SHIPMAN & GOODWIN LLP®

COUNSELORS AT LAW

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December 9, 2011

VIA HAND DELIVERY

RECEIVED
DEC - 9 2011
TOWN OF MANSFIELD
PLANNING DEPARTMENT

Ms. Jo Ann Goodwin, Chair
Planning & Zoning Commission
Town of Mansfield
Audrey P. Beck Municipal Building
4 South Eagleville Road
Mansfield, CT 06268

RE: Applications by Cumberland Farms, Inc. for Special Permit to construct a convenience store and gas filling station; 643 Middle Turnpike and 1660 Storrs Road, Mansfield, CT

Dear Ms. Goodwin:

On behalf of our client, Cumberland Farms, Inc., I am pleased to enclose a Special Permit Application for the two parcels referenced above. These abandoned properties were formerly used as the Kathy-Johns restaurant and Republic Oil gas station at the Four Corners intersection of Routes 44, 195 and 320 in Storrs. Cumberland Farms proposes to redevelop the combined site with a new convenience store and four gas dispensers.

The proposed development will substantially improve the appearance and functionality of the properties at the northeast corner of this key intersection. The proposed site coverage will be reduced by about one-half compared with existing site coverage, and building coverage will be reduced from 6.2 percent to 5.6 percent. The gas operation and canopy will be equipped with state-of-the-art controls and the convenience store has been designed to comply with your recently adopted Four Corners Design Criteria. We have met with Town staff on multiple occasions to discuss the site plan and have revised it to address their comments, and we now look forward to presenting our plan to the Commission.

In accordance with the Mansfield Zoning Regulations and our discussions with staff, we are filing the following: Special Permit Application (original plus four copies); narrative Statement of Use (original plus four copies); Sanitary Memorandum (original plus four copies); four sets of full size stamped and signed site plans and exterior elevations; 15 reduced size (11" x 17") copies of the plan set; two copies of the Stormwater Management Report prepared by CHA; two copies of the Traffic Study prepared by CHA; and filing fee in the amount of $1,060. In addition, we are filing today an application with the Mansfield Inland Wetlands Agency for a permit to conduct regulated activities.

We look forward to presenting these applications to the Commission at the earliest available public hearing. Thank you in advance for your consideration.

Very Truly Yours,

Joseph P. Williams

Enclosures

Cc: Ms. Kathleen Sousa
Mr. John Marth
Mr. Kevin Thatcher, P.E.

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RECEIVED
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TOWN OF MANSFIELD
PLANNING DEPARTMENT

SPECIAL PERMIT APPLICATION
(see Article V, Section B of the Zoning Regulations)

Mansfield Planning and Zoning Commission

File#_____
Date_____

1. **Name of development** (where applicable) Cumberland Farms, Inc.

2. **Proposed use** of the property is Retail and retail sale of automotive fuels. in accordance with Sec.(s) N of Article VII (Permitted Use provisions) of the Zoning Regulations

3. **Address/location** of subject property 643 Middle Turnpike and 1660 Storrs Road

   Assessor's Map 2 Block 8 Lot(s) 12 and 13 Vol. 302 Page 442 and Vol. 423 Page 246

4. **Zone** of subject property Planned Business 3 **Acreage** of subject property 1.67 and .72 (2.39 total)

5. **Acreage of adjacent land in same ownership** (if any) None

6. **APPLICANT** Cumberland Farms, Inc. (please **PRINT**) Joseph P. Williams Signature
   Street Address c/o Joseph P. Williams, Esq., Shipman & Goodwin LLP, One Constitution Plaza
   Town Hartford, CT Zip Code 06103-1919 Telephone 860-251-5127

   Interest in property: Owner_____ Optionee X Lessee_____ Other_____

   (If "Other", please explain)_____

7. **OWNER OF RECORD** See Exhibit A attached hereto. (please **PRINT**) _____ Signature
   (**OR** attached Purchase Contract_____ **OR** attached letter consenting to application X)
   Street Address_____ Telephone_____
   Town_____ Zip Code_____

8. **AGENTS** (if any) representing the applicant who may be directly contacted regarding this application:

   Name Joseph P. Williams, Esq. Telephone 860-251-5127
   Address Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT Zip Code 06103-1919
   Involvement (legal, engineering, surveying, etc.) Legal

   Name_____ Telephone_____
   Address_____ Zip Code_____
   Involvement (legal, engineering, surveying, etc.)_____

(over)

9. The following items have been submitted as part of this application:

___X___ Application fee in the amount of $ 1,560.00

___X___ Statement of Use further describing the nature and intensity of the proposed use, the extent of proposed site improvements and other important aspects of the proposal. To assist the Commission with its review, applicants are encouraged to be as detailed as possible and to include information justifying the proposed special permit with respect to the approval criteria contained or referenced in Article V, Section B.5.

___X___ Site plan (6 copies) as per Article V, Section B.3.d

___X___ Site plan checklist including any waiver requests

___X___ Sanitation report as per Article V, Section B.3.e

___X___ Acknowledgement that certified notice will be sent to neighboring property-owners, as per the provisions of Article V, Section B.3.c (use Neighborhood Notification Form).

___X___ As applicable for projects within the watershed of the Willimantic Reservoir, acknowledgement that certified notice will be sent to the Windham Water Works, as per the provisions of Article III, Section 1.

___X___ As applicable for projects within State designated aquifer protection areas, acknowledgment that the Commissioner of Public Health will be notified as per the provisions of Article III, Section 1. The State Department of Public Health's on line form (www.dph.state.ct.us/BRS/Water/Source Protection/PA0653.htm) shall be used with a copy of the submittal delivered to the Planning Office.

_____ Other information (see Article V, Section B.3.g). Please list items submitted (if any):

_____

_____

10. **ALL APPLICATIONS, INCLUDING MAPS AND OTHER SUBMISSIONS, MUST COMPLY WITH ALL APPLICABLE SECTIONS OF THE ZONING REGULATIONS, INCLUDING, BUT NOT LIMITED TO:**

Art. X, Sec. E,	Flood Hazard Areas, Areas Subject to Flooding
Art. V, Sec. B,	Special Permit Requirements (includes procedure, application requirements, approval criteria, additional conditions and safeguards, conditions of approval, violations of approval, and revisions) Art. VI, Sec. A, Prohibited Uses
Art. VI, Sec. B,	Performance Standards
Art. VI, Sec. C,	Bonding
Art. VII,	Permitted Uses
Art. VIII,	Dimensional Requirements/Floor Area Requirements Art. X, Sec. A, Special Regulations for Designed Development Districts Art. X, Sec. C, Signs
Art. X, Sec. D,	Parking and Loading
Art. X, Sec. H,	Regulations regarding filling and removal of materials Art. X, Sec. S, Architectural and Design Standards

EXHIBIT A

Property Owners of Record

643 Middle Turnpike:	Kathleen A. Jones
1660 Storrs Road:	P. Michael Lahan, Trustee Deborah L. Lagan, Trustee Amanda Boukas, Trustee Kathleen A. Jones, Trustee

2112221v1

EXHIBIT B

July 11, 2011

Town of Mansfield
4 South Eagleville Road
Mansfield, CT 06268

RE: Applications of Cumberland Farms, Inc.
Relating to 1660 Storrs Road, ID 2.8.12

Dear Sir or Madam:

P. Michael Lathan Trustee is the current owner of the property located at 1660 Storrs Road. The undersigned hereby confirms the owner's consent to the filing and processing of applications by Cumberland Farms, Inc., and or its agents, for any and all permits required.

Very truly yours,

Trustee

cc: Cumberland Farms, Inc.

July 12, 2011

Town of Mansfield
4 South Eagleville Road
Mansfield, CT 06268

RE: **Applications of Cumberland Farms, Inc.**
Relating to 643 Middle Turnpike, ID 2.8.13

Dear Sir or Madam:

Kathleen Jones is the current owner of the property located at 643 Middle Turnpike. The undersigned hereby confirms the owner's consent to the filing and processing of applications by Cumberland Farms, Inc., and or its agents, for any and all permits required.

Very truly yours,

cc: Cumberland Farms, Inc.

STATEMENT OF USE FOR SPECIAL PERMIT APPLICATION

Cumberland Farms, Inc.
643 Middle Turnpike and 1660 Storrs Road
(Routes 44/195/320), Mansfield, CT

December 9, 2011

Cumberland Farms, Inc. proposes to merge and redevelop the two parcels located at 643 Middle Turnpike and 1660 Storrs Road (northeast corner of the intersection of Routes 44/195/320) in the Storrs section of Mansfield as a combined site with a new convenience store and four multi-product gasoline dispensers. The combined property totals 2.62 acres and is located in the Planned Business 3 (PB-3) zone. Currently abandoned and dilapidated, the properties formerly were operated as the Kathy-Johns restaurant and Republic Oil gas station.

The proposed use consists of: a 3,634 square foot convenience store building; gasoline filling station with four multi-product dispensers and canopy; parking area with 22 striped spaces; two 20,000-gallon underground storage tanks; exterior garbage collection area; and landscaped buffer along Routes 44 and 195. The proposed use complies with the permitted use provisions of the Mansfield Zoning Regulations, as set forth in Article Seven, Section N.2.a.1 and N.2.h.2; will be less intense than the longstanding prior use of the parcels as a gas station and restaurant; and is compatible with the Mansfield Plan of Conservation and Development (2006).

In 1990, the Mansfield Planning and Zoning Commission granted a special permit to Republic Oil Co., Inc. to construct a gasoline service station and convenience store on the 1660 Storrs Road parcel.[1] The Mansfield Zoning Board of Appeals that year granted a variance allowing the gasoline pump canopy to be built 20 feet from the front property line. The parcel at 643 Middle Turnpike for many years was operated as the "Kathy-Johns" restaurant. The existing, combined 2.62-acre site has 1.6 acres of impervious coverage, or 61 percent of the site.

The proposed plan will substantially reduce the total site coverage to 30.7 percent (0.8 acre). The plan removes the two existing restaurant and convenience store buildings and replaces them with a single convenience store, thereby reducing the building coverage from 6.2 percent to 5.6 percent. The front and side yards setbacks to the store building and to the

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[1] If the current special permit application is granted, Cumberland Farms requests that the Commission declare the 1990 special permit void for clarity of the land records.

canopy will increase substantially in the proposed plan.[2] The plan maintains the existing natural vegetation along the northwestern, northern and eastern boundaries of the property, and it adds a generous landscaped buffer at the southwestern corner of the property as well as landscaped islands within the parking area and at the northern edge of the parking area. The paved parking and travel area is also being greatly reduced in the proposed plan; 22 striped parking spaces are provided, consistent with Article Ten, Section D.5.O of the Zoning Regulations.

Access to the site will be better controlled by reducing the multiple existing curb cuts to just two entrance/exit areas, one each at Route 195 and Route 44. CHA is currently preparing a traffic study that will be submitted to the Commission shortly.

Cumberland Farms expects to hire three full time employees and 10 part-time employees for its new convenience store. Among other things, the store will offer items such as fruit, breakfast offerings, pizza, roller grill items, and heated fresh sandwiches upon demand. A selection of hot, cold and frozen beverages will also be provided. The store will be operated on a 24-hour basis.

The proposed facility will use the existing on-site septic system and potable water supply well. We expect the usage of these systems to be much less than the amounts the restaurant used. Stormwater management and renovation are discussed in the plan set and in the drainage report filed herewith. The stormwater system provides for a bio-retention area in the northwestern corner of the site that will be planted with wetlands plants.

There are off-site inland wetlands areas adjacent to the northern and southeastern boundaries of the site. The plan proposes regulated activities within the upland review areas for each of these wetlands. We are therefore filing, simultaneously with the zoning applications, an application for permit to conduct regulated activities with the Mansfield Inland Wetlands Agency.

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[2] Given that the PB-3 zone is a Design Development District, the Commission is empowered, under Article Ten, Section A.4.d of the Zoning Regulations, to determine the setback requirements for buildings and site improvements on this site.

MAP CHECKLIST
FOR USE WITH SITE PLAN OR SPECIAL PERMIT APPLICATIONS

(To be submitted by applicant with other application materials)

PZC File #_____
Date_____

Name of Development Cumberland Farms Convenience Store and Gas Station

Applicant Cumberland Farms, Inc.

This checklist is designed to assist applicants as well as the PZC and staff. It is not intended as a substitute for, nor does it contain all of, the information and requirements in the Zoning Regulations and other applicable Town Ordinances and requirements. It is important to note that the Zoning Regulations allow the PZC to waive certain site plan requirements for minor applications where the information is not needed to determine compliance with the Regulations. It is recommended that the Mansfield Director of Planning be contacted if an applicant intends to seek a waiver of certain site plan requirements or if any questions arise. **Any requested waivers must be identified on this checklist**.

Unless waived by the Planning & Zoning Commission, submitted site plans shall include the following information (for more complete and specific descriptions of site plan requirements, see Article V, Section A.3.d of the Zoning Regulations):

	Included	Not Included	Waiver Requested* (see p. 3)
1. Title block: Applicant and owner's name, scale, date & all revision dates	X		
2. Original signature/seal of surveyor, landscape architect and/or engineer responsible. Unless waived, survey to be to A-2 standards	X		
3. Location map at 1"=1,000' scale (see Art. V. Sec. A.3.d.4 for more details)	X		
4. Property lines, sq. footage, setback lines, N. arrow, zone(s)	X		
5. Edges of adjacent street, utility poles & underground lines, stone walls, fences, roadside features	X		
6. Names/addresses of abutting property owners, including those across street (for Special Permit property owners, within 500 ft. of site)	X		
7. Existing & proposed buildings, structures, signs, floor plans, buildings on adjacent land that may be affected	X		
8. Existing & proposed contours, quantity of material to be added or removed			X

(con't.)

	Included	Not Included	Waiver Requested* (see p. 3)
9. Watercourses, wetlands, flood hazard areas, aquifers	X		
10. Exposed ledge, areas shallow to bedrock		X	
11A. Waste disposal, water supply facilities	X		
11B. Test pit & percolation test locations & findings (include test dates)			X
12A. Existing & proposed drainage facilities, roadways, bridges, pedestrian ways, utilities (including construction details)	X		
12B. Existing & proposed easements, rights-to-drain	X		
12C. Proposed sediment & erosion controls	X		
13A. Existing & proposed offstreet parking & loading areas, fire access lanes	X		
13B. Outside storage & refuse areas, fuel & chemical storage tanks	X		
14. Existing & proposed fencing, walls, landscaping (including plant size & type, historic features)	X		
15. Existing & proposed outdoor illumination (including method & intensity of lighting)	X		
16. Existing & proposed outdoor recreation features, with construction details for any recreation improvements		X	
17. Other information (see Art. V, Sections A.3.g, B.3.g)	X		

Note: For non-exempt applications subject to Sand and Gravel regulations (Art. X, Sec. H), additional special application provisions must be met.

JOSEPH P. WILLIAMS
(PRINT)Name of individual completing this form

JP Williams
Signature

12/9/11
Date

(con't.)

Explanation of Waiver Requests

Please identify by number the information item(s) for which a waiver has been requested and explain why the information is not necessary to review the proposed development with respect to applicable approval criteria. (If questions arise regarding waiver requests, please consult with the Director of Planning at 429-3330 or the Zoning Agent at 429-3341.)

8. Existing and proposed contours are shown on the submitted site plans but no cut and fill calculations have been performed at this point in the design.

10. No areas of exposed ledge or shallow bedrock have been encountered on the site.

11B. Test pits are currently being scheduled and results will be submitted once completed.

16. No recreation features are proposed.