



**US Army Corps
of Engineers®**
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: January 5, 2010
Comment Period Ends: February 5, 2010
File Number: NAE 2004-00585
In Reply Refer To: Barbara Newman
Or by e-mail: Barbara.H.Newman
@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below.

APPLICANT

Brook Crossing Development, LLC.

ACTIVITY

This is a request to authorize existing wetland/stream crossings constructed without a Corps permit within the residential subdivision known as "Highfield Estates" in Ellington, CT. The direct impacts are approximately 27,140 square feet, or .62 acres of fill in wetlands and waters. A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work took place in the Muddy Brook and its adjacent wetlands and two unnamed intermittent tributaries and their adjacent wetlands, east of Jobs Hill Road in north western Ellington, Connecticut. The proposed location on the USGS Ellington quadrangle sheet is at UTM coordinates 41.93126 latitude and -72.48075 Longitude

AUTHORITY

Permits are required pursuant to:
 Section 404 of the Clean Water Act

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other

public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

The following authorizations have been applied for, or have been, or will be obtained:

- (x) Permit from Local Wetland Agency or Conservation Commission.
- (x) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Barbara Newman at (978) 318-8515, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

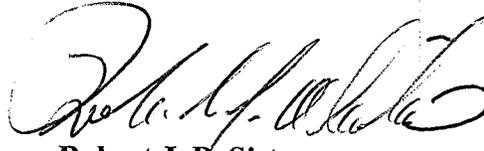
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

CENAE-R
FILE NO. NAE-2004-00585

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.



Robert J. DeSista
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____

ADDRESS: _____

PROPOSED WORK AND PURPOSE

The purpose of this project was to construct residential housing in northwestern Ellington, CT. The unauthorized work completed consists of the construction of approximately 6000 linear feet of residential roadways (Brook Crossing and Birchview Drive) with four stream and wetland crossings, the clearing and regrading of wetland forest (Wetland E), and the diversion of water flow from an intermittent stream, south of Wetland E just over the property boundary, caused by the placement of a storm water collection system in the area. Brook Crossing still needs to be capped with 3 and ½ inches of bituminous concrete. All side slopes are finished with 4" of topsoil, seeded and mulched. The following are the direct impacts to each wetland area:

Wetland A – 50' x 4' single pipe culvert with 5,950 square feet of fill including riprap and road gravel.

Wetland B - 50' x 4' single pipe culvert with 1,450 square feet of fill including riprap and road gravel

Wetland C - 50' x 4' twin pipe culverts with 14,800 square feet of fill including riprap and road gravel

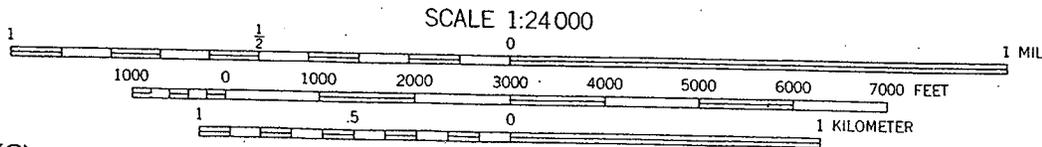
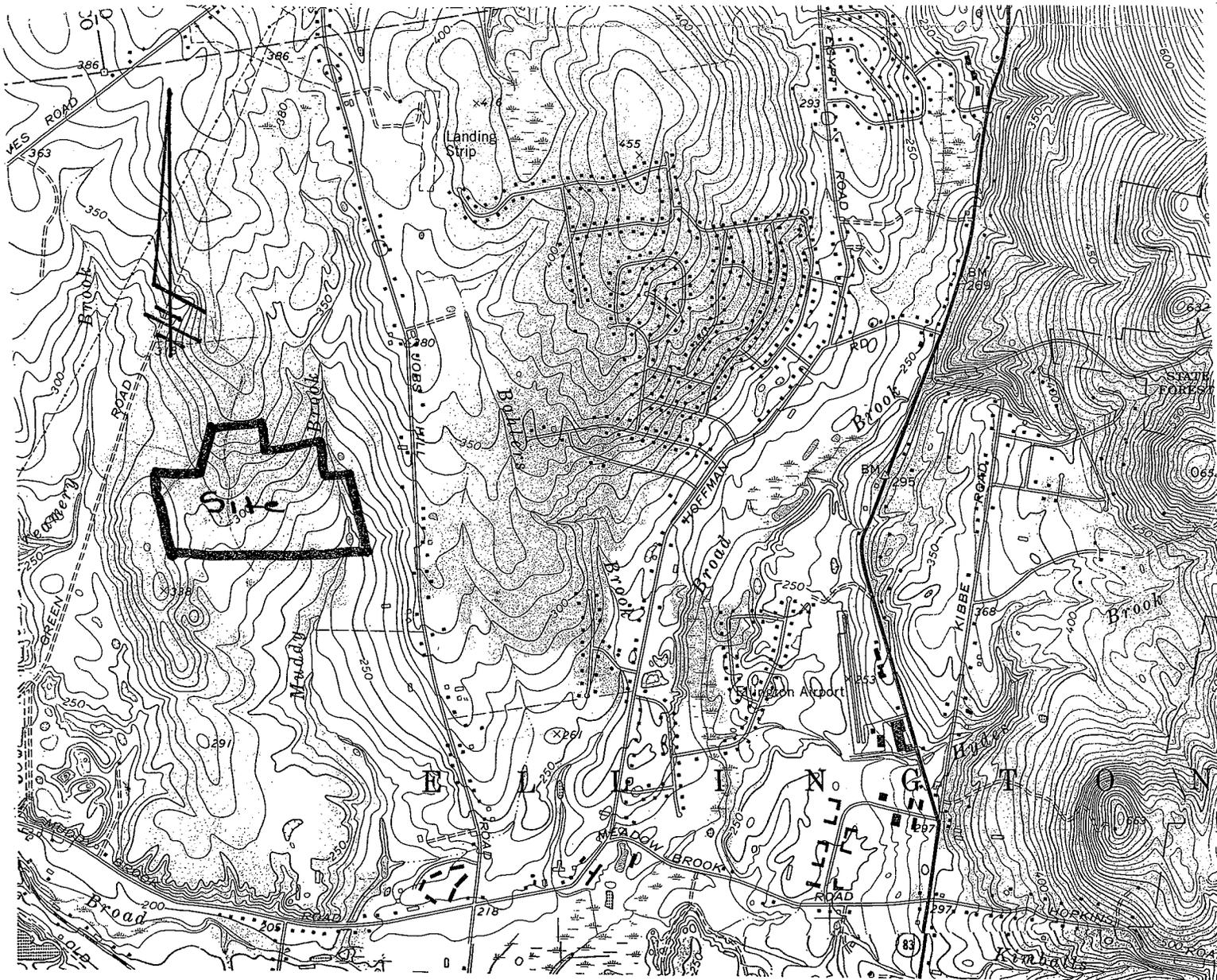
Wetland D – 88' x 3' single pipe culvert with 4,940 square feet of fill including riprap and road pavement

Secondary impacts to Wetland E include 2100 square feet of cleared and graded wetland forest. In addition, approximately two hundred linear feet of an intermittent stream were impacted due to the water diversion. The total amount of fill discharged for this project is approximately 27,140 square feet, or .62 acres.

The work is described on the enclosed plans entitled "Highfield Estates, Proposed: Residential Community in Ellington, CT, County of: Tolland, CT, Application by: Brook Crossing Development, LLC," on (eighteen sheets, and dated "Rev. 10-1-09."

MITIGATION

We understand that the Town of Ellington designated Brooks Crossing as a main collector road for the north section of Ellington and required the applicant to place Brook Crossing in its current location as a condition of its approval for the subdivision. The applicant has indicated that it was necessary to cross several streams in order to do this, and while other configurations were examined for this purpose, this configuration was chosen because it crosses the streams and wetlands at their narrowest points. To compensate for the loss of wetlands, a mitigation plan was proposed. The plan proposes to create or restore 137,000 square feet of wetlands (3.15 acres) with a variety of cover types and hydrologic regimes, and 876,000 square feet of conservation land (20 acres). The site plan presenting the areas included for mitigation is attached and entitled: "Restoration/Mitigation Plan" dated "9-17-09". A detailed description of the mitigation plan can be found within the application.



ELLINGTON QUADRANGLE
CONNECTICUT
7.5 MINUTE SERIES (TOPOGRAPHIC)

CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

PURPOSE: Residential Development
& Extension of Town
Road by Request
DATUM: NAD 1929

TARBELL, HEINTZ & ASSOC., INC.
1227 Burnside Ave., Ste. 31
East Hartford, CT

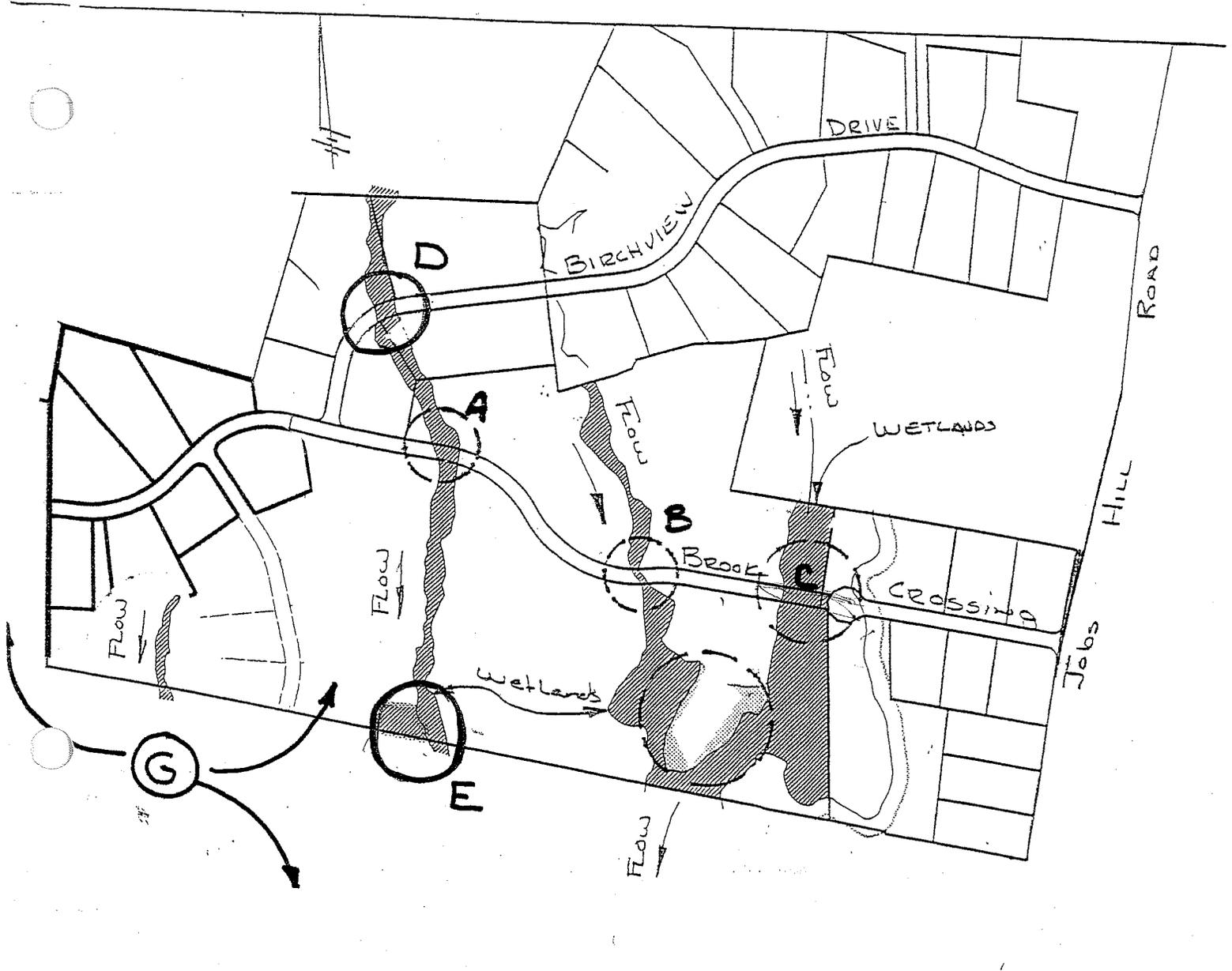
**HIGHFIELD
ESTATES**

LOCUS PLAN

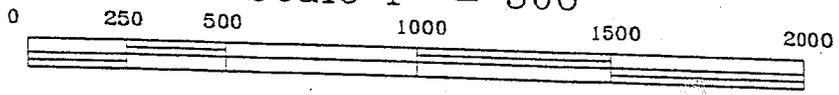
PROPOSED: Residential
Community in
Ellington, CT

COUNTY OF: Tolland, CT

APPLICATION BY: SBD LLC
DATE: 11/24/03 **SHEET 1 OF 14**
REV. 04-14-04



Scale 1" = 500'



PURPOSE: Residential Development
& Extension of Town
Road by Request
DATUM: NAD 1929

TARBELL, HEINTZ & ASSOC., INC.
 1227 Burnside Ave., Ste. 31
 East Hartford, CT

**HIGHFIELD
ESTATES**
INDEX PLAN

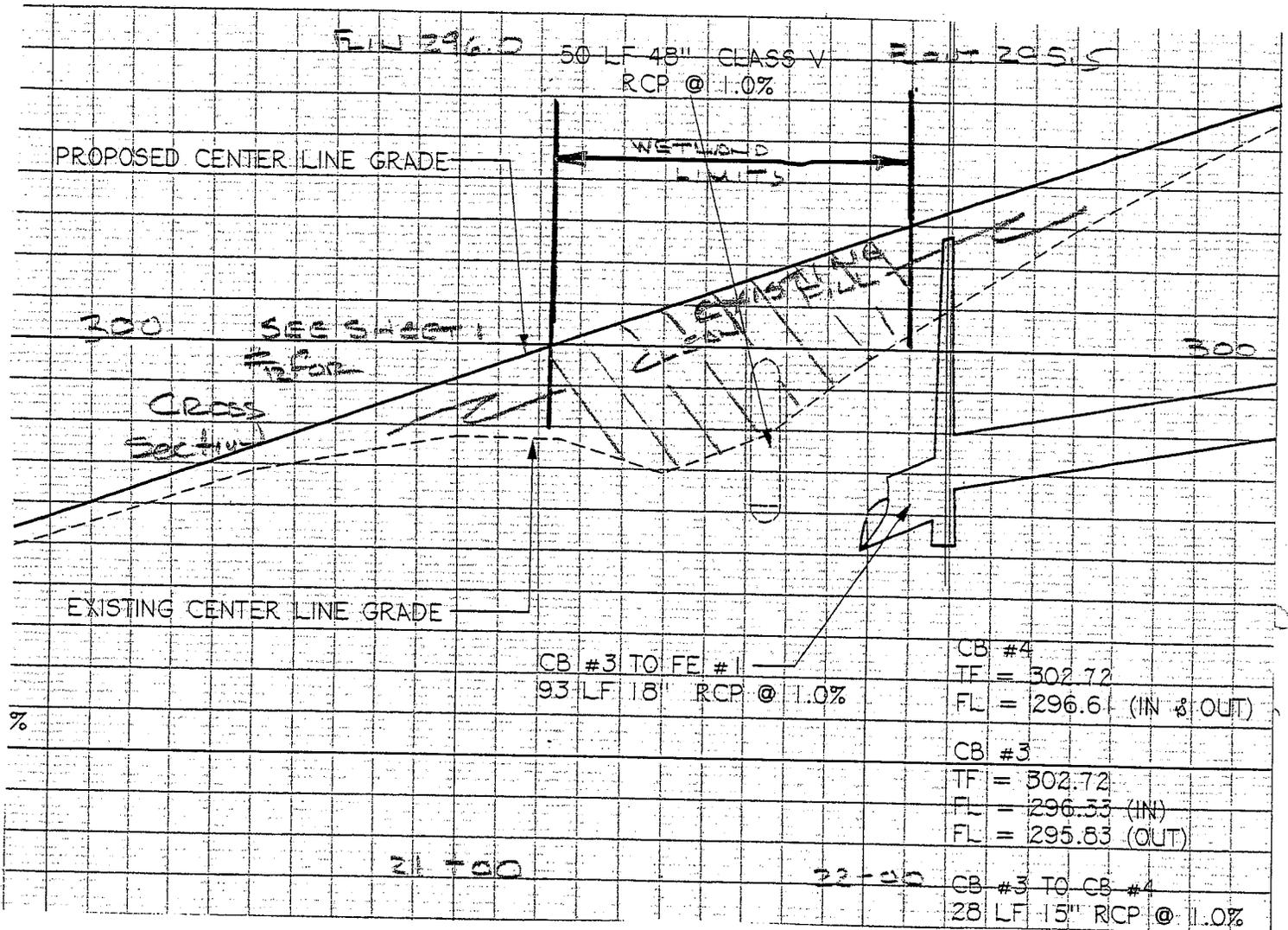
PROPOSED: Residential
Community in
Ellington, CT

COUNTY OF: Tolland, CT
APPLICATION BY:
 Brook Crossing Development, LLC
 Date: 03-17-08 Sheet 2 of
 REV: 10-1-09

OPENESS RATIO =

Feet $2' \times 2' \times 3.141592654 / 50' = 0.2513$

Meters $0.60960 \times 0.60960 \times 0.95756 / 15.240 = 0.02334$



PROFILE
 HORIZ. 1" = 40'
 VERT. 1' = 4'

PURPOSE: Residential Development
 & Extension of Town
 Road by Request
 DATUM: NAD 1929

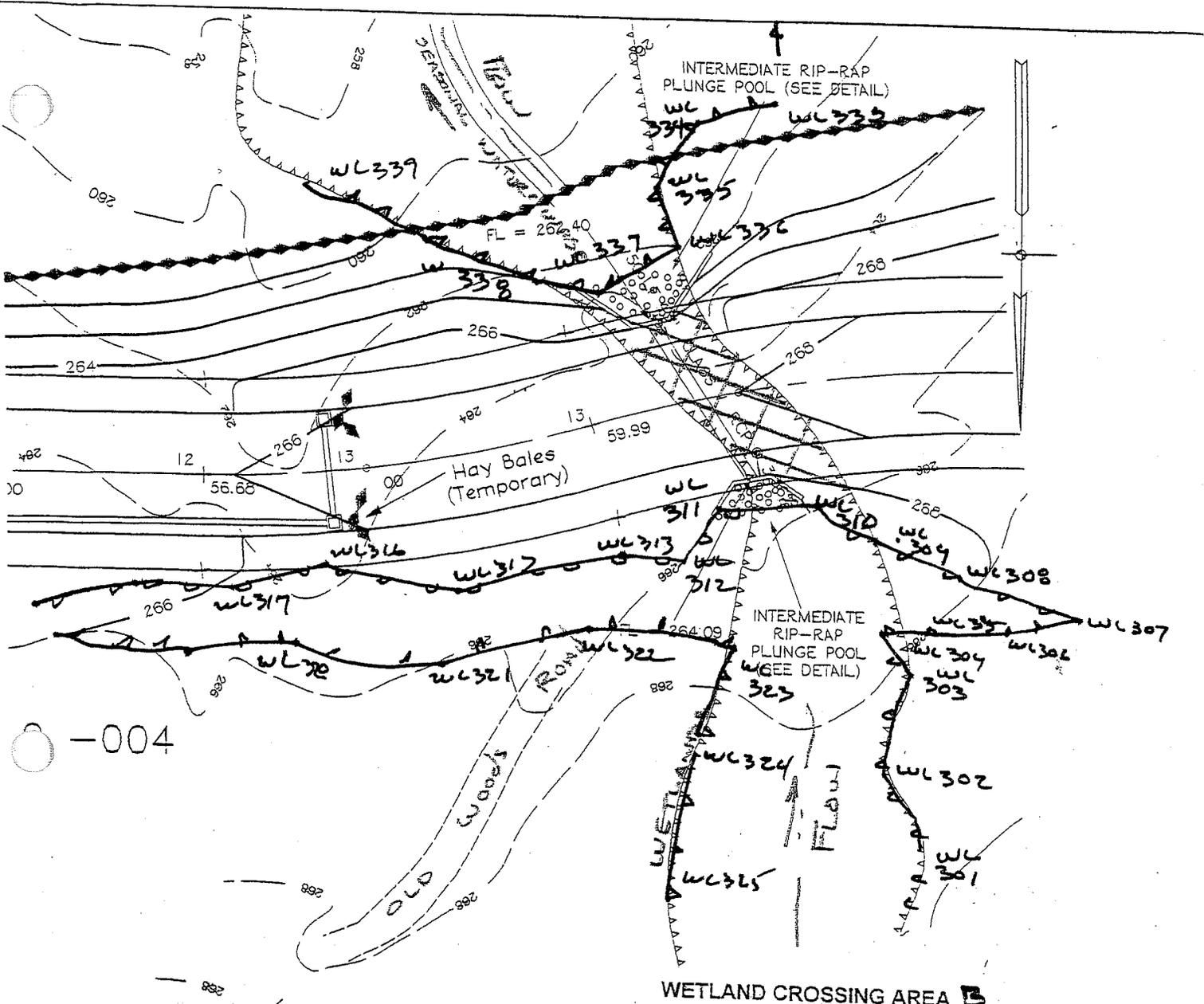
TARBELL, HEINTZ & ASSOC., INC.
 1227 Burnside Ave., Ste. 31
 East Hartford, CT

**HIGHFIELD
 ESTATES**
 Area A
 Plan/Cross Section

PROPOSED: Residential
 Community in
 Ellington, CT

COUNTY OF: Tolland, CT
 APPLICATION BY:
 Brook Crossing Development, LLC

Date: 03-17-08 Sheet 5 of



WETLAND CROSSING AREA B

AREA OF WETLAND FILL
(SQUARE FEET) = 1,450

VOLUME OF WETLAND FILL
(CUBIC YARDS) = 225

Legend

- Area of wetland fill
- Wetland Limits

SEE ATTACHMENT 'K'

Scale: 1" = 40'

<p>PURPOSE: Residential Development & Extension of Town Road by Request</p> <p>DATUM: NAD 1929</p> <p>TARBELL, HEINTZ & ASSOC., INC. 1227 Burnside Ave., Ste. 31 East Hartford, CT</p>	<p>HIGHFIELD ESTATES</p> <p>Area B</p> <p>WETLAND DISTURBANCE</p>	<p>PROPOSED: Residential Community in Ellington, CT</p> <p>COUNTY OF: Tolland, CT</p> <p>APPLICATION BY: Brook Crossing Development, LLC</p> <p>Date: 03-17-08 Sheet 6 of REV: 10-1-09</p>
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(OLD)
WETLANDS
LIMITS

WETLANDS
LIMITS

WETLANDS
LIMITS

PROPOSED CENTER LINE GRADE

EXISTING CENTER LINE GRADE

SEE SHEET
#12 FOR
CROSS-SECTION

EXISTING
CLEAN
FILL

EXISTING
CLEAN
FILL

140 LF 18" RCP @ 1.0%

CB # 6
IF = 265.76
FI = 261.71
(IN & OUT)

50 LF 18" CLASS V RCP @ 1.6%

CB # 7
TF = 265.76
FL = 261.84

CB # 17 TO CB # 6
26 LF 15" RCP @ 0.5%

265.01	263.6	265.76	263.3	266.51	264.4	267.26	264.1	268.01	265.9	268.81	269.36	267.8
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OPENESS RATIO = 13+00 _____ 14+00 _____ 15+

Feet $2' \times 2' \times 3.141592654 / 50' = 0.2513$

Meters $0.60960 \times 0.60960 \times 0.95756 / 15.240 = 0.02334$

PROFILE
HORIZ. 1" = 40'
VERT. 1' = 4'

<p>PURPOSE: Residential Development & Extension of Town Road by Request DATUM: NAD 1929</p> <p>TARBELL, HEINTZ & ASSOC., INC. 1227 Burnside Ave., Ste. 31 East Hartford, CT</p>	<p>HIGHFIELD ESTATES Area B Plan/Cross Section</p>	<p>PROPOSED: Residential Community in Ellington, CT</p> <p>COUNTY OF: Tolland, CT APPLICATION BY: Brook Crossing Development, LLC Date: 03-17-08 Sheet 7 of 8</p>
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OTHER WORK INCIDENTAL TO THE REMOVAL OF THE TEMPORARY CUL-DE-SAC IS THE COMPLETE RESPONSIBILITY OF THE DEVELOPER EXTENDING THE STREET.

DISCHARGE IN FAVOR OF ELLINGTON

INTERMEDIATE RIP-RAP PLUNGE POOL (SEE DETAIL)

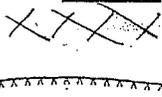
INTERMEDIATE RIP-RAP PLUNGE POOL (SEE DETAIL)

WETLAND CROSSING AREA C

AREA OF WETLAND FILL (SQUARE FEET) = 14,800

VOLUME OF WETLAND FILL (CUBIC YARDS) = 3,580

Legend



Area of wetland fill
Wetland LIMITS

SEE ATTACHMENT 'K'

Scale: 1" = 40'

PURPOSE: Residential Development & Extension of Town Road by Request
DATUM: NAD 1929

TARBELL, HEINTZ & ASSOC., INC.
1227 Burnside Ave., Ste. 31
East Hartford, CT

HIGHFIELD ESTATES
Area C
WETLAND DISTURBANCE

PROPOSED: Residential Community in Ellington, CT

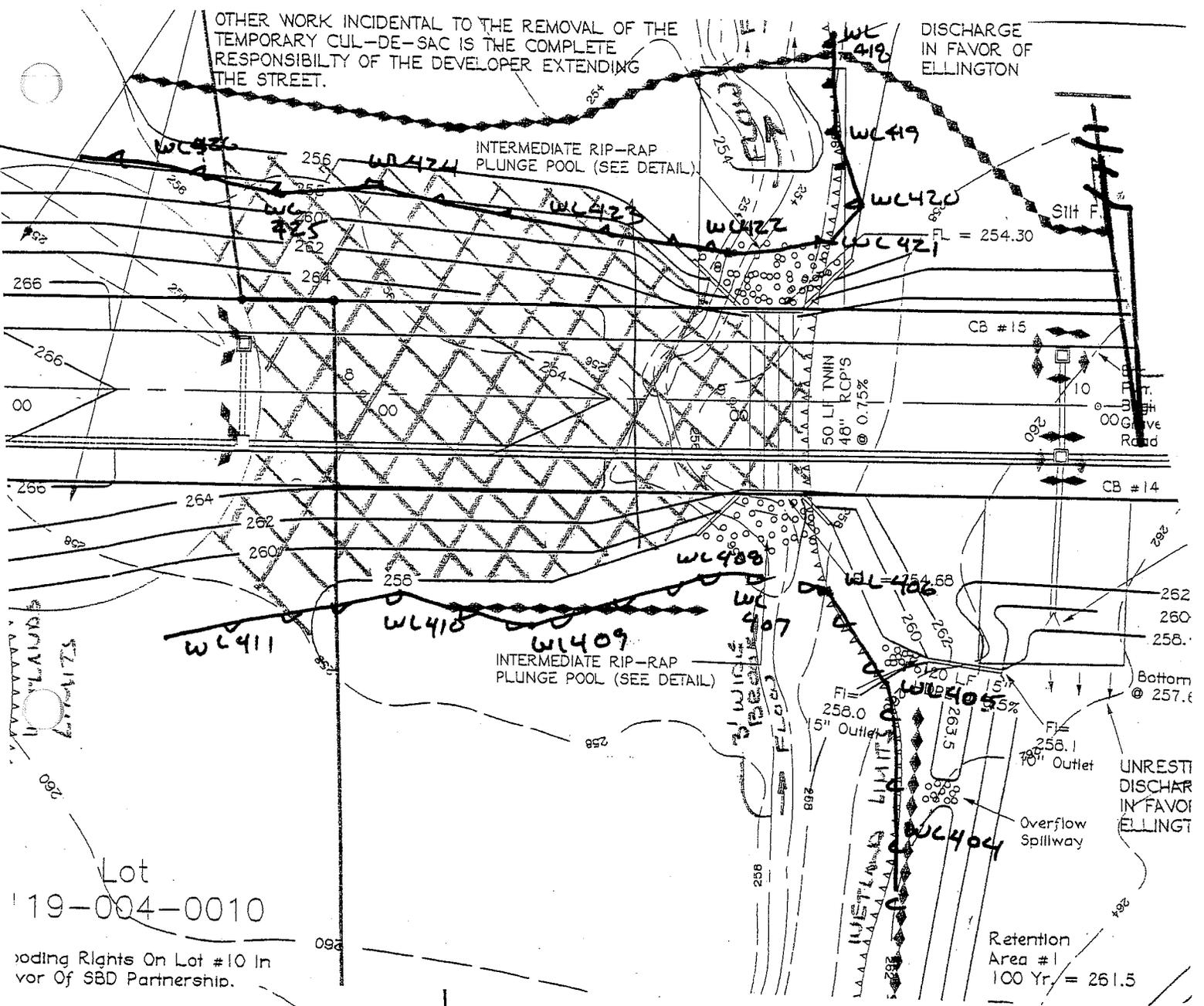
COUNTY OF: Tolland, CT

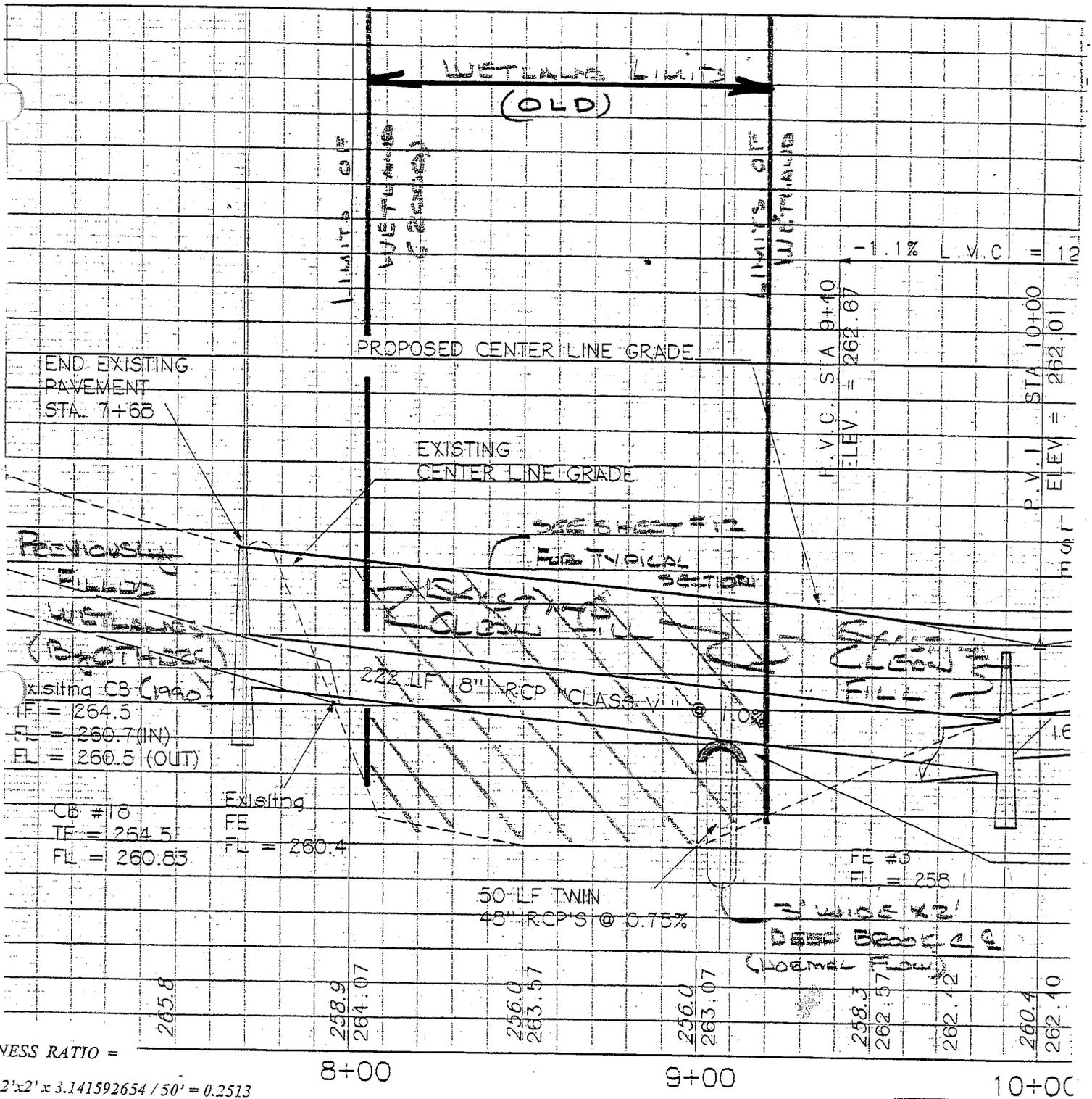
APPLICATION BY: Brook Crossing Development, LLC

Date: 03-17-08 Sheet 3 of 3
REV: 10-1-09

Lot 19-004-0010

Reserving Rights On Lot #10 in favor of SBD Partnership.



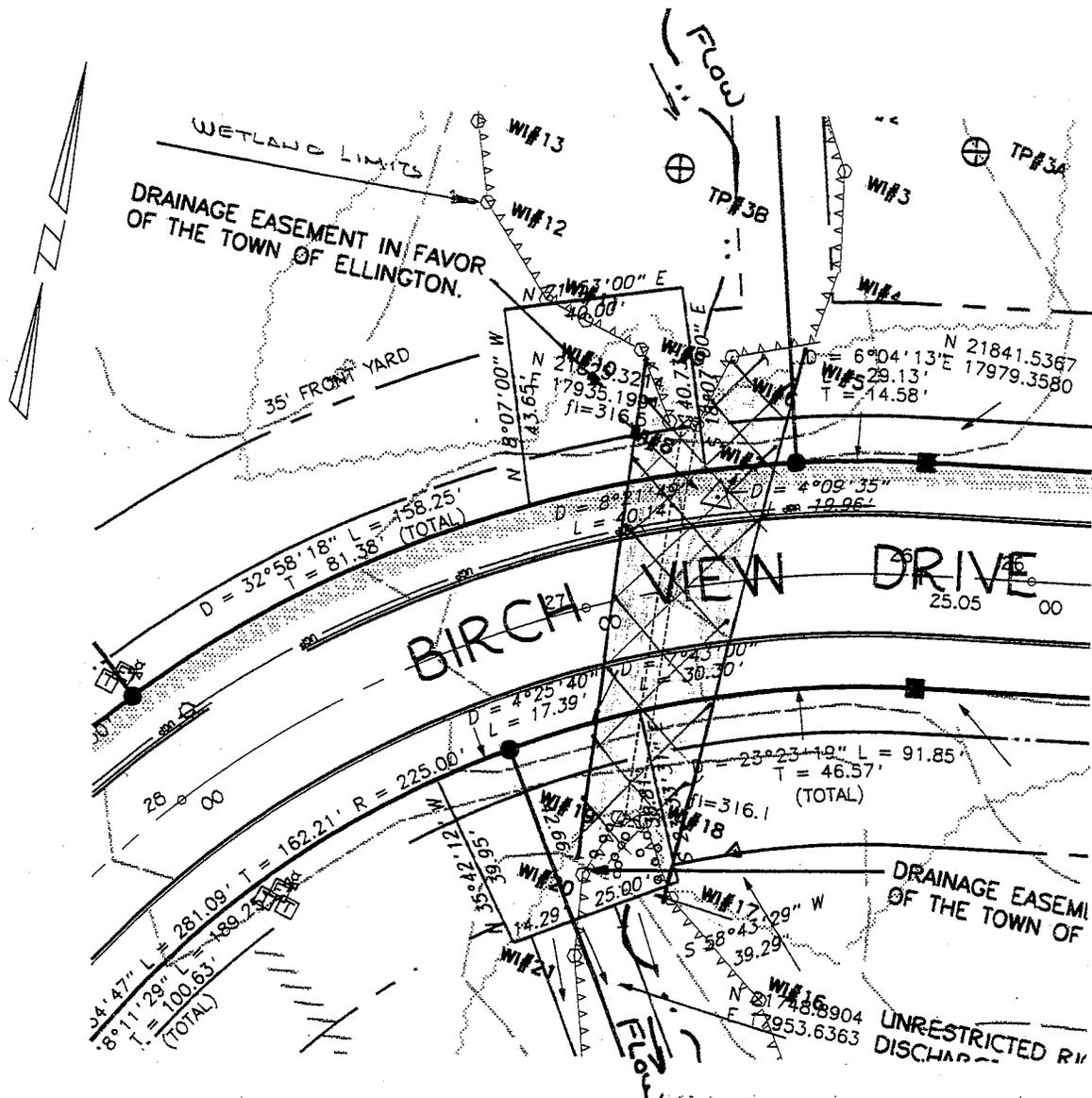


PROFILE
 HORIZ. 1" = 40'
 VERT. 1' = 4'

PURPOSE: Residential Development
 & Extension of Town
 Road by Request
DATUM: NAD 1929
TARBELL, HEINTZ & ASSOC., INC.
 1227 Burnside Ave., Ste. 31
 East Hartford, CT

**HIGHFIELD
 ESTATES**
 Area C
 Plan/Cross Section

PROPOSED: Residential
 Community in
 Ellington, CT
COUNTY OF: Tolland, CT
APPLICATION BY:
 Brook Crossing Development, LLC
 Date: 03-17-08 Sheet 9 of

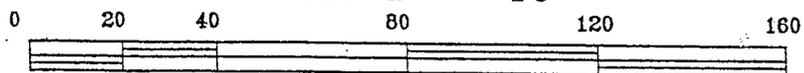


SEE ATTACHMENT 'K'

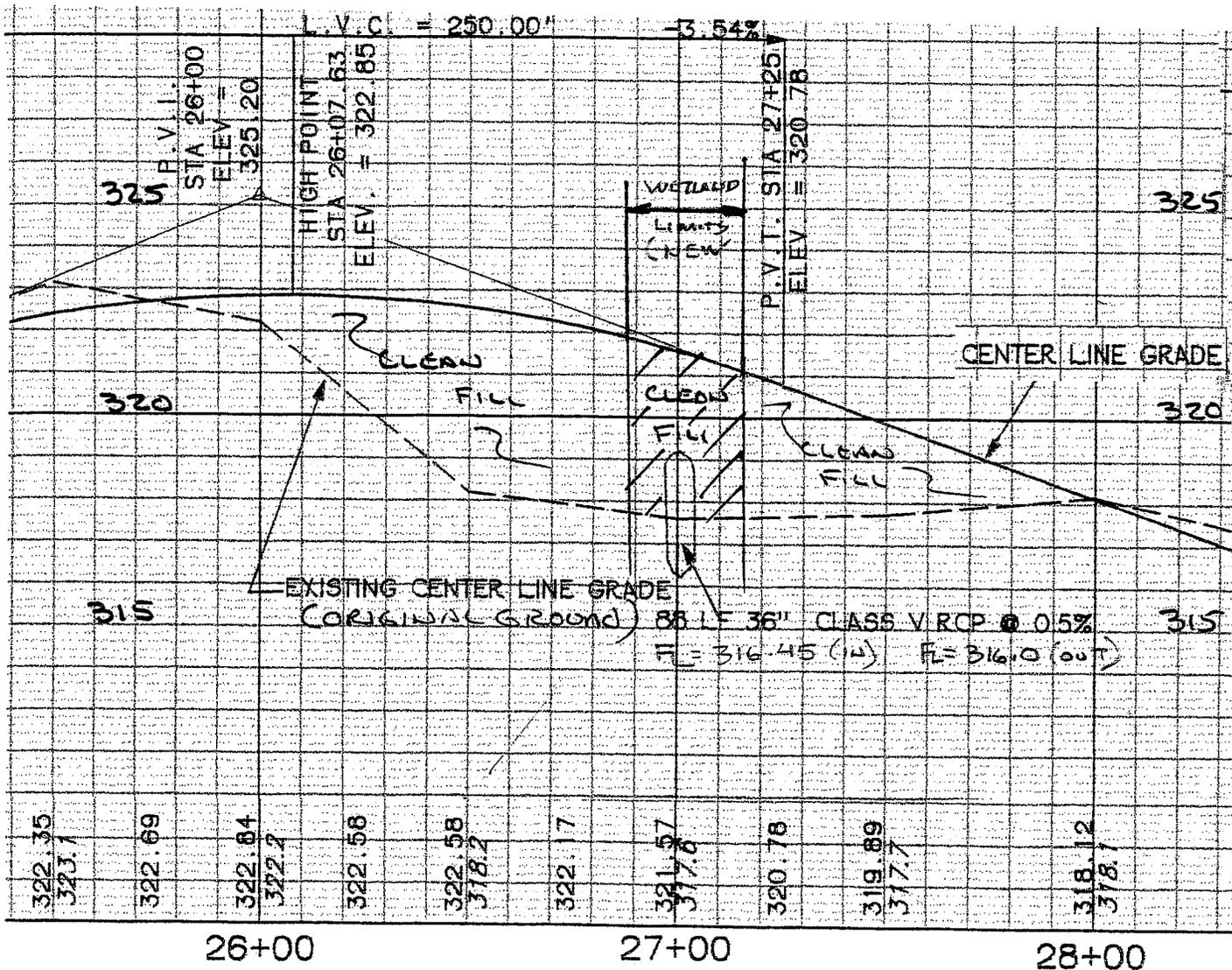
WETLAND CROSSING AREA D
 AREA OF WETLAND FILL
 (SQUARE FEET) = 4,940
 VOLUME OF WETLAND FILL
 (CUBIC YARDS) = 550

Legend
 Area of wetland fill
 Wetland Limits

Scale 1" = 40'



<p>PURPOSE: Residential Development & Extension of Town Road by Request DATUM: NAD 1929</p> <p>TARBELL, HEINTZ & ASSOC., INC. 1227 Burnside Ave., Ste. 31 East Hartford, CT</p>	<p>HIGHFIELD ESTATES</p> <p>Area D WETLAND DISTURBANCE</p>	<p>PROPOSED: Residential Community in Ellington, CT</p> <p>COUNTY OF: Tolland, CT</p> <p>APPLICATION BY: SBD LLC Brook Crossing Development, LLC</p> <p>Date: 03-17-08 Sheet 10 of REV: 10-1-09</p>
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OPENESS RATIO =

FEET 1.5' x 1.5' x 78 ÷ 88 = 0.08

0.25 REQUIRED - WAYIER REQUESTED

PROFILE
 HORIZ. 1" = 40'
 VERT. 1" = 4'

PURPOSE: Residential Development
 & Extension of Town
 Road by Request
DATUM: NAD 1929

TARBELL, HEINTZ & ASSOC., INC.
 1227 Burnside Ave., Ste. 31
 East Hartford, CT

HIGHFIELD ESTATES

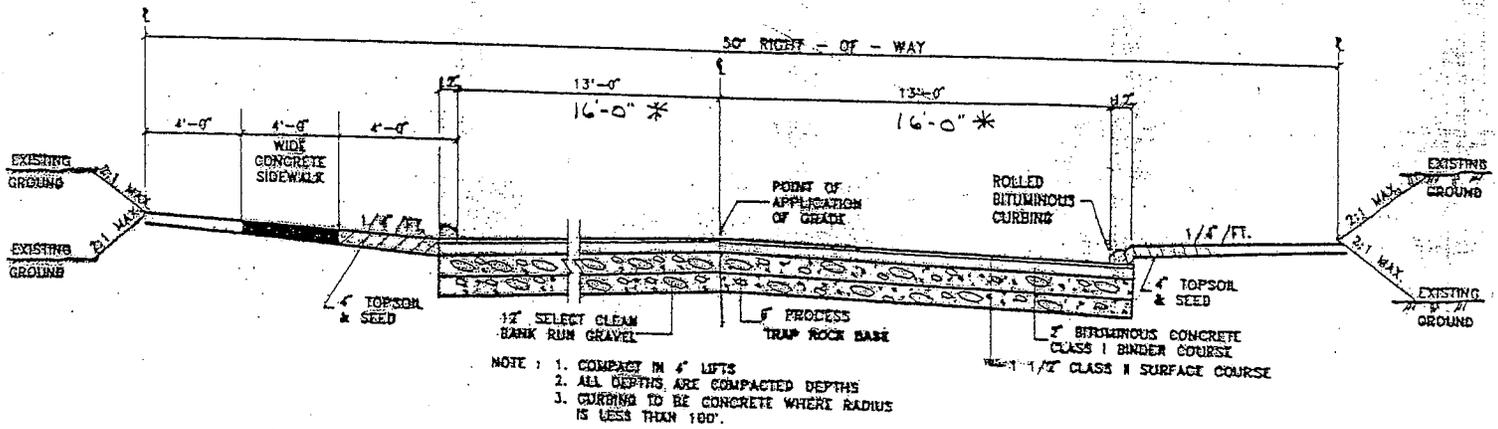
Area
**WETLAND
DISTURBANCE**

PROPOSED: Residential
 Community in
 Ellington, CT

COUNTY OF: Tolland, CT

APPLICATION BY:
 Brook Crossing Development, LLC

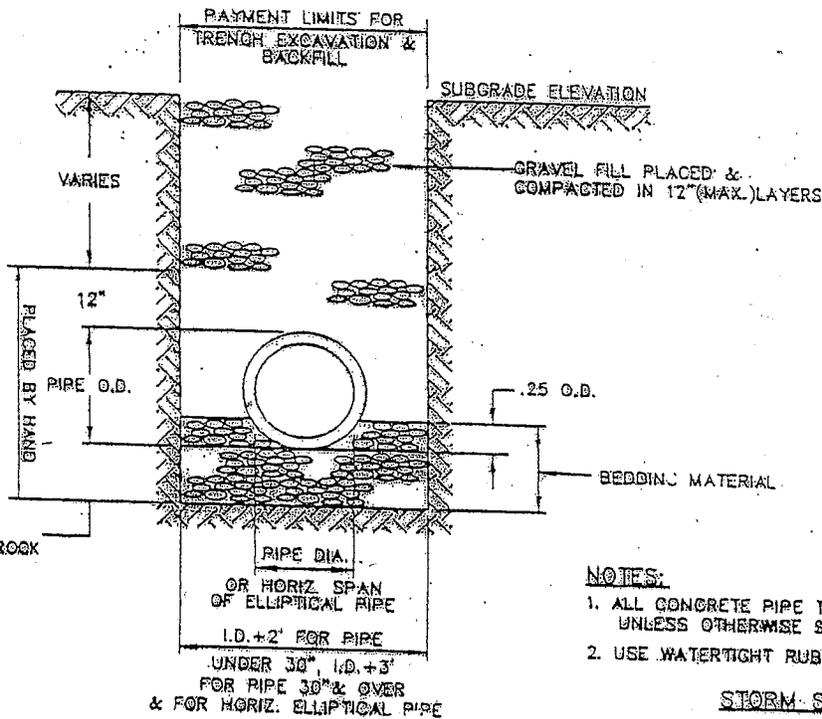
Date: 03-17-08 Sheet 11 of
 REV: 10-1-09



TYPICAL ROADWAY SECTION

NO SCALE

* = COLLECTOR ROAD = (Brook Crossing Only)



PURPOSE: Residential Development
& Extension of Town
Road by Request

DATUM: NAD 1929

TARBELL, HEINTZ & ASSOC., INC.
1227 Burnside Ave., Ste. 31
East Hartford, CT

**HIGHFIELD
ESTATES**

Construction
Detail/ROADWAY
SECTION

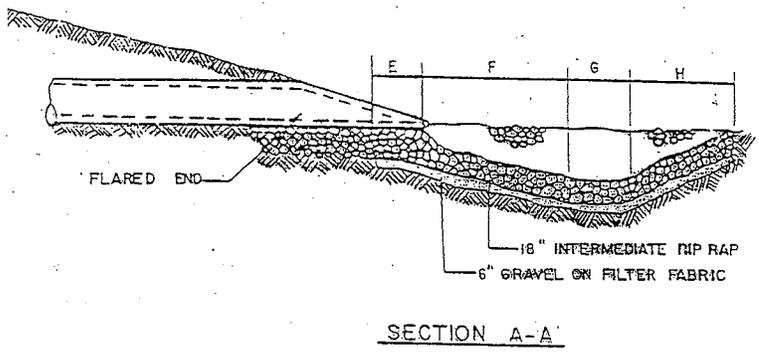
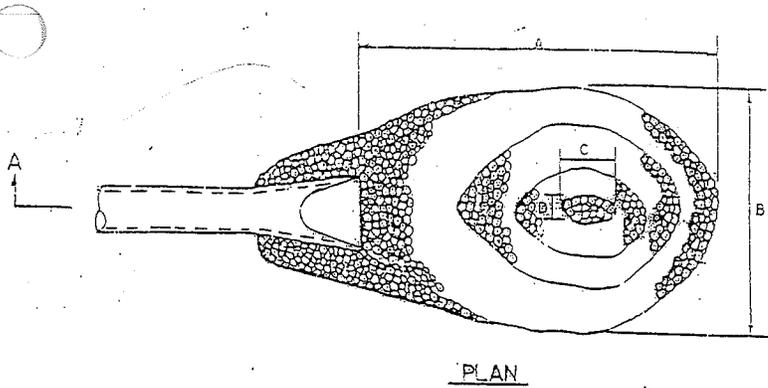
PROPOSED: Residential
Community in
Ellington, CT

COUNTY OF: Tolland, CT

APPLICATION BY:

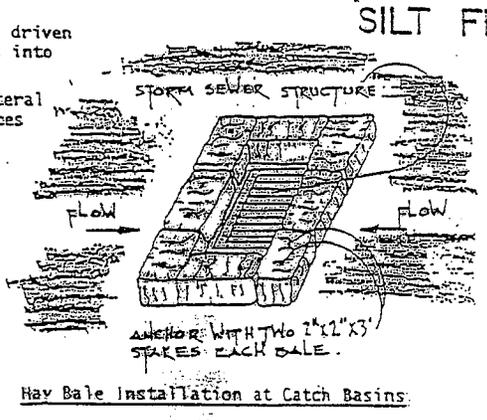
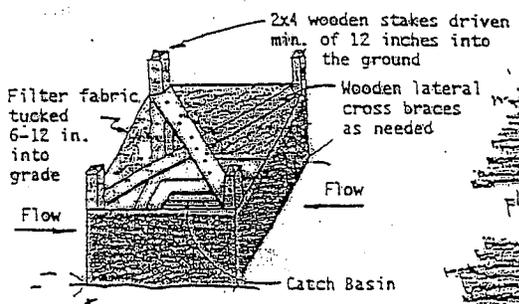
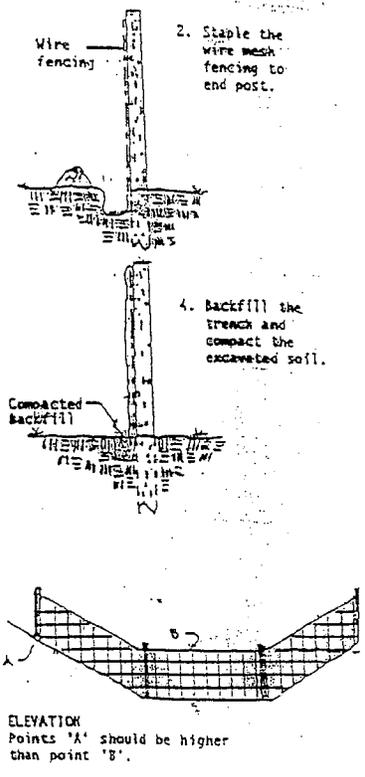
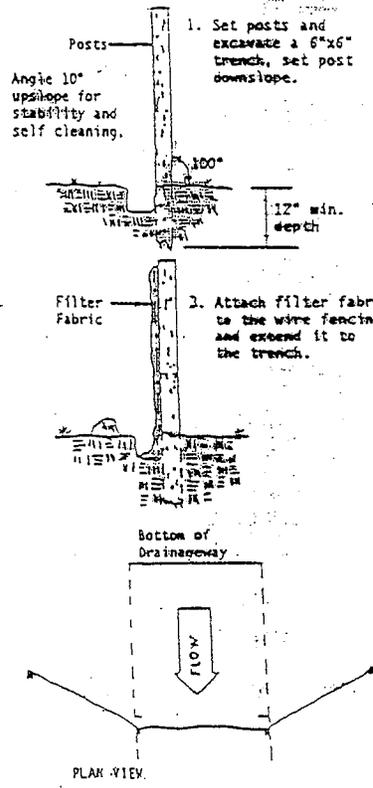
Brook Crossing Development, LLC

Date: 03-17-08 Sheet 2 of

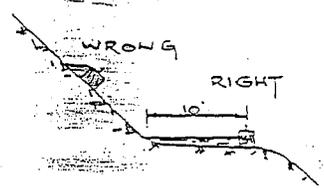


RIPRAP PLUNGE POOL

Not To Scale



SILT FENCE DETAIL



PURPOSE: Residential Development & Extension of Town Road by Request
DATUM: NAD 1929
TARBELL, HEINTZ & ASSOC., INC.
 1227 Burnside Ave., Ste. 31
 East Hartford, CT

HIGHFIELD ESTATES
 Construction Detail/Erosion Control

PROPOSED: Residential Community in Ellington, CT
COUNTY OF: Tolland, CT
APPLICATION BY: Brook Crossing Development, LLC
 Date: 03-17-08 Sheet 13 of

Construction Schedule/Narrative

1. The total parcel contains 82.3 acres. Phase I, build by others, the remaining Phases, II, III and future IV will be developed by applicant. Remaining Phases to be serviced by individual wells and septic systems.
2. Construction will commence on or about the summer of 2007 and be substantially completed by the fall of 2010.
3. Contractor will be assigned the responsibility for implementing this Erosion and Sediment Control Plan. This responsibility includes the installation and maintenance of erosion control measures, informing all parties engaged on the construction site of the requirements and objectives of the plan and notifying the Town of Ellington or the proper Town Agency of any transfer of this responsibility. The owner shall be responsible for conveying a copy of the Erosion and Sediment Control Plan if the title to the land is transferred.

General Site Construction

1. A preconstruction meeting with Town Staff and Contractor to be held on site.
2. Install hay bales and silt fence as indicated in the plans.
3. Flagged limits of clearing to be verified by the Town.
4. Conduct all clearing and grubbing.
5. Loam to be stripped and stockpiled in designated areas.
6. Replace or adjust drainage pipes in Phase IV. Install head walls and rip rap plunge pools.
7. Final grade road, Phase IV to elevations shown on the plans.
8. Grade site to elevations shown on the plans.
9. Install all utilities.
10. Install bituminous paving.
11. Spread topsoil, fertilize and seed.
12. Flag limits of clearing for wetland restoration area.
13. Conduct all clearing and grubbing.
14. Loam to be stripped and stockpiled in designated areas.
15. Grade restoration area to elevations shown on the plans.
16. Spread topsoil, fertilize and place wetland seeds and plants.
17. Remove all sediment from control structures; remove all erosion and sedimentation control devices.
18. Clean out all storm drainage structures.
19. SEE ATTACHMENT L FOR MITIGATION DESIGN

CONTACT PERSON:- RASHID HAMID
PHONE: (860) - 875 - 1895

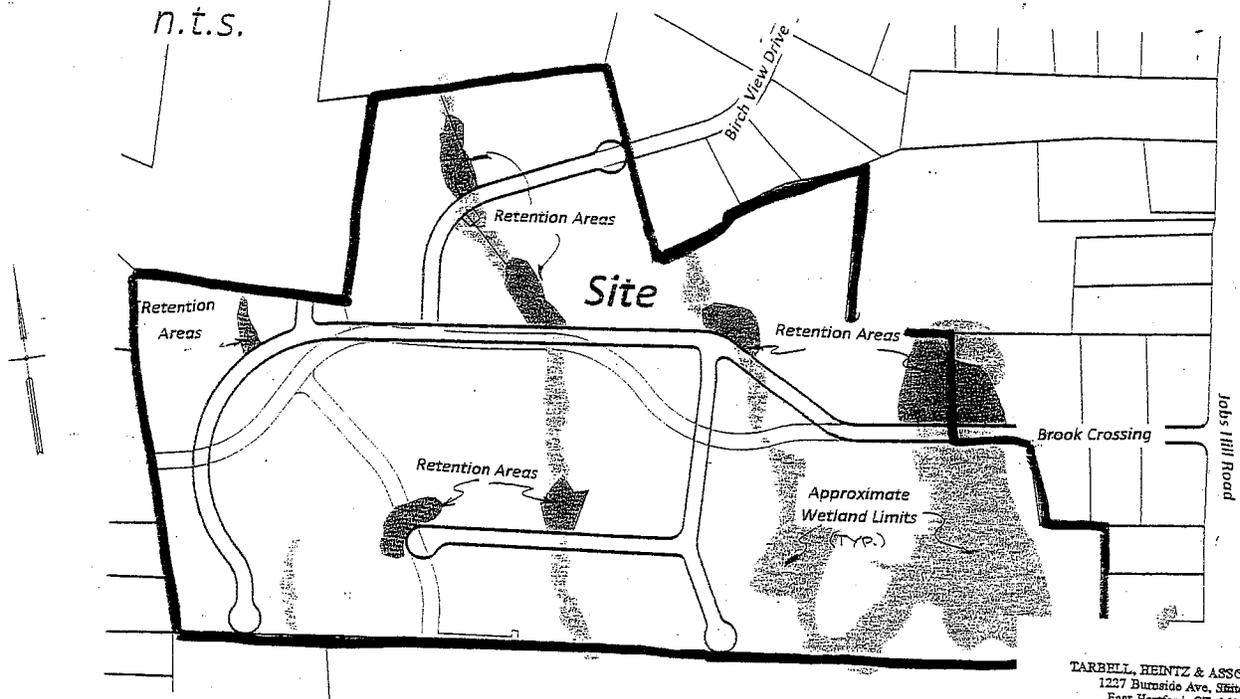
Note: All existing erosion controls are being maintained by the contractor.

PURPOSE: Residential Development
& Extension of Town
Road by Request
DATUM: NAD 1929
TARBELL, HEINTZ & ASSOC., INC.
1227 Burnside Ave., Ste. 31
East Hartford, CT

**HIGHFIELD
ESTATES**
Construction
Detail/Erosion
Control

PROPOSED: Residential
Community in
Ellington, CT
COUNTY OF: Tolland, CT
APPLICATION BY:
Brook Crossing Development, LLC
Date: 03-17-08 Sheet 14 of 20

Alternative Analysis



TARBELL, HEINTZ & ASSOC., INC.
1227 Burnside Ave., Ste. 31
East Hartford, CT 06108

PURPOSE: Residential Development
& Extension of Town
Road by Request
DATUM: NAD 1929

TARBELL, HEINTZ & ASSOC., INC.
1227 Burnside Ave., Ste. 31
East Hartford, CT

HIGHFIELD ESTATES Alternative Analysis F

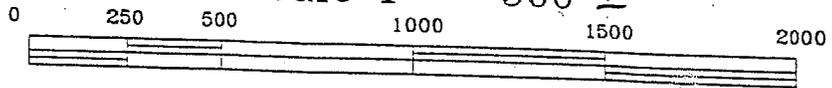
PROPOSED: Residential
Community in
Ellington, CT

COUNTY OF: Tolland, CT
APPLICATION BY:
Brook Crossing Development, LLC

Date: 03-17-08
REV: 10-1-09 Sheet 15 of



Scale 1" = 500' ±



PURPOSE: Residential Development
& Extension of Town
Road by Request
DATUM: NAD 1929

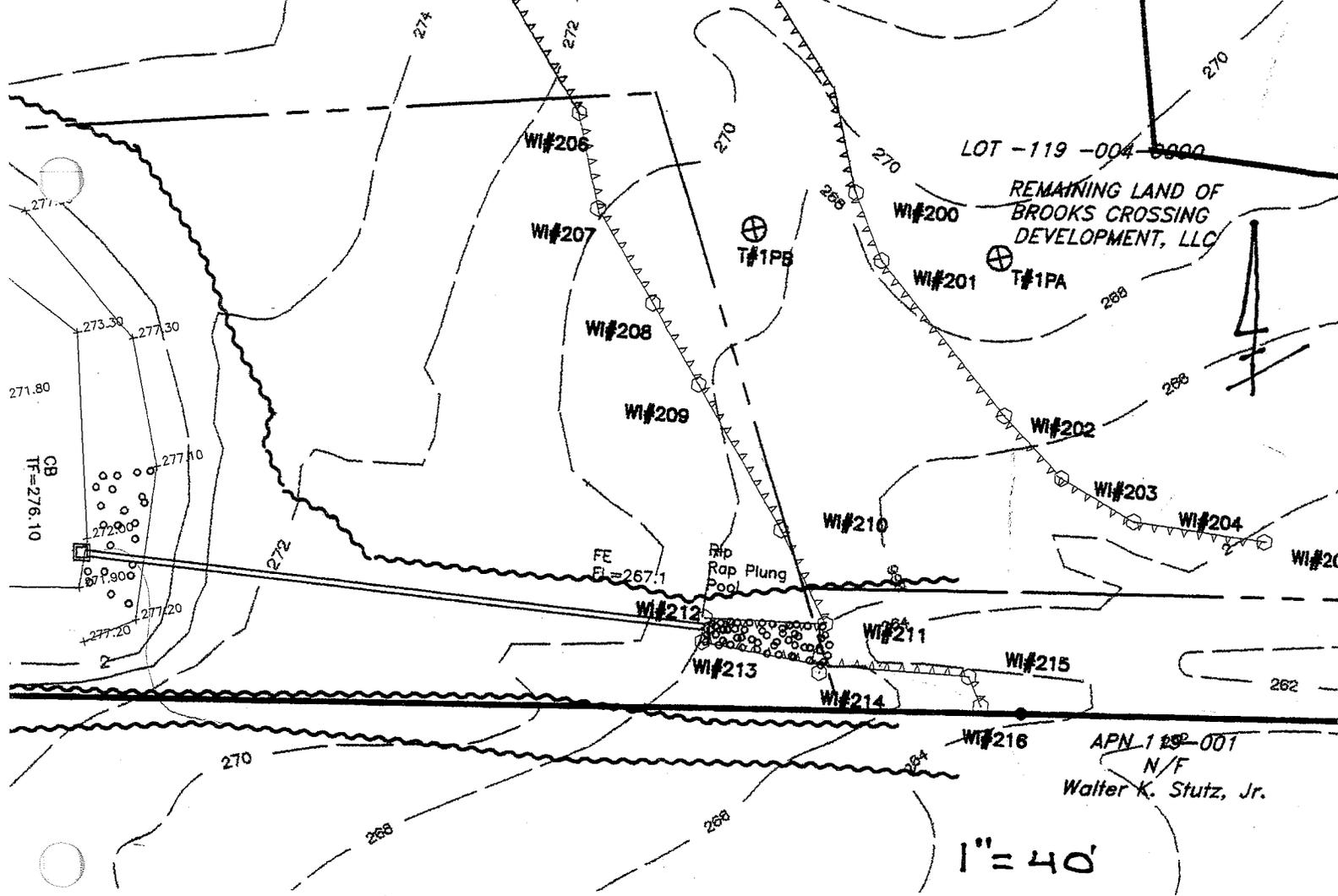
TARBELL, HEINTZ & ASSOC., INC.
1227 Burnside Ave., Ste. 31
East Hartford, CT

**HIGHFIELD
ESTATES**
*FUTURE
DEVELOPMENT PLAN
G*

PROPOSED: Residential
Community in
Ellington, CT

COUNTY OF: Tolland, CT
APPLICATION BY:
Brook Crossing Development, LLC

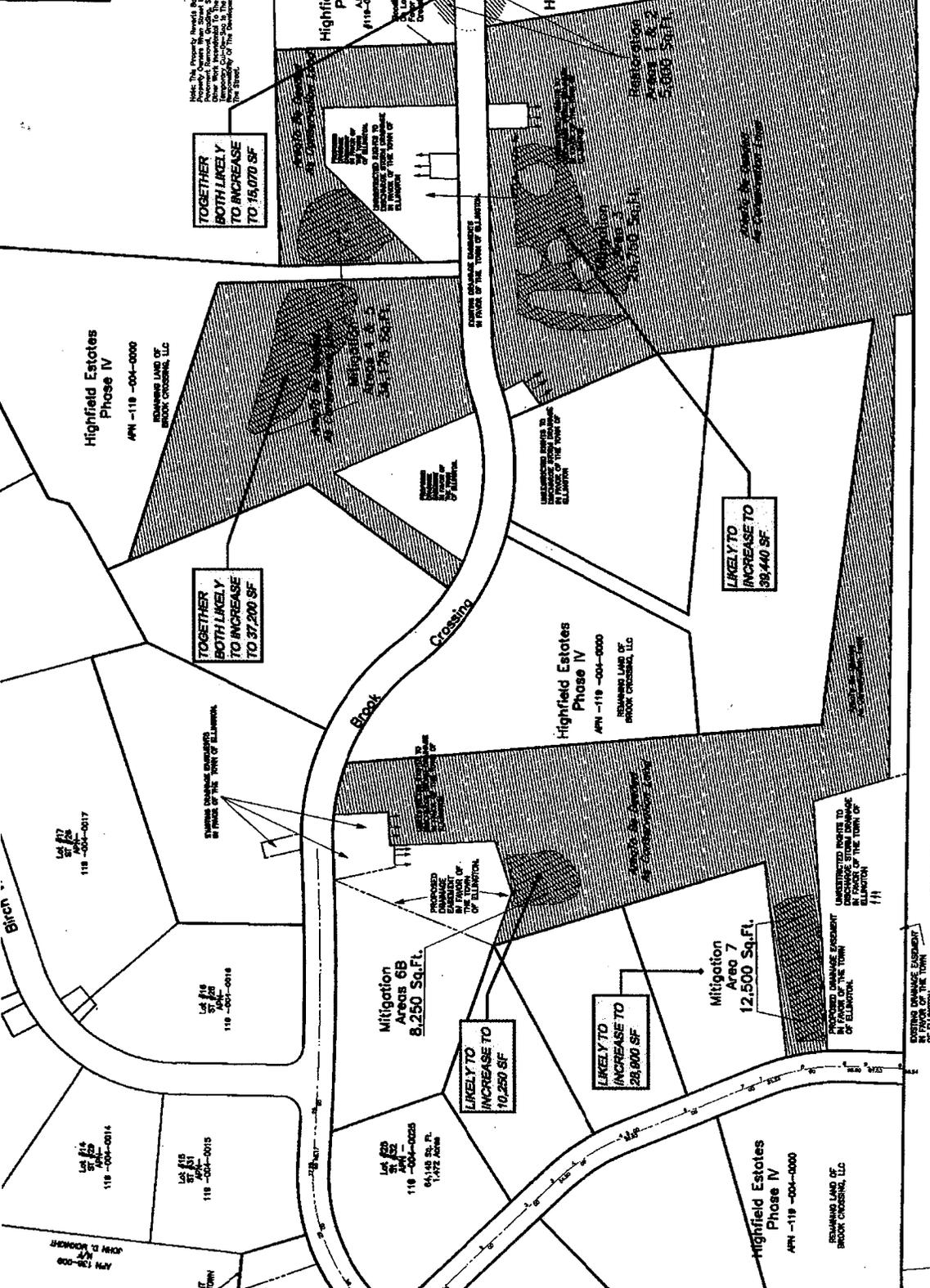
Date: 03-17-08 Sheet 4 of 4
REV: 10-1-09



E 0.04 Ac Temp Disturbance 15 Cu. Yds. Fill
 RIP RAP

SEE ATTACHMENT 'K'

<p>PURPOSE: Residential Development & Extension of Town Road by Request DATUM: NAD 1929 ARBELL, HEINTZ & ASSOC., INC. 1227 Burnside Ave., Ste. 31 East Hartford, CT</p>	<p>HIGHFIELD ESTATES Wetland Disturbance E</p>	<p>PROPOSED: Residential Community in Ellington, CT COUNTY OF: Tolland, CT APPLICATION BY: Brook Crossing Development, LLC Date: 03-17-08 Sheet 17 of REV: 10-1-09</p>
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LEGEND:

- EXISTING MONUMENT
- EXISTING IRON PIN
- CONCRETE MONUMENT TO BE SET
- IRON PIN TO BE SET
- EXISTING STONE WALL
- EXISTING TREE
- CONSERVATION EASEMENT 50,000 SQ.FT. (PROPOSED)
- WETLAND CREATION FOR THE SEVEN SELECTED AREAS COULD BE AS HIGH AS 108,000 SQ. FT. (3.00 ACRES)

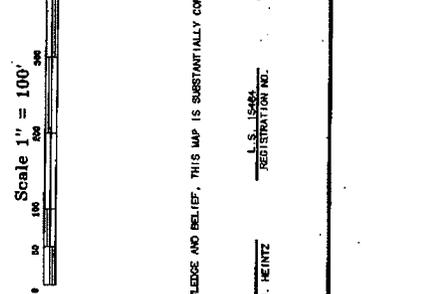
RESTORATION/MITIGATION PLAN
PREPARED FOR
"HIGHFIELD ESTATES PHASE IV"
BROOK CROSSING
ELLINGTON, CONNECTICUT

TARBELL, HEINTZ & ASSOC., INC.
CIVIL ENGINEERS - LAND SURVEYORS
1227 BURNSE AVE., STE. 31 EAST HARTFORD, CT. (860) 598-1010

APN NO. 302-14 DATE: 04-27-08 SCALE: 1" = 100' SHEET NO: 1 OF 1

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

RUSSELL H. HEINTZ
L.S. 15464 REGISTRATION NO. DATE: 04-27-08



REVISION 9-17-08