

**AGENDA**

Inland Wetland Agency

**REGULAR MEETING**

Monday, May 5, 2014

Council Chambers, Audrey Beck Building

**Call to Order:** 7:00 PM

**Review of Minutes of Previous Meetings and Action Thereon:**

4.07.2014 - Regular Meeting

4.16.2014 - Field Trip

**Communications:**

Conservation Commission: (meeting cancelled)

GM Monthly Business memorandum

**Public Hearings:**

None

**Old Business:**

W1528 - R. Mott - 368 Warrenville Rd - New house to replace mobile home

W1529 - C. Duers - 21 Hawthorne La - In ground pool

**New Business:**

W1530 - Rodriguez & Pelletier - 353 Warrenville Rd - addition

Appointment of new Inland Wetlands Agent

**Reports of Officers and Committees:**

**Other Communications and Bills:**

Spring 2014 "The Habitat"

DEEP Permit Application for Benson's Pond at 494 Wormwood Hill Road

Notification of Timber Harvest

**Adjournment:**

**DRAFT MINUTES**  
**MANSFIELD INLAND WETLANDS AGENCY**  
Regular Meeting  
Monday, April 7, 2014  
Conference Room B\*, Audrey P. Beck Municipal Building

\*The meeting was originally scheduled for Town Council Chambers but was moved to Conference Room B due to a conflict with another meeting. Signs were posted on the Council Chamber doors directing people to Conference Room B.

Members present: Vice Chairman B. Ryan, B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, K. Rawn,  
Members absent: J. Goodwin  
Alternates present: P. Aho, V. Ward, S. Westa  
Alternates absent:  
Staff present: Grant Meitzler, Inland Wetlands Agent; Linda Painter, Director of Planning and Development

Vice Chairman Ryan called the meeting to order at 7:02 p.m. and appointed Aho to act in Goodwin's absence.

**Minutes:**

03-03-14 - Regular Meeting- Hall MOVED, Pociask seconded, to approve the 03-03-14 minutes as written. MOTION PASSED UNANIMOUSLY. Chandy noted for the record she listened to the recording of the meeting.

**Communications:**

Noted.

**Old Business:**

**W1526 – F. Costigliola – 111 Dunham Pond Rd. – Deck addition**

Mr. Costigliola passed around photographs showing the condition of the area after the recent heavy rains. Meitzler and Costigliola provided clarification on the revised plan and location of deck piers.

Holt MOVED, Pociask seconded, to approve the application for wetlands file W1526, submitted by Frank Costigliola for a 12'x 14' deck addition on property located at 111 Dunham Pond Road, as depicted on a plan dated January 29, 2013 (sic), revised to April 1, 2014, and as described in other application materials, and as seen on a field trip on February 12, 2014.

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

1. All erosion and sediment controls as described in the application shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized.
2. Excess material from support post excavations shall not be placed any closer to the brook than the closest part of the deck addition.
3. Silt fence is to be installed between the deck addition and the brook, and removed when disturbed areas are completely stabilized.

This approval is valid for a period of five years (until April 7, 2019), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED UNANIMOUSLY.

**W1527 – J. Schwoerer – 480 Woodland Road – Solar Panels**

Meitzler reviewed the revised plan to clarify revised location for the solar panels.

Holt MOVED, Rawn seconded, to approve the application for wetlands (File #1527) for three solar panels on land of J. Schwoerer, on property located at 480 Woodland Road, as observed on a field trip on February 12, 2014, as described on a plan revised to April 1, 2014, and in other application materials.

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

1. All erosion and sediment controls as described in the application shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized.

This approval is valid for a period of five years (until April 7, 2019), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED UNANIMOUSLY.

**New Business:**

**W1528 – R. Mott – 368 Warrenville Rd – Single Family Residence**

Holt MOVED, Pociask seconded, to receive the application submitted by Robert Mott (File #1528) under the Wetlands and Watercourses Regulations of the Town of Mansfield for a new single family home on property located at 368 Warrenville Road owned by Cathy Ann Clark, as shown on a map with a date of 3/13/14, and as described in application submissions, and to refer said application to staff and Conservation Committee, for review and comments. MOTION PASSED UNANIMOUSLY.

**W1529 – C. and J. Duers – 21 Hawthorne Lane – In-ground pool**

Holt MOVED, Pociask seconded, to receive the application submitted by Christopher and Jessica Duers (File #1529) under the Wetlands and Watercourses Regulations of the Town of Mansfield for an in-ground pool on property located at 21 Hawthorne Lane as shown on a map with a date of 4/3/14, and as described in application submissions, and to refer said application to staff and Conservation Committee, for review and comments. MOTION PASSED UNANIMOUSLY.

**Other Communications and Bills:** Noted.

**Adjournment:** The Vice Chairman set a field trip date for 4/16/14 at 3pm and adjourned the meeting at 7:17 p.m.

Respectfully submitted,

Katherine Holt, Secretary

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION  
INLAND WETLANDS AGENCY  
CONSERVATION COMMISSION  
FIELD TRIP  
Special Meeting  
Wednesday, April 16, 2014

Members present: J. Goodwin, K. Holt, B. Ryan,  
Staff present: G. Meitzler, Inland Wetlands Agent  
J. Kaufman, Parks & Recreation

The field trip began at 3:00 p.m.

IWA File #1529 – C. and J. Duers – 21 Hawthorne Lane – In-ground pool

Members were met on site by a representative from the pool company. Members observed current conditions, and site characteristics. No decisions were made.

IWA File #1528 – R. Mott – 368 Warrenton Rd – Single Family Residence

Members were met on site by R. Mott. Members present observed current conditions, and site characteristics. No decisions were made.

The field trip ended at approximately 3:30 p.m.

Respectfully submitted,

K. Holt, Secretary

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Memorandum:

April 30, 2014

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**

- 3.12.13: Inspection - no vehicles are within 25' of wetlands.
- 4.25.13: Inspection - no vehicles are within 25' of wetlands.
- 5.17.13: Inspection - no vehicles are within 25' of wetlands.
- 6.06.13: Inspection - no vehicles are within 25' of wetlands.
- 7.10.13: Inspection - no vehicles are within 25' of wetlands.
- 7.22.13: Inspection - no vehicles are within 25' of wetlands.
- 8.13.13: Inspection - no vehicles are within 25' of wetlands.
- 9.20.13: Inspection - no vehicles are within 25' of wetlands.
- 10-10-13: Inspection - no vehicles are within 25' of wetlands.
- 11.15.13: Inspection - no vehicles are within 25' of wetlands.
- 12.20.13: Inspection - no vehicles are within 25' of wetlands.
- 1.13.14: Inspection - no vehicles are within 25' of wetlands.
- 2.26.14: Inspection - no vehicles seen within 25' of wetlands.  
Snow accumulation makes rear lot partially inaccessible.
- 4.01.14: Inspection - no vehicles are within 25' of wetlands.
- 4.30.14: Inspection - no vehicles are within 25' of wetlands.

**Agent Approvals:**

- 3-20-2014: 14 Juniper Lane - enclosed deck addition about 100'  
From Mount Hope River wetlands
- 4.22.2014: Freedom Green - porch addition, 9 Pequot

DRAFT MOTION FOR:

W1528 - Mott

\_\_\_\_\_ moves, and \_\_\_\_\_ seconds,

To table action on the application of Robert Mott on property of Cathy Ann Clark, located at 368 Warrenville Road, until the next regular meeting of the Inland Wetlands Agency on June 2, 2014, to allow time for the following comments to be incorporated on the submitted plan:

1. replace retaining wall with fencing on posts
2. move two stockpiles at rear of lot towards the front as much as possible
3. rotate the proposed house approximately 90 degrees keeping the front yard setback 43 feet back from the street line. This increases the distance to wetlands by about 20 feet and the 43 maintains required setback for a non-conforming lot.

The applicant is also advised that the separation distance between the pond and the indicated septic system area is only 40 feet.

These changes are to be submitted for review by Wednesday, May 28, 2014.

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Memorandum:

May 1, 2014

To: Inland Wetland Agency

From: Grant Meitzler, Inland Wetland Agent

Re: W1528 - Mott - mobile home replacement - 368 Warrenville Road

plan reference: 3-13-2014

This application requests permission to replace an older mobile home with a small house on a 0.37 acre lot at 368 Warrenville Road.

There do not appear to be wetlands on the lot but wetlands are located on adjacent property only a short distance away. No work is proposed directly in wetlands.

There is quite a large brook flowing near the left side property line together with a large natural pond directly behind the lot. I walked the perimeter of this pond and found a distinct brook outflow to the Mount Hope River from a conjoined pond farther behind the visible pond. There is a 15 to 20 foot wide connection between the two pond areas such that they act as a single pond.

With this direct water connection to the Mount Hope River and to areas upstream I would not label this pond a vernal pool. It is a more suitable habitat for fish.

I think there may be significant impact to the adjacent wetlands through the following alternatives which may not have been considered by the applicant:

1. there is a retaining wall shown parallel to the rear property line that is placed at the top of a slope leading to the pond on adjacent property located to the rear. This will require excavation, filling and regrading to place as shown on the plan. Although silt fence has been shown for protection, this part of the proposal raises the issue of sediment & erosion impacts on the adjacent pond. I recommend a change to a fence on posts that can be placed in the same location using posts without the excavation and construction that a retaining wall will require.
2. there are two stockpile areas shown that are right next to the top of the slope to the pond at the rear of the lot. Moving these from the rear to the front of the lot is advised to avoid there placement directly adjacent to the top of the steep slope to the pond.
3. The proposed house location was of concern on the field trip as

it appeared that it could be moved closer to Route 89 to expand separation distance to wetlands. I believe this would require a Zoning Board of Appeals action to reduce a front yard setback. Curt Hirsch has indicated the next meeting of the ZBA where this could be considered occurs on June 11, 2014. By my count June 11, 2014 is the 65<sup>th</sup> day for this application such that an extension from the applicant may be needed.

#### **Summary Comments**

I recommend tabling action on this application until the next meeting to allow time for the applicant to make the following changes:

1. replace retaining wall with fencing on posts
2. move two stockpiles at rear of lot towards the front as much as possible
3. rotate the proposed house approximately 90 degrees keeping the front yard setback 43 feet back from the street line. This increases the distance to wetlands by about 20 feet and the 43 maintains required setback for a non-conforming lot.

WETLANDS DRAFT APPROVAL MOTION FOR: DUERS, IN-GROUND POOL

\_\_\_\_\_ MOVED, and \_\_\_\_\_ seconded, to grant an Inland Wetlands License pursuant to the Wetlands and Watercourses Regulations of the Town of Mansfield to Christopher and Jessica Duers (File #W 1529) for installation of an in-ground pool behind an existing house, on property owned by the applicants and located at 21 Hawthorne Lane, as shown on plans dated 4/3/14, and as described in 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. Appropriate erosion and sedimentation controls shall be in place prior to construction and maintained during construction and removed when disturbed areas are completely stabilized;
2. All tree stumps shall be removed from the site.
3. Silt fence shall be placed along the downhill side of the work area to protect the wetlands, after the stumps have been removed. Additional silt fence shall be placed around stock piles of topsoil and excavated material.

This approval is valid for five years (until May 5, 2019), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this agency for further review and comment.

Memorandum:

April 30, 2014

To: Inland Wetland Agency

From: Grant Meitzler, Inland Wetland Agent

Re: W1529 - Duers - in-ground pool - 21 Hawthorne Lane

plan reference: 4-3-2014

This application requests permission to add an in-ground pool to the rear yard of the existing house at 21 Hawthorne Lane. The pool is to be 14'x 16'x 29' in a "kidney shaped pool". The plan shows the pool area as slightly larger than the stated size to accommodate a terrace area around the pool. Building code requirements require a protective surrounding fence.

The wetland here scales as 140' away from wetlands located at the rear in the northwest corner of the lot. The wetlands cover a fairly large area that contains a year-round flowing brook flowing from the Echo Lake area towards the Kirby Mill in Mansfield Hollow.

The application indicates approximately 60 cubic yards of excavation will be done with the material used to raise the area directly around the pool 2 to 3 feet higher than the surrounding yard. There is at present a noticeable drop off from the house to the pool that should blend in.

At the time of the field trip preparatory earthwork had been done to remove several smaller trees and sod in the proposed pool area. Each pile was protected around the side of the pile not visible from where we were standing. Protection consisted of about 2' of woodchips backed by hay bales. The contractor indicated the stumps were to be removed and the topsoil to be spread around the pool location when the excavation for the pool has been completed.

Memorandum:

April 30, 2014

To: Inland Wetland Agency  
From: Grant Meitzler, Inland Wetland Agent  
Re: New Business for May 5, 2014 meeting

**New Application:**

W1530 - Rodriguez & Pelletier - 353 Warrenville Rd - addition

	yes	no
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fee paid .....	x	
notice to neighbors .....	x	
map dated .....	4.28.2014	

This proposal is for a 20'x 34' house addition to the existing house at 353 Warrenville Road. No work in wetlands is proposed.

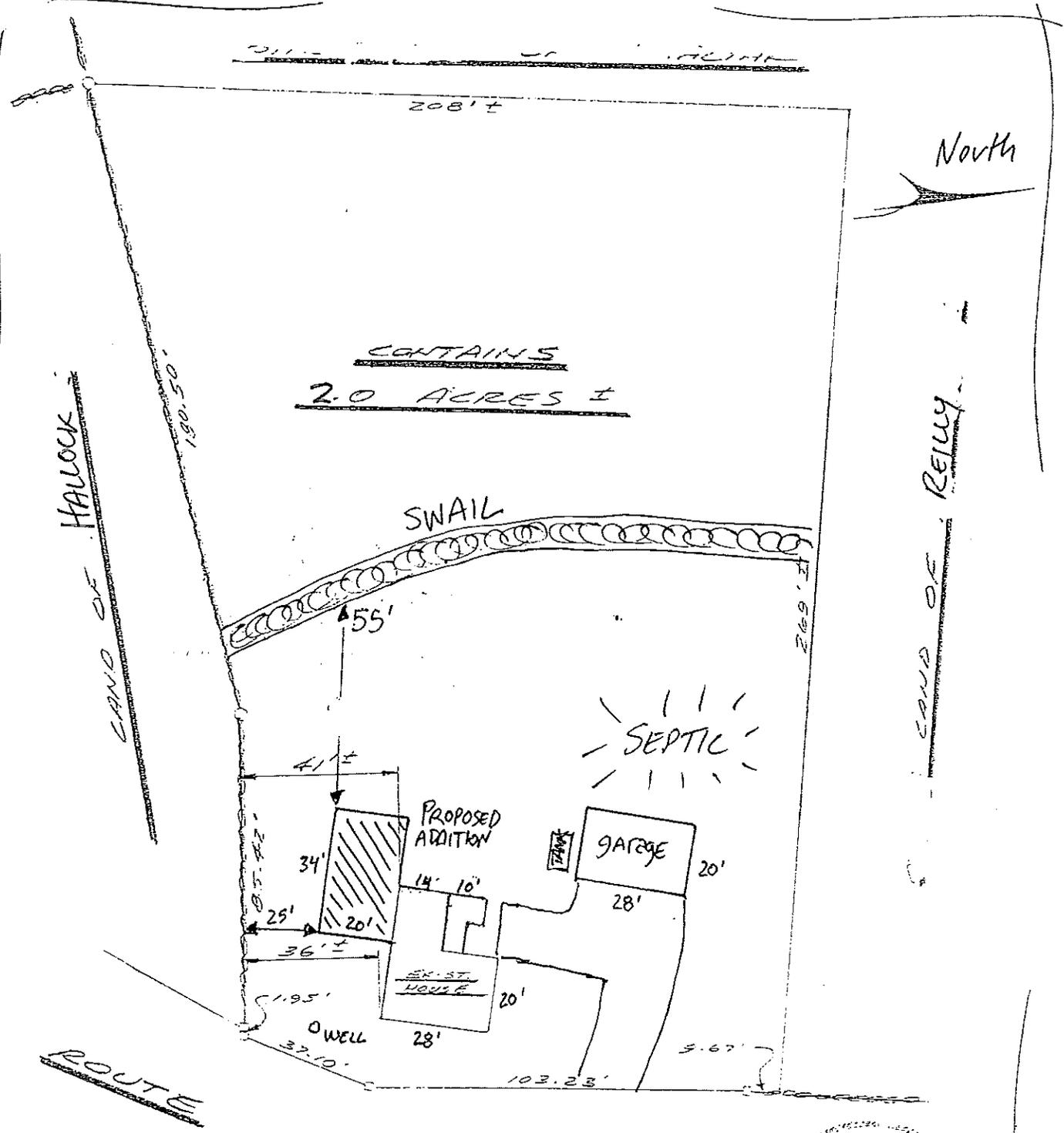
The addition is 55' away from a swale running across the rear lawn and is within the 150' upland review area.

Receipt and referral to the Conservation Commission for their review is appropriate.

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RECEIPT OF APPLICATION FOR A WETLAND PERMIT:

\_\_\_\_\_, moved and \_\_\_\_\_ seconds to receive the application submitted by Michael Rodriguez and Melissa Pelletier (File #1530) under the Wetlands and Watercourses Regulations of the Town of Mansfield for an addition to an existing single family home on property located at 353 Warrenville Road as shown on a map with a date of 4/28/14 and as described in application submissions, and to refer said application to staff and Conservation Committee, for review and comments.



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PERMIT PLAN

PREPARED FOR

MICHAEL RODRIGUEZ APRIL 28, 2014

MANFIELD, CONNECTICUT

SCALE: 1" = 40'



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 # W1530  
Fee Paid \$185<sup>00</sup>  
Date Received 4-29-14

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

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

**Part A - Applicant**

Name Michael Rodriguez & Melissa Pelletier

Mailing Address 353 Warrenville Rd.

Mansfield Center CT Zip 06250

Telephone-Home 860.477.0090 Telephone-Business 860.455.9233

Title and Brief Description of Project  
Family room addition w/ full basement and second  
story bathroom + closet.

Location of Project 353 Warrenville Rd. Mansfield, CT

Intended Start Date upon approval; early summer 2014

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

Name SAME

Mailing Address \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

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

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

Signature \_\_\_\_\_ date \_\_\_\_\_

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

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

1) Describe in detail the proposed activity here or on an attached page. (See guidelines at end of application - page 6.)

Please include a description of all activity or construction or disturbance:

- a) in the wetland/watercourse
- b) in the area adjacent to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is off your property

- Addition off south side of house (full basement, 1st floor family room, 2nd story master bath + closet space). 20' x 34', proposed.  
- About 55' from rear of addition to nearest watercourse (swail) in backyard. Plan to fill old dug well near corner of project. No plans to disturb wetlands/watercourses. Area drains to the south & west (fairly flat land for project). No alternatives, only area able to affect to existing structure. Normal construction equipment (excavator, dump trucks). Planning to work in dry season of early summer. The watercourse will be protected by recommended advice per town officials. I have no knowledge of a previous wetlands application.

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

Planned 20' x 34' addition in the area adjacent to a swail. Closest point from planned structure is around 55 feet to watercourse during the wet season of spring.

3) Describe the type of materials you are using for the project: concrete, wood, asphalt shingles.

- a) include type of material used as fill or to be excavated gravel
- b) include volume of material to be filled or excavated about 250 yds. excavated for full foundation.

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).

I will take whatever measures are recommended to me by the wetlands officials.

Part D - Site Description

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

flat, well drained. Sandy loam full of round rocks.

**Part E - Alternatives**

Have you considered any alternatives to your proposal that would meet your needs and might have less impact on the wetland/watercourse? Please list these alternatives.

none, only place to affect a new area to the existing structure.

**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 4/28/14

3) Zone Classification Single Family dwelling

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
<u>Michael &amp; Shirley Reilly</u>	<u>365 Warrenville Rd. Mansfield Ctr. CT 06250</u>
<u>Jenny B. Cassells</u>	<u>420 Mulberry Rd. Mansfield CT</u>
<u>Corinne J. MacFarlane</u>	<u>394 Mulberry Rd. Mansfield, CT</u>
<u>Kathryn A. Hellock</u>	<u>5200 Wellfleet Dr. South Sarasota, FL 34241</u>

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

4/28/14  
Date

**TOWN OF MANSFIELD**  
**DEPARTMENT OF PLANNING AND DEVELOPMENT**

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LINDA M. PAINTER, AICP, DIRECTOR

**Memo to:** Inland Wetlands Agency  
**From:** Linda M. Painter, AICP, Director of Planning and Development   
**Date:** May 1, 2014  
**Subject:** Appointment of new Inland Wetlands Agent

After more than 40 years of service, Assistant Town Engineer Grant Meitzler is retiring from the Town of Mansfield. His last day in the office will be May 23, 2014. With Grant's departure, the Town has decided to transfer staff responsibilities related to the Inland Wetlands Agency from the Department of Public Works to the Department of Planning and Development.

Jennifer Kaufman, our Natural Resources and Sustainability Coordinator will be taking on the wetlands portion of Grant's duties upon his retirement. Jennifer has a Master of Science in Natural Resources Planning and Water Resources from the University of Vermont, which included coursework in wetlands ecology, limnology and environmental toxicology. She has been staff to the Conservation Commission and Open Space Preservation Committee, both of which are actively involved in reviewing projects for impacts to natural resources. Furthermore, as demonstrated on the attached resume, she has an extensive background in natural and water resource protection. Consistent with this experience, she was recently appointed by the Governor to the Board of Directors for the Connecticut Council on Soil and Water Conservation.

To prepare for this new role, Jennifer has been working with Grant on the pending applications. She has also viewed the Commissioner's training videos that are provided by DEEP, and will complete the online DEEP comprehensive training program prior to Grant's departure on May 23<sup>rd</sup>.

**Recommended Action**

Based on the above summary, the following motion is recommended:

\_\_\_\_\_ MOVES, \_\_\_\_\_ seconds to designate Jennifer Kaufman as the Inland Wetlands Agent for the Mansfield Inland Wetlands Agency effective May 24th.

# The Habitat

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



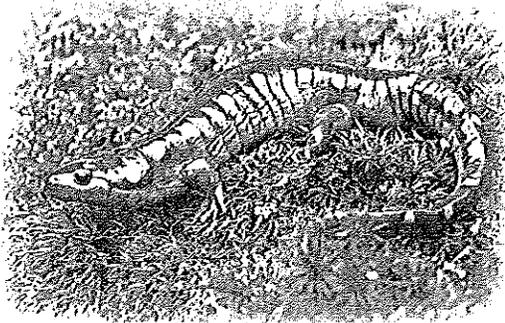
Spring 2014

volume 26 number 2

## Increasing Salamander Conservation

### 2014 Proclaimed the Year of the Salamander

2014 has been proclaimed the Year of the Salamander by Partners in Amphibian and Reptile Conservation (PARC) to raise awareness for salamander conservation. The Connecticut Department of Energy and Environmental Protection (DEEP) Wildlife Division is participating in this effort by shining a spotlight on Connecticut's 12 native salamander species throughout the year. Other state and federal wildlife agencies, along with several conservation organizations, are also partnering with PARC to foster appreciation and understanding of salamanders.



One of the surest signs of spring is the mass migration of spotted salamanders. These underground dwellers emerge from winter dormancy with the season's first warm rains, and then travel to their breeding pools. Photo credit: Paul J. Fusco, DEEP Wildlife Division.

the woods as a child. Many who come upon a salamander think they have found a lizard. At first glance, salamanders and lizards look alike – small animals with four legs, a tail, and a similar body shape. However, up close, salamanders and lizards are very different. First of all, these two animals live in different habitats. Salamanders prefer cool, moist places, while lizards prefer dry, warmer places. A lizard's body is covered with tough scales, while a salamander's body is smooth and slippery. Most salamanders do not have claws on their feet, while lizards do. Although lizards and salamanders look alike, they are not closely related. Lizards

"We are committed to sharing the wonderful story of the state's native salamander species as we celebrate the Year of the Salamander," said Rick Jacobson, Director of the DEEP Wildlife Division.

#### Lizard or Salamander?

Maybe you have found a salamander while raking leaves, or when turning over rocks and logs, or while exploring

are reptiles and are more closely related to snakes and turtles.

Salamanders are amphibians, the same as frogs and toads.

- Blue-spotted Salamander - (endangered)
- Common Mudpuppy
- Four-toed Salamander
- Jefferson Salamander - (special concern)
- Marbled Salamander
- Northern Dusky Salamander
- Northern Redback Salamander
- Northern Slimy Salamander - (threatened)
- Northern Spring Salamander - (threatened)
- Northern Two-lined Salamander
- Red-spotted Newt
- Spotted Salamander

#### Why Are Salamanders Special?

All salamanders are carnivores. They eat insects, worms, small animals, and even other salamanders.

- As opposed to the often noisy frogs and toads, salamanders are completely silent.
- Salamanders have glands under their skin that produce mucus to keep the skin moist. Other glands make poisons that can be distasteful or harmful to predators.
- Most salamanders lay eggs in water or in moist places. The eggs are laid in a mass, string, or individually. The larvae that hatch from the eggs look similar to tadpoles. However, tadpoles have large round heads and the gills are not obvious, while larval salamanders have long, narrow heads and visible gills.

salamanders, continued on page 7

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The CACIWC Board of Directors has been working on your behalf during the first few months of 2014 in various ways including tracking legislative activity, evaluating our 2013 annual meeting, and continuing efforts to develop our new strategic plan. We have been reviewing the results of membership surveys received to date in order to ensure that CACIWC is aware of any new or ongoing challenges to your efforts in protecting Connecticut wetlands and other important habitats. The CACIWC board has been closely following the efforts of several committees of the Connecticut General Assembly who have been proposing legislation designed to protect lands of high conservation value throughout the state.

1. The Board of Directors has reviewed the many comments and suggestions submitted on our 2013 annual meeting survey. If you did not have an opportunity to complete the 2013 meeting survey you can still contact us with your comments and suggestions at [AnnualMtg@caciwc.org](mailto:AnnualMtg@caciwc.org). We welcome any suggestions for workshop topics and speakers that you would like us to recruit for our upcoming **37th Annual Meeting and Environmental Conference**, scheduled for **Saturday, November 15, 2014; please save the date!** Please send your ideas to us at [AnnualMtg@caciwc.org](mailto:AnnualMtg@caciwc.org), along with any other suggestions. Watch for additional conference news in upcoming issues of *The Habitat* and on our website.

2. As mentioned above, the CACIWC Board of Directors has been reviewing comments on the **conservation commission and inland wetlands membership surveys** that we have received to date. While we have recently received several newly completed surveys, many commissions have still not yet completed and submitted their survey form. Your responses to this survey will make valuable contributions to the development of our new **strategic plan** and help us develop new education and outreach programs. If your commission has still not done so, *please complete and mail in your survey* that can be located and downloaded from the home page of our website: [www.caciwc.org](http://www.caciwc.org).

3. An important goal of our strategic plan is the development and promotion of our next generation of Connecticut conservationists. To help CACIWC and the state achieve this goal, the CACIWC Board of Directors has returned for a second year to assess environmental and conservation projects entered in the **Connecticut Science & Engineering Fair (CSEF)** by middle and high school students throughout Connecticut. As I write this column, CACIWC Board Treasurer Charles Dimmick and I have just completed service as

*CACIWC news, continued on page 12*



# Journey to The Legal Horizon

by Attorney Janet Brooks

## The Wetlands Law Trifecta: Agency Denial & Expert Evidence, Incomplete Application and Authority to Regulate

*Three Levels Corporation v. Conservation Commission,*

*148 Conn. App. 91 (2014)*

*Attorney Janet P. Brooks*

If you're a new wetlands agency member, this is a great case to give you an overview of the most troublesome legal issues facing wetlands agencies and applicants. For "old-timers" you can sharpen your ken and add some fact patterns that will work (incompleteness, authority to regulate) and won't work (denial not based on substantial evidence). Because this is a case from the Appellate Court<sup>1</sup> its legal holdings are bindings on all agencies. Thus, the case is worthy of careful examination.

In February the state Appellate Court issued a decision which includes the trifecta of wetlands law wrapped into one case: (1) permit denial based on expert opinion and another example of what is *not* substantial evidence, (2) the authority of an agency to deny an application based on incompleteness, and (3) the authority of an agency to regulate storm water discharges without regulations that incorporate specific standards for compliance. For lawyers or folks who like to remember concepts by case names, I would call this: (1) *River Bend*<sup>2</sup> lives on, (2) *Unistar*<sup>3</sup> lives on, (3) *Prestige Builders*<sup>4</sup> isn't what you think it is. For those who want the play-by-play analysis: (1) agency loses again unable to prove "actual adverse impact", (2) agency wins again when applicant fails to supplement application as reasonably requested, and (3) agency not required to adopt specific regulations for a specific activity before regulating that activity. For those who just want the score at the end of the game: agency wins this round, 2:1.

### What the Wetlands Agency Did

The Redding wetlands agency considered an application for a ten-unit housing development on 14 acres with 1.75 acres of wetlands on property and adjacent

to floodplain wetlands and a river. The agency denied the application for four reasons. The agency found that there would be (1) insufficient pretreatment facilities for storm water prior to infiltration and discharge into the wetlands and the river which is likely to have a significant adverse environmental impact on the wetlands and river, (2) insufficient renovation of storm water and septic effluent which is likely to have a significant adverse environmental impact, and that (3) the applicant's failure to supply requested data (impact of

activities on the river, impact of pathogens from septic effluent on the wetlands, the relationship between various flood lines of the river and elevations of the septic systems) leaves the agency unable to determine whether those activities present a significant adverse impact to the wetlands or river and (4) no finding can be made that there are no feasible and prudent alternatives.

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*"The Appellate Court did not agree with the agency's conclusion, but based on the incompleteness of the record, upheld the agency denial."*

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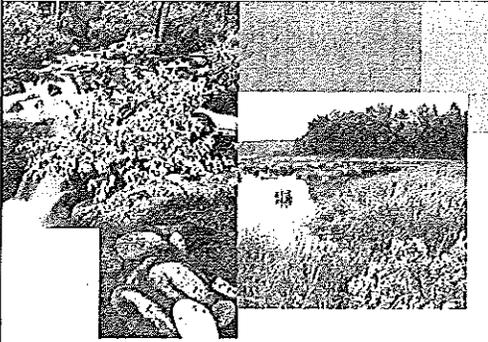
### On Appeal

The Superior Court (trial court) sided entirely with the applicant, sustaining the appeal and remanding (sending back) the matter to the agency for impositions of reasonable conditions. At the Appellate Court, each side won and lost on some of the arguments. They break down into three arguments.

### Expert Evidence

This issue is not going away. There is no retreat from the 2004 decision of the Connecticut Supreme Court in *River Bend*.<sup>5</sup> Expert opinion constituting substantial evidence continues to elude some wetlands agencies. This case is another variation on the theme that an agency's denial must be based on expert opinion that identifies a specific adverse environmental impact that would result. When there are multiple experts testify-

*legal horizon, continued on page 4*



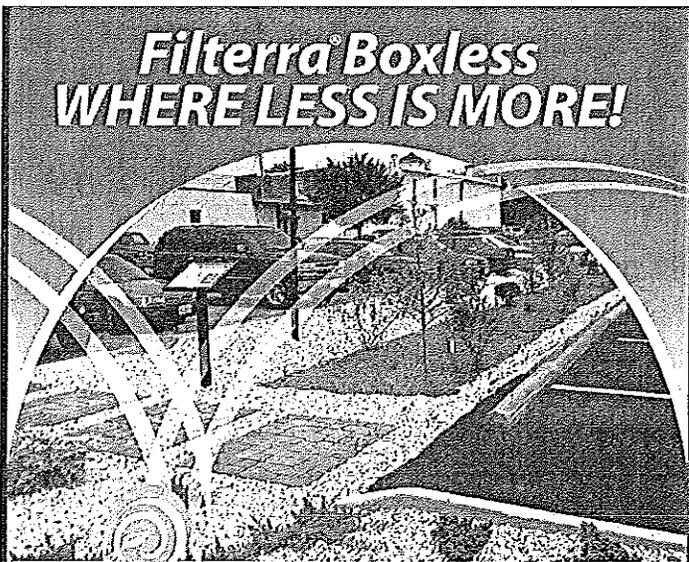
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*legal horizon, continued from page 3*

ing before an agency, this case affirms that the agency determines which expert is more credible. That said, the agency must look for statements of specific or actual adverse impact. Here's what the Appellate Court said was not substantial evidence, from the expert's statements: "It certainly, in my opinion, is not sufficient to avoid having *some type* of adverse impact on the wetlands due to sediment and erosion materials getting into the wetland, the pond and the riverine system."<sup>6</sup> The town's expert noted that the "likelihood of that adverse impact 'is very strong.'" That left the Appellate Court wondering: the likelihood of *what* is very strong? As to the storm water basins, the town's expert stated that the basins will be hard and expensive to maintain. "If it's not maintained, and this is a hypothetical, then you would have adverse impact on the wetland system both from excessive runoff and from the lack of removal of the impurities . . ."<sup>7</sup> The Appellate Court reviewed the evidence and found no evidence in the record supporting any likelihood of the failure of the basins. Additionally, the court concluded: "There also was no evidence *specifically indicating what effect, if any, a failure of the detention basin would have on the downslope wetlands.*"<sup>8</sup> Please note: the Appellate used those italics in the quote. The purpose is to get your attention. The court referred to the expert's "numerous concerns and critiques," but concluded that the expert "did not identify any specific, actual harm that was likely to occur to the wetlands or Saugatuck River."<sup>9</sup>

If you weren't paying attention to the italicized portions of the decision, the Appellate sums it up for you: "The substantial evidence test is not met by a general statement by an expert that 'some type' of adverse impact is likely to result from the proposed regulated activities. . . Absent evidence that identifies and specifies the actual harm resulting therefrom, a commission cannot find that the proposed activities will, or are likely to, adversely impact wetlands or watercourses."<sup>10</sup>

Conclusion: reasons #1 and #2 are not supported by substantial evidence. But that doesn't conclude this case.

**Incomplete Application**

The Court upheld the agency's authority to seek additional information from the applicant during the review process. The Court pointed to the municipal

*legal horizon, continued on page 5*

legal horizon, continued from page 4

regulations which put the applicant on notice that the agency may request more information. The applicant claimed it was not provided with a description of what information was sought. The Appellate Court spent a good portion of the decision summarizing the evidence. It noted that the town's expert told the applicant that there was missing information on the impact of household cleaners, solvents, ammonia and medicine that enter a septic system. The town's expert described how the concentration of the various chemicals should be examined for renovation in the soil mantle. He compared the process to the one engaged in by the applicant for pathogens. The agency relied on the town's expert who summarized in a letter: "We do not know what the chemical impact of concentrating so many wastewater systems in a small area will be. On this proposed project, no definitive proof of its impact, or non-impact, has been provided."<sup>11</sup> From that comment, the agency concluded that there would be a significant adverse impact on the wetlands and river. The Appellate Court did not agree with the agency's conclusion, but based on the incompleteness of the record, upheld the agency denial. The Court concluded: "The record discloses evidence that the [applicant] failed to present information on the chemical impact of the proposed regulated activities sufficient for the commission to determine whether it would adversely impact the wetlands and Saugatuck River."<sup>12</sup> The lack of information does not establish an adverse impact, it provides a reasonable basis to determine that the application is incomplete. Based on earlier cases and the municipal regulations, the agency was authorized to deny an application due to incompleteness.

Conclusion: Reason #3 is a sufficient reason to deny the application.

### Need for Regulations Addressing Storm Water

The applicant argued that the agency was not authorized to regulate pretreatment facilities for storm water impacts on wetlands and watercourses because it did not have "storm water regulations." The applicant made this argument relying on the *Prestige Builders*<sup>13</sup> case. The court reaffirms that "a commission may not exercise authority over a particular activity unless and until it promulgates a regulation that encompasses the activity."<sup>14</sup> The Court found numerous references in the municipal wetlands regulations that refer to "any activity" which causes a variety of impact. The Ap-

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pellate Court found no basis to conclude that specific regulations setting compliance standards were mandated. Moreover, the Court noted that the municipal regulations were based on the state DEEP model regulations, which do not set out standards for categories of activities. The municipal regulations allow the agency to regulate the activities to the extent they impact wetlands or watercourses. The regulations identify that storm water is likely to have a significant impact on those resources. The case law establishes that “applicable standards are established through expert testimony before a commission.”<sup>15</sup>

Conclusion: the agency is empowered through its regulations and the case law to regulate the effects of storm water without adopting specific standards for the activity.

Proving an actual adverse impact continues to be the major reason that agency denials are overturned. It is not sufficient to have an expert that agency members rely on. The expert’s statements have to “connect the dots.” There has to be an expert link between the reasonable likelihood of the existence of a condition and the conclusion that it is adverse. Here, there was not substantive evidence for either of those. The agency’s denial was upheld by the Appellate Court, but not for its decision on the merits – that the activities will cause adverse impacts on the resources, but because the application is incomplete. Finally, agencies can regulate storm water or other activities, based on broad regulations and develop the specific conditions through use of experts during the meeting/hearing process and the imposition of conditions in a permit.

Janet P. Brooks practices law in East Berlin. You can read her blog at: [www.ctwetlandslaw.com](http://www.ctwetlandslaw.com) and access prior training materials and articles at: [www.attorneyjanetbrooks.com](http://www.attorneyjanetbrooks.com).

#### (Endnotes)

<sup>1</sup> The three-tier court system from lowest to highest levels: Superior Court, Appellate Court, Supreme Court

<sup>2</sup> *River Bend Associates, Inc. v. Conservation & Inland Wetlands Commission*, 269 Conn. 57 (2004)

<sup>3</sup> *Unistar Properties, LLC v. Conservation & Inland Wetlands Commission*, 293 Conn. 93 (2005)

<sup>4</sup> *Prestige Builders, LLC v. Inland Wetlands Commission*, 79 Conn. App. 710 (2003), cert. denied, 269 Conn. 909 (2004)

<sup>5</sup> *River Bend Associates, Inc. v. Conservation & Inland Wetlands Commission*, 269 Conn. 57 (2004)

<sup>6</sup> (Emphasis in original.) *Three Levels Corporation v. Conservation Commission*, 148 Conn. App. 91, 103-04 (2014)

<sup>7</sup> *Three Levels Corporation v. Conservation Commission*, 148 Conn. App. 91, 104 (2014)

<sup>8</sup> *Three Levels Corporation v. Conservation*

*Commission*, 148 Conn. App. 91, 111 (2014)

<sup>9</sup> *Three Levels Corporation v. Conservation Commission*, 148 Conn. App. 91, 111-12 (2014)

<sup>10</sup> *Three Levels Corporation v. Conservation Commission*, 148 Conn. App. 91, 112 (2014)

<sup>11</sup> *Three Levels Corporation v. Conservation Commission*, 148 Conn. App. 91, 124 (2014)

<sup>12</sup> *Three Levels Corporation v. Conservation Commission*, 148 Conn. App. 91, 128 (2014)

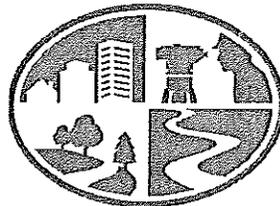
<sup>13</sup> *Prestige Builders, LLC v. Inland Wetlands Commission*, 79 Conn. App. 710 (2003), cert. denied, 269 Conn. 909 (2004)

<sup>14</sup> *Three Levels Corporation v. Conservation Commission*, 148 Conn. App. 91, 135 (2014)

<sup>15</sup> *Three Levels Corporation v. Conservation Commission*, 148 Conn. App. 91, 136 (2014) ↵

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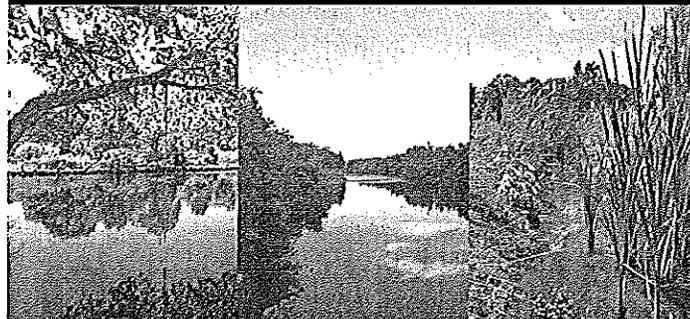
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*salamanders, continued from page 1*

### **Where Do Salamanders Live?**

People rarely see most salamanders because, as adults, salamanders spend most of their time in forested areas, living under rocks and fallen logs or in underground burrows. The best time of year to see these creatures is in spring when they move to wet areas to lay their eggs. These wet areas include ponds, ditches, marshes, meadows and a special, but little known habitat, called a vernal pool. Generally a vernal pool is a low spot in a forest or meadow that fills with water during winter and spring and then dries out by late summer. It can be big or small. Because these pools are temporary, fish cannot survive in the pools, thus the eggs and hatching larvae are safe from fish predation.

**Threats to Salamanders:** The greatest threat faced by Connecticut's salamanders is the loss of habitat through development, fragmentation, degradation by pollution (i.e., overuse of fertilizers and pesticides), and the invasion of non-native plants. Several species of native salamanders are currently experiencing a long-term population decline, and four are on Connecticut's list of Endangered, Threatened and Special Concern Species. Many populations are localized and restricted to specific habitat types. Unfortunately, when these habitats are destroyed, the salamanders found there disappear too. Other than a few exceptions, salamanders do not relocate long distances to new habitats. Even if suitable habitat is located nearby, migration is very difficult due to the numerous roads that dissect across Connecticut. When these small, slow-moving creatures cross roads (particularly during spring migration to breeding pools), hundreds are killed by cars.

**What You Can Do:** Learn more about salamanders and take actions to conserve these special creatures. Following are some suggestions:

- Observe, but do not collect salamanders. Learn more about them and help others understand and appreciate these fascinating creatures. Good resources are the DEEP's *Connecticut Wildlife* magazine ([www.ct.gov/deep/wildlifemagazine](http://www.ct.gov/deep/wildlifemagazine)) and PARC's website at [www.yearofthesalamander.org](http://www.yearofthesalamander.org)
- Discover vernal pools wetlands, and other important salamander habitats in your area. Promote stewardship, the preservation of open space, and wise land-use planning in your community. Limit or discontinue use of pesticides and herbicides around your home.
- Participate in a Year of the Salamander event or activity. Find out about events throughout the year

on the Wildlife Division's special webpage at [www.ct.gov/deep/salamanders](http://www.ct.gov/deep/salamanders) or by visiting our Facebook page at [www.facebook.com/CTFishandWildlife](http://www.facebook.com/CTFishandWildlife).

The DEEP Wildlife Division and other conservation organizations will be holding salamander events throughout the year, including a Salamander Art Contest for Kids. Stay up-to-date on Year of the Salamander events and activities by regularly visiting the DEEP website at [www.ct.gov/deep/salamanders](http://www.ct.gov/deep/salamanders) or the Connecticut Fish and Wildlife Facebook page at [www.facebook.com/CTFishandWildlife](http://www.facebook.com/CTFishandWildlife). ↘

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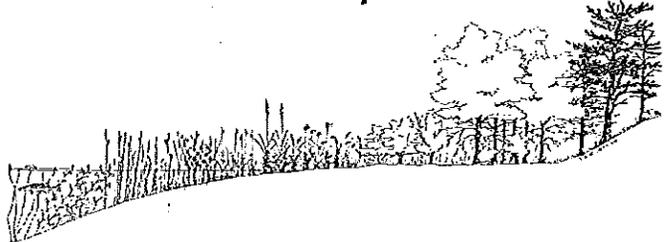
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# How to Support Native Pollinators in 2014

by Kathleen Groll Connolly

This three-part series began with a discussion of why native plants are important not only in wild spaces, but in the built environment as well. In part 2, we looked at storm-worthy native trees for planting in parks, on streetscapes and in developments. This installment offers a wide array of perennial plants that will help support pollinators in the summer of 2014 and beyond.

**T**True story: As I cleared the day's newspaper from my desk to work on this third and final installment of *The Habitat's* native plant series, an ironic headline caught my eye: "Migration of monarch butterflies continues to shrink."

According to an article by Michael Wines of the New York Times News Service, monarch butterflies were largely no-shows this year at their ancient overwintering destination in Mexico's Sierra Madre Mountains. He quotes a scientist who attributes the monarch's absence and plight partly to weather but primarily to *ongoing loss of habitat*.

The monarch butterfly may soon be gone altogether.

Monarchs are feeding "specialists." They require plants of the *Asclepias* genus, better known as milkweed or butterfly weed, to lay eggs and provide food for larvae. When open fields and forest edges are converted to lawns or parking lots, milkweed varieties often lose their toe hold.

Other native insects may be a little more eclectic in their tastes than the monarch, but finding their favorites can be challenging in an environment where commercial interests and public tastes emphasize plants that please people rather than pollinators.

As a result, our choices in flowering plants and shrubs are important. The three resources below are intended to help conservation commissions guide those choices:

- List 1 shows over 50 native perennials, ferns and grasses for southern New England that are found in the nursery trade at this time. Since deer are a major problem throughout our area, plants that have been mentioned as deer resistant by one or more sources have the symbol (DR). Plants noted by the Xerxes Society for their special value to

pollinators are marked with the symbol (P). For a list of trees, see the winter edition of *The Habitat*.

- List 2 offers wholesale and retail sources of regional native plants.
- List 3 offers books and web sites that assist with pollinator-friendly plant selection and bed design.

The key point of this series is that the time to choose native plants is now. To summarize: This choice continues the presence of native species, supports native pollinators which in turn support our own food production, and returns growing space to plants which once volunteered here but may have been crowded out by exotic invasives.

To borrow from the title of a popular book, "Why plant that when you can plant this?"

## List 1: Perennials with native distribution in Connecticut, also present in nursery trade

Source: [GoBotany.newenglandwild.org](http://GoBotany.newenglandwild.org)

(DR) = Deer resistance noted by one or more sources  
(P) = High value to pollinators as noted in "Attracting Native Pollinators," Xerxes Society, 2011

Baptisia, yellow, *Baptisia tinctoria* (DR)  
Beardtongue, *Penstemon digitalis* (P)  
Bergamot, *Monarda fistulosa* (DR)(P)  
Black cohosh, Bugbane, Fairy Candles, *Actaea racemosa* (DR)  
Black-eyed Susan, *Rudbeckia hirta* (annual or biennial)  
Blazing star or Gayfeather, *Liatris scariosa* var. *novae-angliae*(P)  
Blue cohosh, *Caulophyllum thalictroides*  
Blue flag iris, *Iris versicolor*  
Blue-eye Grass, *Sisyrinchium angustifolium* (DR)  
Boneset, common, *Eupatorium perfoliatum*  
Butterfly weed, *Asclepias tuberosa* (DR)(P)  
Cardinal-flower, red lobelia, *Lobelia cardinalis* (DR)  
Columbine, *Aquilegia canadensis* (DR)  
Common coral bells, *Heuchera americana*(DR)  
Crane's bill, *Geranium maculatum* (DR)  
Culver's root, *Veronicastrum virginicum* (P)  
Downy Phlox, *Phlox pilosa*  
Dutchman's breeches, Bleeding heart, *Dicentra cucullaria* (DR)

*pollinators, continued on page 9*

*pollinators, continued from page 8*

False Solomon's seal, *Maianthemum racemosum* (DR)

Foam flower, *Tiarella cordifolia*

Hyssop, *Agastache* spp., particularly *A. scrophulariifolia* (DR) (P)

Golden Alexander, *Zizia aurea*

Goldenrod, *Solidago* spp., particularly *S. Canadensis*; also: *S. caesia*, *S. sempervirens* (DR) (P)

Scullcap, *Scutellaria incana*

Jack-in-the-pulpit, *Arisaema triphyllum* (DR)

Joe-pye weed, *Eutrochium* spp., *E. purpureum*, *E. fistulosum*, *E. dubium*, *E. maculatum* (P)

King Solomon's-seal, *Polygonatum biflorum* (DR)

Lupine, sundial, *Lupine perennis* (DR)(P)

Marsh-marigold, *Caltha palustris*

Meadow-rue, *Thalictrum dioicum* (DR)

Milkweed, *Asclepias* spp., *A. syriaca*, *A. tuberosa*, *A. incarnata*, *A. viridiflora*, *A. verticillata*, *A. variegata*, *A. quadrifolia*, *A. purpurascens*, *A. incarnata*, *A. exaltata*, *A. amplexicaulis* (DR)(P)

Mountain-mint, *Pycnanthemum tenuifolium*(DR)

Asters, *Symphotrichum* spp. including *S. novae-angliae*, *S. novi-belgii*, *S. cordifolium* (P)

Partridge pea, *Chamaecrista fasciculata* (annual, planted from seed or self-seeding)

Pink corydalis, *Capnoides sempervirens*

Squirrel corn, Bleeding heart, *Dicentra canadensis* (DR)

Trout lily, *Erythronium americanum* (bulb)

White snakeroot, *Ageratina altissima*

White turtlehead, *Chelone glabra*

Wild ginger, *Asarum canadense* (DR)

Yarrow, *Achillea millefolium* (DR)(P)

#### **Native Grasses (all considered deer-resistant)**

Big bluestem, *Andropogon gerardii*

Canada reed grass, *Calamagrostis canadensis*

Little bluestem, *Schizachyrium scoparium*

Pink muhly grass, *Muhlenbergia capillaris*

Prarie dropseed, *Sporobolus heterolepis*

Purple lovegrass, *Eragrostis spectabilis*

Sideoats Grama, *Bouteloua curtipendula*

Switchgrass, *Panicum virgatum*

#### **Ferns (all considered deer-resistant)**

Maidenhair fern, *Adiantum pedatum* (DR)

Marginal woodfern, *Dryopteris marginalis*(DR)

Christmas fern, *Polystichum acrostichoides* (DR)

Cinnamon fern, *Osmunda cinnamomea* (DR)

See also: Connecticut Botanical Society,  
[www.ct-botanical-society.org/ferns/](http://www.ct-botanical-society.org/ferns/)

*pollinators, continued on page 10*

## **Sidebar: An Unexpected Benefit**

When we recommend or specify native plants, some known benefits occur. But there may be a less-visible positive side-effect.

“When commissions promote the use of natives through incentives or specifications, it may help increase commercial production of natives,” says Dr. Jessica Lubell, assistant professor of horticulture at University of Connecticut. She specializes in researching the commercial adaptability of native shrubs.

This is important because it can be difficult to find natives in commerce. The horticulture and landscaping industries have a long history of importing plants from all over the world that are people-pleasers, independent of the plants' ecological credentials.

Research underway by Dr. Lubell and others at UConn is directed at giving native plants the place they deserve in commerce. “I promote natives for their beauty and utility in the landscape, to attract wildlife and to create landscapes that integrate with surrounding flora,” she says.

Indeed, some natives—endangered, threatened or of special concern—are almost found *only* in nurseries and garden centers. The pussy willow (*Salix discolor*) recently made headlines for its near disappearance in some parts of New England's forests and fields.

Other examples of common nursery plants that are now rare as native populations in Connecticut include balsam fir (*Abies balsamea*), eastern redbud (*Cercis canadensis*), inkberry (*Ilex glabra*), fragrant sumac (*Rhus aromatica*), sweet gum tree, (*Liquidambar styraciflua*), the ground cover *Waldsteinia* (aka *Geum fragarioides*, according to the Connecticut DEEP's list of Endangered, Threatened & Special Concern Plants.

One important note is that many, if not most, natives in the nursery trade are “nativars,” or cultivars bred for characteristics that will improve their success as potted plants destined for ornamental landscapes. These plants may not be suitable for ecological restorations, which are usually grow from seed with genetic origins at the site or within a limited geographic radius.

“But it is important for decision makers to understand that these cultivars of native species are not a bad thing for ornamental landscapes and gardening.” She points out there is no definitive research showing that nativars are any more or less effective than the parent species at supporting wildlife.

*pollinators, continued from page 9*

**List 2 - Sources of native plants:**

Blackledge River Nursery, Marlborough, CT  
Earthtones, Woodbury, CT  
Nasami Farm/New England Wildflower Society,  
Whately, MA  
New England Wetland Plants, Amherst, MA  
North Creek Nursery, Landenberg, PA  
Planter's Choice, Newtown, CT  
Pride's Nursery, Lebanon, CT  
Project Native, Housatonic, MA  
Summer Hill Nursery, Madison, CT  
Woodland Trails Nursery, Eastford, CT

*Note: Please contact me if you have or know of a commercial native plant program that belongs on this list.  
Email: [Kathy@SpeakingofLandscapes.com](mailto:Kathy@SpeakingofLandscapes.com).*

**List 3 - Information:**

**Books to assist with design:**

*Attracting Native Pollinators*, Xerxes Society, 2011  
*Urban and Suburban Meadows*, Catherine  
Zimmerman, Matrix Media Press, 2010

**Web sites that assist with selection and identification:**

**Connecticut Botanical Society:**

[www.ct-botanical-society.org/garden/index.html](http://www.ct-botanical-society.org/garden/index.html)

**Go Botany:** [GoBotany.NewEnglandWild.org](http://GoBotany.NewEnglandWild.org)

**Lady Bird Johnson Wildflower Center:**

<http://wildflower.org/>

**USDA Plants Database:** <http://plants.usda.gov/java/>

**Tree and Shrub Lists:**

**Connecticut Native Trees for Beautiful Landscapes:**

[www.cipwg.uconn.edu/pdfs/CTNativeTree\\_List.pdf](http://www.cipwg.uconn.edu/pdfs/CTNativeTree_List.pdf)

**Connecticut Native Shrubs for Beautiful Landscapes:**

[www.cipwg.uconn.edu/pdfs/CTNativeShrubList\\_Lubell.pdf](http://www.cipwg.uconn.edu/pdfs/CTNativeShrubList_Lubell.pdf)

**Native Shrubs: Guide to Landscape Uses:**

[www.cipwg.uconn.edu/pdfs/NativeLandUseGuide.pdf](http://www.cipwg.uconn.edu/pdfs/NativeLandUseGuide.pdf)

*Kathy Connolly is a landscape designer from Old Saybrook, as well as a writer and speaker on a variety of topics related to ecological design. See [www.SpeakingofLandscapes.com](http://www.SpeakingofLandscapes.com) or email [Kathy@SpeakingofLandscapes.com](mailto:Kathy@SpeakingofLandscapes.com).*



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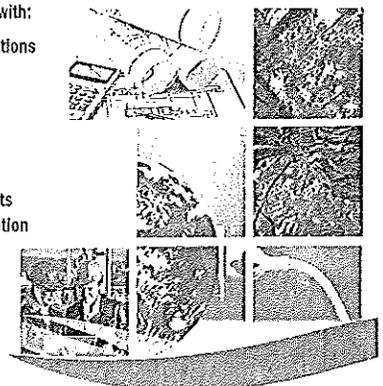
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# Membership 2013-2014 - We Appreciate Your Support!

As of March 1, 2014 the following Town Commissions have supported CACIWC through membership for the 2013-2014 fiscal year (July 1, 2013 to June 30, 2014). THANK YOU! If you do not see your Commission's name on the list, please encourage your Commission to join. If we are in error we apologize and would appreciate knowing by emailing Tom O'Dell at; [todell@snet.net](mailto:todell@snet.net) Member Commissions receive a copy of The Habitat for each commissioner and staff if dues have been paid.

CC = Conservation Commission  
CC/IW = Combined Commissions

IW = Inland Wetlands Commission  
Z/IW = Combined Zoning/Inland Wetlands

(SUS) = Sustaining level of Support

Andover	CC	Goshen	CC	Plainville	IW
Andover	IW	Goshen	IW	Plymouth	CC+IW
Ashford	CC	Granby	CC	Pomfret	CC
Ashford	IW	Granby	IW	Pomfret	IW
Avon	IW	Greenwich	CC (SUS)	Portland	CC
Avon	CC	Greenwich	IW (SUS)	Portland	IW
Barkhamsted	CC	Griswold	CC+IW (SUS)	Preston	CC
Barkhamsted	IW	Groton	CC	Preston	IW
Beacon Falls	CC	Groton	IW	Putnam	CC+IW
Beacon Falls	IW	Groton City	CC+IW	Redding	CC+IW (SUS)
Berlin	CC	Guilford	CC	Ridgefield	Z+IW
Bethany	CC (SUS)	Guilford	IW	Ridgefield	CC
Bethany	IW (SUS)	Haddam	CC	Salisbury	IW (SUS)
Bethel	IW	Haddam	IW	Scotland	IW
Bolton	CC	Hamden	IW	Sharon	IW (SUS)
Bolton	IW	Hamden	CC	Shelton	CC
Branford	CC	Hampton	IW	Sherman	CC
Branford	IW	Hartland	IW	Sherman	IW
Bristol	CC+IW	Harwinton	IW	Simsbury	CC+IW
Brookfield	CC	Hebron	CC	South Windsor	IW
Brookfield	IW	Kent	CC	Southbury	IW
Burlington	IW	Kent	IW	Southington	CC+IW (SUS)
Canaan	CC+IW	Killingworth	CC	Sprague	IW (SUS)
Canterbury	IW	Killingworth	IW	Sterling	IW
Chaplin	IW	Lebanon	CC	Thomaston	IW
Chaplin	CC	Lebanon	IW	Thompson	CC
Cheshire	IW	Ledyard	CC	Thompson	IW
Cheshire	CC	Lisbon	CC	Tolland	CC (SUS)
Chester	CC	Lyme	CC+IW	Tolland	IW (SUS)
Chester	IW	Madison	CC	Trumbull	CC
Clinton	IW	Manchester	CC	Trumbull	IW
Colchester	CC	Manchester	Z+IW	Vernon	CC
Columbia	CC	Mansfield	Z+IW (SUS)	Vernon	IW
Columbia	IW	Meriden	IW	Wallingford	CC
Cornwall	CC	Middlebury	CC	Wallingford	IW
Cromwell	CC	Middlefield	IW	Warren	CC+IW
Cromwell	IW	Milford	CC	Washington	CC (SUS)
Darien	CC+IW (SUS)	Milford	IW	Washington	IW (SUS)
Deep River	CC+IW	Monroe	CC+IW	Waterford	CC (SUS)
Durham	CC	Naugatuck	IW	Watertown	IW
Durham	IW	New Canaan	Z+IW	West Hartford	CC
East Granby	CC+IW	New Canaan	CC	West Hartford	Z+IW
East Haddam	CC	New Fairfield	CC+IW (SUS)	Westbrook	CC (SUS)
East Haddam	IW	New Hartford	CC	Westbrook	IW
East Hampton	CC	New Hartford	IW (SUS)	Weston	CC+IW
East Hampton	IW	New Milford	CC	Westport	CC+IW (SUS)
East Lyme	CC	New Milford	IW	Wethersfield	IW
East Lyme	IW	Newington	CC+IW	Willington	CC
East Windsor	IW	Norfolk	CC	Willington	IW
Easton	CC+IW	Norfolk	IW	Wilton	CC
Ellington	CC	North Branford	CC+IW	Wilton	IW
Ellington	IW	North Stonington	CC	Windsor	CC
Enfield	CC	North Stonington	IW	Windsor	IW
Enfield	IW	Norwalk	IW (SUS)	Windsor Locks	CC
Essex	CC	Old Lyme	IW	Windsor Locks	IW
Essex	IW	Old Saybrook	CC	Woodbridge	CC
Fairfield	CC	Old Saybrook	IW	Woodbridge	IW
Fairfield	IW	Oxford	CC (SUS)	Woodbury	CC
Farmington	CC+IW	Oxford	IW (SUS)	Woodbury	IW
Franklin	IW	Plainfield	CC	Woodstock	CC
Glastonbury	CC+IW (SUS)	Plainfield	IW	Woodstock	IW

coordinating judges for the environmental science awards in this year's CSEF. The CACIWC Board will be conducting other activities to increase interest among Connecticut students in careers and volunteer activities that support conservation and wetlands protection. Watch this column and our website for more information on these activities!

4. **Membership dues** are an essential part of our operating budget. They support various CACIWC programs including our annual meeting, educational materials, and *The Habitat*. During the next few months you will be receiving a reminder and renewal form for the 2014-15 membership year, which begins on July 1, 2014. A copy of this form and additional information will be placed on our website: [www.caciwc.org](http://www.caciwc.org). Would you or your company like to provide additional support to CACIWC? The website also provides a description of additional individual and business membership categories. Our annual meeting and newsletter have become increasingly expensive activities to operate, so we will very much appreciate any additional contributions that you or your business can make to support CACIWC education and outreach efforts!

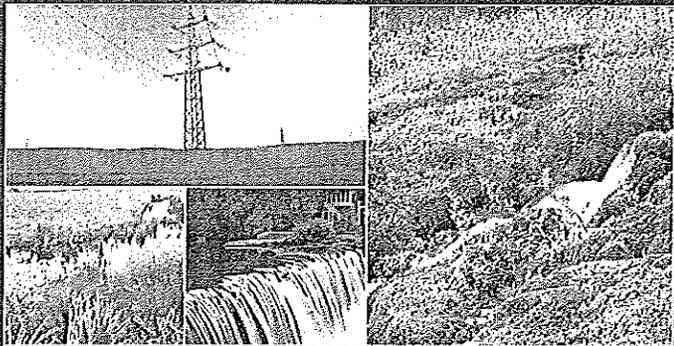
5. The officers and members of the Board of Directors are now several months into the first year of their two-year term following the elections that took place at our November 16, 2013 annual meeting. Although we were able to fill a number of vacancies, the New London County director and several other CACIWC board vacancies remain unfilled (please see the list in this issue of *The Habitat* and on [www.caciwc.org](http://www.caciwc.org)). Please submit your name to us at [board@caciwc.org](mailto:board@caciwc.org) if you are interested in serving as the New London County representative, one of the vacant alternate county representatives, or as one of the alternate-at-large representative positions.

6. While you would enjoy working on CACIWC issues, you may find yourself too busy to join the board of directors. We are forming several additional CACIWC advisory committees to help us with our education and outreach efforts, contribute to the development of new goals and objectives for our updated strategic plan, or participate in the ongoing review of legislative initiatives. Let us know of areas of interest by contacting us at [board@caciwc.org](mailto:board@caciwc.org).

We are very pleased to continue to receive comments and suggestions on ways to improve our education and outreach efforts. Please do not hesitate to contact us via email at [board@caciwc.org](mailto:board@caciwc.org) if you have questions or comments on any of the above items or if you have other questions of your board of directors. We thank you for your ongoing efforts to protect wetlands and conserve natural resources within your town!

~ Alan J. Siniscalchi, President

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preserved, continued from page 16

could result in the sudden “preservation” and subsequent development of those lands. Such dramatic occurrences can and should be avoided in order to secure the sustainability of Connecticut’s impressive and valuable network of conservation lands.

### Recent History

Public Act 12-152, An Act Concerning the State’s Open Space Plan, includes provisions that could, if implemented, help prevent the imprudent transfer of state lands that have significant conservation value, especially those under the care of agencies other than DEEP. Under the Act, DEEP is to develop strategies “for protecting in perpetuity lands of high conservation value” and establish a process by which all state agencies may identify such lands. When implemented, that law also should lead to more permanent protection of state forest and park land. Again, however, few if any of the cases discussed above would have been affected by those provisions even if they had been implemented.

### Recommendations

These recommendations are aimed at getting information to the front end of the decision-making process for land transfers and at preserving “preserved” lands in perpetuity.

1. **A clear and unified process:** The General Assembly and all state agencies should follow a unified procedure prior to proposing the transfer or re-purposing of state conservation lands. This procedure should include the completion of a form by DEEP that includes brief information about a property’s history, conservation purposes, natural resources and general management plans. Such information should be made public at the earliest possible stage of the process. The intent of such a procedure would be to document at the earliest stages whether a parcel is just “unused property” or is in fact important to a conservation purpose.

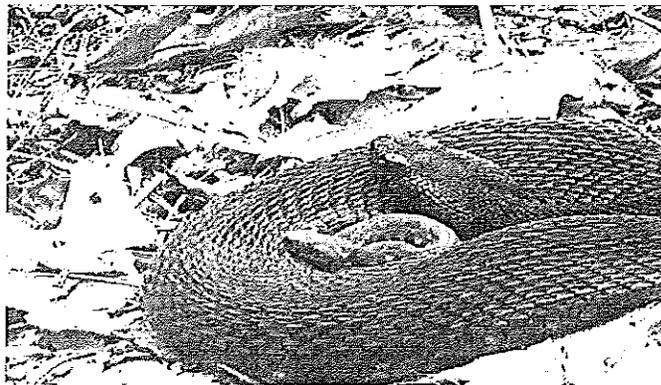
The unified procedure should have specific minimum requirements, including the information described above as well as information about the parcel’s ecological relationship to surrounding lands and the landscape of the community. Another factor for evaluation should be the property’s potential contribution to climate change resiliency – that is, the ability to absorb and accommodate the landward movement of coastal ecosystems as temperature and sea level rise.

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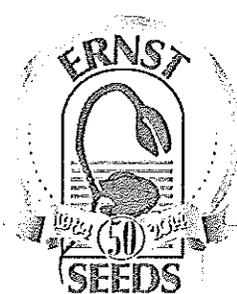
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*preserved, continued from page 13*

In the event that the DEEP has insufficient resources to complete the requested forms, the law should allow the landowner to pay a DEEP-approved contractor to complete the form for approval and submission by DEEP.

**2. Plans and data:** DEEP should have a conceptual management plan for each property, or at the least a public “data sheet” describing the property’s purposes, natural resources and general purposes. DEEP does in fact have management plans for many parks, forests and wildlife areas, but in the interim, for those which do not there should be data available for quick consultation by all parties.

By having management plans (or at least public data sheets) ready, the Council suggests, DEEP should be able to save significant amounts of staff time when swap proposals are made. In fact, the ready availability of management plans probably would dissuade many landowners from proposing exchanges in the first place, as they could see that the conservation lands in question are valuable to the state and are not just vacant or underutilized land.

**3. Preserve for perpetuity:** All future acquisitions of land for conservation purposes should be implemented in a way that ensures their permanent protection. There are several options, some of which would require legislation.

**Note:** When DEEP awards a grant to a municipality or nonprofit organization to acquire land, it requires the land to be subject to a permanent conservation easement, but no parallel requirement applies to state acquisitions.

**4. Lands of high conservation value:** DEEP should implement the provisions of Public Act 12-152 that require DEEP to develop a method for evaluating state lands (under the custody of any agency) to determine those of high conservation value. Lands already designated as state park, state forest, state wildlife management area or similar designations should be classified as lands of high conservation value by default (that is, without the necessity of additional analysis).

**5. Legislation:** The General Assembly should adopt legislation, as needed, to implement Numbers 1 and 3, above and to permanently protect lands of high conservation value as determined pursuant to Number 4, above.

**6. State Constitution:** The General Assembly should start the process for amending the Constitution of the State of Connecticut to state that (to borrow from, as a starting point, the Constitution of the State of New York), “the legislature shall provide for the acquisition of lands and waters... and the dedication of properties so acquired or now owned, which because of their natural beauty, wilderness character, or geological, ecological or historical significance, shall be preserved and administered for the use and enjoyment of the people. Properties so dedicated shall constitute the state nature and historical preserve and they shall not be taken or other-wise disposed of except by law enacted by two successive regular sessions of the legislature.”

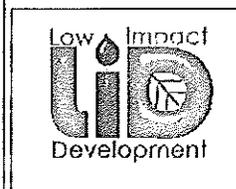
**7. Public notice and conservation easements:** The General Assembly should adopt legislation to guide the release or modification of any conservation easement that has been granted to a municipality. At a minimum, there should be a requirement for public notice and opportunity for public comment.

**8. State Forests and P.A. 490:** The General Assembly should adopt legislation that requires State Forest land to be classified automatically as forest  
*preserved, continued on page 15*



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land under P.A. 490, thereby removing the need for DEEP to spend limited resources completing the P.A. 490 classification process.

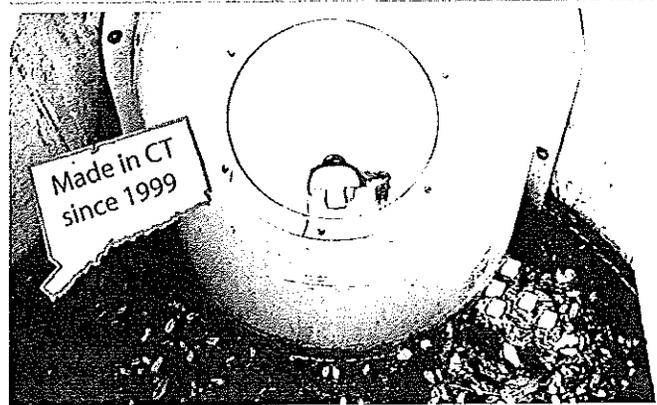
9. **Municipalities will help:** DEEP should enlist willing municipal conservation commissions to help document the extent and legal status of "protected open space" within their boundaries, perhaps using the data of the Protected Open Space Mapping project as the starting point. DEEP should consider offering incentives, such as bonus points on grant applications, to participating municipalities. ↘

### Support Senate Bill 70!

*An Act Concerning the grant of property interests in property held by the Departments of Agriculture and Energy and Environmental Protection and the establishment of a public use and benefit land registry.*

CACIWC supports Senate Bill 70 as it addresses many of the changes needed to permanently protect state lands and urges you to contact your legislators and ask them to support Senate Bill 70. ↘

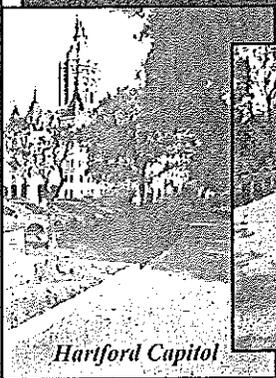
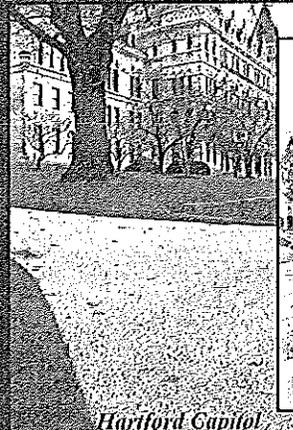
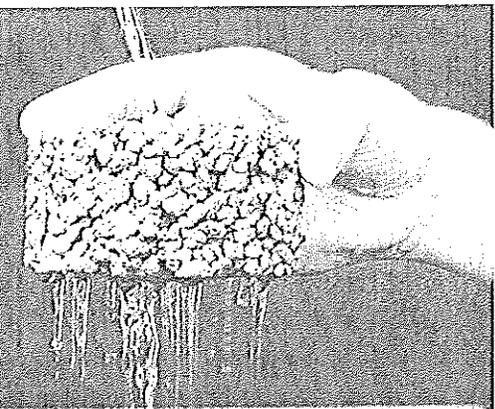
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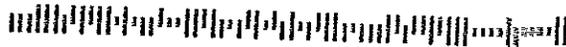


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## Preserved, But Maybe Not

### *The Impermanence of State Conservation Lands*

A Special Report of the Council on Environmental Quality January 2014

#### Summary

The General Assembly and the Department of Energy and Environmental Protection have been asked to consider proposals during the past three years to transfer, exchange or re-purpose hundreds of acres of state parks, forests and wildlife management areas. Most of those proposals were not completed, but analysis of the cases reveals procedural deficiencies that routinely put state conservation lands in jeopardy of being "un-preserved." The two biggest deficiencies are the lack of accurate information at the beginning stages of the decision-making process and the lack of truly permanent protections for most lands that Connecticut residents typically think are preserved.

The Council offers nine recommendations to improve the long-term protection of state conservation lands and the process for evaluating transfer proposals. Adoption of these recommendations will: 1. get information to the front end of the decision-making process, and 2. preserve state parks, forests and other "preserved" lands in perpetuity.

When Connecticut residents visit a beautiful state park or wildlife area they often are contented by the knowledge that the land is set aside for forests, wildlife and all people for all time. Except usually it isn't.

Recent proposals to exchange or convey state parks, forests and wildlife areas totaling hundreds of acres have highlighted weaknesses in the protections granted to Connecticut's conservation lands. These weaknesses

*preserved, continued on page 13*



**Connecticut Department of  
Energy & Environmental Protection**  
Bureau of Materials Management & Compliance Assurance  
Engineering & Enforcement Division

## Permit Application for the Use of Pesticides in State Waters

Please complete this form in accordance with section 22a-66z CGS and the instructions (DEP-PEST-INST-200) in order to ensure the proper handling of your application. Print or type unless otherwise noted. You must submit the initial fee along with this form.

CPPU USE ONLY	
App #:	_____
Doc #:	_____
Check #:	_____
Program: Aquatic Pesticides	

### Part I: Application Type and Description

Check the appropriate box identifying the application type.

<p>This application is to request (check one):</p> <p><input checked="" type="checkbox"/> A single year permit      <input type="checkbox"/> A multi-year permit</p> <p><i>Note: Multi-year permits will be issued at the Department of Energy and Environmental Protection's (DEEP) discretion.</i></p> <p>Town where site is located: <u>Mansfield</u></p> <p>Brief Description of Project: <b>Control of invasive / excessive aquatic vegetation to improve water quality for habitat and aesthetic purposes.</b></p>
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### Part II: Fee Information

<p>An initial application fee of \$200.00 [#1009] is to be submitted with <i>each</i> permit that you are applying for. Each site requires a separate permit. If you are applying for a multi-year permit, the remaining fees will be invoiced at a later date. There is no discount for municipalities. The application will not be processed without the initial fee. The fee shall be non-refundable and shall be paid by check or money order to the Department of Energy and Environmental Protection.</p>
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### Part III: Site Location

Name of Waterbody: <b>Benson's Pond</b>		
Street address and/or description of location: <b>494 Wormwood Road</b>		
City/Town: <b>Mansfield</b>	State: <b>CT</b>	Zip Code: <b>06250</b>

### Part IV: Applicant Information

- If an applicant is a corporation, limited liability company, limited partnership, limited liability partnership, or a statutory trust, it must be registered with the Secretary of State. If applicable, the applicant's name shall be stated **exactly** as it is registered with the Secretary of State. This information can be accessed at [CONCORD](http://www.concord-sols.ct.gov/CONCORD/index.jsp). ([www.concord-sols.ct.gov/CONCORD/index.jsp](http://www.concord-sols.ct.gov/CONCORD/index.jsp))
- If an applicant is an individual, provide the legal name (include suffix) in the following format: First Name; Middle Initial; Last Name; Suffix (Jr, Sr., II, III, etc.).

**Part IV: Applicant Information (continued)**

**1. Applicant Name:** Lycott Environmental, Inc

Mailing Address: 21 West Main Street

City/Town: Spencer

State: MA Zip Code: 01562

Business Phone: 508-885-0101

ext.: Fax: 774-745-0277

Contact Person: William Stevenson

Phone: 508-885-0101 ext.

\*E-mail: westevenson@lycott.com

\*By providing this e-mail address you are agreeing to receive official correspondence from DEEP, at this electronic address, concerning the subject application. Please remember to check your security settings to be sure you can receive e-mails from "ct.gov" addresses. Also, please notify DEEP if your e-mail address changes.

- a) Applicant Type (check one):  individual  \*business entity  federal agency  
 state agency  municipality  tribal

\*If a business entity:

- i) check type:  corporation  limited liability company  limited partnership  
 limited liability partnership  statutory trust  Other: \_\_\_\_\_

- ii) provide Secretary of the State business ID #: \_\_\_\_\_ This information can be accessed at CONCORD

- iii)  Check here if your business is **NOT** registered with the Secretary of State's office.

b) Applicant's interest in property at which the proposed activity is to be located:

- site owner  option holder  lessee  
 easement holder  operator  pesticide applicator  
 other (specify): \_\_\_\_\_

- Check if any co-applicants. If so, attach additional sheet(s) with the required information as requested above.

**2. Billing contact, if different than the applicant.**

Name:

Mailing Address:

City/Town:

State: Zip Code:

Business Phone:

ext.: Fax:

Contact Person:

Phone: ext.

E-mail:

**3. Primary contact for departmental correspondence and inquiries, if different than the applicant.**

Name: Lycott Environmental, Inc

Mailing Address: 21 West Main Street

City/Town: Spencer

State: MA Zip Code: 01562

Business Phone: 508-885-0101

ext.: Fax: 774-745-0277

Contact Person: Jeff Castellani

Phone: 508-885-0101 ext.

\*E-mail: jcastellani@lycott.com

\*By providing this e-mail address you are agreeing to receive official correspondence from DEEP, at this electronic address, concerning the subject application. Please remember to check your security settings to be sure you can receive e-mails from "ct.gov" addresses. Also, please notify DEEP if your e-mail address changes.

**Part IV: Applicant Information (continued)**

**4. List only one owner of the site to be treated.**

Name: **Pamela Benson**

Mailing Address: 494 Wormswood Road

City/Town: Mansfield

State: CT Zip Code: 06250

Business Phone: 860-429-5068

ext.: Fax:

Contact Person: Pamela Benson

Phone: 860-869-7699 ext.

E-mail:

**5. List the person or company applying the pesticides.**

Name: **Lycott Environmental, Inc**

Mailing Address: 21 West Main Street

City/Town: Spencer

State: MA Zip Code: 01562

Business Phone: 508-885-0101

ext.: Fax: 774-745-0277

Contact Person: Robert Wheaton

Phone: 508-885-0101 ext.

E-mail: [rwheaton@lycott.com](mailto:rwheaton@lycott.com)

Certification Number: S-5732

**Part V: Site Information**

**1. COASTAL AREA:** Is the pesticide application located in a municipality within the coastal area?

Yes  No (check town list in the instructions)

If yes, is the water being treated subject to the ebb and flow of the tides, or inundated by saline or brackish water at least once a month?  Yes  No

If the water being treated is subject to the ebb and flow of the tides, or is inundated by saline or brackish water at least once a month, you must submit a Coastal Consistency Review Form (DEP-APP-004) with your application as Attachment C.

For assistance in determining if the water being treated is affected by tidal water as described above or in completing the Coastal Consistency Review form, contact the Office of Long Island Sound Programs (OLISP) at 860-424-3034.

**2. ENDANGERED OR THREATENED SPECIES:** According to the most current "State and Federal Listed Species and Natural Communities Map", is the activity which is the subject of this application located within an area identified as a habitat for endangered, threatened or special concern species?

Yes  No Date of Map: 12/2013

If yes, complete and submit a Request for NDDB State Listed Species Review Form (DEP-APP-007) to the address specified on the form, prior to submitting this application. **Please note NDDB review generally takes 4 to 6 weeks and may require additional documentation from the applicant. A copy of the completed Request for NDDB State Listed Species Review Form and The CT NDDB response *must* be submitted with this completed application as Attachment D.**

For more information visit the DEEP website at [www.ct.gov/deep/nddbrequest](http://www.ct.gov/deep/nddbrequest) or call the NDDB at 860-424-3011.

**Part V: Site Information (continued)**

3. **AQUIFER PROTECTION AREAS:** Is the site located within a town required to establish Aquifer Protection Areas, as defined in section 22a-354a through 354bb of the General Statutes (CGS)?

Yes     No    To view the applicable list of towns and maps visit the DEEP website at [www.ct.gov/deep/aquiferprotection](http://www.ct.gov/deep/aquiferprotection)

If yes, is the site within an area identified on a Level A or Level B map?     Yes     No

If your site is on a Level A or Level B map, you are not required to register under the Aquifer Protection Program, *however* you must follow proper spill control measures to prevent potential contamination of drinking water. If you should have a spill, please call the emergency hotline *immediately* at 860-424-3338.

4. **CONSERVATION OR PRESERVATION RESTRICTION:** Is the property subject to a conservation or preservation restriction?     Yes     No

If Yes, proof of written notice of this application to the holder of such restriction or a letter from the holder of such restriction verifying that this application is in compliance with the terms of the restriction must be submitted as Attachment F.

5. Type of area to be treated:     Tidal Waters     Pond or Lake     Stream

6. Is the waterbody located in a public water supply watershed?     Yes     No

7. Where does the waterbody flow to? **Fenton River**

Is the outflow usually flowing?     Yes     No    Can outflow be stopped?     Yes     No

8. Identify the size of the waterbody:    **100** Length (ft.)    **100** Width (ft.)    **0.25** Acres  
**6** Maximum Depth (ft.)    **5** Average Depth (ft.)    **1.25** Volume (Ac-ft)

9. Portion of the waterbody to be treated:    **0.25** Acres    **1.25** Volume (Ac-ft.)

10. Does the waterbody have public access?     Yes     No

11. Is the waterbody stocked with fish by the state?     Yes     No

12. Identify use(s) of waterbody:

domestic water supply     irrigation     watering livestock     swimming     fishing

13. Are there any downstream users of the water who may be affected by treatment?     Yes     No

If yes, please explain:

**Part V: Site Information (continued)**

14. Within 1/2 mile of the treatment area, are there any private drinking water wells 50 ft. or less from the shoreline?       Yes       No

Note: Any proposed treatment area located within 200 ft. of a public water supply well must also be reviewed by the Connecticut Department of Health.

15. Identify all plants or animals to be controlled: **Lemna minor, Wolffia columbiana, Filamentous algae**

16. Identify all types of fish present: **warmwater species**

17. Identify proposed chemicals to be used, the amount per treatment and number of treatments:

<i>Chemical</i>	<i>Amount per Treatment</i>	<i>Number of Treatments</i>
a) <b>Clipper</b>	<b>1.33 lb</b>	<b>2</b>
b) <b>Captain</b>	<b>1 gal</b>	<b>2</b>
c) <b>Alum</b>	<b>4 gal</b>	<b>2</b>

18. Projected date(s) of pesticide use: **5-21, 6-25, 7-30, 2014**

19. List prior years in which chemicals were applied to this waterbody:

**2003, 2006-2007, 2009-2013**

## Part VI: Supporting Documents

Be sure to read the instructions (DEP-PEST-INST-200) to determine whether the attachments listed are applicable to your specific activity. Check the applicable box below for each attachment being submitted with this application form. When submitting any supporting documents, please label the documents as indicated in this part (e.g., Attachment A, etc.) and be sure to include the applicant's name as indicated on this application form.

- Attachment A: An 8-1/2" x 11" legible copy or original of a USGS Topographic Quadrangle Map (scale 1:24,000) indicating the exact location of the area to be treated.
- Attachment B: Applicant Compliance Information Form (DEP-APP-002), if applicable.
- Attachment C: Coastal Consistency Review Form (DEP-APP-004), if applicable.
- Attachment D: **Copy of the completed *Request for NDDB State Listed Species Review Form* (DEP-APP-007) and the NDDB response, if applicable.**
- Attachment E: Copy of certified mail receipt verifying that this completed application has been sent to the local inland wetlands agency. For multiple applications submitted to the local inland wetlands agency under one certified mail receipt, please attach a copy of such receipt to each application being submitted to DEEP.
- Attachment F: Conservation or Preservation Restriction Information, if applicable.

*Please note that local inland wetlands agencies may have additional requirements pertaining to the application of aquatic pesticides to waterbodies located under their jurisdiction.*

## Part VII: Application Certification

The applicant *and* the individual(s) responsible for actually preparing the application must sign this part. An application will be considered insufficient unless *all* required signatures are provided. Please also check the box and provide the date for which you sent one copy of this completed application to the appropriate local inland wetland agency.

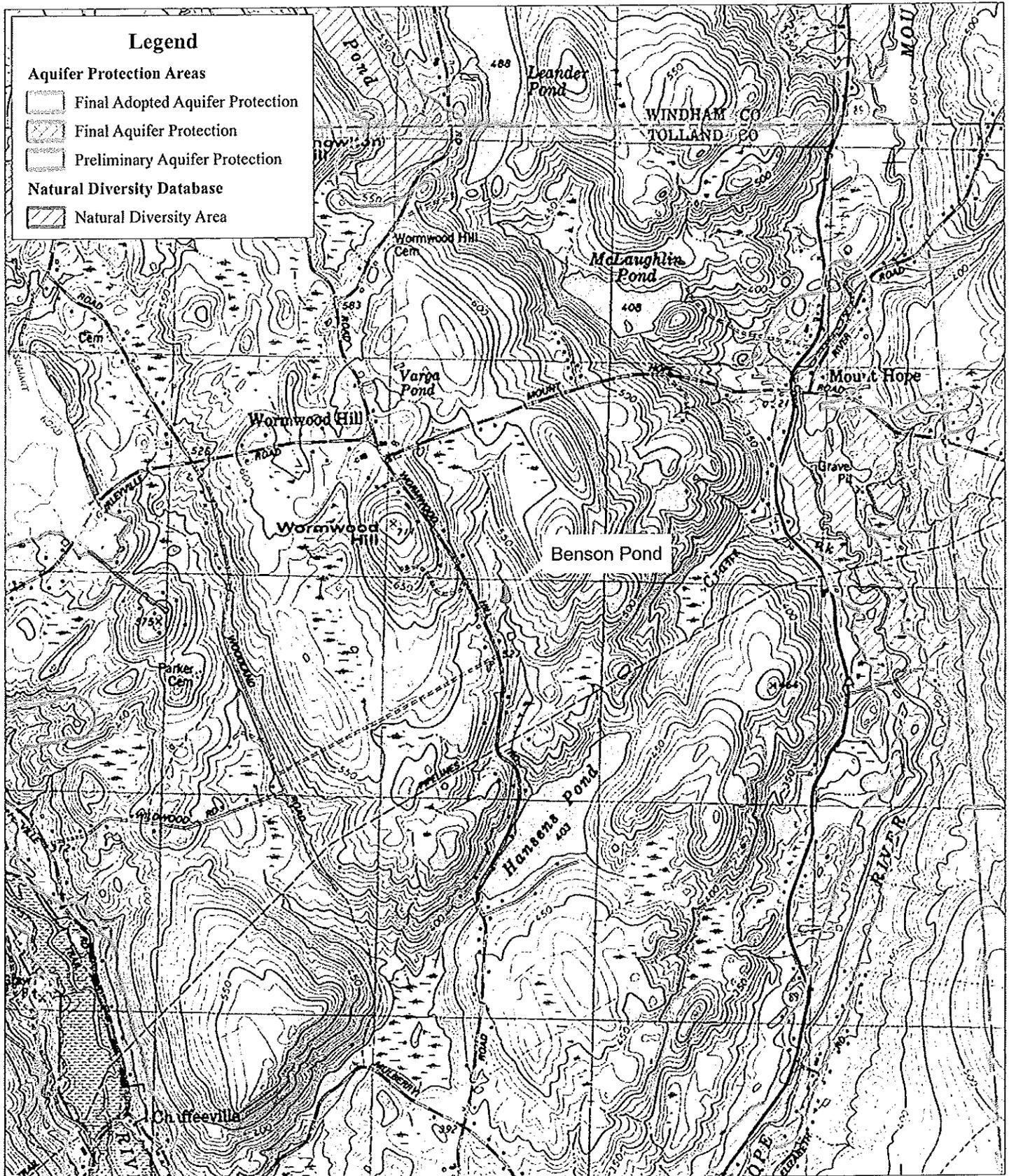
<p>"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief.</p> <p>I understand that a false statement in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.</p> <p>I certify that this application is on complete and accurate forms as prescribed by the commissioner without alteration of the text.</p> <p><input checked="" type="checkbox"/> I also certify that I have sent one copy of this completed application to the appropriate local inland wetland agency on <u>4-2-14</u> " _____  <div style="text-align: center;">Date</div> </p>	
<p></p>	<p>4-2-14</p>
<p>Signature of Applicant</p>	<p>Date</p>
<p><b>Marc Bellaud</b></p>	<p><b>President</b></p>
<p>Name of Applicant (print or type)</p>	<p>Title (if applicable)</p>
<p></p>	<p>4-2-14</p>
<p>Signature of Preparer (if different than above)</p>	<p>Date</p>
<p><b>Jeff Castellani</b></p>	<p><b>Field Biologist</b></p>
<p>Name of Preparer (print or type)</p>	<p>Title (if applicable)</p>
<p><input type="checkbox"/> Check here if additional signatures are required. If so, please reproduce this sheet and attach signed copies to this sheet.</p>	

Note: Please submit this completed Application Form, Fee, and all Supporting Documents to:

CENTRAL PERMIT PROCESSING UNIT  
 DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION  
 79 ELM STREET  
 HARTFORD, CT 06106-5127

*Please also submit a copy of this completed application to the local inland wetlands agency.*

# Location of Proposed 2014 Management



## Legend

### Aquifer Protection Areas

- Final Adopted Aquifer Protection
- Final Aquifer Protection
- Preliminary Aquifer Protection

### Natural Diversity Database

- Natural Diversity Area

**Benson Pond  
Mansfield, CT**



Map Prepared: 01/20/2014  
For Ms. Pamela Benson  
Basemap © 2013 Esri



0 500 1,000 2,000  
1:24,000 Feet



21 West Main Street • Spencer, MA  
508-885-0101 • info@lycolt.com

## NOTIFICATION OF TIMBER HARVEST

Town: \_\_\_\_\_ Date: \_\_\_\_\_  
 Property Location: \_\_\_\_\_

List all parcels:  
 Assessor's Info:

Map	Block	Lot
12	70	17

OR:

Unique ID

Total acreage of property(s): 82.89 Total acreage of harvest area: 80.

Landowner(s) of Record: <u>Harlan B. Stone</u>	Primary Contact: <u>Brian Riendeau</u>
Mailing Address: <u>344 Bassett's Bridge Rd.</u>	Mailing Address: <u>189 Suping Rd.</u>
Town: <u>Mansfield</u> Zip <u>06250</u>	Town: <u>Ashford CT</u> Zip <u>06278</u>
Phone (600) <u>886-9065</u>	Phone ( ) <u>860-429-7919</u>
E-mail: _____	E-mail: _____

**Note:** Timber harvesting is a *Permitted as of Right Activity* pursuant to the Inland Wetlands and Watercourses Act, except for those practices regulated under Section 22a-36 through 22a-45 of the Connecticut General Statutes.

Is there a current forest management/stewardship plan for this property?  Yes  No

This timber harvest has been prepared by a State of Connecticut certified:  
 (Check one):  Forester OR  Supervising Forest Products Harvester

Forest Practitioner Certificate #: 854  
 Name: Scott Person  
 Address: 265 Rt. 6 Andover Ct 06232  
 E-mail: \_\_\_\_\_  
 Phone #: (Business) 860-558-4271 (Cell) \_\_\_\_\_

**Property Boundaries:** Bounds are marked:  Yes  No  
**Timber Harvest Boundaries:** Have been marked or flagged:  Yes  No

Have owners of all lands within 100 feet of the harvest area been notified via first-class mail prior to filing this "Notification of Timber Harvest"?  Yes  No  
 Estimated starting date of timber harvesting operations: 9/1/2014

**Description of Timber Harvest:**  
 Objective: selective timber harvest  
 Treatment: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Amount of forest products to be harvested:  
120,000 Board feet \_\_\_\_\_ Cords \_\_\_\_\_ Cubic feet \_\_\_\_\_ Tons

How have the trees to be harvested been designated?  
 They have been marked with paint at eye level and at ground level. Paint color(s): \_\_\_\_\_  
 They have not been marked

**SOIL, WATER AND INLAND WETLANDS RESOURCES**

**Actions Being Performed On This Land**

(Check all that apply and locate on attached Timber Harvest Area map -- see information below on maps.)

<p align="center"><u>Crossings / Clearing</u></p> <p><input type="checkbox"/> Temporary stream/drainage crossing  <input type="checkbox"/> Temporary wetlands crossing  <input type="checkbox"/> Removal of trees in wetlands  <input type="checkbox"/> Removal of trees in upland review area</p>	<p align="center"><u>Erosion and Sedimentation Control Measures:</u></p> <p><input type="checkbox"/> Installation of water bars  <input type="checkbox"/> Grading  <input type="checkbox"/> Seeding  <input type="checkbox"/> Other (describe below)</p>
<p align="center"><u>Log landing area:</u></p> <p><input checked="" type="checkbox"/> anti-tracking pad  <input type="checkbox"/> curb cut</p>	<p align="center"><u>Roads</u></p> <p>Are new roads, other than skid trails, to be constructed for transport of logs or other activities associated with this harvest?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

Describe in further detail as necessary:

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The following maps are attached to this "Notification" (Check all that apply)

- Copy of USGS topographic map with property outlined
- Copy of Assessor's map with property outlined
- Timber Harvest Area map showing outline of harvest area, main skid road locations, log landing area, truck access roads, inland wetlands, watercourses and any crossings

*The undersigned hereby swear that the information contained in this application is true, accurate and complete to the best of my (our) knowledge and belief and that the timber harvest will be conducted in accordance with the specifications outlined in this "Notification of Timber Harvest."*

Signature of Landowner(s): \_\_\_\_\_ Date: \_\_\_\_\_

Print/Type Name: \_\_\_\_\_

Signature of Landowner(s): *Paul [Signature]* Date: *4/29/2014*

Print/Type Name: \_\_\_\_\_

Signature of Certified Forest Practitioner: *Scott Person 854* Date: *4/28/14*

Print Name: *Scott Person*

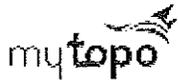
Certificate #: *854* Expiration Date: *4/1/2016*

**Complete and Submit to:**

- The Municipal Inland Wetlands Agency/ies in which the property is located, and
- A courtesy copy of this Notification Form should also be sent to The Department of Environmental Protection, Division of Forestry 79 Elm Street, Hartford, CT, Tel: (860) 424-3630

*This is not an official CT DEP form but it has been endorsed for town usage by: CT Farm Bureau Assoc., CT Forest & Park Assoc., CT Professional Timber Producers, Society of American Foresters - CT Chapter, and others.*

*Harlan Stone Timber Harvest  
Rt. 89 @ Laurel Lane*



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ENTER CITY OR PLACE NAME

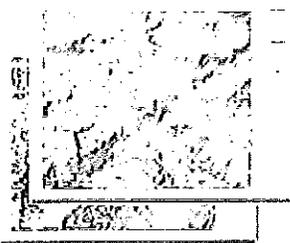
SELECT STATE

OR ENTER ZIP CODE

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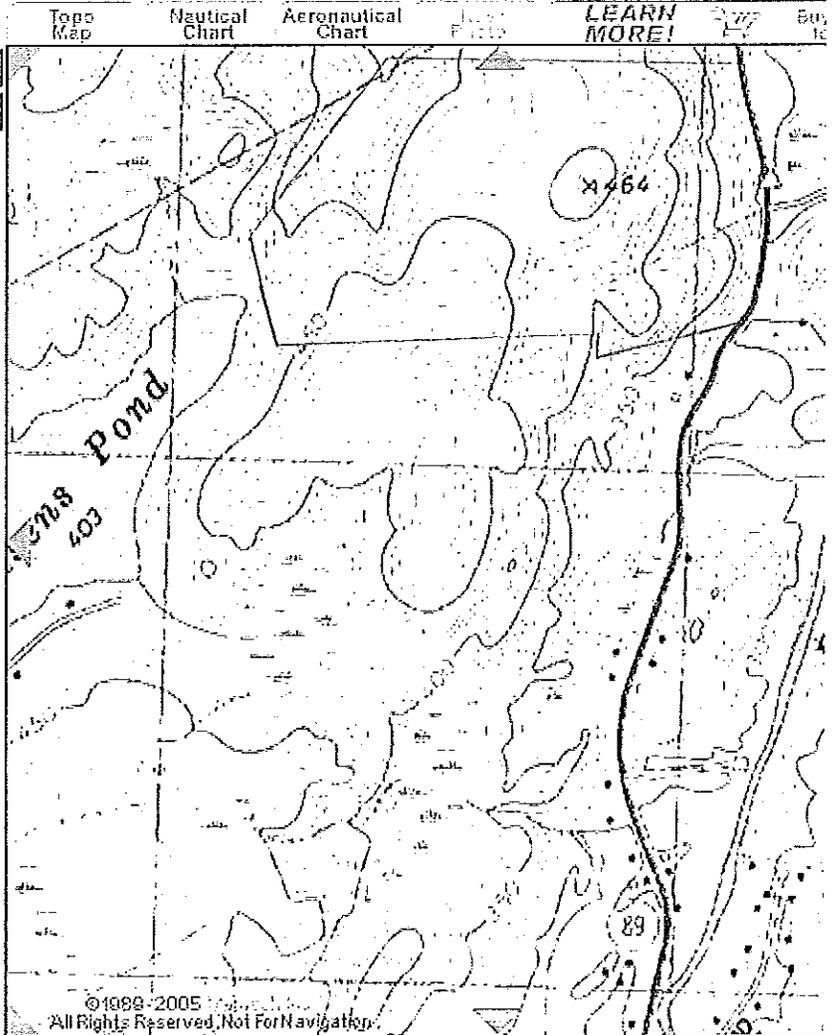
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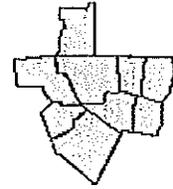
Scale

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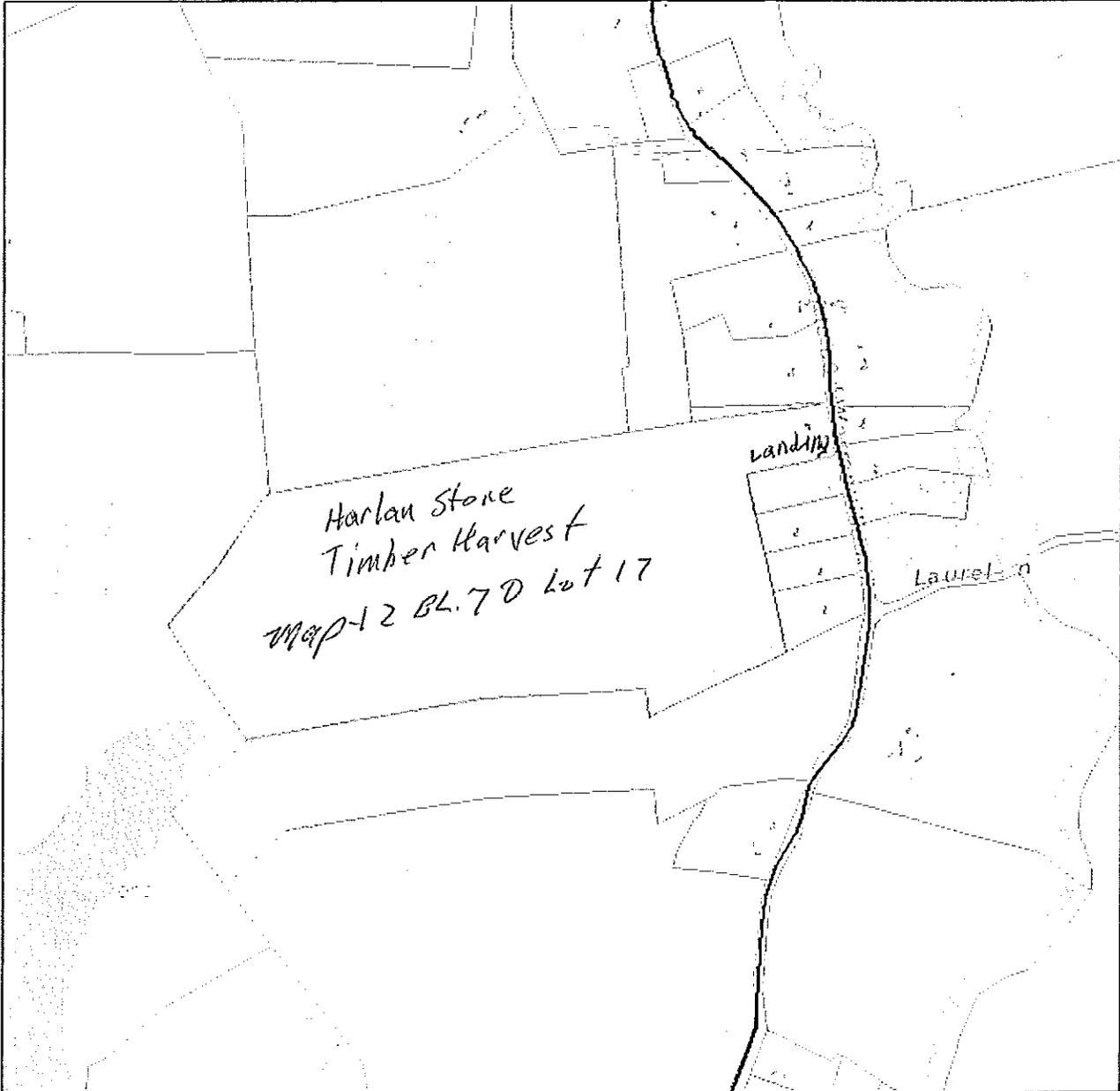
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# WINCOG

Geographic Information System (GIS)



Date Printed: 4/28/2014



**MAP DISCLAIMER - NOTICE OF LIABILITY**

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The WINCOG and its mapping contractors assume no legal responsibility for the information contained herein.

Approximate Scale: 1 inch = 800 feet

