



# MEETING NOTICE AND AGENDA

## MANSFIELD INLAND WETLANDS AGENCY

AUDREY P. BECK MUNICIPAL BUILDING ■ 4 SOUTH EAGLEVILLE ROAD ■ COUNCIL CHAMBER

MONDAY, JUNE 6, 2016 ■ 6:30 PM

### 1. CALL TO ORDER AND ROLL CALL

### 2. APPROVAL OF MINUTES

- A. MAY 2, 2016 – REGULAR MEETING
- B. MAY 11, 2016 – FIELD TRIP NOTES
- C. MAY 16, 2016 – SPECIAL MEETING

### 3. COMMUNICATIONS

- A. CONSERVATION COMMISSION MINUTES
- B. MONTHLY BUSINESS MEMORANDUM
- C. LETTER FROM TOWN ATTORNEY KEVIN DENEEN

*Re: IWA Authority to require a conservation easement*

### 4. PUBLIC HEARINGS

- 6:30 PM ■ W1564 – STORRS LODGES, 218 UNITS, HUNTING LODGE ROAD (PARCEL ID 15.21.3)  
*Memo from Inland Wetlands Agent*

### 5. OLD BUSINESS

- A. W1561 – H. RAPHAELSON, DOG LANE, LOT SPLIT  
*Memo from Inland Wetlands Agent*
- B. W1562 – MEADOWBROOK GARDENS, 91 & 93 MEADOWBROOK LANE, 36 UNITS  
*Memo from Inland Wetlands Agent*
- C. W1564 – STORRS LODGES, 218 UNITS, HUNTING LODGE ROAD (PARCEL ID 15.21.3)
- D. W1566 – GROUNDWATER & ENVIRONMENTAL SERVICES, 7 STORRS ROAD, REMEDIAL SOIL EXCAVATION  
*Memo from Inland Wetlands Agent*
- E. W1567 – R. HENNING, 166 MOULTON ROAD, WATER WHEEL  
*Memo from Inland Wetlands Agent*
- F. OTHER

### 6. NEW BUSINESS

- A. W1568 – R. SUSCA, 131 GURLEYVILLE ROAD, 10'X16' SHED  
*Memo from Inland Wetlands Agent*
- B. W1569 – T. AINSWORTH, WOODLAND ROAD (PARCEL ID 18.67.3), SINGLE FAMILY HOME  
*Memo from Inland Wetlands Agent*
- C. OTHER

**7. REPORTS FROM OFFICERS AND COMMITTEES**

**8. OTHER COMMUNICATIONS AND BILLS**

A. 2016 DEEP MUNICIPAL INLAND WETLANDS AGENCY CONTINUING EDUCATION WORKSHOPS

B. OTHER

**9. ADJOURNMENT**

**DRAFT Minutes**  
Mansfield Inland Wetlands Agency  
Regular Meeting  
Monday, May 2, 2016  
Council Chambers, Audrey P. Beck Municipal Building

Members present: J. Goodwin, C. Ausburger (6:40 p.m.), B. Chandy, R. Hall (6:39 p.m.), G. Lewis (6:31 p.m.), K. Rawn, B. Ryan, V. Ward, S. Westa  
Alternates present: P. Aho  
Alternates absent: T. Berthelot  
Staff present: L. Painter, Director of Planning and Development

Chairman Goodwin called the meeting to order at 6:30 p.m. and appointed alternate Aho to act until other members arrived.

**Approval of Minutes:**

**a. 04/04/2016 Regular Meeting:**

Chandy MOVED and Rawn seconded to approve the 4/4/2016 minutes as presented. MOTION PASSED with all in favor except Ausburger, Lewis, and Westa who were disqualified. Ryan noted that she listened to the minutes

**b. 04/13/2016 Field Trip:**

The notes from the 4/13/2016 field trip were noted.

**Communications:**

The Conservation Commission meeting minutes and Kaufman's monthly business memo were noted.

**Continued Public Hearing:**

**W1561– H. Raphaelson, Dog Lane, 2 lot subdivision**

Chairman Goodwin opened the Continued Public Hearing at 6:33 pm. Members present were Goodwin, Chandy, Lewis, Rawn, Ryan, Ward, Westa and alternate Aho who was appointed to act. Linda Painter, Director of Planning and Development noted the following communications received and distributed to members: a 4/14/16 Memo from Jennifer Kaufman, Inland Wetlands Agent; 4/26/16 Nitrogen Loading Calculations, Gerald Hardisty, Civil Engineering Services; a 3/30/16 letter with attachments from Gerald Hardisty, Civil Engineering Services; a 3/29/16 Memo from Jennifer Kaufman, Inland Wetlands Agent; a 3/28/16 letter from CT DEEP; a 3/14/16 memo from Shery McGann, Eastern Highlands Health District; and an undated letter from Kathryn Ratcliff, 60 Bundy Lane.

At 6:35 p.m. the Chairman tabled the Public Hearing to allow for the applicant's team to arrive.

**Old Business:**

**d. W1565- Uniglobe Investment, LLC., Meadowbrook Lane, Sidewalk**

Ward MOVED, Ryan seconded, to grant an Inland Wetlands License pursuant to the Inland Wetlands and Watercourses Regulations of the Town of Mansfield to Uniglobe Investment, LLC (File #W1565) for construction of a sidewalk on property owned by the applicants and located at Meadowbrook Lane (73 Meadowbrook Lane to Sunny Acres Park) as shown on plans dated 9/21/2015, revised through 3/31/2016 and as described in application submissions.

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

1. Appropriate erosion and sedimentation controls shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized; and

This approval is valid for five years (until May 2, 2021) 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.

**Continued Public Hearing:**

**W1561– H. Raphaelson, Dog Lane, 2 lot subdivision**

The Chairman re-opened the Public Hearing at 6:40 p.m. and noted that Ausburger and Hall have arrived and Aho is no longer seated.

Ed Pelletier, Datum Engineering and Surveying, on behalf of the applicant, reviewed the proposal and map, pointing out the proposed layouts and proximity of development to wetlands. He noted that the closest structure to wetlands is the foundation drains. He discussed the two species of concern and the reports prepared by DEEP and the applicant's expert and stated that neither expert found evidence of either the Wood Turtle or the crayfish on the site sufficient to cause concern.

Ward questioned if the applicant had considered a conservation easement or a trail connection given the proximity to Joshua's Trust land. Pelletier responded that the applicant is not open to a conservation easement but they are exploring the Conservation Commission's recommendation for a trail connection. In later remarks, Pelletier said that a trail connection wasn't practical given the topography and the need to cross private property.

Kathryn Ratcliff, 60 Bundy Lane, read a letter into the record and submitted a copy for the file, expressing concern regarding nitrogen loading, the models used to evaluate this site, the species of special concern and the overall need to be proactive in protecting the environment.

Michael Soares, Dog Lane, is a member of the Conservation Commission, Open Space Advisory Committee, UConn Water Waste Water Advisory Committee. He disclosed that he recused himself from discussion of this application in both the Conservation Commission and Open Space Advisory Committee and speaks this evening as an individual and not as a representative of these groups. Soares read a letter into the record and submitted a copy for the file, expressing concern regarding nitrogen loading, environmental impact and wildlife impact.

Martha Kelly, 29 Bundy Lane, is a member of the Mansfield's Pre K through 8 Board of Education and its Committees, speaking as a resident and not as a member of any of these groups. Kelly read a letter into the record and submitted a copy for the file, expressing concern regarding the impact to water quality in the wetlands, to residents' wells and to wildlife.

Ed Pelletier, Datum Engineering and Surveying, noted that a major pollutant to the wetlands is the road runoff and that all activity on site is proposed in the uplands.

Westa asked the Pelletier to explain the difference between the two models used to evaluate potential nitrogen loading at the site, why two different models were used and what the differences between them means.

Howard Raphaelson, property owner, summarized the proposal and re-iterated that no wetlands are being disturbed as all work is in the uplands, and neither species noted from DEEP have been found on site.

There were no further comments or questions from the Public, Applicant or Agency. Rawn MOVED, Hall seconded, to close the Public Hearing at 7:26 p.m. MOTION PASSED UNANIMOUSLY.

#### **W1562-Meadowbrook Gardens, 91 & 93 Meadowbrook Lane, 36 Units**

Chairman Goodwin opened the Public Hearing at 7:29 pm. Members present were Goodwin, Ausburger, Chandy, Hall, Lewis, Rawn, Ryan, Ward, Westa and alternate Aho who was not seated. Linda Painter, Director of Planning and Development read the Legal Notice as it appeared in The Chronicle on 4/19/16 and 4/27/16 and noted the following communications received and distributed to members: a 4/27/16 memo from J. Kaufman, Wetland Agent; a 4/6/16 report from Richard Zulick Certified Forester/Soil Scientist; and a 3/31/16 Peer Review Report from BSC Group.

Westa MOVED, Chandy seconded, to adjourn the public hearing on the Inlands Wetlands Application of Uniglobe Investment, LLC to construct a 36 unit multi-family development at 91 and 93 Meadowbrook Lane (IWA File 1562) to May 16, 2016, and to schedule a special meeting of the Inland Wetlands Agency on May 16, 2016. MOTION PASSED UNANIMOUSLY.

#### **Old Business:**

- a. **W1561– H. Raphaelson, Dog Lane, 2 lot subdivision**  
Item tabled for discussion to the 6/6/16 Meeting.
- b. **W1562-Meadowbrook Gardens, 91 & 93 Meadowbrook Lane, 36 Units**  
Item tabled to the 5/16/16 Meeting.
- c. **W1564- Storrs Lodges, 218 Units, Hunting Lodge Road (Parcel I.D. 15.21.3)**  
Item tabled pending 6/6/16 Public Hearing.

#### **New Business:**

- a. **W1566- Groundwater & Environmental Services, 7 Storrs Road, Remedial Soil Excavation**  
Ryan MOVED, Ward seconded, to receive the application submitted by Groundwater and Environmental Services, Inc./Magic Holdings, LLC (IWA File #W1566) under the Wetlands and Watercourses Regulations of the Town of Mansfield for removal of petroleum impacted soil on property located at 7 Storrs Road as shown on a map dated 4/18/2016 and as described in application submissions, and to refer said application to staff and the Conservation Commission for review and comments. MOTION PASSED UNANIMOUSLY.
- b. **W1567-R. Henning, 166 Moulton Road, Water Wheel**  
Ryan MOVED, Chandy seconded, to receive the application submitted by R. Henning (IWA File #W1567) under the Wetlands and Watercourses Regulations of the Town of Mansfield for installation of a small scale waterwheel to generate electricity on property located at 166 Moulton Road as shown on a map dated 1/12/2015 and as described in application submissions, and to refer said application to staff and the Conservation Commission for review and comments. MOTION PASSED UNANIMOUSLY.

#### **Reports from Officers and Committees:**

A Field Trip was scheduled for 5/11/16 at 3:00 p.m.

**Other Communications:**

None.

**Adjournment:**

The Chairman declared the meeting adjourned at 7:35 p.m.

Respectfully submitted,

Vera S. Ward, Secretary

**Field Trip Notes**

MANSFIELD PLANNING AND ZONING COMMISSION  
INLAND WETLANDS AGENCY  
SPECIAL MEETING – FIELD TRIP  
MAY 11, 2016

Members present: B. Ryan, P. Aho  
Conservation: G. Meitzler (Item #1, #3, #4)  
Staff present: Linda Painter, Director of Planning and Development  
Janell Mullen, Assistant Planner

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

**W1567-R. Henning, 166 Moulton Road, Water Wheel**

Members observed current conditions, and site characteristics. No decisions were made.

**PZC File #1340- Special Permit, Efficiency Unit, 819 Middle Turnpike, D. & K. Ricci**

Members observed current conditions, and site characteristics. No decisions were made.

**PZC File #1341- Zoning Regulation Amendment to the Business Zone, S. Schrage**

Members were met on site by J. Makuch. Members observed neighborhood conditions and characteristics. No decisions were made.

**W1566- Groundwater & Environmental Services, 7 Storrs Road, Remedial Soil Excavation**

Members were met on site by Drew Croteau. Members observed current conditions, and site characteristics. No decisions were made.

The field trip ended at approximately 4:15 p.m.

**DRAFT Minutes**  
Mansfield Inland Wetlands Agency  
Special Meeting  
Monday, May 16, 2016  
Council Chambers, Audrey P. Beck Municipal Building

Members present: J. Goodwin, C. Ausburger, B. Chandy, R. Hall, K. Rawn, B. Ryan, V. Ward, S. Westa  
Members absent: G. Lewis  
Alternates present: P. Aho, T. Berthelot  
Alternates absent: K. Fratoni  
Staff present: L. Painter, Director of Planning and Development

Chairman Goodwin called the meeting to order at 6:45 p.m. and appointed alternate Berthelot to act.

**Continued Public Hearing:**

**W1562-Meadowbrook Gardens, 91 & 93 Meadowbrook Lane, 36 Units**

Chairman Goodwin opened the Continued Public Hearing at 6:45 pm. Members present were Goodwin, Ausburger, Chandy, Hall, Rawn, Ryan, Ward, Westa and alternate Aho and Berthelot. Berthelot was seated. Jennifer Kaufman, Inland Wetlands Agent, noted the following communications received and distributed to members: a 5/11/16 peer review report from BSC Group; and draft minutes from the Conservation Commission dated 4/20/16.

Attorney Leonard Jacobs, on behalf of the applicant, introduced the applicant's team of experts and provided a brief background of the project.

Edward Pelletier, Datum Engineering, reviewed the site layout and areas of importance with regard to wetlands.

Richard Zulick, Certified Forester/Soil Scientist, stated that there are no significant impacts to the wetlands on this site, describing the location of the wetlands in relation to the proposed buildings. Zulick stated that the south side of the property slopes down to the wetlands, which will be within a conservation easement and away from all proposed development.

Chairman Goodwin noted there were no comments from the Agency or Public. Hall MOVED, Rawn seconded, to close the public hearing at 7:00 p.m. MOTION PASSED UNANIMOUSLY.

**Adjournment:**

The Chairman declared the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Vera S. Ward, Secretary

TOWN OF MANSFIELD  
CONSERVATION COMMISSION  
Minutes of the May 18, 2016 Meeting  
Conference Room B, Audrey P. Beck Building  
(draft)MINUTES

*Members Present:* Aline Booth (Alt) Neil Facchinetti, Quentin Kessel, Grant Meitzler, John Silander, and Michael Soares. *Members absent:* Scott Lehmann and Robert Dahn. *Others present:* Jennifer Kaufman (Wetlands Agent): Mary Harper (guest).

1. The meeting was **called to order** at 7:30 PM by Chair Kessel.
2. During the opportunity for Public Comment, Mary Harper was introduced as a possible new Conservation Commission member.
3. The Chair appointed Booth as a voting member for the meeting
4. The **draft minutes** of the April 20, 2016 were unanimously approved on a motion by Facchinetti and seconded by Booth.

**5. IWA referrals.**

**a. W1566 (7 Storrs Road)** is an application for remedial Soil Excavation. An undated letter from GES, Groundwater & Environmental Services, is proposing to excavate contaminated soil on behalf of ExxonMobil Environmental Services. Silander moved, and Booth seconded, that the work was within the regulated area and provided that extra precaution should be taken to protect the wetland, the project should not cause a significant impact upon the wetland if the work is carried out as proposed. This remediation should improve the site now, and in the future. The motion passed unanimously.

**b. W1567 R. Henning, 166 Moulton Road,** This proposal is to place a pipe in the streambed of Mason's Brook to deliver water to a small water wheel for the purpose of generating electricity. Booth moved, and Soares seconded, That there should be no significant impact on the wetlands if the work is carried out as proposed. As the work will be carried out in, and along, the actual stream bed, it is important to minimize the disturbance associated with the construction and maintenance of this generating plant. The motion passed unanimously.

**c. W1564 (Storrs Lodges, Hunting Lodge Road - continued)** A letter from GEI Consultants, to Inland Wetland Agent Kaufman, reviewing pertinent mapping, reports and other application materials for W1564 was briefly discussed. It includes 20 comments and suggestions for the developer to consider and, or, answer. Silander asked to recuse himself. Without knowing the responses of the developer to these 20 points there seemed little point in discussing them. Kaufman indicated that on July 6th, the hearing on this application would open, but the hearing will probably be extended to July. W1564 will be on the agenda for the June meeting, which should provide time to prepare comments for the IWA.

6. The IWA held a hearing on **W1561 (H. Raphaelson, Dog Lane, 2-lot subdivision)** on May 2, 2016. Kessel expressed disappointment with the statement in the minutes,

"Pelletier responded that the applicant is not open to a conservation easement but they are exploring the Conservation Commission's recommendation for a trail connection. In later remarks, Pelletier said that a trail connection wasn't practical given the topography and the need to cross private property." The Commission feels that a trail on the southern edge of the property, exiting onto the lower end of Dog Lane (away from the proposed house sites) is practical. Without such a trail easement through the Raphaelson property, hikers on the Whetten Woods property are "bottled up" with no place to go on the eastern end. With such an easement from Whetten Woods, hikers would have access to the Town's Torrey Preserve and the Nipmuck Trail without trespassing on private property.

**7. Membership.** After a review of Mary Harper's qualifications, the Commission agreed to forward her name to Town Manager Matt Hart recommending her appointment to the Commission.

10. The meeting adjourned at 8:50 P.M.

Respectfully submitted,  
Quentin Kessel  
Acting Secretary



# TOWN OF MANSFIELD

DEPARTMENT OF PLANNING AND DEVELOPMENT

Date: June 2, 2016  
To: Inland Wetlands Agency  
From: Jennifer S. Kaufman, AICP, Environmental Planner/Inland Wetlands Agent  
Subject: Monthly Business Report

## AGENT APPROVALS

None.

## MONITORING AND ENFORCEMENT

### Property Location

#### 30 Centre Street

On May 13, 2016, in response to a complaint, I inspected 30 Centre Street. The property owners are in the process of renovating the existing home on the property. I had signed off on a zoning permit this past fall and no work was proposed within 150 feet of the edge of wetlands. However, as part of the renovation, the owners installed geothermal wells and a new water line from the well to the home, both in the upland review area and both regulated activities by the Inland Wetlands Agency. During inspection, there was soil stock piled approximately 40 feet from the edge of Echo Lake and disturbed soil approximately 20 feet from the edge of the lake. Per my request the owners installed silt fence down gradient of the stock pile and the disturbed area.

They will be requesting an Inland Wetland License for work completed after the fact at the July meeting.

#### Carriage House Apartments

As reported at your May 2, 2016 meeting, on Tuesday, April 26<sup>th</sup>, I was completing a site walk with the applicants and GEI Consultants at the Storrs Lodges, LLC site. As we approached the northeasterly boundary with Carriage house, I observed a large amount of silt and sediment entering the wetland from a concrete pipe that is connected to the storm drain system on Carriage House Drive. Upon further investigation, I determined that Carriage House was completing an emergency water main repair. No erosion or sedimentation controls were in place during this activity and because of this and the heavy rain, a large amount of sediment washed into the downgradient catch basins that drain directly to the wetlands through a concrete pipe. The contractors were approached and told to stop work immediately and install silt fence and hay bales at the outflow of the concrete pipe and to install silt socks in the two downgradient catch basins. I will continue to monitor this site until it is completely stabilized. When I inspected the site on Wednesday, April 27<sup>th</sup> the silt fence and hay bales were in place.

They will be requesting an Inland Wetland License for work completed after the fact at the July meeting.

# O'MALLEY, DENEEN, LEARY, MESSINA & OSWECKI

ATTORNEYS AT LAW

20 MAPLE AVENUE

P. O. BOX 504

WINDSOR, CONNECTICUT 06095

TELEPHONE (860) 688-8505

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MICHAEL P. DENEEN

KEVIN M. DENEEN

RICHARD A. VASSALLO

JAMES P. WELSH

THOMAS J. O'MALLEY (ret)

DONALD J. DENEEN (ret)

ANDREW G. MESSINA, JR.

(1940-2000)

June 1, 2016

Jennifer S. Kaufman, AICP  
Inland Wetlands Agent  
Town of Mansfield  
4 South Eagleville Road  
Mansfield, Connecticut 06268-2599

Re: IWWA Authority to Require Conservation Easement

Dear Jennifer:

You have asked if the Inland Wetlands and Watercourses Agency ("IWWA") may condition the issuance of a license to conduct regulated activities on the applicant granting the Town a conservation easement to buffer the wetlands where the applicant has not offered such an easement.

I can find no statutory authority which would allow the IWWA to require, in the absence of an offer or agreement by the applicant, that the applicant grant a conservation easement as a condition of the agency granting the license. Although this issue has not been directly addressed by courts in Connecticut, in the cases in which the issue has been raised, the courts have been extremely skeptical if not hostile to the proposed required easement. In Ross v. Conservation Commission of the Town of Westport (CV-93-0301484S) the court rejected the agency's attempt to impose "a conservation easement as part of waterway protection line review." In Ross, the Commission imposed the conservation easement in conjunction with review and approval of a regulated activities permit in its capacity as an inland wetlands agency. In commenting on the agency's action, the court stated that "the Commission would have constitutional problems in requiring an easement, even though it was in the public interest, and it cannot extort the easement out of the property owner as a price of approval" citing Nollan v. California Coastal Commission, 483 U.S. 825 (1987). The court ultimately determined that the land in question was exempt from regulation and specifically did not reach a legal conclusion regarding the legality of a conservation easement as part of a wetlands permit.

In Groton Open Space Assn. v. Groton IWWA the applicant challenged the authority of the Commission to unilaterally impose "a conservation easement without specific legislative authorization." The court ultimately avoided the question and determined that the conservation easement was either not a condition of the approval or in the alternative

that it was invalid as the easement related to the protection of wildlife. In Helie v. Conservation Commission of the Town of Fairfield (CV-05-4012772S, 2007) the court returned a matter to the agency with direction that the issuance of a permit “may not be conditioned upon obtaining a conservation easement from the applicant.” In both cases, the discussion by the courts indicated significant skepticism that the agency had the authority to unilaterally condition the issuance of a permit or license on the conveyance of a conservation easement.

It should be noted that a conservation easement, as are all other types of easements, is an interest in real property. The statutory authority to require protection of the resource does not necessarily equate to requiring conveyance of an interest in land.

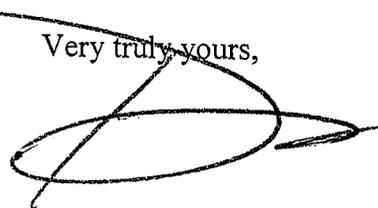
In addition, Section 22a-43a specifically addresses the steps that a court may take if it determines that the decision by the IWWA constitutes a ‘taking without compensation.’ Subsection (b) of this statute provides that “to carry out the purposes of [the Act] the ... municipality may at any time purchase land or an interest in land in fee simple or other acceptable title, or subject to acceptable restrictions or exceptions, and enter into covenants and agreements with landowners.” It conspicuously does not authorize the IWWA to condition the granting of a permit or license on obtaining such an interest in land.

In reviewing other sources, this conclusion is also supported. In an article in *The Habitat*, a journal of the Connecticut Association of Conservation and Inland Wetlands Commissions, Attorneys Richard Roberts and Kenneth Slater write “municipal land use agencies do not necessarily have any express authority to accept conservation easements and have limited or no rights to condition approvals upon the grant of a conservation easement.” (*The Habitat*, p. 3, 2006, copy enclosed) In addition, the State of Connecticut Department of Environmental Protection’s 2009 synopsis of the Inland Wetlands and Watercourses Act states that the “inland wetlands agency cannot demand or require interest in land (such as a conservation easement). The applicant must offer such interest.” (Copy enclosed.)

In light of the lack of statutory authority, it is my opinion that the IWWA does not have the authority to unilaterally require an applicant to grant a conservation easement.

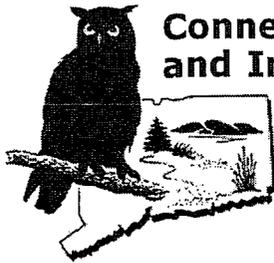
Please feel free to contact me with any further questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kevin M. Deneen', written over the closing text.

Kevin M. Deneen

KMD/llc  
Enclosures



## SOME LEGAL CONSIDERATIONS REGARDING THE USE OF CONSERVATION EASEMENTS

by Richard P. Roberts and Kenneth R. Slater, Jr.

Conservation easements are an increasingly common land preservation tool for both towns and property owners. Generally, they are voluntarily placed on the land, often in conjunction with a subdivision, for the purpose of preserving open space, important environmental resources, or significant architectural, scenic, or historical features. As with other types of easements, they are an interest in land and are an encumbrance which runs with the land on which the restrictions have been granted.

This article will identify the basic elements of conservation easements as well as their use by municipalities as methods of preserving open space. Although conservation easements are also frequently granted to non-profit organizations outside of the context of the development or subdivision of land, the primary focus of this article is on the latter. Some common provisions contained in conservation easements will also be discussed, together with the issues and considerations frequently encountered in enforcing them.

### Conservation Easements Generally

Conservation easements are granted for a variety of reasons. Outside of the municipal land use approval process, they are granted for benevolent or charitable purposes or to obtain a tax deduction or a reduction in the assessment of the property. They are also granted as part of the municipal land use approval process to satisfy specific requirements of zoning or subdivision regulations or as a condition for approval of wetland permits or certain zoning or subdivision applications.

The conservation easement, as an interest in land, must be in writing and be recorded on the land records of the town

where the property is located. Unless specifically stated otherwise, it runs with the land and is binding on the heirs, successors, and assigns of the parties. It must identify the grantor as well as the grantee. As a matter of property law, the easement need only be executed by the party granting the interest in land and delivered to and accepted by the party acquiring the easement interest. However, conservation easements often impose obligations upon the party acquiring the easement, in which case it is prudent, and possibly legally required, for both parties to execute the instrument.

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*“Municipalities and their commissions should have a consistent procedure for accepting and policing conservation easements.....”*

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The grantee may be any one of a number of entities as will be discussed below. The document must also identify with specificity the land on which the restriction has been granted by way of a metes-and-bounds description or a reference to a survey or plan that is recorded in the town clerk's office. Frequently, the document recites that the grantor owns the property and has the right to execute and deliver the agreement. Finally, and most importantly,

the instrument must contain a detailed recital of the restrictions which have been placed on the land and the mechanism and process for verification of compliance and, ultimately, enforcement of those restrictions.

### Statutory Provisions Expressly Related to Conservation Easements

As a creature of statute, all of the powers of a municipality, including the power to acquire conservation easements, must be granted by the state. Two specific statutes permit municipalities or their boards and commissions to acquire conservation easements. The first is Conn. Gen. Stat. § 7-131b,

*Easements, continued on page 3*

**CACIWC**  
**Board of Directors**

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*President*

ALAN SINISCALCHI  
*Vice President*

JUAN A. SANCHEZ  
*Secretary*

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*Tolland County*

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*Windham County*

**Alternate County**  
**Representatives**

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VACANT  
*Hartford County*

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*Litchfield County*

JUDY PRESTON  
*Middlesex County*

VACANT  
*New Haven County*

ELLIE CZARNOWSKI  
*New London County*

ANN LETENDRE  
*Tolland County*

VACANT  
*Windham County*

DARCY WINTHER  
*DEP Liaison*

ANN LETENDRE  
*Executive Director*

**INSIDE:**

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## Resources for Commissioners

### Connecticut Department of Environmental Protection's 2005 Annual Report – Protecting and Restoring Our Environment

The report focuses on the progress made in addressing the State's strategic environmental priorities. It is posted on the DEP website at [www.dep.state.ct.us/enf/rpt/2005rpt.pdf](http://www.dep.state.ct.us/enf/rpt/2005rpt.pdf).

### Vulnerable Wetlands Forum: A Research & Policy Update Examining Federal Jurisdiction Over Vernal Pools and Headwater Wetlands ~ Thursday, November 9, 2006

In June 2006, the United States Supreme Court issued an opinion that may change the way wetlands are regulated under the Clean Water Act. The cases *Rapanos v. United States* and *Carabell v. U.S. Army Corps of Engineers* split the court, leaving the future of wetlands protection uncertain at best. New England Interstate Water Pollution Control Commission presents this one-day conference, in Westford, MA, which will cover the latest science and policy regarding vulnerable wetlands. See [www.neiwppc.org](http://www.neiwppc.org) or call 978.323.7929 for more information.

### 2006 DEP Municipal Inland Wetlands Commissioners Training Program

Segment III, *Plant Science and Identification*, will be offered in late October, early November. The morning session discusses general plant identification, plant morphology and adaptations to the wetlands condition and wetlands plant communities, also a discussion by the Army Corps of Engineers on mitigation including species selection and design. The afternoon will continue with a field visit; considerable walking will be involved. Segment III will be offered on four different dates, two in Burlington and two in Mansfield. For information and on-line registration, see [www.dep.state.ct.us/educ/index.htm](http://www.dep.state.ct.us/educ/index.htm).

### "Riparian Setbacks: Technical Information for Decision Makers"

A review of the recent scientific literature organized to provide the scientific basis upon which a township or municipality could begin the task of defending a riparian setback ordinance. The "technical" content is largely in the first 30 pages - [www.crwpp.org/pdf\\_files/riparian\\_setback\\_paper\\_jan\\_2006.pdf](http://www.crwpp.org/pdf_files/riparian_setback_paper_jan_2006.pdf).

### "Riparian Buffer Width, Vegetative Cover and Nitrogen Removal Effectiveness: A Review of Current Science and Regulations"

A synthesis of existing scientific literature on the effectiveness of riparian buffers to improve water quality through their inherent ability to process and remove excess anthropogenic nitrogen from surface and ground waters. Go to [www.epa.gov/ada/download/reports/600R05118/600R05118.pdf](http://www.epa.gov/ada/download/reports/600R05118/600R05118.pdf) or contact the report author, Paul Mayer at 580.436.8647, Ground Water and Ecosystems Restoration Division, EPA.

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*Easements, continued from page 1*  
adopted in 1963 as part of that year's landmark Public Act 490 which provides property tax relief to persons that designate and maintain property as undeveloped forest or agricultural land.

The second series of statutes pertaining to conservation easements are found in the land title chapter of the Connecticut General Statutes. Those statutes, Conn. Gen. Stat. §§ 47-42a-47-42c, provide general authority and the requirements for the placement of development restrictions on real property. Those statutes are not limited to conservation easements involving municipalities, but include guidelines applicable to municipal acquisition and maintenance of conservation easements.

### **Mechanisms for Municipal Acquisition of Conservation Easements**

A municipality should carefully consider the mechanism it employs to acquire conservation easements. Conn. Gen. Stat. § 7-131b requires the property to first be designated as proposed open space in the municipal plan of conservation and development. Once designated, the actual acquisition of the easement must be approved by a vote of the legislative body of the municipality. In contrast, Conn. Gen. Stat. § 47-42c provides that a municipality can acquire a conservation easement "in the same manner as it may acquire other interests in land."

Regardless of the mechanism towns employ to acquire real property interests, few have established a coordinated system to consider and accept conservation easements. Many towns permit these matters to be governed entirely by their municipal land use agencies with no substantive oversight or consent by the legislative body or the administration of the town. Furthermore, municipal land use agencies do not necessarily have any express authority to accept conservation easements and have limited or no rights to condition approvals upon the grant of a conservation easement. Each town should establish its own protocol for the acceptance and management of conservation easements with clearly delineated standards and procedures.

### **Authority for Land Use Agencies Regarding Acquisition of Conservation Easements**

Although planning, zoning, and inland wetland and watercourses agencies often require open space areas and conservation easements as part of approvals of subdivisions, site plans, special permits, and wetland permits, there are no specific provisions of the various land use statutes regarding conservation easements.

The municipal agency most closely linked with open space areas is a conservation commission, which is authorized and empowered to inventory natural resources and open space areas, whether public or privately owned, and to advise land use commissions and, in some cases, the chief executive or legislative body of the municipality regarding land use changes. Since the Inland Wetlands and Watercourses Act requires each municipality to designate a wetlands and watercourses agency for the town, conservation commissions sometimes serve those dual roles.

### **Common Provisions in Conservation Easements**

Conservation easements may contain a wide variety of provisions intended to preserve open space, important environmental resources, or significant architectural, scenic, or historical features. In addition to the restrictions on activities enumerated in the document, a clear and unambiguous identification of the property subject to the easement is essential.

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***"The conservation easement, as an interest in land, must be in writing and be recorded on the land records of the town where the property is located."***

---

There are several activities that are typically prohibited within a conservation area. Generally, these include: (i) construction or placing of buildings, roads, signs, billboards, or other structures on or above the ground; (ii) dumping or placing of soil or other material as landfill, or the dumping or placement of trash, ashes, waste, rubbish, garbage, junk, or other similar materials; (iii) excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other mineral substance; (iv) removal or destruction of trees, shrubs, natural vegetation, killing of wildlife, spraying of pesticides, sometimes excluding the use of pesticides to control mosquitoes and the like; or (v) any other activities or uses detrimental to drainage, flood control, water conservation, erosion control, soil conservation, wildlife, and the maintenance of the affected property in its natural, scenic, and open condition.

In addition to the items listed above, particular situations or grantees might require further controls. Examples of these may include prohibition of the use of the property for septic systems serving buildings outside of the conservation easement area; placement of mobile homes or equipment in the conservation area; prohibitions against making any topographic changes within the easement area; prohibition of the operation of vehicles, snowmobiles, ATVs, motorcycles, and similar motorized vehicles within the easement area; and prohibition of the construction and/or installation of roads or driveways within the area. The document may include restrictions or prohibitions on the use of pesticides and require a formal plan for an alternative integrated pest

*Easements, continued on page 4*

*Easements, continued from page 3*

management system. The easement may also include affirmative obligations, such as the requirement that new plantings be limited to native plantings characteristic of the region; the requirement that management of the area be performed in accordance with a specific plan prepared by an expert, such as an arborist or wetlands scientist; or the creation of wetlands or specialized wildlife habitat to mitigate impacts on portions of the unrestricted property.

Conversely, there generally are some activities that may be expressly permitted in the easement area either as of right or upon prior approval of the regulating entity. These could include such things as removal of dead trees or brush, pruning or thinning of live trees or brush, installation of sanitary sewers and/or water lines, or the installation, maintenance, and repair of other public or private utilities. Others may be applicable to particular uses of the property, such as forestry or agriculture, and could allow such activities as farming, the grazing of farm animals, gardening, creation of farm ponds, and the like. As noted above, those activities are sometimes regulated by a specific management plan required by the easement.

Depending on the nature and location of the property relative to other open space, roads or town-owned property, there may be a condition that the property must be made available to the public for passive recreation. In addition, in instances where certain types of state grants are used for the acquisition of open space, there must be a provision for public access.

Most conservation easements include restoration obligations in addition to provisions authorizing monetary relief. The grantor or successor is obligated to restore the property to its natural state or otherwise bring it into compliance with the provisions of the agreement. The actions necessary to do

so may be enumerated in the easement document and could include such things as replanting trees and shrubs, removal of trash or debris, removal of any unauthorized structures, replacement of any boundary markers that have been damaged or removed, and the implementation of appropriate soil erosion and sediment controls. The document may provide that the restoration is at the expense of the grantor and in accordance with standards developed by the town or, at a minimum, subject to the town's satisfaction and that all necessary permits and approvals be obtained for such work.

Because the conservation easement is an instrument creating an interest in land which will continue to exist in perpetuity (unless provided otherwise in the document), careful attention should be given to the lists of activities that are to be included or excluded. Equally importantly, the parties should make every effort to ensure that the instrument reflects their understanding of those activities. Courts are generally reluctant to deviate from the definitive language of the contract in order to impose restrictions in addition to those specifically contained in the document.

#### **Entities Holding the Conservation Easement**

One of the essential elements of a conservation easement is the identification of the grantee of the easement. That party holds the easement and has the right to enforce its terms. In situations where a conservation easement is being granted for purposes other than compliance with municipal land use regulations, the holder of the easement will often be a non-profit entity, such as a land trust, which is "in the business" of managing conservation easements and conservation lands.

More sophisticated zoning or subdivision regulations will provide a list of entities which would be acceptable grantees, often with a reservation of the right to approve, in the

*Easements, continued on page 5*

## **Valuing Land Affected by Conservation Easements**

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As part of the Lincoln Education Online (LEO) series, The Lincoln Institute of Land Policy offers this online course available to all at no cost or obligation. The course, "Valuing Land Affected by Conservation Easements," provides an in-depth look at conservation easements, including background on the current policy debate, and draws on experts in environmental studies, planning, tax law, valuation and assessment. To access the course, please visit the Lincoln Institute of Land Policy home page at [www.lincolminst.edu](http://www.lincolminst.edu) <<http://www.lincolminst.edu/>> and then click on the link to the "Conservation Easements Online Course" which can be found on the home page under "Features."

*Easements, continued from page 4*

agency's sole discretion, any other holder not so listed. The most commonly named entities are the town; a non-profit agency, land trust, or similar organization; or a homeowners' association.

Frequently, the easement will run in favor of the town and either its planning and zoning commission, conservation commission, or its inland wetlands and watercourses commission as the agent of the town authorized to hold and police the easement on behalf of the town. In addition, there may be an actual conveyance of the land to the town as contemplated by Conn. Gen. Stat. § 8-25(a) if the town is willing to accept such land. Many towns are reluctant to do so for liability reasons as well as the associated maintenance and stewardship responsibilities.

If the easement is granted to the town and managed by one or another of its commissions, there should be both a procedure for determining whether the proposed easement is one which is both appropriate with respect to the characteristics of the land it encumbers and properly crafted for managing the enforcement of the easement after it has been granted. The allocation of responsibilities among various boards and commissions and the determination of which entity is responsible for each of these elements should be clearly defined.

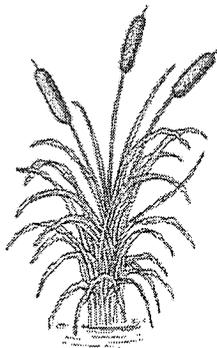
In the event the grantee of the easement is a non-profit corporation, a land trust, or some similar organization, it is much clearer who bears the responsibility for enforcing the easement. The document should provide some plan of succession in the event the entity which is the initial grantee ceases to exist or otherwise is unwilling or unable to fulfill its obligations in the future. Some towns also require written evidence that the proposed grantee is willing to accept the obligations and responsibility for the enforcement of the easement.

Many towns have also provided the option of having a homeowners' association be the holder of the easement. The use of a homeowners' association may be useful in situations where fee title to the open space is conveyed. Unless it is qualified as a tax exempt entity under IRS Section 501(c)(3), a homeowners' association may not be a qualified holder of a conservation easement under Conn. Gen. Stat. § 47-42a. Easements which run in favor of a homeowners' association frequently also provide the town with the right to enforce the easement in the event the association fails to do so and permit the town to hold the association and the homeowners financially responsible for the expenses incurred in conjunction with such enforcement.

*Easements, continued on page 6*

**Steven Danzer PhD & Associates LLC**

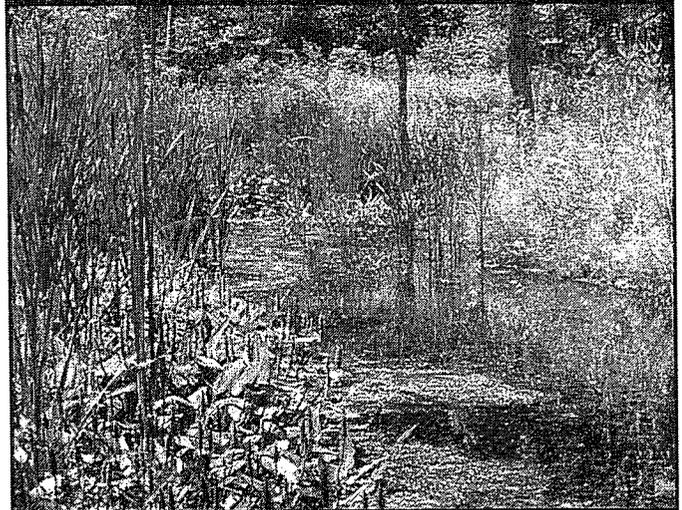
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*Easements, continued from page 5*

### **Rights and Responsibilities of the Holders of Conservation Easements**

Once the conservation easement has been granted, the holder of the easement has the benefit of the restrictions but also bears the responsibility of enforcing its terms. The right to enforce the easement is generally limited to the named grantee or its successor in interest. A recent act, P.A. 05-124 affords certain enforcement powers to the attorney general. Otherwise, third parties do not usually have the right to enforce the terms of a conservation easement granted to another. Unless a conservation easement granted to a town expressly provides otherwise, an individual citizen of the town would not have standing to enforce the easement.

In order to make meaningful enforcement of a conservation easement possible, there should be some form of baseline documentation to establish the conditions of the property at the time the easement is granted. This will eliminate the possibility of claims that undesirable conditions existed prior to the granting of the easement. The presence or absence of structures, trails, roads, wetlands, vistas, ledge or other outcroppings, stone walls, and other natural or man-made features should be noted.

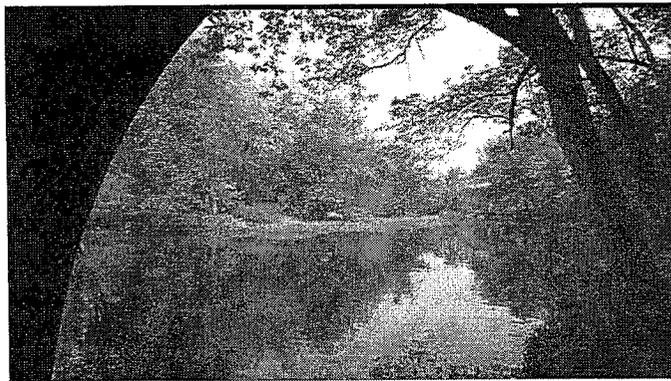
One of the fundamental rights of the holder of a conservation easement is the right to inspect the encumbered property to verify compliance with the restrictions. The right of access and the right to make such inspections, following proper notice, should be specified in the easement. If the grantee is a municipality or an agency of a municipality, the document typically provides that a cease-and-desist order may be issued to prevent any activity which the agency believes is in violation of the document. The document may also specify the process following an asserted violation, including hearings before the agency and the imposition of fines and penalties.

Many easements explicitly provide that the town may initiate enforcement proceedings to restrain the violations or to order the restoration of the property to a condition which satisfies the terms of the agreement and that the grantor is obligated to pay reasonable attorneys' fees and costs incurred by the grantee to remedy a violation of the agreement.

### **Common Problems and Suggestions**

Conservation easements undoubtedly serve a valuable purpose. The challenges raised by maintaining and enforcing existing conservation easements provide lessons for using that tool in the future.

*Easements, continued on page 7*

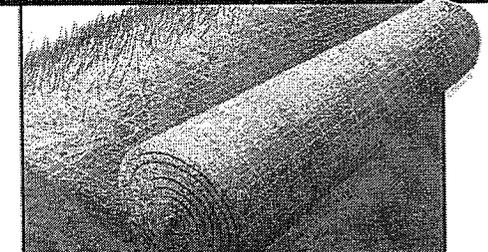


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*Easements, continued from page 6*

One of the more common problems, noted above, is the failure of the instrument to cover all of the possible activities on the encumbered parcel that may be impede the preservation goals. Having the instrument broadly worded but also tailored to the particular situation may reduce these problems.

Another common issue could be solved by adequately educating both the municipality and the property owner as to the nature of the obligations being created. Unrealistic expectations on the part of a town commission may be in conflict with the property owner's expectations as to his or her ability to use the property to its fullest extent.

Another problem arises when open space is shown on a plan of subdivision but no formal easement is granted and recorded. Often there are no effective follow-up mechanisms to ensure that documents are actually approved and recorded to transfer the interests in the land shown on the subdivision map as "lands to be conveyed as open space" or "conservation easement." "Open space" may also have been created or granted to the town in documents many years ago where rights to enforce the obligations are vested in homeowners' associations that are long since defunct or in the collective property owners in the subdivision. Having

multiple commissions accept or require conservation restrictions on properties may be problematic if requirements between the different agencies are inconsistent.

**Conclusion**

Conservation easements are an increasingly common method of preserving the remaining open spaces in Connecticut. While they serve as an important and effective means of preserving valuable environmental resources, they should be tailored to reflect the particular situation applicable to a piece of property and a coordinated plan. Municipalities and their commissions should have a consistent procedure for accepting and policing conservation easements that adheres to statutory authority and incorporates a policy of whether such open space areas are granted to the town or to private conservation organizations or land trusts.

*Richard P. Roberts is a member of the firm of Halloran & Sage LLP in Hartford. He is also a member of the firm's Municipal Law Practice Area, assisting municipal clients in a wide variety of matters, including real estate acquisitions and sales, land use, charter revision, and drafting and review of ordinances.*

*Kenneth R. Slater, Jr., is a member of the firm of Halloran & Sage in Hartford. He is also a member of the firm's Environmental and Land Use Practice Group. He represents businesses, property owners, municipalities, and individuals in both transactions and litigation involving environmental and land use regulation, permitting, and enforcement.* 



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## 2009 MUNICIPAL INLAND WETLAND COMMISSIONERS TRAINING PROGRAM

### Connecticut's Inland Wetlands and Watercourses Act: *A Primer for New Inland Wetlands Agency Members and Staff*

## THE CONNECTICUT INLAND WETLANDS AND WATERCOURSES ACT (IWWA)

### A SYNOPSIS BY THE CT DEP WETLANDS MANAGEMENT SECTION

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1. Section 22a-36. Legislative Finding
  - a. Passed in 1972
  - b. Connecticut legislature's reason for law
  - c. Unique due to its extent
  
2. Section 22a-37. Short Title: Inland Wetlands and Watercourses Act
  - a. Provides citation reference
  
3. Section 22a-38. Definitions
  - a. Defines Regulated Activity, Wetlands, Watercourses, etc.
    - i. Inland Wetlands Agency has jurisdiction over "regulated activities"
      1. Definition: "any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 22a-40"
      2. The activity need not be conducted in wetland or watercourse itself, if the wetland or watercourse is altered or polluted by an action occurring elsewhere - this is long established by court cases
    - ii. Inland wetlands definition based on soil type, does not include tidal wetlands
    - iii. Watercourses definition uses more colloquial terms, further defines intermittent watercourses
    - iv. Note other definitions such as "material" and "pollution" which are used within the definition of "regulated activities"; "feasible" and "prudent"; etc.
  - b. If word in IWWA is not defined in this section, check to see if there are defined terms contained in other sections of the Act

12. Section 22a-42g. Municipal Fine for Violation of Wetlands Regulations
  - a. This is a unique enforcement tool
  - b. Similar to a motor vehicle ticket - citation
  - c. Municipality must have an ordinance providing for fine, fine is limited to \$1,000.00
  - d. Can be issued by a police officer or any person authorized by the chief executive officer of the municipality
  - e. Requires the adoption of a citation hearing procedure by the municipality
  
13. Section 22a-43. Appeals
  - a. Appeals of any municipal inland wetlands agency decision must be made to the superior court, *not* DEP
  - b. This section establishes procedures for such appeals
  - c. The Commissioner of Environmental Protection receives notice of each appeal and may appear as a party to such appeal
  
14. Section 22a-43a. Findings on Appeal, Purchase of Land, Etc.
  - a. Addresses the issue of "taking without compensation"
  - b. Allows the purchase of land or an interest in land in order to carry out the purposes of certain sections of the IWWA
    - i. Inland wetlands agency cannot demand or require interest in land (such as a conservation easement). The applicant must offer such interest.
  
15. Section 22a-44. Penalty, Court Orders
  - a. This section enables an inland wetlands agency or its duly authorized agent to issue a written cease and correct order to any person conducting or maintaining an activity or condition that is in violation of the IWWA
  - b. Within ten days of issuing an order, the inland wetlands agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect
  - c. Cease and correct order is effective upon issuance and remains in effect until affirmed, revised or withdrawn by the inland wetlands agency
  - d. Provides for the assessment of civil penalties of up to \$1,000.00 per day of violation (only the superior court can assess the penalty)
  - e. Provides for costs, fees and expenses to be recouped
  - f. Civil penalties assessed can be used by the Commissioner of the Department of Environmental Protection to restore wetlands, etc.
  - g. Criminal liability for willful and knowing violations of the IWWA



# TOWN OF MANSFIELD

DEPARTMENT OF PLANNING AND DEVELOPMENT

Date: June 2, 2016

To: Mansfield Inland Wetlands Agency

From: Jennifer Kaufman, Inland Wetlands Agent

Subject: Hunting Lodge Road (Assessor's Parcel ID 15.21.3) (File W1564)  
Storrs Lodges, LLC  
Description of Work: Construction of a 218-unit apartment complex  
Map Date: 3/18/2016

## PROJECT OVERVIEW AND ANALYSIS

On April 4, 2016 you scheduled a public hearing for the above referenced application for June 6, 2016. You also authorized staff to engage the services of GEI consultants to provide independent review of the application. GEI has reviewed the application and provided several comments to Staff. On Wednesday, May 25<sup>th</sup> staff met with GEI and the applicant to review GEI's comments. The applicant submitted responses to the comments on Wednesday, June 1, 2016. To allow staff, GEI, and the Conservation Commission time to review the applicants response and provide a thoughtful analysis to the Agency, it is recommended that the Agency open the public hearing and adjourn it to June 20, 2016 at a special meeting of the Inland Wetlands Agency.

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## NOTIFICATIONS

The applicant has submitted certified mail receipts for notices mailed to abutters.

## RECOMMENDATION/SUGGESTED MOTION

\_\_\_\_\_ MOVES, \_\_\_\_\_ seconds to adjourn the public hearing on the Inlands Wetlands Application of Storrs Lodges, LLC to construct a 218 unit apartment complex and located at Hunting Lodge Road (Assessor's Parcel ID 15.21.3) (IWA File 1564) to June 20, 2016 and to schedule a special meeting of the Inland Wetlands Agency on June 20, 2016.

## Memorandum

To: Jennifer S. Kaufman, Inland Wetlands Agent, Town of Mansfield

From: Kimberly Bradley and John McGrane, GEI Consultants, Inc.

Regarding: Storrs Lodge, LLC, Town of Mansfield Inland Wetland Application Review  
(PN: 1605880)

Date: May 12, 2016

The Town of Mansfield Wetland Agency selected GEI Consultants, Inc. (GEI) to provide wetland consulting services in association with a pending wetland application for the above-referenced development plan.

The services include:

- Application Review- Includes review of pertinent mapping, reports, and other application materials.
- A site visit to assess the characteristics of the wetland and upland resources at the site was conducted on April 25, 2016. The site visit included Kim Bradley, Senior Wetland Scientist/Ecologist for GEI, Jennifer Kaufman, Inland Wetlands Agent for the Town of Mansfield, George Logan, PWS, CE, and Sigrun Gadwa, PWS of Rema Ecological Services, LLC, and David Zaiks of F.A. Hesketh & Associates, Inc.

Based on the application review and site visit, GEI offers the following initial comments addressing the potential of significant impact to the wetlands of all proposed regulated activities as defined by the Mansfield Inland Wetland and Watercourses Regulations:

1. A total of 4,402 square feet of direct impacts to wetlands is proposed at the wetlands crossing over an unnamed tributary to Eagleville Brook from Hunting Lodge Road to the proposed development. The crossing would serve as the main access road to the development. The location was selected as it is the location of an old woods road on a historic fill causeway, which therefore minimizes wetland impacts resulting from a wetland/stream crossing. The applicant proposes a precast arch bridge with block retaining walls which will prevent any direct impacts to the intermittent watercourse. It should be noted that arch bridges are a preferred stream crossing structure according to the Connecticut Department of Energy and Environmental Protection (CT DEEP) Inland Fisheries Division Habitat Conservation and Enhancement Program: Stream Crossing Guidelines (2008).

It is recommended that the 6' wide sidewalk proposed on the southern portion of the road crossing be reviewed.

2. In general, the storm water management design at the site takes steps to reduce impervious

surface where to the extent possible through reduction of road widths, utilizing pervious pavement, installing and maximizing the use of vegetative swales, employing level spreaders, and increasing and lengthening drainage flow paths. The Engineering and Drainage Report, along with REMA Wetlands Assessment – Supplemental: Review of Storm water System report document the use of “treatment trains” which include a significant infiltration component, using below ground, low-profile infiltration units. Above-ground primary treatment in the form of bio-retention basins and vegetated swales is also utilized at each of the catchment areas. GEI agree with REMA’s recommendation to seed the bottom of bioretention basins with Ernst Conservation Seeds (i.e. ERNMX-180).

3. The plans call for an extensive use of infiltration systems to reduce runoff and meet CT DEEP requirements for Water Quality Volume, and Groundwater Recharge Volume. The entire design is dependent on the permeability of the existing soils and groundwater levels. The Engineering and Drainage report does not document whether the applicant has performed any field investigation to determine in place permeability rates, to in turn determine if the systems will work as designed. Geotechnical borings and laboratory permeability tests, or in place permeability tests may be needed to verify whether the infiltration systems are viable.
4. Accurate groundwater readings should be taken to determine year-round levels in the areas of the proposed infiltration and the BioRetention Basins. If high ground water levels are present, even just seasonally, then the infiltration will not function as designed. Also, the BioRetention Basins will not function properly if they are partially filled with groundwater. If the designed storage volume is occupied with groundwater, they will not have the capacity to store surface runoff, and may overtop the basins.
5. Proposed BioRetention Basins do not have any type of emergency spillway in the event of over topping. If overtopping does occur, it may cause scour and erosion which could impact the wetlands. Consideration to some type of emergency spillway or non-erodible material should be evaluated to accommodate this potential failure mode.
6. The maintenance of the storm water system, infiltration system, and network of bio retention basins should be formalized. These systems will not function as designed if sediment, overgrowth, or erosion occurs over time, and are left unmaintained.
7. The REMA Wetlands Assessment – Supplemental: Review of Storm Water System’s report, and review of the full Engineering and Drainage Report state that the required Water Quality Volume (WQV) for stormwater basin #6 (Watershed/Strom Darin System G, discharge G1) is 2750 C.F., while the provided WQV is only 395 C.F. REMA notes that proposed wetland creation/restoration area restricts the ability to increase the size of Bioretention Area #6. It is also noted that an oversized hydrodynamic separator is proposed within the system to attain 85% TSS removal. While REMA’s rationale of prioritizing wetland restoration and adjacent wetland conditions that allow for discharge flow dispersal are noted, it is recommended that an alternative of increasing the size of bioretention area #6 and identifying an alternative wetland mitigation area is evaluated.
8. The vernal pool located in wetland WA was identified as a high value resources on the site. It is recommended that in addition to the two 2016 vernal pool evaluation surveys and associated summary reports provided by the applicant, at least one additional site visit occur in the June/July timeframe to provide an understanding of when the pool dries and evaluate if the vernal pool maintains adequate hydrology to support successful obligate amphibian reproduction.

The proposed development plan includes a roadway within close vicinity to the vernal pool. The roadway is proposed in an area of historic fill, which may have historically influenced the hydrologic conditions within site wetlands, resulting in isolation of the vernal pool (WA) from the wetlands to the east (WC-1). The applicant has proposed installation of wildlife tunnels beneath the western access and circulation road connecting wetlands WA and WC to reduce some of the development impacts on amphibian populations.

9. Silt fencing and other erosion control measures installed adjacent to vernal pools should be removed from February to June to reduce construction related impacts on vernal pool breeding activity/amphibian migration routes. Sequencing of construction activities within the vicinity of the vernal pool should take into consideration the February-June timeframe, if feasible.
10. Upland and wetland buffers to the unnamed tributary should be considered a valuable natural mitigation measure to protect water quality and aquatic resources of watercourses. Buffers should be enhanced with native plantings and maintained throughout the proposed development. Forested cover and wetland buffers in and around the 50 (at a minimum) to the 150 foot upland review area around wetlands located directly between the proposed developed portions of the site should be maintained throughout the construction process to limit the potential for increased evapotranspiration which may result in alteration of the hydrology of the wetland due to clearing of the forest over story. The proposed limits of disturbance should be strictly adhered to.
11. Proposed parking on northeast portion of the development adjacent to wetlands WC2 and WC3 will require maintenance restrictions to prevent snow management practices that may result in snow melt impacts to adjacent wetlands. It is recommended that storm water management and snow removal maintenance requirements restrict the placement of snow in this parking area, and propose guardrail placement as an engineering control measure.
12. The Construction Sequence outlined on drawing NT-1 is vague. Construction sequence should clarify whether land clearing will occur in a single phase. Land disturbance and clearing should be kept to a minimum and completed in phases if possible. All disturbed areas should be re-stabilized as soon as possible and exposed, unvegetated areas should be protected from storm events.
13. Additional details, including construction methodology and sequence/timing for the wetland crossing from Hunting Lodge Road should be provided. It is recommended that construction occur during the summer low flow period (June through September), in accordance with CT DEEP Inland Fisheries Division Habitat Conservation and Enhancement Program: Stream Crossing Guidelines (2008) to reduce the potential for impacts to wetlands and the unnamed tributary.
14. Erosion and Sediment Control Note 4 states: "The contractor is responsible for the timely installation, inspection, repair or replacement of erosion control devices to insure proper operation." It is recommended that the land owner, developer, or responsible individual (identified per Erosion and Sediment Control Note #2) ensure inspection and regular monitoring will be conducted by an individual with experience in sediment and erosion control.
15. It is recommended that a wetland creation/restoration construction plan be included with wetland mitigation report and/or as a component of a comprehensive landscape plan within the project application drawings. The wetland mitigation report states "Mosaic of wet

meadow, shallow marsh, and scrub-shrub (about 25% total woody cover of shrubs and saplings) is the short-term target cover type.” The wetland mitigation report includes appropriate planting material including shrubs/trees, herbaceous plugs and wetland seed mixes, however a plan will provide a visual depiction of the proposed mitigation design, and provide an estimate of required excavation. Elevations supporting hydrologic regimes required by wetland vegetation communities should be identified within the mitigation design. It is noted that the grading plan (GR-2) does not indicate grading in the wetland mitigation area.

16. The proposed wetland creation and restoration area is in the vicinity of storm water treatment basins. The wetland mitigation should be clearly separated from the site storm water management system. In addition, the proposed mitigation area is in close vicinity to the main roadway within the development (~20 ft. at the closest approximate distance). Has the potential influence of the roadway on the mitigation area been evaluated? Have alternative wetland mitigation areas been considered?
17. The proposed timing of wetland creation and restoration site preparation is not identified within the wetland mitigation report. It is recommended due to the excavation directly adjacent to a wetland hydraulically connected to the unnamed tributary to Eagleville Brook, construction should occur during the summer low flow period (June through September), in accordance with CT DEEP Inland Fisheries Division Habitat Conservation and Enhancement Program: Stream Crossing Guidelines (2008). This timeframe would also limit issues associated with amphibian migration.
18. It is recommended that a landscape plan be developed for the site as a component of the Inland Wetland Application drawings. The plan would provide an understanding of the proposed for landscaped area within the limit of disturbance, provide detailed plan for wetland mitigation as noted above, and identify areas a native plant wetland and watercourse buffer enhancement, as proposed in the Wetlands Assessment - Supplemental: Wetland Mitigation report.
19. According to the Town of Mansfield Inland Wetlands and Watercourses Regulations Effective February 15, 2012) Section 7.4 G, the inland wetland application shall include, at a minimum “Alternatives which would cause less or no environmental impact to wetlands or watercourses and why the alternative requested in the application was chosen; all alternatives shall be diagramed on a site plan or drawing or otherwise described to the Agency’s satisfaction.” The application plans and reports do not provide an evaluation of feasible and prudent alternatives for the Site. The applicant should be able to provide an evaluation of an alternative for a main access road that would not require direct impact to wetlands.
20. According to the Town of Mansfield Inland Wetlands and Watercourses Regulations Effective February 15, 2012) Section 7.4 M, the inland wetland application shall include, at a minimum “ Submission of documentation verifying that the State of Connecticut Department of Environmental Protection’s Natural Diversity Database has been checked for the presence of any state-listed species or significant natural communities on the property;” The application reports and documents do not provide any documentation of a Natural Diversity Database request submitted to CT DEEP or follow-up site specific review. It should be noted that NT-1 Erosion and Sediment Control Note 15 states: “Due to the area of proposed disturbance, this project will require a storm water permit from the CT DEEP. A copy of this permit, and the required Storm Water Pollution Prevention Plan shall be submitted to the town prior to the start of any construction.” In addition to Town of Mansfield requirements, the CT DEEP storm water permit requires a Natural Diversity Database (NDDDB) review.



*Note: Comment responses in Red added by FAHA 5/31/16*

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## Memorandum

To: Jennifer S. Kaufman, Inland Wetlands Agent, Town of Mansfield

From: Kimberly Bradley and John McGrane, GEI Consultants, Inc.

Regarding: Storrs Lodge, LLC, Town of Mansfield Inland Wetland Application Review  
(PN: 1605880)

Date: May 12, 2016

The Town of Mansfield Wetland Agency selected GEI Consultants, Inc. (GEI) to provide wetland consulting services in association with a pending wetland application for the above-referenced development plan.

The services include:

- Application Review- Includes review of pertinent mapping, reports, and other application materials.
- A site visit to assess the characteristics of the wetland and upland resources at the site was conducted on April 25, 2016. The site visit included Kim Bradley, Senior Wetland Scientist/Ecologist for GEI, Jennifer Kaufman, Inland Wetlands Agent for the Town of Mansfield, George Logan, PWS, CE, and Sigrun Gadwa, PWS of Rema Ecological Services, LLC, and David Zaiks of F.A. Hesketh & Associates, Inc.

Based on the application review and site visit, GEI offers the following initial comments addressing the potential of significant impact to the wetlands of all proposed regulated activities as defined by the Mansfield Inland Wetland and Watercourses Regulations:

1. A total of 4,402 square feet of direct impacts to wetlands is proposed at the wetlands crossing over an unnamed tributary to Eagleville Brook from Hunting Lodge Road to the proposed development. The crossing would serve as the main access road to the development. The location was selected as it is the location of an old woods road on a historic fill causeway, which therefore minimizes wetland impacts resulting from a wetland/stream crossing. The applicant proposes a precast arch bridge with block retaining walls which will prevent any direct impacts to the intermittent watercourse. It should be noted that arch bridges are a preferred stream crossing structure according to the Connecticut Department of Energy and Environmental Protection (CT DEEP) Inland Fisheries Division Habitat Conservation and Enhancement Program: Stream Crossing Guidelines (2008).

It is recommended that the 6' wide sidewalk proposed on the southern portion of the road crossing be reviewed.

*One of the design goals for the project was to make it pedestrian friendly and encourage the use of the public pedestrian walkway located along Hunting Lodge Road. In order to*

*connect the project to the public walkway, a sidewalk system has been incorporated throughout the project including along the south side of roadway crossing. In order to minimize the footprint width at the crossing, the design of the placement of walk was modified to eliminate the 3-5 ft. grass shoulder between the walk and curb as provided elsewhere on the site and construct the walk directly alongside the curb. See Sheet SDD-1 for details.*

2. In general, the storm water management design at the site takes steps to reduce impervious surface where to the extent possible through reduction of road widths, utilizing pervious pavement, installing and maximizing the use of vegetative swales, employing level spreaders, and increasing and lengthening drainage flow paths. The Engineering and Drainage Report, along with REMA Wetlands Assessment – Supplemental: Review of Storm water System report document the use of “treatment trains” which include a significant infiltration component, using below ground, low-profile infiltration units. Above-ground primary treatment in the form of bio-retention basins and vegetated swales is also utilized at each of the catchment areas. GEI agree with REMA’s recommendation to seed the bottom of bioretention basins with Ernst Conservation Seeds (i.e. ERNMX-180). *We concur.*
3. The plans call for an extensive use of infiltration systems to reduce runoff and meet CT DEEP requirements for Water Quality Volume, and Groundwater Recharge Volume. The entire design is dependent on the permeability of the existing soils and groundwater levels. The Engineering and Drainage report does not document whether the applicant has performed any field investigation to determine in place permeability rates, to in turn determine if the systems will work as designed. Geotechnical borings and laboratory permeability tests, or in place permeability tests may be needed to verify whether the infiltration systems are viable. *Additional deep test pits and permeability tests have been completed in the field and the results of the tests will be available for review shortly.*
4. Accurate groundwater readings should be taken to determine year-round levels in the areas of the proposed infiltration and the BioRetention Basins. If high ground water levels are present, even just seasonally, then the infiltration will not function as designed. Also, the BioRetention Basins will not function properly if they are partially filled with groundwater. If the designed storage volume is occupied with groundwater, they will not have the capacity to store surface runoff, and may overtop the basins. *Additional groundwater measurements were taken in the field at each proposed basin location and minor revisions to the basins were completed including in some cases, the addition of an underdrain to insure they will empty completely between storm events during seasonal high groundwater periods. These changes will be incorporated onto the revised plans.*
5. Proposed BioRetention Basins do not have any type of emergency spillway in the event of over topping. If overtopping does occur, it may cause scour and erosion which could impact the wetlands. Consideration to some type of emergency spillway or non-erodible material should be evaluated to accommodate this potential failure mode. *Special Riprap (aka No. 3 Stone) emergency overflows have been added to the basin design as recommended.*
6. The maintenance of the storm water system, infiltration system, and network of bio retention basins should be formalized. These systems will not function as designed if sediment, overgrowth, or erosion occurs over time, and are left unmaintained. *REMA and FAHA are preparing a written Maintenance Plan as recommended and will be submitting it shortly for review and comment.*
7. The REMA Wetlands Assessment – Supplemental: Review of Storm Water System’s report,

and review of the full Engineering and Drainage Report state that the required Water Quality Volume (WQV) for stormwater basin #6 (Watershed/Strom Darin System G, discharge G1) is 2750 C.F., while the provided WQV is only 395 C.F. REMA notes that proposed wetland creation/restoration area restricts the ability to increase the size of Bioretention Area #6. It is also noted that an oversized hydrodynamic separator is proposed within the system to attain 85% TSS removal. While REMA's rationale of prioritizing wetland restoration and adjacent wetland conditions that allow for discharge flow dispersal are noted, it is recommended that an alternative of increasing the size of bioretention area #6 and identifying an alternative wetland mitigation area is evaluated. *Bio-retention basin #6 has been redesigned to provide the required 2,750 c.f. of WQ storage volume as shown on Sheet GR-2 and SDD-2. The separator structure is no longer required and has been deleted from the design. These changes will be incorporated onto the revised plans.*

8. The vernal pool located in wetland WA was identified as a high value resources on the site. It is recommended that in addition to the two 2016 vernal pool evaluation surveys and associated summary reports provided by the applicant, at least one additional site visit occur in the June/July timeframe to provide an understanding of when the pool dries and evaluate if the vernal pool maintains adequate hydrology to support successful obligate amphibian reproduction. The proposed development plan includes a roadway within close vicinity to the vernal pool. The roadway is proposed in an area of historic fill, which may have historically influenced the hydrologic conditions within site wetlands, resulting in isolation of the vernal pool (WA) from the wetlands to the east (WC-1). The applicant has proposed installation of wildlife tunnels beneath the western access and circulation road connecting wetlands WA and WC to reduce some of the development impacts on amphibian populations. *Last week, REMA conducted additional field observations and will be submitting a supplemental report shortly for review and comment. They will continue to monitor the vernal pool throughout the June/July period.*
9. Silt fencing and other erosion control measures installed adjacent to vernal pools should be removed from February to June to reduce construction related impacts on vernal pool breeding activity/amphibian migration routes. Sequencing of construction activities within the vicinity of the vernal pool should take into consideration the February-June timeframe, if feasible. *If work needs to continue through the February-June period, we will modify the installation of erosion control barriers, such as introducing staggered openings and other techniques that follow CTDEEP and Army Corps guidelines to insure no impact to migration routes. Every effort will be made to schedule work around these areas during this timeframe.*
10. Upland and wetland buffers to the unnamed tributary should be considered a valuable natural mitigation measure to protect water quality and aquatic resources of watercourses. Buffers should be enhanced with native plantings and maintained throughout the proposed development. Forested cover and wetland buffers in and around the 50 (at a minimum) to the 150 foot upland review area around wetlands located directly between the proposed developed portions of the site should be maintained throughout the construction process to limit the potential for increased evapotranspiration which may result in alteration of the hydrology of the wetland due to clearing of the forest over story. The proposed limits of disturbance should be strictly adhered to. *The contract documents with the site contractor will be structured to enforce the limits of construction as shown on the plans. The buffer areas will be protected by silt fence and construction fencing prior to the start of clearing activities. In some areas hay bales will be installed to back-up the silt fence. A buffer planting plan will be developed to add appropriate additional plantings along the clearing limits to enhance the permanent vegetative buffer to the undisturbed areas abutting the development.*

11. Proposed parking on northeast portion of the development adjacent to wetlands WC2 and WC3 will require maintenance restrictions to prevent snow management practices that may result in snow melt impacts to adjacent wetlands. It is recommended that storm water management and snow removal maintenance requirements restrict the placement of snow in this parking area, and propose guardrail placement as an engineering control measure. *As recommended, a snow management and storage plan has been developed for the entire site and is attached for review and comment. The placement of snow piles will be banned from this area in the site maintenance plan.*
12. The Construction Sequence outlined on drawing NT-1 is vague. Construction sequence should clarify whether land clearing will occur in a single phase. Land disturbance and clearing should be kept to a minimum and completed in phases if possible. All disturbed areas should be re-stabilized as soon as possible and exposed, unvegetated areas should be protected from storm events. *As shown on Sheet MA-1, it is anticipated that the project will be completed in two major development phases. The southerly portion of the project including the Community Building will be completed first, followed by the northerly portion of the project. Clearing for each phase will occur as a single operation from start to finish. All required erosion control will be in place and inspected by a 3<sup>rd</sup> party inspector and town staff prior to the start of site disturbance in each phase. Re-stabilizing all disturbed areas will begin as soon as possible to minimize erosion risks.*
13. Additional details, including construction methodology and sequence/timing for the wetland crossing from Hunting Lodge Road should be provided. It is recommended that construction occur during the summer low flow period (June through September), in accordance with CT DEEP Inland Fisheries Division Habitat Conservation and Enhancement Program: Stream Crossing Guidelines (2008) to reduce the potential for impacts to wetlands and the unnamed tributary. *As recommended, a more detailed construction sequence plan is under preparation by FAHA and will be submitted for review and comment. Summer low flow conditions are really of little concern with the proposed crossing since the arch culvert will span the watercourse and no disturbance of the watercourse will be permitted during installation of the crossing.*
14. Erosion and Sediment Control Note 4 states: “The contractor is responsible for the timely installation, inspection, repair or replacement of erosion control devices to insure proper operation.” It is recommended that the land owner, developer, or responsible individual (identified per Erosion and Sediment Control Note #2) ensure inspection and regular monitoring will be conducted by an individual with experience in sediment and erosion control. *As required by CTDEEP General Permit registration requirements, the owner is responsible for hiring a 3<sup>rd</sup> party expert/inspector to review the preparation of the Stormwater Control Plan prior to registration and then the installation of the devices in the field. This inspector will be retained to provide periodic inspections throughout the duration of construction of the project.*
15. It is recommended that a wetland creation/restoration construction plan be included with wetland mitigation report and/or as a component of a comprehensive landscape plan within the project application drawings. The wetland mitigation report states “Mosaic of wet meadow, shallow marsh, and scrub-shrub (about 25% total woody cover of shrubs and saplings) is the short-term target cover type.” The wetland mitigation report includes appropriate planting material including shrubs/trees, herbaceous plugs and wetland seed mixes, however a plan will provide a visual depiction of the proposed mitigation design, and provide an estimate of required excavation. Elevations supporting hydrologic regimes

required by wetland vegetation communities should be identified within the mitigation design. It is noted that the grading plan (GR-2) does not indicate grading in the wetland mitigation area. *Please note that a separate report dated April 4, 2016 was prepared and submitted by REMA that includes their detailed recommendations for implementing the proposed mitigation areas. As recommended, a wetland mitigation plan to supplement this report for both areas proposed with planting details and additional grading information is under development and will be submitted shortly for review and comment.*

16. The proposed wetland creation and restoration area is in the vicinity of storm water treatment basins. The wetland mitigation should be clearly separated from the site storm water management system. In addition, the proposed mitigation area is in close vicinity to the main roadway within the development (~20 ft. at the closest approximate distance). Has the potential influence of the roadway on the mitigation area been evaluated? Have alternative wetland mitigation areas been considered? *Per this recommendation, the mitigation area has been reduced at this location to separate it more from the Bio-retention basin #6 and to provide more isolation from the vernal pool and a second area has been added to the revised plans. Also, please refer to the attachment provided to these comments responses regarding Mitigation Alternatives reviewed.*
17. The proposed timing of wetland creation and restoration site preparation is not identified within the wetland mitigation report. It is recommended due to the excavation directly adjacent to a wetland hydraulically connected to the unnamed tributary to Eagleville Brook, construction should occur during the summer low flow period (June through September), in accordance with CT DEEP Inland Fisheries Division Habitat Conservation and Enhancement Program: Stream Crossing Guidelines (2008). This timeframe would also limit issues associated with amphibian migration. *The mitigation site work at both proposed locations will be scheduled to occur during low flow and groundwater timeframes. This will be included in the Construction Sequence Plan.*
18. It is recommended that a landscape plan be developed for the site as a component of the Inland Wetland Application drawings. The plan would provide an understanding of the proposed for landscaped area within the limit of disturbance, provide detailed plan for wetland mitigation as noted above, and identify areas a native plant wetland and watercourse buffer enhancement, as proposed in the Wetlands Assessment - Supplemental: Wetland Mitigation report. *As recommended, a planting plan for a typical 100 ft. length of edging along the clearing limits in under development and will submitted for review and comment. This will be incorporated into the overall site landscape plan on the final approved drawings.*
19. According to the Town of Mansfield Inland Wetlands and Watercourses Regulations Effective February 15, 2012) Section 7.4 G, the inland wetland application shall include, at a minimum “Alternatives which would cause less or no environmental impact to wetlands or watercourses and why the alternative requested in the application was chosen; all alternatives shall be diagrammed on a site plan or drawing or otherwise described to the Agency’s satisfaction.” The application plans and reports do not provide an evaluation of feasible and prudent alternatives for the Site. The applicant should be able to provide an evaluation of an alternative for a main access road that would not require direct impact to wetlands. *Please refer to the Attachment provided to these comment responses regarding the alternatives evaluated in the design of the project.*
20. According to the Town of Mansfield Inland Wetlands and Watercourses Regulations Effective February 15, 2012) Section 7.4 M, the inland wetland application shall include, at a

minimum “ Submission of documentation verifying that the State of Connecticut Department of Environmental Protection’s Natural Diversity Database has been checked for the presence of any state-listed species or significant natural communities on the property;” The application reports and documents do not provide any documentation of a Natural Diversity Database request submitted to CT DEEP or follow-up site specific review. It should be noted that NT-1 Erosion and Sediment Control Note 15 states: “Due to the area of proposed disturbance, this project will require a storm water permit from the CT DEEP. A copy of this permit, and the required Storm Water Pollution Prevention Plan shall be submitted to the town prior to the start of any construction.” In addition to Town of Mansfield requirements, the CT DEEP storm water permit requires a Natural Diversity Database (NDDDB) review.

*The applicant will be filing a CTDEEP General Permit Registration for the discharge of stormwater associated with Construction Activities. This application must include a Stormwater Pollution Prevention Plan (aka a SWWPP Plan) designed specifically for this project. Because the project is greater than 15 acres, the owner must hire a 3<sup>rd</sup> party consultant to review and add certification to the application prior to submittal. This party must also inspect the installation of the erosion control as specified on the plans and in the SWWPP.*

*A copy of a letter recently received from CTDEEP concerning review of the Natural Diversity Database is attached.*

## **Attachment- Responses to GEI Comments #16 & # 19: Alternatives Analysis 5/31/16**

It is the opinion of the applicant that there are no feasible and prudent alternatives to the proposed development as proposed. The following is provided to support that conclusion.

The project includes the construction of 47 two-story residential buildings with 218 dwelling units providing housing a total of 692 UCONN students along with a Community Center Building and outdoor recreational areas. There will be two 24-foot wide paved access driveways proposed. The main access drive to the development will be from Hunting Lodge Road. The second access drive from Northwood Road will be for limited emergency access and campus bus circulation. On-site parking will be constructed for 619 vehicles. Site work will be completed using conventional construction equipment and techniques. Minimal blasting or significant rock excavation is anticipated to construct the project based on soil characteristics on the property. Construction will take place over an 18-24 month period.

Every effort has been made to maintain a substantial buffer from the wetland and watercourse resources identified on the site. The proposed wetland crossing for the main driveway out to Hunting Lodge Road will be accomplished using a precast concrete arch bridge so there will be minimal unavoidable impacts to the wetlands at this location. Other than the permanent disturbance at the culvert bridge crossing totaling 4,402 s.f., there will be no other direct impacts to wetlands or watercourses on the property. Two mitigation areas are proposed to be constructed to off-set the loss of the 4,402 s.f. of wetland.

### **A. Wetland Mitigation Alternatives: (Comment #16)**

REMA Ecological Services has recommended that the project include mitigation for the small loss of wetland resources resulting from the project. The goal is to provide a one for one replacement of at least 4,402 s.f., and if possible, locate the mitigation site(s) near the area of the proposed impact. Typically mitigation areas are located on a project site in such a way as to restore previously disturbed wetland or watercourse resources. REMA has located two such areas and has recommended a mitigation plan for both totaling more than the 4,402 s.f. goal. The first area is located just north of the main driveway crossing along the east edge of Wetland C as shown on Sheets GR-3 and IW-1. The second mitigation area is located on the east side of proposed driveway passing in the vicinity of the vernal pool along the west edge of Wetland C as shown on Sheets GR-1, SDD-2 and IW-1. Both of these areas are located in places where manmade disturbance occurred in the past involving placement of fill and excessive tree clearing and land disturbances.

Based on its field evaluations, REMA has determined that there are no other feasible and prudent locations for mitigation to be implemented on the site.

### **B. Development Alternatives: (Comment #19)**

The property is presently zoned RAR-90. Under Article 7.G of the Zoning Regulations, uses permitted in this zone are those typically allowed in residential zones, such as one and two

family residences, group homes, agriculture, schools, churches, cemeteries, recreational uses and public infrastructure. The minimum lot size is 90,000 sf. for single family and 120,000 s.f. for two-family homes. The Mansfield Zoning and Subdivision regulations due allow for consideration of reductions in minimum lot size and frontages to account for topographic and natural resource limitations.

Developing the site as a residential subdivision would mean portions of wetlands and watercourses and abutting buffer areas would fall within these lots subjecting them potentially to the long-term impacts resulting from the use of the land in a conventional residential environment. The monitoring and enforcement of potential activities and impacts on these resources becomes difficult when they occur on individually owned residential properties. Long term lawn care and pest management would be conducted by individual homeowners and would not be part of a comprehensive land management plan as would be the case in a master plan development operated by an on-site management team.

Development of this property under a master planned residential concept as proposed allows development to occur in selected upland areas and essentially sets aside the wetland and watercourse resources with appropriate buffers from the development in undisturbed portions of the property. Long term property maintenance will be managed by an on-site professional management team and will be closely monitored and implemented in accordance with conditions of approval which can be enforced by the town under the Special Permit process.

Given the rather unique shape of the property boundaries, topographic features, limited public access points and the configuration of natural wetland and watercourse resources , the applicant believes developing this property as a master planned residential development as proposed is the most feasible and prudent alternative to the development options permitted by town regulations.

#### B. Roadway Access Alternatives: (Comment #19)

Given the topographical features of the property and practical access limitations to existing public roadways, any type of development on this property would include access roads and public utility connections basically following the layout included in the proposed project. It is the opinion of the applicant that there are no other feasible road locations on the property. See Sketch #1, attached.

The one wetland crossing proposed to gain proper and safe roadway and pedestrian access to Hunting Lodge Road occurs at a location that has been used for such access for many years based on a review of current site conditions and historical aerial photography. The remains of an old driveway at this crossing need to be upgraded to current design standards providing for a minimum 24-foot wide paved roadway along with a sidewalk to provide pedestrian access within the site and to the public walkway system installed along Hunting Lodge Road.

Crossing the wetlands using conventional pipe or box culverts was evaluated as a possible more cost effective alternate to the proposed precast arch bridge crossing. Due to the sensitive

nature of the crossing location, a conventional culvert and fill installation was deemed not to be the most prudent alternative.

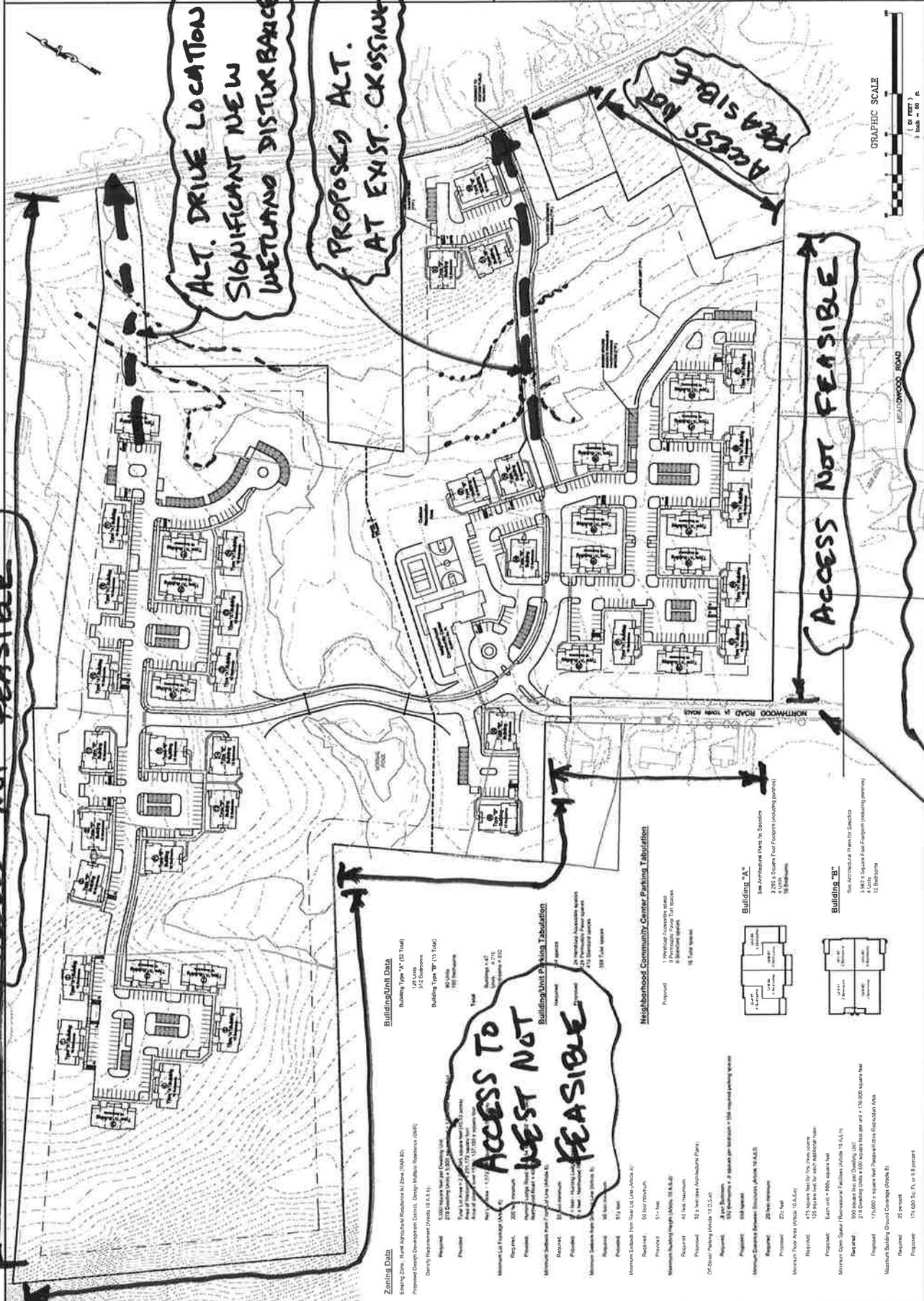
Roadway access to the abutting apartment complex to the north is not feasible due to the layout of the existing housing units and parking areas within that complex. There is no feasible connection to the west due to topographic considerations and the presence of the State Forest land.

Relocating the proposed roadway access to Hunting Lodge Road further to the north would require construction of a new roadway crossing through a significant undisturbed wetland corridor. There is no evidence to suggest that such a crossing has existed in the past at this location. Undertaking such a crossing is not considered to be prudent when compared to the proposed crossing location.

Roadway access to the south can only occur by extending Northwood Drive since the project site is abutted along the southerly boundary by an existing residential subdivision. Northwood Road begins at North Eagleville Road as basically a parking lot driveway to provide access to a student apartment complex owned and operated by the University. Head-in 90-degree parking is constructed along both sides of the first 800 l.f. of roadway along with painted raised pedestrian crossings and screened dumpster locations. From there, the roadway continues as a minor town road to service the three existing residential lots at the north end of the road.

Regardless of the type of development that is constructed on the property, primary vehicular and pedestrian access to Hunting Lodge Road will be required and as such, the proposed amount of direct disturbance to wetland resources on the property is unavoidable since it is all related to the proposed roadway crossing.

In conclusion, the applicant believes that the proposed main driveway access to Hunting Lodge Road which limits direct impacts to wetland and watercourse resources to a small area of 4,402 s.f. at the existing crossing, in combination with the emergency access drive to Northwood Road, is the most feasible and prudent alternative plan for vehicular and pedestrian access to the property.



SKETCH #1  
 5/24/16

SINGLE PAVIC ACCESS  
 TO NORTHWOOD NOT PRUDENT

**Zoning Data**  
 Existing Zone: Rural Agricultural Residences 2a Zone (RA2)  
 Proposed Design Development District: Design Multiple Residences (DMR)  
 Density Requirement: One (1) A.U. per 1.5 Acres

**Building Unit Data**  
 Building Type "A" (32 Units)  
 1/2 Units  
 Building Type "B" (15 Units)  
 10 Units

**Building Unit 1 - Main Tabulation**  
 Proposed: 110 Units  
 110 Units  
 110 Units

**Building Unit 2 - Main Tabulation**  
 Proposed: 110 Units  
 110 Units  
 110 Units

**Neighborhood Community Center Parking Tabulation**  
 Proposed: 110 Units  
 110 Units  
 110 Units

**Building "A"**  
 See Architectural Plans for Specifics  
 2,292 ± Square Feet (including parking)  
 10 Bedrooms

**Building "B"**  
 See Architectural Plans for Specifics  
 2,182 ± Square Feet (including parking)  
 10 Bedrooms

**Museum Building Ground Coverage (Block B)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

**Museum Building Ground Coverage (Block C)**  
 Proposed: 25 percent

**Museum Building Ground Coverage (Block D)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

**Museum Building Ground Coverage (Block E)**  
 Proposed: 25 percent

**Museum Building Ground Coverage (Block F)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

**Museum Building Ground Coverage (Block G)**  
 Proposed: 25 percent

**Museum Building Ground Coverage (Block H)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

**Museum Building Ground Coverage (Block I)**  
 Proposed: 25 percent

**Museum Building Ground Coverage (Block J)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

**Museum Building Ground Coverage (Block K)**  
 Proposed: 25 percent

**Museum Building Ground Coverage (Block L)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

**Museum Building Ground Coverage (Block M)**  
 Proposed: 25 percent

**Museum Building Ground Coverage (Block N)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

**Museum Building Ground Coverage (Block O)**  
 Proposed: 25 percent

**Museum Building Ground Coverage (Block P)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

**Museum Building Ground Coverage (Block Q)**  
 Proposed: 25 percent

**Museum Building Ground Coverage (Block R)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

**Museum Building Ground Coverage (Block S)**  
 Proposed: 25 percent

**Museum Building Ground Coverage (Block T)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

**Museum Building Ground Coverage (Block U)**  
 Proposed: 25 percent

**Museum Building Ground Coverage (Block V)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

**Museum Building Ground Coverage (Block W)**  
 Proposed: 25 percent

**Museum Building Ground Coverage (Block X)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

**Museum Building Ground Coverage (Block Y)**  
 Proposed: 25 percent

**Museum Building Ground Coverage (Block Z)**  
 Proposed: 174,600 Sq. Ft. of 8.8 percent

ACCESS TO  
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ACCESS NOT FEASIBLE

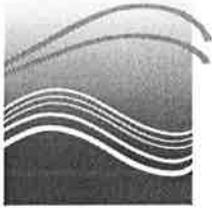
ALT. DRIVE LOCATION  
 SIGNIFICANT NEW  
 WETLAND DISTURBANCE

PROPOSED ACT.  
 AT EXIST. CROSSING

ACCESS NOT  
 FEASIBLE

ACCESS NOT FEASIBLE





Connecticut Department of

**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

February 28, 2016

Mr. George Logan  
REMA Ecological Services, LLC  
164 East Center Street, Suite 8  
Manchester, CT 06040  
[rema8@aol.com](mailto:rema8@aol.com)

Project: "The Lodges" at Storrs Housing Development, Hunting Lodge Rd., Mansfield, Connecticut  
NDDB Determination No.: 201600729

Dear George,

I have reviewed Natural Diversity Data Base maps and files regarding the area delineated on the map you provided for the proposed "The Lodges" at Storrs Housing Development, Hunting Lodge Rd., Mansfield, Connecticut. According to our records we have known extant populations of State Special Concern *Glyptemys insculpta* (wood turtle) in the vicinity of the project site. I have included recommended protection strategies and best management practices for this state special concern turtle.

**Wood Turtle:** Habitat destruction, degradation or alteration and fragmentation all threaten Wood Turtle populations. Turtles are also particularly vulnerable to any activity that consistently reduces adult survivorship. Disturbances to stream and riparian habitats and activities that change the hydrology of the stream, the physical habitat itself and water quality are all potentially detrimental activities for the Wood Turtle. Although Wood Turtles are found within forested areas, they prefer areas that do not have a fully closed canopy cover. The greatest concern during projects occurring in wood turtle habitat are turtles being run over and crushed by mechanized equipment. Reducing the frequency that motorized vehicles enter Wood Turtle habitat would be beneficial in minimizing direct mortality of adults.

**Recommended Protection Strategies for turtles:**

Work should occur when these turtles are active (April 1st to September 30<sup>th</sup>) and I recommend the additional strategies in order to protect these turtles:

- Silt fencing should be installed around the work area prior to construction, please avoid erosion control products that are embedded with plastic netting as these can be fatal to wildlife;
- Where possible, AVOID installing sediment and erosion control materials from late August through September and from March through mid-May. These two time periods are when amphibians and reptiles are most active, moving to and from wetlands to breed;
- After silt fencing is installed and prior to construction, a sweep of the work area should be conducted to look for turtles;
- Workers should be apprised of the possible presence of turtles, and provided a description of the species ([http://www.ct.gov/dep/cwp/view.asp?a=2723&q=473472&depNav\\_GID=1655](http://www.ct.gov/dep/cwp/view.asp?a=2723&q=473472&depNav_GID=1655));

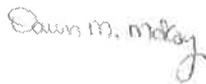
- Any turtles that are discovered should be moved, unharmed, to an area immediately outside of the fenced area, and position in the same direction that it was walking;
- No vehicles or heavy machinery should be parked in any turtle habitat;
- Work conducted during early morning and evening hours should occur with special care not to harm basking or foraging individuals; and
- All silt fencing should be removed after work is completed and soils are stable so that reptile and amphibian movement between uplands and wetlands is not restricted.
- Stockpiles of soil should be cordoned off with silt fencing so turtles do not attempt to try and nest in them.
- Use native plantings if possible. Any plantings should be composed of species native to northeastern United States and appropriate for use in riparian habitat.

If these protection strategies are followed then the proposed activities will lessen the impact on the wood turtle. I have attached fact sheets on these turtles. This determination is good for one year. Please re-submit an NDDB Request for Review if the scope of work changes or if work has not begun on this project by February 28, 2017.

Natural Diversity Data Base information includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substitutes for on-site surveys required for environmental assessments. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated into the Data Base as it becomes available.

Please contact me if you have further questions at (860) 424-3592, or [dawn.mckay@ct.gov](mailto:dawn.mckay@ct.gov) . Thank you for consulting the Natural Diversity Data Base. Also be advised that this is a preliminary review and not a final determination. A more detailed review may be conducted as part of any subsequent environmental permit applications submitted to DEEP for the proposed site.

Sincerely,



Dawn M. McKay  
Environmental Analyst 3

# WILDLIFE IN CONNECTICUT

## STATE SPECIES OF SPECIAL CONCERN

### Wood Turtle

*Glyptemys insculpta*

#### **Background**

Wood turtles may be found throughout Connecticut, but they have become increasingly rare due to their complex habitat needs. Wood turtles also have become more scarce in Fairfield County due to the fragmentation of suitable habitat by urban development.

#### **Range**

Wood turtles can be found across the northeastern United States into parts of Canada. They range from Nova Scotia through New England, south into northern Virginia, and west through the Great Lakes region into Minnesota.

#### **Description**

The scientific name of the wood turtle, *Glyptemys insculpta*, refers to the deeply sculptured or chiseled pattern found on the carapace (top shell). This part of the shell is dark brown or black and may have an array of faint yellow lines radiating from the center of each chiseled, pyramid-like segment due to tannins and minerals accumulating between ridges. These segments of the carapace, as well as those of the plastron (bottom shell), are called scutes. The carapace also is keeled, with a noticeable ridge running from front to back. The plastron is yellow with large dark blotches in the outer corners of each scute. The black or dark brown head and upper limbs are contrasted by brighter pigments ranging from red and orange to a pale yellow on the throat and limb undersides. Orange hues are most typical for New England's wood turtles. The hind feet are only slightly webbed, and the tail is long and thick at the base. Adults weigh approximately 1.5 to 2.5 pounds and reach a length of 5 to 9 inches.



© PAUL J. FUSCO

#### **Habitat and Diet**

Wood turtles use aquatic and terrestrial habitats at different times of the year. Their habitats include rivers and large streams, riparian forests (adjacent to rivers), wetlands, hayfields, and other early successional habitats. Terrestrial habitat that is usually within 1,000 feet of a suitable stream or river is most likely used. Preferred stream conditions include moderate flow, sandy or gravelly bottoms, and muddy banks.

Wood turtles are omnivorous and opportunistic. They are not picky eaters and will readily consume slugs, worms, tadpoles, insects, algae, wild fruits, leaves, grass, moss, and carrion.

#### **Life History**

From late spring to early fall, wood turtles can be found roaming their aquatic or terrestrial habitats. However, once temperatures drop in autumn, the turtles retreat to rivers and large streams for hibernation. The winter

is spent underwater, often tucked away below undercut riverbanks within exposed tree roots. Dissolved oxygen is extracted from the water, allowing the turtle to remain submerged entirely until the arrival of spring. Once warmer weather sets in, the turtles will become increasingly more active, eventually leaving the water to begin foraging for food and searching for mates. Travel up or down stream is most likely, as turtles seldom stray very far from their riparian habitats.

Females nest in spring to early summer, depositing anywhere from 4 to 12 eggs into a nest dug out of soft soil, typically in sandy deposits along stream banks or other areas of loose soil. The eggs hatch in late summer or fall and the young turtles may either emerge or remain in the nest for winter hibernation. As soon as the young turtles hatch, they are on their own and receive no care from the adults.

Turtle eggs and hatchlings are heavily preyed upon by a wide variety of predators, ranging from raccoons to birds and snakes. High rates of nest predation and hatchling mortality, paired with the lengthy amount of time it takes for wood turtles to reach sexual maturity, present a challenge to maintaining sustainable populations. Wood turtles live upwards of 40 to 60 years, possibly more.

### *Conservation Concerns*

Loss and fragmentation of habitat are the greatest threats to wood turtles. Many remaining populations in Connecticut are low in numbers and isolated from one another by human-dominated landscapes. Turtles forced to venture farther and farther from appropriate habitat

to find mates and nesting sites are more likely to be run over by cars, attacked by predators, or collected by people as pets.

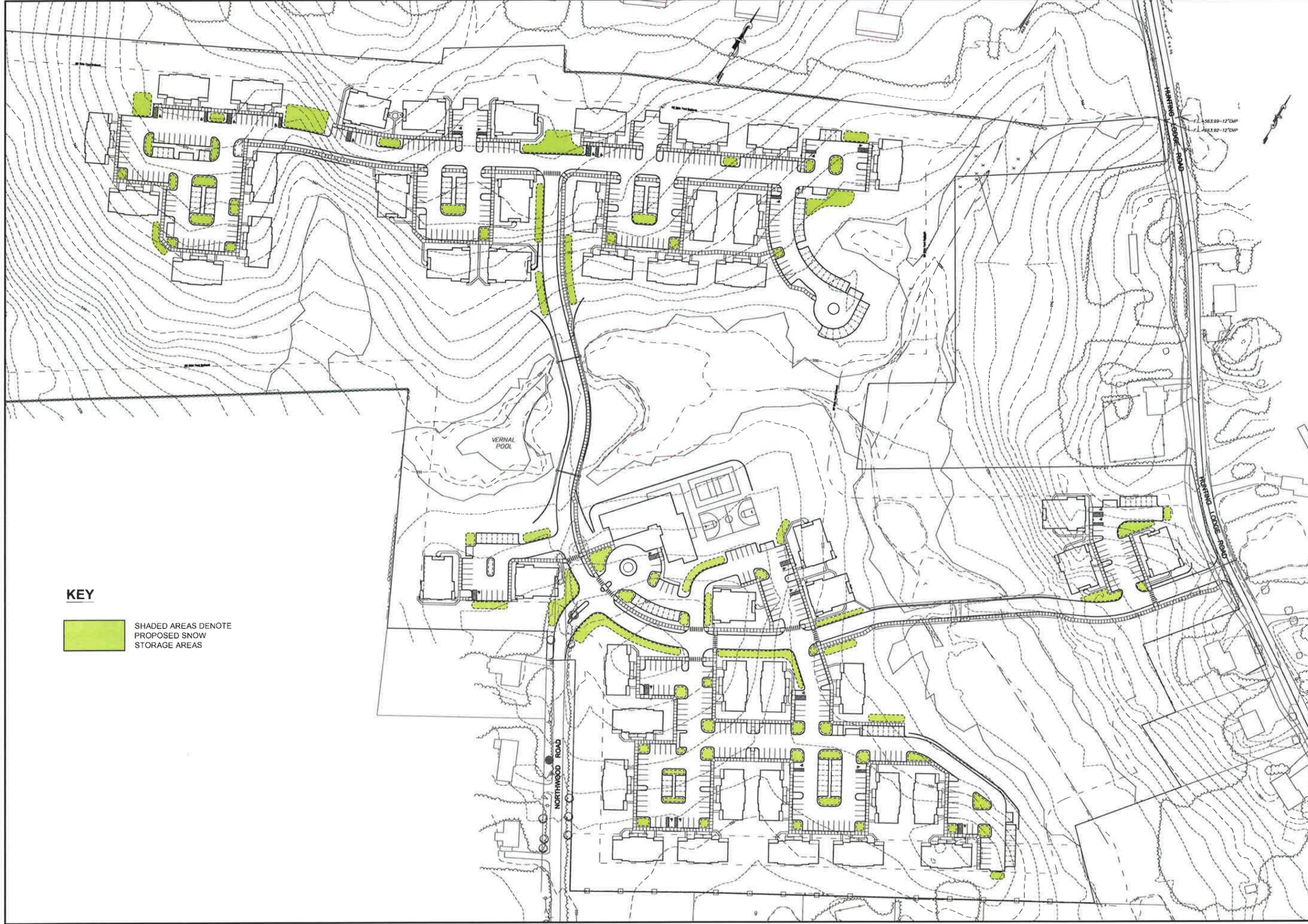
Other sources of mortality include entanglements in litter and debris left behind by people, as well as strikes from mowing equipment used to maintain hayfields and other early successional habitats.

The wood turtle is imperiled throughout a large portion of its range and was placed under international trade regulatory protection through the Convention on International Trade in Endangered Species (CITES) in 1992. Wood turtles also have been included on the International Union for Conservation of Nature's (IUCN) Red List as a vulnerable species since 1996. They are listed as a species of special concern in Connecticut and protected by the Connecticut Endangered Species Act.

### *How You Can Help*

- *Conserve riparian habitat. Maintaining a buffer strip of natural vegetation (minimum of 100 feet) along the banks of streams and rivers will protect wood turtle habitat and also help improve the water quality of the stream system. Stream banks that are manicured (cleared of natural shrubby and herbaceous vegetation) or armored by rip rap or stone walls will not be used by wood turtles or most other wildlife species.*
- *Do not litter. Wood turtles and other wildlife may accidentally ingest or become entangled in garbage and die.*
- *Leave turtles in the wild. They should never be kept as pets. Whether collected singly or for the pet trade, turtles that are removed from the wild are no longer able to be a reproducing member of a population. Every turtle removed reduces the ability of the population to maintain itself.*
- *Never release a captive turtle into the wild. It probably would not survive, may not be native to the area, and could introduce diseases to wild populations.*
- *As you drive, watch out for turtles crossing the road. Turtles found crossing roads in June and July are often pregnant females. They should **not** be collected but can be helped on their way. Without creating a traffic hazard or compromising safety, drivers are encouraged to avoid running over turtles that are crossing roads. Also, still keeping safety precautions in mind, you may elect to pick up turtles from the road and move them onto the side in the direction they are headed. Never relocate a turtle to another area that is far from where you found it.*
- *Learn more about turtles and their conservation concerns, and educate others.*
- *If you see a wood turtle, leave it in the wild, take a photograph, record the location where it was seen, and contact the Connecticut Department of Environmental Protection (DEP) Wildlife Division at [dep.wildlife@ct.gov](mailto:dep.wildlife@ct.gov), or call 860-424-3011 to report your observation.*





**KEY**



SHADED AREAS DENOTE  
PROPOSED SNOW  
STORAGE AREAS

**THE LODGES AT STORRS**

Phone (860) 655-9000  
Fax (860) 944-9000  
e-mail [info@fah.com](mailto:info@fah.com)

**F.A.H.** F. A. Hesketh & Associates, Inc.  
6 Creamery Brook, East Granby, CT 06026  
Civil & Traffic Engineers • Surveyors • Planners • Landscape Architects

No.	Date	Description

SNOW STORAGE PLAN  
 STORRS LODGES, LLC  
 HUNTING LODGE ROAD  
 MANSFIELD, CONNECTICUT  
 Date: 05-31-2016 Drawn by: KLL Job no: 04161  
 Scale: 1" = 70' Checked by: DSZ Sheet no: 1 OF 1  
U:\2004\04161\2016-05-31-16m Comments\000103.dwg, Snow Storage, Jun. 01, 2016 - 10:43:14 AM

**SS-1**

May 24, 2016

We write this letter of concern to the members of the Mansfield Town Council, our town's various agencies created to protect and promote the Town of Mansfield, its citizens, businesses and environment, the developers of the proposed Lodges at Storrs, as well as our State Agencies charged with the protection of the health and well-being of our citizens and in the safeguarding of our environment.

We have lived at 44 Meadowood Road in Mansfield since 1985. We raised our children here while working our entire careers at UConn. We love our town and it has been very good to us. In 1987, our daughter had to have the left hemisphere of her brain removed due to a rare encephalitis with no known cause. Prior to the onset of this disease in 1985, she was healthy and progressing in school. This disease slowly destroyed our daughter's left hemisphere leaving her with a right sided paralysis, spinal fusion and right visual field loss in both eyes. The University of Connecticut, the Town of Mansfield, our neighbors and friends rallied around our family providing much needed community support. Meadowood Road had become a refuge for our family. Over the years, we have dealt with the UConn chemical dumping disaster and the impact this had on Meadowood Road. We coped as best we could by using bottled water and getting our well water tested on a regular basis.

More recently we are coping with the influx of businesses moving onto Meadowood Road buying former homes of elderly and retired neighbors and renting these houses to college students. Our consistently safe neighborhood has been challenged by assaults, trash, loud parties at all hours with students drinking on the roofs of their houses, increased traffic flow and underage alcohol consumption. Needless to say, our daughter is no longer permitted to take her daily walks around her neighborhood unattended. In addition, our walks on the town installed walk-way from North Eagleville Road to Hunting Lodge have been bittersweet with trash and increased traffic causing hazards. We were thrilled when the town installed these walk-ways but the increase in student housing in our neighborhoods has caused blight and hazards for us and other Mansfield citizens.

Now, we are dealing with the proposed development of the Lodges at Storrs. Yes, we've been spoiled. We look out our back door and enjoy beautiful greenery, wildlife and privacy. We feel safe in our home and secure. We know that the owners of the proposed Lodges at Storrs site have the right to build on their land. However, we are very scared of the ramifications that the magnitude of their building investment may have on our home, our safety, our lifestyle, on our community and on our environment. Our primary concerns are the effect the development may have on our drinking water,

our effluent pump septic system and leaching field, and on our water table. We are beyond frightened that the excavation, development and construction of the Lodges at Storrs will disturb the chemical pits and settlement that were caused by UConn's chemical dumps and allow our well water to be contaminated. We installed a \$16,000 drainage system around our house to prevent the high water table from seeping into our home destroying everything we owned on our lower level. We have not had a water infiltrating our home since this installation in over sixteen years. The land around our house and our neighbor's house has been consistently wet. We are downhill from the proposed Lodges at Storrs site. We hear water rushing through our backyard drain often. We fear the development, at its scope and proximity to our property, will cause our leaching fields to fail, disturb the chemical pits and increase run-off water contaminating our well and infiltrating our home due to the wetlands surrounding, and on, the land that the Lodges at Storrs will be built on. Initial development plans have the Lodges at Storrs built extremely close to our property line on top of the incline leading to our septic system's leaching field. We have consistently maintained our septic system through regular pumping every two to three years and have documentation to support this maintenance. In addition, we fear that the amount of students housed in the Lodges at Storrs will greatly impact our safety, our privacy and our quality of life. Students have walked through our yard in an attempt to access Carriage House Apartments located on Hunting Lodge

Road. We have picked up beer bottles and trash that they left behind. We are worried that the increased noise and lights coming from the Lodges at Storrs will drastically impact our quality of life. We have listened to loud music coming from Carriage House Apartments for years and now from student occupied houses in our neighborhood. We have had to use emergency services several times because of our daughter's illness and do not like to bother the police with nuisance calls. Rather, we have worked with Matt Hart, our town manager. Matt has been very helpful in helping us to resolve issues with student housing on Meadowood Road. However, these issues change with every new academic year and new student renters.

Also, like many of the residents who choose to live in Mansfield, we are concerned about our environment. Blight is growing in our beautiful town with the destruction of our neighborhoods, over-development and increased traffic. Adding over six-hundred new commuters onto Hunting Lodge Road seems completely illogical and extremely dangerous. Families with young children and school busses travel that road numerous times a day.

The developers of the Lodges at Storrs were kind enough to meet with us at a neighbor's home last January to share and discuss their plans. Mr. Giorgio, Managing Director of Ponde Place, LLC assured us that he would be willing to compromise on several aspects of the development of the Lodges at Storrs.

We are hopeful that the developers with the help of The Mansfield Town Council will come to an environmentally and ethically responsible solution to the proposed Lodges at Storrs.

In conclusion, we are asking that our beloved town protect us from the destruction of our home and property and to do due diligence in securing that our quality of life is protected. We have been good citizens of Mansfield. Our daughter loves her home and would like to remain it. Mansfield has provided a safe environment for her since 1985. Why would we expect anything less?

We are asking for a written response from our Mansfield Town Council letting us know the guarantees you will give us in the event the Lodges at Storrs are permitted to proceed with development and as a result our water table rises causing damage to our home, causing our septic system to fail and contamination of our well. Who will be responsible for our damages and hardship? Who will provide a barrier between the Lodges at Storrs and our home to prevent students from trespassing onto our property? Who is responsible to pay for any damages incurred as a result of this development?

We invite and welcome our town council and any other entity involved in this issue to visit our home and property and learn first-hand of our fears. Please let us know if you are interested.

We look forward to your response. Please know how deeply grateful we are for your concern, your due diligence and your assurances.

Sincerely,

Brian and Kathy Usher  
44 Meadowood Road  
Storrs/Mansfield, CT 06268  
860-208-4892  
Kathy.Usher@yahoo.com

## **Linda M. Painter**

---

**From:** Linda M. Painter  
**Sent:** Wednesday, May 25, 2016 2:28 PM  
**To:** Kathy Usher; Paul M. Shapiro; Bonnie Ryan; DeniseKeane2009@gmail.com; Peter Kochenburger; Alexander Marcellino; Toni Moran; Virginia Raymond; Mark Sargent; Ben Shaiken; Jennifer S. Kaufman; PlanZoneDept; Matthew W. Hart  
**Cc:** Robert L. Miller; EHHD General Info  
**Subject:** RE: Proposed Lodges at Storrs - CONCERNS AND FEARS - RE: 44 MEADOWOOD ROAD  
**Attachments:** Pre-Application Review Procedure-Adopted.pdf; Lodges PreApp Materials.pdf

Hi Kathy—

Thank you for sending us your concerns regarding the proposed Lodges at Storrs project. Due to the scope of this project, there will be multiple opportunities for public comment prior to any decisions being made:

### **Inland Wetlands Agency (IWA)**

All development within 150 feet of a wetland or watercourse is required to obtain a permit from the Town's Inland Wetlands Agency. At this time, the developer has applied for a wetlands permit and a public hearing has been scheduled for Monday, June 6<sup>th</sup> at 6:30 p.m. in the Town Council Chambers. However, as the applicant is in the process of responding to comments provided by the Agency's consultant, staff is recommending that the hearing be continued to a special IWA meeting on June 20<sup>th</sup>. This means that the Agency would open the hearing on June 6<sup>th</sup> and immediately adjourn it to June 20<sup>th</sup> without any presentation or comments being taken on June 6<sup>th</sup>.

The hearing will start with a presentation from the applicant, after which the Agency will take comments from members of the public. You can also submit written comments for the Agency's consideration, either in advance or at the meeting itself. Any comments that are received by my office by the Wednesday prior to the meeting will be included in the Agency's packet; other comments will be distributed to them at the meeting. Because the focus of the application is with regard to potential impact on wetlands, comments should be focused on that issue. Written comments must be received by the Agency prior to the closure of the public hearing. Any comments received after the Agency closes the public hearing cannot be provided to or considered by the Agency.

Jennifer Kaufman is the Town's Inland Wetlands Agent; she can answer any questions you have regarding this aspect of the project as well as the public hearing process. She can be reached by phone at 860.429.3015 ext. 6204 or by email at [Kaufmanjs@mansfieldct.org](mailto:Kaufmanjs@mansfieldct.org).

### **Planning and Zoning Commission**

In addition to the wetlands permit, the subject site would need to be rezoned to allow for multi-family development. Any application for a multi-family zoning district must be accompanied by a special permit application for the proposed development. The special permit application will include detailed plans for the project as well as a traffic study. The Commission cannot rezone the property unless they also approve the special permit application for the specific development. Public hearings are required for both the rezoning and special permit applications; the Commission may choose to combine them into one hearing due to the related nature of the applications. The hearing process and opportunities for providing input are the same as for the Inland Wetlands Agency.

At this time, no applications for rezoning or special permit for the Lodges at Storrs project have been received by the Commission. However, the developer has submitted a request for a preapplication review with the Commission. The Commission has scheduled this discussion for Monday, June 6<sup>th</sup>. The PZC meeting starts immediately after the IWA meeting is completed. While no public comment is taken during a preapplication review, you are welcome to

attend. Commission meetings are also broadcast live on Charter Channel 191 and streamed via <http://townhallstreams.com/locations/mansfield-ct> if you want to watch and listen from the comfort of your home. I have attached a copy of the Commission's preapplication meeting policy as well as the preapplication materials we have received from the applicant.

If you have any questions regarding the rezoning/special permit process, please feel free to contact me either by phone (860.429.3330) or by email ([painterlm@mansfieldct.org](mailto:painterlm@mansfieldct.org)).

Linda

**Linda M. Painter, AICP**  
Director of Planning and Development  
Town of Mansfield

Telephone: 860.429.3330  
Fax: 860.429.6863  
Email: [painterlm@mansfieldct.org](mailto:painterlm@mansfieldct.org)

**From:** Kathy Usher [mailto:[kathy.usher@yahoo.com](mailto:kathy.usher@yahoo.com)]

**Sent:** Tuesday, May 24, 2016 4:45 PM

**To:** Paul M. Shapiro <[ShapiroPM@mansfieldct.org](mailto:ShapiroPM@mansfieldct.org)>; Bonnie Ryan <[bonbill@charter.net](mailto:bonbill@charter.net)>; DeniseKeane2009@gmail.com; Peter Kochenburger <[KochenburgerP@mansfieldct.org](mailto:KochenburgerP@mansfieldct.org)>; Alexander Marcellino <[marcellinoa@mansfieldct.org](mailto:marcellinoa@mansfieldct.org)>; Toni Moran <[morant@mansfieldct.org](mailto:morant@mansfieldct.org)>; Virginia Raymond <[v.raymond@outlook.com](mailto:v.raymond@outlook.com)>; Mark Sargent <[msargent920@gmail.com](mailto:msargent920@gmail.com)>; Ben Shaiken <[ShaikenB@mansfieldct.org](mailto:ShaikenB@mansfieldct.org)>; Jennifer S. Kaufman <[KaufmanJS@MANSFIELDCT.ORG](mailto:KaufmanJS@MANSFIELDCT.ORG)>; PlanZoneDept <[PlanZoneDept@MANSFIELDCT.ORG](mailto:PlanZoneDept@MANSFIELDCT.ORG)>; Matthew W. Hart <[Hartmw@MANSFIELDCT.ORG](mailto:Hartmw@MANSFIELDCT.ORG)>

**Cc:** Robert L. Miller <[MillerRL@ehhd.org](mailto:MillerRL@ehhd.org)>; EHHD General Info <[ehhd@ehhd.org](mailto:ehhd@ehhd.org)>

**Subject:** Proposed Lodges at Storrs - CONCERNS AND FEARS - RE: 44 MEADOWOOD ROAD



# TOWN OF MANSFIELD

DEPARTMENT OF PLANNING AND DEVELOPMENT

Date: May 26, 2016

To: Mansfield Inland Wetlands Agency

From: Jennifer Kaufman, Environmental Planner, Inland Wetlands Agent

Subject: Dog Lane (Assessor's Parcel ID 14.41.23, File #W1561)  
H. Raphaelson  
Description of Work: Lot Split  
Map Date: January 12, 2016, revised through March 16, 2016

## PROJECT OVERVIEW AND ANALYSIS

The applicant proposes to split a 15.84-acre parcel into two single family building lots served by on-site wells and septic systems. The proposed development will occur on approximately 2 acres of wooded uplands on the eastern edge of the parcel. The wetlands on the site are wooded and fed by two unnamed intermittent streams and a culverted tributary that crosses dog lane. The wetland drains to the northeast and eventually to the Fenton River. Per staff request, the applicant submitted a Wetlands Assessment and Impact Analysis Summary of Findings.

There are no activities proposed in the wetlands or watercourses on the site; however, the vast majority of the construction activities are proposed in the upland review area, with the closest activity being a footing drain, which is proposed to discharge 10 feet from the edge of wetlands. Per staff request, the applicant's engineer calculated the maximum discharge of this footing drain to be 1.0 gallon per minute. The footing drain will discharge groundwater and, at this rate, should provide no significant impacts to the wetlands.

*Septic System:* The primary septic systems fields for lots 1 and 2 are located approximately 66 feet and 94 feet from the edge of wetlands, respectively. The reserve septic system fields for lots 1 and 2 are located approximately 70 feet and 50 feet from the edge of wetlands, respectively. According to a March 14, 2016 memo from Eastern Highlands Health District (EHHD), both proposed lots meet the State of Connecticut Public Health Code requirements for on-site sewage disposal systems and private water supply for a four bedroom house. As shown on the March 16, 2016 plan, engineered systems will be required. When the homes are ready to be built the applicants will be required to submit a detailed design of the engineered septic system to EHHD for review and approval.

There has been concern expressed by the abutters and the Conservation Commission that there may be increased nitrogen loading as a result of the proposed septic systems. While it is not customary to require applicants to provide nitrogen loading calculations for a septic system for a single family

home, the applicant's engineer, Gerald Hardisty, performed two sets of nitrogen loading calculations. The first set of calculations was prepared only for lot 1 and is based on requirements for proposed development on Cape Cod as prescribed in Technical Bulletin 91-001, by the Cape Cod Commission, Water Resources office, April 1992. Using this model, the applicants estimate that there will be nitrogen loading of 7.26 mg/l from the septic system on lot 1. On April 26, 2016, the applicant's engineer submitted additional nitrogen loading calculations. While the source of these calculations were not indicated, upon further investigation I have determined that these are based on the Connecticut Department of Environmental Protection (CT DEEP), Water Compliance Unit, Seepage and Pollution Renovation Analysis for Land Treatment, Sewage Disposal Systems (1982), by Kent A. Healy, professor of Civil Engineering, UConn, and Randy May, Principal Sanitary Engineer, CT Department of Environmental Protection, Water Compliance Unit.

Sean Merrigan of the CT Department of Public Health (CT DPH) reviewed both sets of calculations provided by Mr. Hardisty. In regards to the Cape Cod Commission Method, Mr. Merrigan, states in his 4/20/2016 email to Jeff Polhemus of Eastern Highlands Health District that Mr. Hardisty appears to have satisfactorily addressed the Town's concerns regarding nitrogen loading and that his calculations in fact do take a conservative approach to calculating nitrogen loading for wastewater. Mr. Merrigan points out that that Mansfield's Inland Wetlands regulations do not prescribe a method of calculation or specific limits for nitrogen loading from septic systems as these systems are regulated by Eastern Highlands Health District and the CT Public Health Code. In regards to the CT DEEP methodology, Mr. Merrigan determined that there was a math error in the calculations but he provided calculations of his own and verified that the nitrogen load from the proposed development was in compliance with CT DEEP and DPH requirements.

While some members of the public contend that perhaps a more recent model should be used, a representative from the CT DPH states that these methodologies are acceptable and that based on the nitrogen loading calculations, nitrogen loading from the septic systems do not warrant concern. Further, the EHHD, the agency responsible for regulating septic systems for single family homes, have stated that their requirements have been met.

*Species of Concern*- Two CT State Listed Species of Special Concern are within the vicinity of the site: the Appalachian brook crayfish and the wood turtle. From both the CT DEEP's recommendation and the applicant's analysis, it appears that the construction activities can be managed so as not to adversely impact these species. While Section 10.6 the Regulations states that the "Agency shall not deny or condition an application for a regulated activity in an area outside the wetlands or watercourses on the basis of an impact or effect on aquatic, plant or animal life unless such activity will likely impact the physical characteristics of such wetlands or watercourses," I strongly recommend that all recommendations detailed in the March 28, 2016 CT DEEP memo from Dawn McKay to Edward Pelletier should be incorporated into the site plan.

*Long-term protection of the functions and values of the wetlands*-It is likely that the construction activities associated with the two building lots can be adequately managed. However, the long term impacts of having development so close to a wetland is more difficult to manage. As recommended in my April 14 memo, to ensure that a permanent buffer to protect the wetlands is maintained, the applicants should strongly consider placing a conservation easement that creates at least a 40 feet buffer from the edge of the wetlands on the site. The purpose of this easement would be to restrict future development close to the edge of the wetlands, application of fertilizers and pesticides, and the cutting of vegetation. Buffering the wetland from nutrient loading and erosion sedimentation that could result from these activities will ensure the long-term protection of the resource. There is a footing drain located 10 feet from the edge of wetlands on lot 2. The conservation easement could permit the construction and maintenance of this footing drain. While the IWA does not have authority to condition an approval of a license based on deeding a conservation easement, long-term enforcement of a naturalized buffer will be difficult without such a permanent deed restriction.

*Boundary Plan and Site Development Plan Clarifications*-The plans should be corrected so that the construction details are clarified and the inconsistencies are removed. These have been addressed in the draft approval motion below.

*Stormwater Management*-To ensure that there will be no significant impact to the wetlands resulting from the increase in impervious surface I requested that Derek Dilaj, Mansfield's Assistant Town Engineer review the calculation provided by Mr. Hardisty for consistency with generally accepted engineering practices. The proposed project is identified to discharge by sheet flow to a wetland to the north east. This wetland eventually discharges below Farrell Road. Mr. Hardisty is considering a whole watershed based analysis. The project is located at the base of a 163 acre watershed. Mr. Hardisty's calculations indicate a negligible impact from the proposed development to the peak flow from the watershed.

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## NOTIFICATIONS

- The applicant has submitted certified mail receipts for notices mailed to abutters.

## RECOMMENDATION/SUGGESTED MOTIONS

After extensive review of this application, and provided the conditions are met in the below draft motion, it is my opinion that the application meets the requirements of Mansfield's Inland Wetland and Watercourses Regulations. If the Agency is in agreement with my assessment, the following motion is in order:

## DRAFT APPROVAL MOTION

\_\_\_\_\_ MOVE to grant an Inland Wetlands License pursuant to the Inland Wetlands and Watercourses Regulations of the Town of Mansfield to Howard Raphaelson (File W1561) for a lot split on property owned by the applicants and located at Dog Lane (Assessor's Parcel ID 14.41.23) as shown on plans dated January 12, 2016, revised through March 16, 2016 and as described in application submissions.

In granting this license, the Agency has considered the relevant facts and circumstances as presented at public hearing and in light of the requirements and criteria set out in Section 10.2 and 10.3 of Mansfield's Inland Wetlands and Watercourses Regulations, makes a specific finding that the proposed activities will have no anticipated significant adverse impact on the wetlands or watercourses.

This action is conditioned on the following provision being met:

1. Appropriate erosion and sedimentation controls shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized.
2. The following revisions shall be made to the plans dated February 10, 2016, revised through March 16, 2016 and submitted to the Inland Wetlands Agent. The Plans shall be signed and sealed by both the Surveyor and Soil Scientist and recorded on the land records as part of the lot split:
  - a. Note 3 on the Boundary Plan shall be removed.
  - b. Site Development Plan:
    - i. To sustain the long-term functions and values of the wetland system, restrict future development close to the edge of the wetlands, application of fertilizers and pesticides, and the cutting of vegetation, a natural buffer of at least 40 feet from the edge of wetlands shall be maintained. There is a footing drain proposed to be located 10 feet from the edge of wetlands on lot 2. The buffer shall permit only construction and maintenance of this footing drain.
    - ii. A construction sequence, approved by the Mansfield Assistant Town Engineer, shall be added.
    - iii. House Site Development:
      1. Note 1 shall read "Land disturbance shall be kept to a minimum and shall not exceed the Limit of Disturbance indicated on the plan."
      2. The plan shall be revised so that the limit of disturbance is inside the edge of silt fence.
      3. Note 2 shall read "Driveway shoulders shall be stabilized immediately upon completion of rough grading. Shoulder seed bed preparation shall be used to entrap any sediment generated from exposed soil surfaces. Driveway roadbeds shall be stabilized with compacted road aggregates as soon as possible."

4. Note 3 shall read: "Topsoil and excavated subsoil from excavated subsoil shall be stockpiled at least 50 feet from the edge of wetlands and within the limit of disturbance indicated on this plan if not used immediately for regrading. Each stockpile shall be ringed with sediment control measures such as hay bales and/or silt fence".
  5. Note 4 shall read "Any additional stockpiling of lumber and building materials shall be confined to the area of disturbance. Vehicular movement shall be directed to established parking areas."
  6. Note 5 shall read: "Once the proposed structure is enclosed, all site improvements, such as well, footing drain, septic system, driveway, etc. shall be completed expeditiously and all exposed soil areas shall be fine graded and mulched."
  7. Add an additional note that states "Development of the of sewage disposal leaching areas shall be staged to follow house site preparation. Only the primary leaching system shall be cleared of existing vegetation in coordination with the approved septic system shall remain undisturbed if site conditions permit.
- iv. General Notes
1. Should "stilling basins" be required to manage the dewatering of excavated areas, the design shall be submitted to the Inland Wetland Agent for review and approval by the Assistant Town Engineer. Construction of such stilling basins shall not begin until written authorization from the Inland Wetland Agent is received by the property owner.
  2. Note C.-Change should in the second to last line to shall.
- v. Plan implementation
1. First paragraph shall read "During construction it shall be the responsibility of Howard Raphaelson (860-429-1340) or the current owner of record..."
  2. Add the following note: Prior to the start of construction, there shall be a pre-construction meeting with the Mansfield Inland Wetlands Agent, Zoning Enforcement Officer, the site contractor to review the construction plan and develop inspection procedures and reporting requirements.
- vi. Notes:
1. Revise note 5 to read "no brush or stumps may be buried on the site."
  2. Revise note 8 to read "Any regulated activity within the upland review area of this site that are specified on the plans approved by the Inland Wetlands Agency shall be reviewed with the Mansfield Inland Wetland Agent to determine if it is necessary to go before the Inland Wetlands Agency"
  3. Remove Note 12
  4. Note 15 remove "pursuant to section 6.5.j.3 of the Mansfield Subdivision Regulations."

This approval is valid for five years (until June 6, 2021) 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.

## DRAFT DENIAL MOTION

If the Agency does not agree with my recommendation, the following motion would be in order:

\_\_\_\_\_ MOVE to deny an Inland Wetlands License pursuant to the Inland Wetlands and Watercourses Regulations of the Town of Mansfield to Howard Raphaelson (File W1561) for a lot split on property owned by the applicants and located at Dog Lane (Assessor's Parcel ID 14.41.23) as shown on plans dated January 12, 2016, revised through March 16, 2016 and as described in application submissions.

This action is based on a finding that

1. The applicant has not provided sufficient information to allow the Agency to determine that the proposed activities will not have a significant adverse impact on the wetlands or watercourses;  
and
2. There are feasible and prudent alternatives to the proposed activity, which have less adverse impact on the wetlands and watercourses, such as limiting the development to one single family home.

This finding is consistent with the Criteria for Decision outlined in Section 10.2 of the Mansfield Inland Wetlands and Watercourses Regulations; the purposes and policies of the Regulations; and Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes as required by Section 10.7 of the Regulations.

Thank you for the opportunity to speak to you tonight about the environmental impact of the proposed two home development on Dog Lane.

At meetings of the Conservation Commission I and other abutters have raised issues about the impact of this development on the wetlands. When we first raised the issue of nitrogen loading from two septic systems, the Civil Engineering Services LLC was hired to assess that loading. In their March 30 letter to Jennifer Kaufman they gave an estimate of nitrogen loading based on the assumptions in a 25 year old technical bulletin.

It seems inappropriate to me to use an environmental model from 1992, given that environmental science has progressed immensely in 25 years. We shouldn't be happy with the outdated assumptions and simplistic modeling with few variables which are buried in this technical bulletin. At the Conservation Commission meeting on April 20th, the Civil Engineering Services spokesperson said that the request from the Commission for an estimate of nitrogen loading had sent him, and I quote, "scrambling for a model."

I scrambled further and found more recent and more sophisticated models such as the Landscape Modeling Framework or LMF developed at the University of Vermont. At the University of Vermont they have a Library of Hydro-Ecological Modules, software that provides a flexibility in assumptions about hydrologic processes and various components of the ecosystem being examined. A study published in 2010 in the peer-reviewed *Journal of Environmental Engineering* (M.Geza et al. 2010. Watershed-Scale Impacts of Nitrogen from On-Site Wastewater Systems: Parameter Sensitivity and Model Calibration) provides a detailed analysis and implementation of another model —the widely used WARMF model (Watershed Analysis Risk Management Framework) for assessing the effects of septic systems on watersheds.

An even more recent 2013 peer-reviewed publication appeared in *Computers & Geosciences*. Titled by Rios et al. 2013 "ArcNLET: A GIS-based software to simulate groundwater nitrate load from septic systems to surface water bodies" the article provides another relevant, state-of-the-art modeling framework for assessing the effects of septic system loadings on surface waters. These are just a few publications that I was able to quickly find.

Common and simplistic assumptions don't work with the Raphaelson property, as it is a bit unusual. The land is incredibly wet with a water table only 19 inches down, necessitating an above-ground septic system. In addition, there is a major water flow through the Raphaelson land, both from up the hill and from across the street (there is even a pipe directing some of the water from the other side of Dog Lane under the road and onto to Raphaelson property). It seems reasonable to assume that this flow of water could alter typical calculations of the threat and reach of the outflow from the above ground septic systems to the nearby wetlands. The 1992 model used takes none of this into account. That's a problem.

A further issue. The impact of septic systems on wetlands does not come just from nitrogen. A recent article by Professor Thorson, who is in UConn's Department of Ecology and Environmental Biology, reports on a new septic system threat: the release of Estrogenic Endocrine-Disrupting Chemicals, or EEDCs. They cause biological havoc including feminizing fish. Professor Thorson talks about the EEDCs that come from household use of birth control pills and menopause medications, and discusses how they pass readily through septic systems and with little impediment into streams. Given that there are likely to be women in these homes, it becomes an issue to consider.

Next, let's turn to the State Energy and Environmental Protection report. Dawn McKay's report mentions the "known populations" of wood turtles and crayfish in this area.

REMA, the firm Raphaelson paid to produce a report, examined part of the Raphaelson lot and found no evidence of crayfish or turtles in the partial area examined on two visits in February and March. Further, the REMA report claims that based on the "Principle of Energy Conservation" no turtle would walk the 2000 feet to the Raphaelson site from the Fenton River (which is apparently the closest site REMA thinks one would find turtles).

Perhaps better titled the "lazy turtle defense," I am first not convinced that it says turtles won't walk 2000 feet because a recent article titled the Movements and Behavior of Hatchling Wood Turtles (*Glyptemys insculpta*) published in the *Northeast Naturalist* says that ". . . Females traveled up to 1.6 km (5249 feet) to nest and males patrolled as much as 1.2 km (3937 feet) of the stream."

I am second not convinced that the “lazy turtle defense” applies in this situation because I am not convinced the turtles have to walk 2000 feet from the Fenton. Why do I say this?

A bit of background: on our property is the old Steinmeyer farm pond which is fed by the wetlands abutting the Raphaelson property. A century-plus ago the Steinmeyers built a dam to keep the farm pond water level higher for longer in the season. Each summer my husband clears out branches and twigs that have been caught on the dam. In so doing he has regularly seen crayfish and turtles. He doesn't know if they are wood turtles or not, but they fit the rough description. So I think there is a strong possibility that wood turtles and crayfish are close enough to be an issue with this build.

And speaking of the crayfish, a 2010 publication provides strong support for Dawn McKay's conclusion of known populations of crayfish. The article states that "Habitats preferred by *Cambarus bartonii* include headwater streams and seeps" which is exactly what one finds on this property only part of which was surveyed. Further, according to a CT DEEP publication, this crayfish species is not well studied in CT and is hard to find and sample: ([http://www.ct.gov/deep/lib/deep/water/water\\_quality\\_management/monitoringpubs/2011\\_crayfishdist.pdf](http://www.ct.gov/deep/lib/deep/water/water_quality_management/monitoringpubs/2011_crayfishdist.pdf) ). Also this species may consist of several subspecies and the DEEP publication also mentions that other subspecies are hard to find or sample: "...*C. b. cavatus* often burrows in seepage wetlands and hardpan banks associated with small streams..." all indicating that a short survey will likely not turn up the presence of this species at a particular site.

My conclusion is that the Dawn McKay's State Energy and Environment Protection report of “known populations” of wood turtles and crayfish can't be dismissed easily.

That said, I hope we can assume that all of the Dawn McKay State Energy and Environmental Protection report's “recommended protection strategies” will be conditions of this build and that there will be required reporting of activities by the builder, and designation of someone who will monitor and enforce the compliance.

I teach the Sociology of Health at UConn and am currently writing a book which includes a chapter on Environmental Health. An increasingly popular principle which stewards of the environment are using is the Precautionary Principle. Despite Rachel Carson's and Edwin Teale's leadership in the 1960s, America has done a poor job of protecting our environment.

The Precautionary Principle was developed at a conference of scientists, scholars, and activists from the US, Canada and Europe. The Precautionary Principle says that if an action or policy has a suspected risk of causing harm to the public, or to the environment, the burden of proof that it is *not* harmful falls on those taking an action that may or may not be a risk. The basic idea is to move away from the typical "innocent until proven guilty" assumption of environmental decisions, and to a more cautious approach that requires firm evidence of little to no harm before actions are allowed which seem to have the potential for harm.

The *New York Times* listed the principle as one of the most influential ideas of the year in 2001. In 2003 the Board of Supervisors of the City and County of San Francisco became the first government body in the United States to make the precautionary principle the basis for all its environmental policy.

I do wish that Mansfield would get on board and be a strong protector of the environment by using the precautionary principle. Development near our wetlands in Mansfield should be done with extreme caution. I think approving the plan before you by accepting a simplistic and 25 year old model on septic system impact and by ignoring the state's assessment of species of concern is not a good precedent for protecting the environment.

Loughman & Welsh. "Distribution and Conservation Standing of West Virginia Crayfishes." *Southeastern Naturalist*

M.Geza et al. 2010. "Watershed-Scale Impacts of Nitrogen from On-Site Wastewater Systems: Parameter Sensitivity and Model Calibration" *Journal of Environmental Engineering*

Rios et al. 2013 entitled "ArcNLET: A GIS-based software to simulate groundwater nitrate load from septic systems to surface water bodies" *Computers & Geosciences*

Steen et al. 2012. Terrestrial habitat requirements of nesting freshwater turtles. *Biological Conservation*

[http://www.ct.gov/deep/lib/deep/water/water quality management/monitoringpubs/2011\\_crayfishdist.pdf](http://www.ct.gov/deep/lib/deep/water/water_quality_management/monitoringpubs/2011_crayfishdist.pdf) )

Movements and Behavior of Hatchling Wood Turtles (*Glyptemys insculpta*)  
*Northeast Naturalist* 2005

Submitted by  
Kathryn Ratcliff  
@ Public Hearing on 5/2/16

I would like to share with you my concerns and questions about this application, W1561.

First, I have some concerns regarding the nitrogen-loading calculations. These were done by Civil Engineering Services, LLC and are dated 3/28/16, and I believe are included with a letter that Jennifer Kaufman dated March 30, 2016. to

In the letter, it is stated that the result of 7.26 ppm is "an acceptable level..." For me, that brings up two questions: 1. What is it "acceptable" for? My understanding is that it pertains only to drinking water, not to assessing potential impacts to wetlands and their ecosystems. 2. What is the limit of this measurement, and how close is 7.26 ppm to being unacceptable?

The March 30 letter from Civil Engineering Services, LLC also states that calculations are based on a 1992 technical bulletin regarding development on Cape Cod. As I understand the bulletin, there is concern for levels over 5ppm, and even for 3ppm in certain site types. Again, calculations are determining the quality – or safety – of water for drinking purposes; they are not specifically addressing the impacts – or potential impacts – of nitrogen on wetlands or their ecosystems. If this is the case, then how are the calculations relevant to supporting or denying an application here? I feel that, while it's important information and certainly connected to wetland conservation and management, the quality of our drinking water is a separate issue and I hope that you do not give the calculations much weight in your evaluation.

Also, I want to point out that only calculations for Lot 1 have been provided. I don't know if there is an intentional reason for this and have not been able to think of one, as it seems that understanding the nitrogen-loading potential from the individual lots and in total is fundamental to IWA's review. When I noticed the missing calculations earlier today, I did them for Lot 2, using the same approach as Civil Engineering Services, LLC used on Lot 1 (for your review, they are at the end of these comments). I believe I was fair in estimating the variables, and I want to bring your attention to my estimate for Lot 2's "natural area" because I believe how this lot is interpreted is critical. From the Lot 1 calculations, I think that natural area is the lot size minus the impervious surface. However, I believe that is an unreasonable approach for Lot 2, with the overwhelming majority of the property located far removed from the area of disturbance. In light of that, I only used the area between the wetland, Dog Lane, and the abutter to the west. This results in a 1.2-acre site for a 4-bedroom house, with a disturbance area of 0.7 acres). Nitrogen-loading ends up being 15.6 ppm, which I assume is beyond limits set by CT DPH or DEEP. While I cannot say that this result is accurate, I don't believe it is a distortion of what are likely to be the impacts of squeezing 2 houses and engineered septic systems into this property. I ask that you delay any decision on this application until Civil Engineering Services, LLC provides these calculations for Lot 2.

With respect to species of special concern, I'd like to provide a copy of DEEP's letter to Mr. Pelletier and related information as part of the record, unless these materials are already in the record. When you have the opportunity to discuss this application, I ask that you critically evaluate the site visit conducted by REMA. As someone who is not a specialist in these areas, I'm concerned that only two visits were made to the applicant's site, and that they took place in mid-winter and the second in late-winter. In the past, I have conducted numerous fieldwork and site visits in similar environments. In my experience, given the size of the site, extent of wetlands, and difficulty accessing large areas due to

Japanese barberry overgrowth, for me it would be extremely difficult to feel like I adequately investigated this property in just 2 visits.

Additionally, looking carefully at the Boundary Plan and the Site Development Plan, both revised March 16, 2016, raise some questions and concerns. They are as follows.

1. The prepared drawing for the Site Development Plan:
  - a. shows no grading at the septic systems. It was my understanding that both are engineered systems and will need considerable fill and grading to be constructed.
  - b. does not show or otherwise explain if the house will be on slab or over basements. The difference and its impact on the wetland ...?
  - c. shows the "Land Disturbance" (LD) line crossing over the silt fence lie on both Lots 1 and 2. This must be a mistake, as it seems to imply that site work is being done without the required protections to wetlands and watercourses.
  - d. does not show the extent of the Upland Review Area.
  
2. In the text on the margins of the Site Development Plan:
  - a. In "House Site Development,"
    - i. #1 says that "...limits of disturbance shall be determined in the field." It also states that said "...limits of 25-35 feet...is recommended." Aren't the permitted limits pre-determined and not recommended but required?
    - ii. #2 says "...driveway shoulders should be stabilized..." I believe this needs to be changed to "shall."
  - b. In Notes,"
    - i. #2 states the lots may change the location of garages and/or have geothermal. I assume that such changes to the approved plan will require a new application to IWA.
    - ii. #5 states that stump disposal is on-site, yet no site is identified. This has the potential to be a significant impact as nearly the entire construction area falls within the Upland Review Area. I ask that you have the applicant detail their plan for stump disposal, and if necessary, specify the exact site and size of stump burial location. In addition, this note states disposal is in accordance with DEEP, yet there is no reference to DEEP guideline, bulletin, etc.
    - iii. #7 and #8 use the terms "building envelope" and "depicted building envelope." This is confusing, because no such envelope is present in the drawing, and my understanding is that this plan is not a conceptual but an actual site plan.
    - iv. #12 refers to PZC. This application is to IWA and not PZC, nor will it be submitted to PZC at any time.
    - v. No schedule of sequence of construction is provided.
  - c. In "General Notes," comments about de-watering excavations do not specify the size(s) or location(s) of the "stilling basin." This is particularly important to protect flushing sediments into wetlands and watercourses, which is a primary goal inland-wetland commission in CT.

I feel it is important to note that there seems to be no detailed narrative or reference to guidelines for erosion and sedimentation control. While the measures are mentioned in the Notes in the Site Development Plan, these comments are abbreviated. Many towns in CT reference DEEP's 2002 Erosion and Sediment Control Guidelines in their regulations and expect developers to adopt and implement them. I was unable to find a reference to them in Mansfield's regulations and assume that we do not use this approach. If that is the case, I ask that you require the applicant to correct inconsistencies (eg, LD line crossing the silt fence line) and provide a more detailed and comprehensive explanation of erosion and sedimentation control measures.

In the Boundary Plan, no wetland delineation is shown on Lot 2 north or NE of the Lot 1. It is not known if these areas not delineated or are uplands. This raises a concern about the fate of Lot 2, if the project is permitted to move forward. I ask that IWA require a note be included on the deed of Lot 2 that expressly states that the remainder of the property contains wetlands which are subject to the jurisdiction to Mansfield's IWA. I also ask that the approved plan be included in the land records. All of this is to ensure that future owners and their contractors are clearly informed to the limits of further dividing and developing Lot 2.

Given the many serious concerns raised here regarding the report on nitrogen- loading calculations, the report on species of special concerns, the Site Development and Boundary Plans, and the need for erosion and sedimentation control plan, I feel that the application and plans are incomplete and lack valuable information that your Agency generally requires for making such evaluations. I ask that you do not issue a permit for this application until these inconsistencies and missing elements are addressed in full and satisfy the IWA.

Last, I had assumed that IWA would not entertain this application until PZC had discussed its pending item on this project pertaining to the interpretation of frontage. Although the issues distinct, they are certainly related in my view. Our town's interpretation of frontages does impact the wetlands, since the application in its present form could not have been submitted if the lot designs were not permitted. For that separate reason, I ask that IWA does not make any decisions on this application until PZC has had ample time to discuss and respond to this issue of frontage interpretation.

Thank you,  
Michael Soares  
99 Dog Lane  
Mansfield, CT

May 2, 2016

Mansfield Inland Wetlands Agency  
Town of Mansfield  
Four South Eagleville Road  
Storrs, CT 06268

Agency Members:

Subject: Parcel ID 14.41.23; File W1561 – H. Raphaelson, Dog Lane, Lot Split

Because I have lived in my home at the junction of Holly Drive and Bundy and Dog Lanes since 1980, I have observations and concerns about the proposal to build two homes on Dog Lane, adjacent to the wetlands on this site.

1. In addition to the engineering services' reports, during heavy rainstorms, I have watched this area flood; in fact, water levels have risen over the banks of the stream/tributary to flood the road.
2. This undeveloped area has become the natural home to an increased amount of wildlife (deer, foxes, birds, etc.), concentrated into this location after having lost their habitat in the woodlands throughout the upper Dog Lane area -- because of development.
3. During the growth of the Dog Lane development, I noticed that our well water was becoming filled with particulate matter; it clogged my washing machine and faucets. A couple of years ago I had a filter installed, and our water continues to be filtered. Other neighbors have had similar experiences. I know this is anecdotal, but after nearly 30 years of living in an area with no need for a filter, it is reasonable to deduce that our water supply has been spoiled by this extensive construction project. Before building began on Storrs Downtown, the town did not do a water-quality study of properties in the vicinity of the university's vast development, so I have no scientific before-and-after proof – just the fact that for nearly 30 years, I did not need to filter my water. My concern is that another project will further disturb the water table, and altering the environment with additional runoff and septic issues may further impact our water quality.
4. Since development of the upper Dog Lane area, traffic on Bundy Lane -- turning onto Dog Lane – has increased dramatically. At the stoplight at Route 195 and North Eagleville Road, one can watch a solid line of cars as far as one can see. To avoid the stop lights and slow movement, drivers more than ever use Bundy Lane. More homes on Dog Lane will increase the stream of traffic on a pretty, windy road that was never meant to handle steady car traffic. Recall that initial plans were that traffic on Dog Lane would travel one-way to limit the incentive of people to use it as a short-cut.

Although engineers have worked to address wetlands-related issues, unless these homes can be built on stilts and limit car ownership to none or one per household, I have reservations about this project.

Sincerely,



Martha Kelly  
29 Bundy Lane  
Storrs, CT 06268

Note: I am speaking as a private citizen, not as a member of Mansfield's preK-8 Board of Education and its committees.  
MK



# TOWN OF MANSFIELD

DEPARTMENT OF PLANNING AND DEVELOPMENT

Date:

To: Mansfield Inland Wetlands Agency

From: Jennifer Kaufman, Inland Wetlands Agent

Subject: 91 & 93 Meadowbrook Lane (File W1562)

Uniglobe Investments, LLC

Description of Work: Construction of 36 Dwelling Units

Map Date: January 8, 2016, revise through May 16, 2016

## PROJECT OVERVIEW AND ANALYSIS

The applicants propose to develop 36 dwelling units on a 4.6-acre parcel immediately west of the Whispering Glen multi-family complex on the south side of Meadowbrook Lane. There is an unnamed, intermittent brook with a few adjacent small areas of wetland soils on the far west side of the parcel. The intermittent watercourse drains to Conantville Brook, approximately 250 feet east of the site. The area of development consists of flat upland area consisting of well, drained soils. There is no work proposed within the wetlands, however, the applicants have proposed to install two stormwater basins: one located on the northwestern portion of the site, approximately 15 feet from the edge of wetlands and one on the southwestern portion of the site approximately 45 feet from the edge of wetlands. I agree with the BSC report, which states that moving that the stormwater basins further away from wetlands would provide more protection of the wetland resources during construction and over the long term. However, as long as the design meets stormwater management requirements and sedimentation and erosion controls are carefully monitored during the construction activity, in my opinion, there will not be significant impact to wetlands. I have discussed this with the wetland ecologist at BSC and she concurs with this opinion.

In my April 27, 2016 memo, I recommended the addition of a conservation easement along the steep slopes in the southern portion of the property to offer long term protection of the wetland resources. On the plans revised through May 16, 2016, the applicants show a conservation easement in the recommended area and a vegetative buffer at the top of the slope at the south of the parking area. In addition, sheet 6 of 11 offers a clear construction sequence and detailed erosion control measures. The revised plans have been reviewed by the Agency's independent consultant and they are comfortable that the project, as proposed, will not have a significant impact on the wetlands or watercourses and comply with the Regulations.

Finally, wood turtles, which are a species of concern have been identified on the site. As recommended in my April 27, 2016 memo and by BSC, the plans have been revised to require the recommended strategies for protection of wood turtles.

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## NOTIFICATIONS

- The applicant has submitted certified mail receipts for notices mailed to abutters.

## RECOMMENDATION/SUGGESTED MOTION

\_\_\_\_\_ MOVE to grant an Inland Wetlands License pursuant to the Inland Wetlands and Watercourses Regulations of the Town of Mansfield to Uniglobe Investments, LLC (File W1562) for construction of 36 dwelling units on property owned by the applicants and located at 91 & 93 Meadowbrook Lane as shown on plans dated January 8, 2016, revised through May 16, 2016 and as described in application submissions.

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

1. Appropriate erosion and sedimentation controls shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized; and
2. Under special requirements section on page 6 of 11 of the plans, the applicants shall change the note to "Construction activities between April 1<sup>st</sup> and September 30<sup>th</sup> shall follow the recommended strategies to protect wood turtles."

This approval is valid for five years (until June 6, 2016) unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Inland 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.



# TOWN OF MANSFIELD

DEPARTMENT OF PLANNING AND DEVELOPMENT

Date: May 31, 2016  
To: Mansfield Inland Wetlands Agency  
From: Jennifer Kaufman, Inland Wetlands Agent  
Subject: 7 Storrs Road (File W1566)  
Groundwater and Environmental Services, Inc./Magic Holdings, LLC.  
Removal of Petroleum Impacted Soil  
Map Date: 4/18/2016

## PROJECT OVERVIEW AND ANALYSIS

The applicants propose to conduct a remedial soil excavation of approximately 75 tons of existing soil impacted by a petroleum release. At its closest point, the excavation will occur approximately 25 feet from the edge of wetlands. No activity will occur within the wetlands. Excavated material will be immediately removed from the site the day of excavation or covered with polyethylene sheeting until it can be removed and disposed of at a licensed disposal facility. Clean fill will be backfilled into the excavated area to match the existing grade. Prior to the excavation, the applicant will install silt fence between the work area and the wetland to prevent runoff and sediment migration. The area of activity is fairly flat and the area of activity is within a previously disturbed area.

It is my opinion that the activity, as proposed, will have no significant impact on wetlands.

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## NOTIFICATIONS

The applicant has submitted certified mail receipts for notices mailed to abutters.

## RECOMMENDATION/SUGGESTED MOTION

\_\_\_\_\_ MOVE to grant an Inland Wetlands License pursuant to the Inland Wetlands and Watercourses Regulations of the Town of Mansfield to Groundwater and Environmental Services, Inc. (File W1566) for removal of petroleum impacted soil on property owned by the Magic Holdings, LLC.

and located at 7 Storrs Road as shown on plans dated 4/18/2016 and as described in application submissions.

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

1. Appropriate erosion and sedimentation controls shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized.

This approval is valid for five years (until June 6, 2016) unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Inland 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.



# TOWN OF MANSFIELD

DEPARTMENT OF PLANNING AND DEVELOPMENT

Date: May 31, 2016

To: Mansfield Inland Wetlands Agency

From: Jennifer Kaufman, Inland Wetlands Agent

Subject: 166 Moulton Road (File W1667)  
R. Henning  
Description of Work: installation of waterwheel  
Map Date: 1/12/2015

## PROJECT OVERVIEW AND ANALYSIS

To generate electricity to heat a home workshop located on the property, the applicant proposes to install a six foot diameter, freestanding water wheel in Mason Brook. The waterwheel will be installed just below the remnants of a 3-foot high dam made out of rocks that is believed to have once been associated with a blacksmith shop on the property. The old dam is approximately 150 feet east of and downstream where Moulton Road crosses Mason Brook. Mason Brook is in the Fenton River Watershed.

Water from just above the old dam will be diverted through a 12 inch diameter feeder pipe to about 20 feet below the old dam where the waterwheel would be located on an existing flat portion of the stream bed. To prevent the structure from tipping over during high water events, the waterwheel will be placed on a 13x 21 inch flat base, with two 3 foot stabilizing arms bolted to the base and parallel to the stream. Power output by a low voltage DC generator will be used to help heat a woodworking shop located nearby, and to power a light mounted on the water wheel.

Rocks within the watercourse would be repositioned at the top of the dam, over an area of about 2 square yards to help promote water flow into the feeder pipe. Rocks along the stream bank would need to be positioned for the course of the feeder pipe. Aside from the displacement of a few rocks, no material will be excavated from the watercourse. The only item to be deposited in the wetland is the waterwheel itself.

As designed, there will be minimal disturbance of the watercourse or the stream bank and therefore, in my opinion, there will be no significant impact to the wetlands or watercourse.

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## NOTIFICATIONS

- The applicant has submitted certified mail receipts for notices mailed to abutters.

## RECOMMENDATION/SUGGESTED MOTION

\_\_\_\_\_ MOVE to grant an Inland Wetlands License pursuant to the Inland Wetlands and Watercourses Regulations of the Town of Mansfield to R. Henning (File W1567) for the installation of a water wheel on property owned by the applicants and located at 166 Moulton Road as shown on plans dated 1/15/2015 and as described in application submissions.

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

1. Appropriate erosion and sedimentation controls shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized;

This approval is valid for five years (until June 6, 2016) 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.



# TOWN OF MANSFIELD

DEPARTMENT OF PLANNING AND DEVELOPMENT

Date: June 2, 2016  
To: Mansfield Inland Wetlands Agency  
From: Jennifer Kaufman, Inland Wetlands Agent  
Subject: 131 Gurleyville Road (File W1568)  
R. Susca  
Description of Work: Construction of a 10 by 16-foot shed  
Map Date: 4/21/2016

## PROJECT OVERVIEW

The applicant proposes to add a 10 by 16 foot shed to the rear of an existing garage, approximately 60 feet from the edge of wetlands. The shed will be supported by 5 concrete piers. As part of this work, the applicant will bury two existing rainwater discharges from the garage. Approximately 27 cubic feet material will be excavated and backfilled in to the area of the concrete footings.

- The project includes work in wetlands.
- The project includes work in the 150 foot upland review area.
- The project is located in a Public Water Supply watershed.

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## APPLICATION FEES AND NOTIFICATIONS

- The applicant has paid the required application fee.
- The applicant has submitted copies of the notice mailed to neighbors and a list of abutters to be notified. Certified mail receipts must be submitted prior to action on the application.
- The applicant has submitted copies of notices provided to the Connecticut DPH and Windham Water Works. Certified mail receipts must be submitted prior to action on the application.

## RECEIPT MOTION

\_\_\_\_\_ MOVE to receive the application submitted by R. Susca (IWA File 1568) under the Wetlands and Watercourses Regulations of the Town of Mansfield for the construction of a 10 by 16 foot shed on property located at 131 Gurleyville Road as shown on a map dated 4/21/2016 and as described in application submissions, and to refer said application to staff and the Conservation Commission for review and comments.

APPLICATION FOR PERMIT  
MANSFIELD INLAND WETLANDS AGENCY  
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268  
860-429-3015x6204 (DIRECT) TEL: 860-429-3330 OR  
FAX: 860-429-6863

FOR OFFICE USE ONLY

File # W1568  
W           
Fee Paid \$185.00  
Official Date of Receipt 5/27/16

Applicants are referred to the Mansfield Inland Wetlands and Watercourses Regulations for complete requirements, and are obligated to follow them. For assistance, please contact the 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 RICHARD SUSCA

Mailing Address 131 GURLEYVILLE RD

MANSFIELD CT Zip 06268

Phone 860-212-7810 Email rsusca@snet.net

**Title and Brief Description of Project**

ADDITION OF A WOOD FRAME SHED (10'X16') TO THE REAR OF AN EXISTING GARAGE. SHED TO BE SUPPORTED ON 5 CONCRETE PIERS. BURY 2 EXISTING RAINWATER DISCHARGES

Location of Project 131 GURLEYVILLE RD MANSFIELD

Intended Start Date JULY 1, 2016

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

Name SAME

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

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

Phone \_\_\_\_\_ Email \_\_\_\_\_

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

Signature Richard Susca date 5/26/2016

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)

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

a) **in** the wetland/watercourse NONE

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

1) ADDITION OF A 10x16' WOOD FRAME SHED TO THE REAR OF AN EXISTING GARAGE. DIG 5 HOLES (18"  $\phi$ ) FOR 5-12"  $\phi$  CONCRETE PIERS. MODIFY + BURY 2 EXISTING 4"  $\phi$  PVC RAINWATER LINES THAT CURRENTLY EMPTY IN THE SUBJECT LOCATION. WORK WILL BE 65' FROM AREA IDENTIFIED AS WETLANDS. - LAND SLOPES TO THE WETLANDS.

a) NO ACTIVITY

b) DIG 5 - 18"  $\phi$  x 36" DEEP HOLES FOR 5-12"  $\phi$  CONCRETE PIERS. LEAVE EXCAVATED SOIL AS FILL IN THE WORK AREA - HAND DIGGING.

2) Describe the amount or area of disturbance (in square feet or cubic yards or acres):

a) **in** the wetland/watercourse - NONE

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

a) NONE

b) 20x12 = 240 SF FOR 160 SF FOOTPRINT SHED

3) Describe the type of materials you are using for the project: CONCRETE PIERS (50P) 12"  $\phi$ . REPLACE + BURY 2 - 4" PVC RAINWATER DISCHARGES (EXISTING) WITH SAME MATERIAL.

a) include **type** of material used as fill or to be excavated TOPSOIL, SAND + GRAVEL FILL

b) include **volume** of material to be filled or excavated 27 CF

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 ANTICIPATE OPEN PIER HOLES FOR 1 WEEK. DURING THAT TIME THE EXCAVATED SOIL + FILL WILL BE COVERED WITH A TARP.

**Part D - Site Description**

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

GARAGE IS LEVEL. . . . . AT THE REAR OF THE GARAGE SLOPES IN TWO DIRECTION, TO THE NORTH AND TO THE EAST - GOOD DRAINAGE

**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.

STAND ALONE SHAED ELSEWHERE ON PROPERTY - COST PROHIBITIVE  
AND WILL BE MORE VISIBLE AND UNSIGHTLY.

**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)**

- 2) Applicant's map date and date of last revision 4/21/2016 (TOWN RECORDS MAP VOL 19, PG 43)
- 3) Zone Classification RAR 90'
- 4) Is your property in a flood zone?  Yes  No  Don't Know

**Part G - Major Applications Requiring Full Review and a Public Hearing**

See Section 6 of the Mansfield Regulations for additional requirements.

**Part H - Notice to Abutting Property Owners**

- 1) Attach list of abutters, name, and address
- 2) **Proof of Written Notice to Abutters.** You must notify abutting (neighboring) property owners (any property immediately contiguous with the subject property, including those across the street) 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.** To generate an abutters list go to <http://www.mainstreetmaps.com/CT/Mansfield/>

**Part I - Additional Notices, if necessary**

Notice to Windham Water Works and CT Department of Public Health is attached. If this application is in the public watershed for the Windham Water Works (WWW), you must notify the WWW and the Department of Public Health 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.

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.

→ The Statewide Reporting Form 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**

Application fees shall be in accordance with the current Mansfield Code of Ordinance fee Schedule, pursuant to Section 8-1c of the Connecticut General Statutes. The fee schedule includes provisions for applicant-funded consultant studies and reports. The current fee schedule is available in the Planning and Zoning office.

*Note: The Agency may require additional information about the upland review area 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.*

**Certification**

I hereby certify that:

- I am familiar with the information contained in this form and that such information is true and correct to the best of my knowledge.
- I understand the penalties for obtaining a permit through deception or through inaccurate or misleading information.

Richard Susca  
Signature

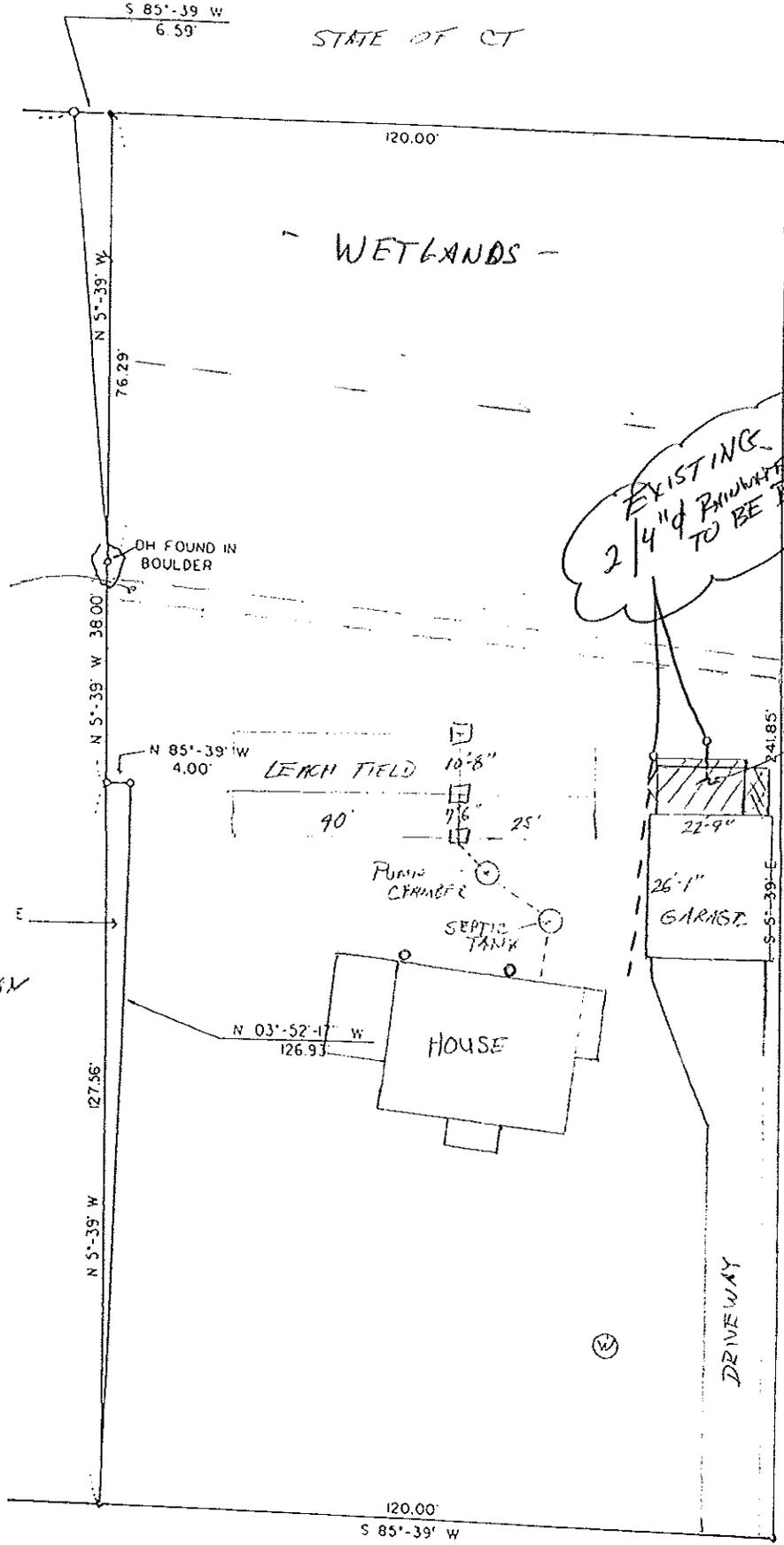
5/27/2016  
Date

**Authorization to Enter Property**

The undersigned hereby consent 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 issued by the Agency.

Richard Susca  
Signature

5/27/2016  
Date



EXISTING  
2 1/4" Ø RAINWATER PIPES  
TO BE BURIED

10'x16' @ 5/24/2x6  
8'x20' PROPOSED  
WOOD FRAME SHED

STONE WALL

FARRINIA/MOCCAN

LOPEL/RASHED

— GURLEYVILLE RD —

SUSCA  
131 GURLEYVILLE RD  
MANFIELD

1" = 30'

4-21-2016 ES



# TOWN OF MANSFIELD

DEPARTMENT OF PLANNING AND DEVELOPMENT

Date: June 2, 2016

To: Mansfield Inland Wetlands Agency

From: Jennifer Kaufman, Inland Wetlands Agent

Subject: Woodland Road (Parcel ID 18.67.3) (File W1569)  
T. Ainsworth  
Description of Work: Construction of a Single Family Home  
Map Date: 4/28/2016

## PROJECT OVERVIEW

The applicant proposes to construct a single family home on the west side of Woodland Road on a one-acre lot located between 119 and 139 Woodland Road. There will be no activity in the wetlands. The closest activity to wetlands is site grading, which will occur approximately 40 feet from the edge of wetlands. The applicants estimate that approximately 15,000 square feet within the upland review area will be disturbed. Approximately 400 cubic yards of imported fill will be used to grade the site.

- The project includes work in wetlands.
- The project includes work in the 150 foot upland review area.
- The project is located in a Public Water Supply watershed.

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## APPLICATION FEES AND NOTIFICATIONS

- The applicant has paid the required application fee.
- The applicant has submitted copies of the notice mailed to neighbors and a list of abutters to be notified. Certified mail receipts must be submitted prior to action on the application.
- The applicant has submitted copies of notices provided to the Connecticut DPH and Windham Water Works. Certified mail receipts must be submitted prior to action on the application.

## RECEIPT MOTION

\_\_\_\_\_ MOVE to receive the application submitted by T. Ainsworth (IWA File 1569) under the Wetlands and Watercourses Regulations of the Town of Mansfield for construction of a single family home on property located on the west side of Woodland Road (parcel Id 18.67.3) as shown on a map dated 4/28/2016 and as described in application submissions, and to refer said application to staff and the Conservation Commission for review and comment.

APPLICATION FOR PERMIT  
MANSFIELD INLAND WETLANDS AGENCY  
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268  
860-429-3015x6204 (DIRECT) TEL: 860-429-3330 OR  
FAX: 860-429-6863

FOR OFFICE USE ONLY

File # 1569  
W. \_\_\_\_\_  
Fee Paid \$185-  
Official Date of Receipt 5/25/16

Applicants are referred to the Mansfield Inland Wetlands and Watercourses Regulations for complete requirements, and are obligated to follow them. For assistance, please contact the 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 THOMAS AINSWORTH

Mailing Address 51 BUNDY LANE  
STORRS, CT Zip 06268

Phone 860-305-0626 Email TNMAINSWORTH54@GMAIL.COM

**Title and Brief Description of Project**

AINSWORTH HOUSE WOODLAND RD, BUILDING A SINGLE  
FAMILY 3 BDRM RAISED RANCH WITH WELL & SEPTIC

Location of Project WOODLAND ROAD, STORRS,

Intended Start Date JULY 1, 2016

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

Name ALAN AINSWORTH

Mailing Address 150 MAJESTIC COURT APT. 1013  
MOOR PARK, CA. Zip 93021

Phone 1-805-529-1723 Email AAINSWORTH@VCCCD.EDU

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

Signature Alan Ainsworth date \_\_\_\_\_

Applicant's interest in the land: (if other than owner) PROPERTY MANAGER FOR BROTHER

**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)

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

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

(a) NO WORK OR DISTURBANCE WILL OCCUR IN THE WETLANDS.

(b) WE WILL BE BUILDING A 3 ROOM SINGLE FAMILY HOME WITH A WELL, SEPTIC SYSTEM & GRAVEL DRIVEWAY WITHIN THE UPLAND REVIEW AREA.

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

(a) NO DISTURBANCE IN THE WETLANDS

(b) BETWEEN 10,000 TO 15,000 SQ FT

3) Describe the type of materials you are using for the project: WOOD FRAME CONSTRUCTION WITH CONCRETE FOUNDATION AND GRAVEL FOR DRIVEWAY AND SEPTIC.

- a) include **type** of material used as fill or to be excavated SELECT GRAVEL FILL
- b) include **volume** of material to be filled or excavated

APPROXIMATELY 400 CU YDS OF FILL

4) Describe measures to be taken to minimize or avoid any adverse impacts on the wetlands and regulated areas (silt fence, staked hay bales or other Erosion and Sedimentation control measures).

SILT FENCING WILL BE USED FOR EROSION CONTROL SEE ATTACHED PLAN FOR PLACEMENT AND FOR EROSION AND SEDIMENTATION NOTES.

**Part D - Site Description**

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

SITE IS WOODED WITH GENTLE SLOPE TOWARDS WETLANDS

**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.

THE SITE CHOSEN IS THE ONLY AREA ON THE LOT THAT CAN MEET REQUIREMENTS.

**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)**

- 2) Applicant's map date and date of last revision 4/28/2016
- 3) Zone Classification RAR90 NON-CONFORMING LOT OF RECORD
- 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) Attach list of abutters, name, and address
- 2) **Proof of Written Notice to Abutters.** You must notify abutting (neighboring) property owners (any property immediately contiguous with the subject property, including those across the street) 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.** To generate an abutters list go to <http://www.mainstreetmaps.com/CT/Mansfield/>

**Part I - Additional Notices, if necessary**

Notice to Windham Water Works and CT Department of Public Health is attached. If this application is in the public watershed for the Windham Water Works (WWW), you must notify the WWW and the Department of Public Health 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.

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.

The Statewide Reporting Form shall be part of the application and specified parts must be completed and returned with this application.

**Part J - Other Impacts To Adjoining Towns, if applicable**

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

**Part K - Additional Information from the Applicant**

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

**Part L - Filing Fee**

Application fees shall be in accordance with the current Mansfield Code of Ordinance fee Schedule, pursuant to Section 8-1c of the Connecticut General Statutes. The fee schedule includes provisions for applicant-funded consultant studies and reports. The current fee schedule is available in the Planning and Zoning office.

*Note: The Agency may require additional information about the upland review area 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.*

**Certification**

I hereby certify that:

- I am familiar with the information contained in this form and that such information is true and correct to the best of my knowledge.
- I understand the penalties for obtaining a permit through deception or through inaccurate or misleading information.

Thomas Anisewicz  
Signature

5/25/16  
Date

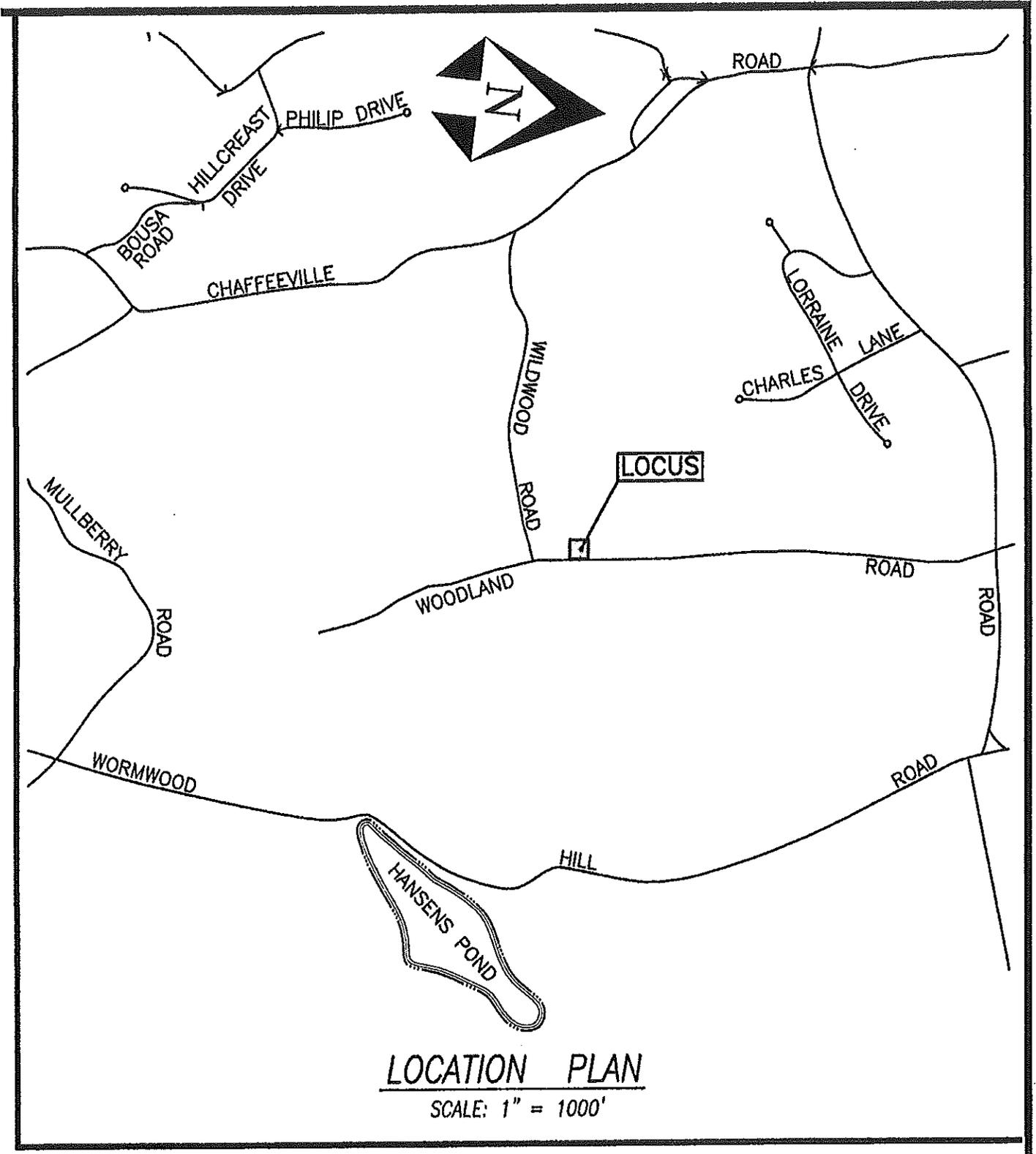
**Authorization to Enter Property**

The undersigned hereby consent 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 issued by the Agency.

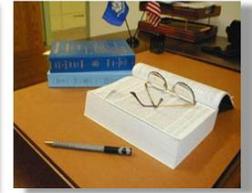
Thomas Anisewicz  
Signature

5/25/16  
Date





AINSWORTH HOUSE  
WOODLAND RD



## Register Now!

### 2016

## Municipal Inland Wetlands Agency Continuing Education Workshop: *Legal and Administrative Updates*

The CT DEEP, Wetlands Management Section (WMS), invites municipal inland wetlands agencies to attend its annual legal and administrative updates workshop. Thomas Hennick, Public Education Officer with the CT Freedom of Information Commission, will discuss requirements of the Freedom of Information Act and answer such questions as: "Are e-mails and other electronic documents available to the public?"; "Do site walks need to be noticed as a meeting if less than a quorum of the agency participates?"; and "Can members of an agency meet as a working group to develop proposed regulation amendments?" In addition, the CT Office of the Attorney General will present their annual synopsis of relevant court cases; and will offer, along with the WMS, a general question and answer session. Finally, the WMS will briefly discuss the 2016 legislative session and provide program updates. Please choose one of the three dates noted below. RSVP is required.

**DATES & LOCATIONS:** Tuesday June 21, 2016 - DEEP Sessions Woods Conservation Education Center, Burlington  
Tuesday June 28, 2016 - DEEP Kellogg Environmental Center, Derby  
Thursday July 7, 2016 - DEEP Fort Trumbull State Park, New London

**TIME:** 9:00 AM – 12:30 PM (sign-in is 8:30 AM – 9:00 AM)

**COST:** Free! (The workshop at Fort Trumbull State Park includes free admission to the fort & museum!)

**REGISTRATION:** You **must** use this link: **RSVP** no later than 48 hours prior to the start of the workshop you plan to attend. RSVP **must** include: 1) name of participant, 2) contact phone number, 3) contact email, 4) date/location attending, and 5) indicate if participant is a member of an inland wetlands agency, staff for the agency, or other. RSVP is required to ensure room capacity is not exceeded. If a workshop location fills a waitlist will be maintained. You will receive a registration confirmation by email.

**DIRECTIONS:** See the following links: [Burlington](#) [Derby](#) [New London](#)

**IMPORTANT:** Unfortunately we are unable to provide morning refreshment (coffee & pastry) at this year's workshops. Please feel free to bring a snack or coffee to the program.

If you have further training program questions please contact [Darcy Winther](#), CT DEEP, WMS.



Training information is also available on the WMS [Training Program Gateway](#) web page.