



**SHIPMAN & GOODWIN<sup>LLP</sup>**  
COUNSELORS AT LAW

**RECEIVED**  
**DEC - 9 2011**  
**TOWN OF MANSFIELD**  
**PLANNING DEPARTMENT**

Joseph P. Williams  
Phone: (860) 251-5127  
Fax: (860) 251-5318  
jwilliams@goodwin.com

December 9, 2011

**VIA HAND DELIVERY**

Ms. Jo Ann Goodwin, Chair  
Inland Wetlands Agency  
Town of Mansfield  
Audrey P. Beck Municipal Building  
4 South Eagleville Road  
Mansfield, CT 06268

RE: Application by Cumberland Farms, Inc. for Permit to Conduct Regulated Activities in connection with constructing 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 have enclosed an application to conduct regulated activities at the above-referenced properties. These two parcels contain the former, now abandoned Kathy-Johns restaurant and Republic Oil gas station at the 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.

Although no inland wetlands have been identified on the subject site, there are two wetland areas on adjacent parcels, one to the north of the subject site and one to the southeast. Some of the proposed construction will take place within the 150 foot upland review areas for these wetland areas. No work is proposed in or immediately adjacent to the wetlands, and our project engineers have designed a stormwater management system that will avoid any indirect impacts to the wetlands from stormwater discharges. Therefore, we expect that there will be no adverse impacts to wetlands as a result of the proposed activities.

In accordance with the Mansfield Inland Wetlands and Watercourses Regulations and our discussions with staff, we are filing the following: Application for Permit and narrative Statement of Use (original plus four copies); DEP reporting form; and filing fee in the amount of \$310. In support of this application and our zoning application that is being filed simultaneously herewith, we are also filing four sets of full size stamped and signed site plans

Ms. Jo Ann Goodwin, Chair  
December 9, 2011  
Page 2

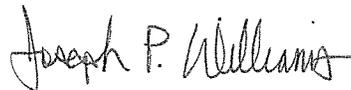
and 15 reduced size (11" x 17") copies of the plan set, along with copies of a Stormwater Management Report and Sanitary Memorandum prepared by CHA. We have sent the required notices of this application to the Connecticut Department of Public Health, Windham Water Works and abutting property owners, and are providing copies of those notices to the Inland Wetlands Agency.

We have checked the State of Connecticut Department of Environmental Protection's Natural Diversity Database for the presence of any state-listed species or significant natural communities on the subject property; the Database identified no such resources on this intensely developed site. The applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information.

Finally, we respectfully request that the Agency consider reviewing this wetlands application at its regular meeting in January, rather than scheduling a public hearing. Because of the Agency's monthly meeting schedule and its normal practice for deciding applications, we expect that assigning a public hearing would delay decision until your March meeting. Cumberland Farms has a pressing need, under its contract to purchase the property, to complete the local approval process by the end of February. Moreover, as explained above, there are no wetlands on the subject property, and our engineers have proposed a design that will avoid any indirect adverse impacts to off-site wetlands. As you will recall, the Agency members already held a site visit at the property in connection with our prior application. The overall proposal will of course be heard at a public hearing on our zoning application, and this should satisfy the public interest in holding a hearing. We would greatly appreciate your consideration in this regard.

We look forward to presenting this application to the Agency on its earliest possible agenda. 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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**APPLICATION FOR PERMIT  
MANSFIELD INLAND WETLANDS AGENCY  
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268  
TEL: 860-429-3334 OR 429-3330  
FAX: 860-429-6863**

FOR OFFICE USE ONLY

File #

W \_\_\_\_\_  
Fee Paid \_\_\_\_\_  
Official Date of Receipt \_\_\_\_\_

**Part A – Applicant**

Name Cumberland Farms, Inc.

Mailing Address c/o Joseph P. Williams, Esq., Shipman & Goodwin LLP,

One Constitution Plaza, Hartford, CT Zip 06103-1919

Telephone-Home n/a Telephone-Business 860-251-5127

**Title and Brief Description of Project**

Cumberland Farms gas station and convenience store.

**Location of Project** 643 Middle Turnpike and 1660 Storrs Road, intersection of  
Routes 44/195/320.

**Intended Start Date** February 2012

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

Name See Property Owners of Record attached hereto as Exhibit A.

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

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

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

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

Signature See letters consenting to this application attached hereto as Exhibit B. date \_\_\_\_\_

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

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**TOWN OF MANSFIELD  
PLANNING DEPARTMENT**

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

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

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

- a) in the wetland/watercourse
- b) in the area adjacent to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is off your property
- a) No work proposed in wetlands.

b) Wetland A U.R.A. – Construction of small amount of concrete sidewalk but primarily earthwork related to construction of a bioretention area to provide stormwater quality treatment for site stormwater prior to release to Wetland A.

Wetland B U.R.A. – Construction of bituminous concrete parking areas, concrete sidewalks and proposed convenience store building as well as associated utility trenching and installation. Though the extent of proposed disturbance is greater within the Wetland B 150' upland review area, no stormwater from the site is tributary to this wetland.

- 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) None.

b) Wetland A U.R.A. = 0.1 acre ; Wetland B U.R.A.= 0.7 acre. Please note that a small part of the altered area within the Wetland A U.R.A. and a larger part of the altered area within the Wetland B U.R.A. will be altered by removing existing pavement to replace it with vegetated surfaces.

- 3) Describe the type of materials you are using for the project: Bituminous and Portland cement concrete curbs and pavements, sand, gravel, crushed stone, HDPE and PVC pipe, wood frame building.

- a) include **type** of material used as fill or to be excavated on-site material.
- b) include **volume** of material to be filled or excavated sitework goal is to balance on-site cut and 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).

Project will utilize temporary erosion control measures such as silt fence, inlet protection, and construction entrances as well as permanent control measures such as riprap and a bioretention area to provide stormwater quality treatment for runoff from the majority of site impervious surfaces.

**Part D – Site Description**

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

The majority of the site adjacent to US 44 and CT 195 is intensely developed with wooded areas surrounding the impervious areas on the northern and eastern boundaries of the site.

**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 proposed activities are expected to have no adverse impacts on the off-site wetlands.

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**Part F – Map/Site Plan (all applications)**

1) Attach to the application a map or site plan showing **existing conditions** and the **proposed project** in relation to wetland/ watercourses. Scale of map or site plan should be 1" = 40'; if this is not possible, please indicate the scale that you are using. A sketch map may be sufficient for small, minor projects. **(See guidelines at end of application – page 6.)**

- 2) Applicant's map date and date of last revision December 9, 2011
- 3) Zone Classification Planned Business 3
- 4) Is your property in a flood zone?  Yes  No  Don't Know

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

See Section 6 of the Mansfield Regulations for additional requirements.

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

1) List the names and addresses of abutting property owners

Name	Address
<u>See Exhibit C attached hereto.</u>	

2) **Written Notice to Abutters.** You must notify abutting property owners by certified mail, return receipt requested, stating that a wetland application is in progress, and that abutters may contact the Mansfield Inland Wetlands Agent for more information. Include a brief description of your project. **Postal receipts of your notice to abutters must accompany your application.** (This is not needed for exemptions).

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

- 1) Notice to Windham Water Works is attached. If this application is in the public watershed for the Windham Water Works (WWW), you must notify the WWW of your project within 7 days of sending the application to Mansfield--sending it by certified mail, return receipt requested. Contact the Mansfield Inland Wetlands Agent to find out if you are in this watershed.
- 2) Notice to Adjoining Town. If your property is within 500 feet of an adjoining town, you must also send a copy of the application, on the same day you sent one to Mansfield, to

the Inland Wetlands Agency of the adjoining town, by certified mail, return receipt requested.

- 3) The Statewide Reporting Form (attached) shall be part of the application and specified parts must be completed and returned with this application.

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

- 1) Will a significant portion of the traffic to the completed project on the site use streets within the adjoining municipality to enter or exit the site? \_\_\_ Yes 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**

Submit the appropriate filing fee. (Consult Wetlands Agent for the fee schedule available in the Mansfield Inland Wetlands and Watercourses Regulations.)

\_\_\_ \$1,000. \_\_\_ \$750. \_\_\_ \$500. X \$250. \_\_\_ \$125. \_\_\_ \$100. \_\_\_ \$50. \_\_\_ \$25.

X \$60 State DEP Fee

*Note: The Agency may require you to provide additional information about the regulated area which is the subject of the application, or about wetlands or watercourses affected by the regulated activity. If the Agency, upon review of your application, finds the activity proposed may involve a "significant activity" as defined in the Regulations, additional information and/or a public hearing may be required.*

***The undersigned applicant hereby consents to necessary and proper inspections of the above mentioned property by members and agents of the Inland Wetlands Agency, at reasonable times, both before and after the permit in question has been granted by the Agency.***

Joseph P. Williams

December 9, 2011

**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

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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 Laubman <sup>TRUSTEE</sup> 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,

Michael Laubman  
Trustee

cc: Cumberland Farms, Inc.

July 12, 2011

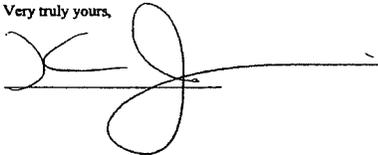
Town of Mansfield  
4 South Eagleville Road  
Mansfield, CT 06268

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,

A handwritten signature in black ink, appearing to read 'Kathleen Jones', is written over a horizontal line. The signature is stylized and extends to the right.

cc: Cumberland Farms, Inc.

EXHIBIT C

**LIST OF PROPERTIES ABUTTING AND  
ACROSS THE STREET OF SUBJECT PROPERTY  
LOCATED AT 1660 STORRS ROAD AND  
643 MIDDLE TURNPIKE**

**SOURCE: TOWN OF MANSFIELD ASSESSOR RECORDS  
AS OF DECEMBER 2, 2011**

MAP / BLOCK	STREET ADDRESS	NAME AND MAILING ADDRESS
2.8.11	10 Willington Hill Road	Milton M. Gordon Estate of Gesa M. Gordon 10 Willington Hill Road Storrs, CT 06268
2.8.14	661A - 661B Middle Turnpike	Shepard J E Company 200 Sullivan Avenue South Windsor, CT 06074
9.24.22	656 Middle Turnpike	Owen and Freda Sanderson P. O. Box 139 Storrs, CT 06268
9.24.21	650 Middle Turnpike	Steven H. Rogers Barbara Depray Douglas P. Donaldson 167 Baxter Road Storrs, CT 06268
9.24.20	644 Middle Turnpike	Richard Kreuzscher 644 Middle Turnpike Storrs, CT 06268
9.24.19	1650 Storrs Road	Robert Moskowitz 117 Stonemill Road Storrs, CT 06268
9.23.2-3	632 Middle Turnpike	Agree Mansfield LLC 31850 Northwestern Highway Farmington, MI 48334

MAP / BLOCK	STREET ADDRESS	NAME AND MAILING ADDRESS
8.15.12	1659 Storrs Road	Mansfield Acquisition Inc. c/o Hemisphere Mgt. 375 Broadway Albany, NY 12204
8.15.11	625 Middle Turnpike	OMS Development LLC 3180 Washington Road West West Palm Beach, FL 33405
2.6.32	15 Willington Hill Road	Gary and June Nelson 15 Willington Hill Road Storrs, CT 06268
9.23.1	Middle Turnpike	DDS Associates LLC c/o Max Javit 231 Farmington Avenue Farmington, CT 06032

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## 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.<sup>1</sup> 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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<sup>1</sup> 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.<sup>2</sup> 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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<sup>2</sup> 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.



Inland Water Resources Division  
 Department of Environmental Protection  
 79 Elm Street, 3<sup>rd</sup> Floor  
 Hartford, CT 06106-5127  
[www.ct.gov/dep](http://www.ct.gov/dep)

GIS CODE #: \_\_\_\_\_  
 For DEP Use Only

## Statewide Inland Wetlands & Watercourses Activity Reporting Form

Complete, print, **sign**, and mail this form in accordance with the instructions on pages 2 and 3.

### PART I: To Be Completed By The Municipal Inland Wetlands Agency Only

1. DATE ACTION WAS TAKEN (use drop-down box):      Year      Month
2. ACTION TAKEN (use drop-down box):
3. WAS A PUBLIC HEARING HELD? (select one only)       Yes       No
4. NAME OF AGENCY OFFICIAL VERIFYING AND COMPLETING THIS FORM:  
 (print): \_\_\_\_\_ (signature) \_\_\_\_\_

### PART II: To Be Completed By The Municipal Inland Wetlands Agency Or The Applicant

5. TOWN IN WHICH THE ACTION IS OCCURRING: **Mansfield**  
 Does this project cross municipal boundaries? (select one only)       Yes       No  
 If Yes, list the other town(s) in which the action is occurring:
6. LOCATION: USGS Quad Map Name (see hyperlink): **Coventry**  
Quad Number (see hyperlink): **40**  
 Subregional Drainage Basin Number (see hyperlink): **3100**
7. NAME OF APPLICANT, VIOLATOR OR PETITIONER: **Cumberland Farms, Inc.**
8. NAME & ADDRESS/LOCATION OF PROJECT SITE: **643 Middle Turnpike and 1660 Storrs Road  
 Mansfield (Storrs), CT**  
  
 Briefly describe the action/project/activity:  Temporary       Permanent
9. ACTIVITY *PURPOSE* CODE (Use drop-down box):      D
10. ACTIVITY *TYPE* CODE(S) (Use drop-down box)      12 ,      2 ,      9 ,
11. WETLAND / WATERCOURSE AREA ALTERED [must be provided in acres or linear feet as indicated]:  
 Wetlands: **0**      acres      Open Water Body: **0**      acres      Stream: **0**      linear feet
12. UPLAND REVIEW AREA ALTERED [must be provided in acres]:      **0.8**      acres
13. AREA OF WETLANDS AND / OR WATERCOURSES RESTORED, ENHANCED OR CREATED: **0**      acres  
 [must be provided in acres]

### PART III: To Be Completed By The DEP

DATE RECEIVED: \_\_\_\_\_ DATE RETURNED TO DEP: \_\_\_\_\_  
 FORM COMPLETED:  YES       NO      FORM CORRECTED / COMPLETED:  YES       NO

