrace above a wetland was leveled by bulldozing the material over the edge of the terrace into the wetland. Unconsolidated fill now sits at its angle of repose, sloping about 6 ft (vertically) down to the wetland. It's hard to say how much fill was shoved over the edge; one of Jensen's people estimated it to be 7 or 8 yards. There is now a silt fence in the wetland around the sloping material, installed after the deed was done. Wetland plants are visible between the fence and the sloped fill (others are doubtless now buried under the fill). I don't know what W1549 proposes. Jensen's certainly couldn't have gotten approval for dumping fill into the wetland in the first place.

**W1548** (Niarhakos, 101 East Rd). This is a revised application for a 3-lot subdivision of property on East Rd formerly owned by Frank Trainor. Here is what the Commission said about the initial application (W1545) from the 17 Dec 14 minutes:

"1) The proposed development strikes the Commission as overuse of a very wet area, requiring engineered septic systems which may have a significant impact on wetlands and on the Harpers' well. 2) Development is likely to impact the Harper property by increasing runoff. 3) The Town should learn the location of wetlands on the Harper property and assess surface water flow onto it. 4) On the developer's map, wetland appears to occupy more of the open space dedication than the 28% allowed."

The Harper property is downhill on East Rd, adjacent to Lot 3.

The revised application W1548 goes some way toward addressing concerns 1) & 2). It moves house sites on Lots 2 and 3 slightly closer to the road, places the reserve leaching field on Lot 3 between the house and the leaching field, and proposes to direct some surface runoff on Lots 2

and 3 via shallow swales into ponds toward the rear of the lots.

On the field trip, we walked in to see the location of the proposed ponds on Lots 2 and 3. There's been no rain to speak of this spring, and we did not encounter any areas with standing water. I did notice wetlands plants outside the marked wetlands boundary at the site of the proposed pond on Lot 2, so I suspect that a more detailed mapping of soils would alter the delineation of wetlands.

Scott Lehmann, 14 May 2015

**Attachment 2:** Haddad e-mail of 19 May 2015

Neil,

Here is the final report on the testing that occurred as a result of the legislation. As was previously reported, no pesticides were detected.

You might also report that several bills that would regulate pesticide use on state property are currently being considered by the legislature. Sen. Kennedy has taken the lead in negotiating with Sen. Chapin, the Ranking Member on the committee and is fighting to pass the strongest bill possible. It looks like that will mandate that integrated pest management be used to the greatest extent possible on state land. Some versions of the bill that I have seen would have exempted the research farm. I have vigorously and successfully argued against the exemption. I'm monitoring the bills carefully to ensure that the exemption doesn't make its way into any bill. UConn hasn't opposed me on this and were actually helpful in working with Sen. Chapin who wanted the exemption in the legislation.

Thanks,

Gregory Haddad  
State Representative