



**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *MWH*
CC: Maria Capriola, Assistant to Town Manager; Linda Painter, Director of Planning and Development; Jennifer Kaufman, Parks Coordinator
Date: January 23, 2012
Re: Hawthorne Lane Conservation Easement Amendment

Subject Matter/Background

Property owners on Hawthorne Lane are requesting that the existing conservation easement be amended to release approximately 0.32 acres located on the west side of the cul-de-sac from the easement and add approximately 0.64 acres located along the northern property lines of two lots to the easement. The purpose of the request is to facilitate the relocation of the existing Connecticut Light and Power transmission lines to the south, away from the existing homes.

If the Connecticut Siting Council approves the proposed Interstate Reliability Project in its current form, a new transmission line will be constructed to the north of the existing line. Currently, the CL&P right-of-way extends across the front yards of the homes on Hawthorne Lane. Installation of the new line would require that the existing treed buffer between the homes and the transmission lines be removed. The property owners have been working with CL&P on an alternative that would shift the existing transmission line to the south, allowing construction of the new line in the area that is already cleared. However, a portion of the existing conservation easement area would need to have vegetation cleared to facilitate this shift.

Recognizing the impact the shift would have on the existing conservation area, the property owners have offered to expand the northern section of the conservation easement in exchange for release of the area needed to facilitate the CL&P transmission line shift. The proposed expansion of the easement would be twice the size of the area to be released, providing a clear benefit to the Town as is required under the 'Sale of Town-owned Properties' section of the Planning, Acquisition and Management Guidelines.

On January 3, 2012, the Planning and Zoning Commission recommended that the Town Council amend the existing Hawthorne Lane Conservation easement to release approximately 0.32 acres located west of the cul-de-sac and add approximately 0.64 acres located along the northern boundary of the properties at 21 and 25 Hawthorne Lane. The Commission further recommended that the change to the easement be contingent upon Connecticut Siting Council approval of the transmission line route proposed as part of the Interstate Reliability Project and specifically the Hawthorne Lane alternative. The Conservation Commission reviewed the request at its December 21, 2011 meeting and also recommended approval of the change to the easement. The Open Space Preservation Committee will be reviewing the request at its January 24, 2012 meeting.

Pursuant to the Planning, Acquisition and Management Guidelines for Mansfield Open Space, Park, Recreation, Agricultural Properties and Conservation Easements, a public hearing is required for the release or transfer of any conservation restriction. As part of the public hearing process, neighboring property owners will be notified.

Financial Impact

No financial impacts are anticipated from this easement amendment.

Legal Review

The Town Attorney has been working with staff on the proposed easement amendment and will review the official documents when they are received from the property owners.

Recommendation

In accordance with the Planning, Acquisition and Management Guidelines, staff recommends that the Council schedule a Public Hearing for February 13, 2012 to receive public comment regarding the proposed change to the Hawthorne Lane conservation easement. Notice of the public hearing will be provided to neighboring property owners.

If the Town Council concurs with this recommendation, the following motion is in order:

Move, to schedule a public hearing for 7:30 PM at the Town Council's regular meeting on February 13, 2012, to solicit public comment regarding the proposed modification to the Hawthorne Lane conservation easement.

Attachments

- 1) Map depicting area to be released and area to be added to the conservation easement
- 2) January 3, 2012 Planning and Zoning Commission minutes
- 3) December 21, 2012 Conservation Commission minutes
- 4) W. Hawthorne re: Hawthorne Lane Interstate Alternative Reliability Project

DRAFT MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Tuesday, January 3, 2012
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), M. Beal, R. Hall, K. Holt, G. Lewis, P. Plante, K. Rawn, B. Ryan
Members absent: B. Pociask
Alternates present: B. Chandy, V. Ward
Staff Present: Linda M. Painter, Director of Planning and Development
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 8:05 p.m. and appointed alternate Chandy to act in Pociask's absence.

Minutes:

December 19, 2011 Meeting: Hall MOVED, Ryan seconded, to approve the 12/19/11 Meeting minutes as written. MOTION PASSED UNANIMOUSLY. Lewis noted for the record that he listened to the recording of the meeting.

Zoning Agents Report:

Hirsch stated he sent out renewal forms to all those registered as having Home Occupations and Efficiency Units.

Public Hearing:

Special Permit Application for Fill, 28 Old Kent Road, J. James owner/applicant, PZC File #1306

Chairman Goodwin opened the Pubic Hearing at 8:10 p.m. Members present were Goodwin, Beal, Hall, Holt, Lewis, Plante, Rawn, Ryan and alternates Chandy and Ward. Alternate Chandy was appointed to act.

L. Painter, Director of Planning and Development, read the Legal Notice as it appeared in the Chronicle on 12/20/11 and 12/28/11 and noted the following communications received and distributed to members: a 12-29-11 memo from G. Meitzler, Assistant Town Engineer; a 12-29-11 memo from L. Painter, Director of Planning and Development; and a 1-3-12 letter from R. Meduna, 13 Thornbush Road.

Attorney Samuel Schragger, representing the applicant, presented background history on the property and the reason for the application.

Attorney Steven Basche, representing Douglas and Linda Rasicot, property abutters, opposed both the application and the request for waivers from application requirements. He discussed the background history on the property and submitted photos of the site before, after and during the work that was done by the applicant. He also submitted the following: an 11/8/2006 report written to the Director of Public Works from Eric R. Peterson, P.E., of Gardner and Peterson Associates, LLC; a 9/8/10 Temporary Agreement, and a petition signed by neighboring property owners.

After hearing extensive discussion from both attorneys and Mr. Rasicot, Goodwin noted for the record that there were no comments from the public. Plante MOVED, Beal seconded, to close the Public Hearing at 8:55 p.m. MOTION PASSED UNANIMOUSLY.

Public Hearing:

**Special Permit Application, Addition to Eastbrook Mall & Freestanding Building, 95 Storrs Road
New England Design/applicant, PZC File #432-6**

Chairman Goodwin opened the Pubic Hearing at 8:57 p.m. Members present were Goodwin, Beal, Hall, Holt, Lewis, Plante, Rawn, Ryan and alternates Chandy and Ward. Alternate Chandy was appointed to act.

L. Painter, Director of Planning and Development, read the Legal Notice as it appeared in the Chronicle on 12/20/11 and 12/28/11 and noted the following communications received and distributed to members: a

12-29-11 memo from L. Painter, Director of Planning and Development; a 12-29-11 memo from G. Meitzler, Assistant Town Engineer; a 12-28-11 letter from David A. Sawicki, Executive Director, CT DOT; a 12-21-11 memo from F. Raiola, Assistant Chief/ Deputy Fire Marshal; a 12-29-11 memo from the Design Review Panel; and a 12-29-11 memo from the Mansfield Conservation Commission. The applicant agreed to have testimony from the Inland Wetlands Agency meeting entered into the record of the Planning and Zoning Commission meeting.

John Whitcomb of BL Companies, John Everett of New England Design, and Daniel Plotkin of Northeast Leasing were present, representing the applicant. Everett reviewed the proposed changes to the site layout: the building addition to the north end of the mall, the small pad site along Storrs Road/Route 195, and the right-in and right-out driveway to enter/exit the pad site that crosses over Saw Mill Brook.

Whitcomb noted that he met with Town staff last week, and issues were identified which will be addressed on a revised set of plans. He asked if the condition of L.O.M.R. from FEMA can be a condition of approval or if they need the revision prior to approval. If the Commissioners feel that they need the L.O.M.A. prior to approval, the applicant will remove the pad site from the application.

Chairman Goodman asked for comments from the audience. David Simon, resident, would like to see sidewalks to go farther north on Storrs Road.

Noting no further comments or questions from the public or Commission, at 9:54, Hall MOVED, Holt seconded, to continue the Public Hearing to the next meeting. MOTION PASSED UNANIMOUSLY.

Old Business:

a. Cease and Desist Order-Freedom Green (PZC File #636-4)

Plante MOVED, Hall seconded, that the proposed grading plan dated 12/16/2011 and landscape plan dated 12/15/2011 be approved subject to the following conditions:

- The landscape plan be revised to label the shadblow tree located to the south of building B; change the proposed mugo pines in the driveway landscape area of building A to a shadblow tree, and that the final plan be signed and sealed by registered landscape architect that prepared the plan (Peter Miniutti).
- The grading plan be revised to eliminate proposed grade changes to the front and sides of structures A and B.
- Any changes to the grading plan, needed to comply with surface drainage requirements of the State Building Code, shall be submitted to the Zoning Agent for inclusion in the project file.

Upon submission of the revised plans and approval by the Director of Planning and Development that the plans have complied with the above conditions, the Zoning Agent shall be authorized to lift the Cease and Desist order on both Building A and Building B. MOTION PASSED UNANIMOUSLY.

b. Interstate Reliability Project

After discussion with representatives from CL&P, and changes to the "1-03-12 Draft Letter to Town Council", Plante MOVED, Hall seconded, to send the Town Council the amended 1-3-12 draft letter. MOTION PASSED UNANIMOUSLY.

c. Request to amend Conservation Easement/Hawthorne Lane Subdivision

After a brief discussion, and clarification of proposal to David Simon, property abutter, Holt MOVED, Ryan seconded, that the Planning and Zoning Commission hereby recommends that the Town Council amend the existing Conservation Easement for the Hawthorne Lane Subdivision to eliminate the 0.32 acres located to the west of the Hawthorne Lane cul-de-sac as depicted on the attached map and add the 0.64 acres located along the northern boundaries of the lots addressed at 21 and 25 Hawthorne Lane as depicted on the attached map. The change to the Conservation Easement should be contingent upon

Connecticut Siting Council approval of the transmission line route proposed as part of the Interstate Reliability Project and specifically the Hawthorne Lane alternative. The property owners shall be responsible for retaining an attorney to prepare the amendment to the Conservation Easement, as well as a surveyor/engineer to prepare revised legal descriptions and a map prepared to A-2 survey standards. Subject to the foregoing conditions, the subdivision approval is modified accordingly. MOTION PASSED UNANIMOUSLY.

d. Continued Discussion of By-Laws

Item tabled.

**e. Special Permit Application, Cumberland Farms, 643 Middle Turnpike & 1660 Storrs Road
Cumberland Farms, Inc./applicant, PZC File #1303-2**

Item tabled-Public Hearing scheduled for 1/17/2012.

New Business:

None.

Reports from Officers and Committees:

Beal noted that the next Regulatory Review Committee meeting will be on Wednesday, January 11th at 1:15 p.m. in Conference Room C.

Goodwin stated that since there was no new business requiring a field trip, the scheduled 1/10/12 Field Trip is cancelled.

Communications and Bills: Noted.

Adjournment:

Plante MOVED, Beal seconded, to adjourn the meeting at 10:51 p.m.

MOTION PASSED UNANIMOUSLY.

Respectfully submitted,

Katherine Holt, Secretary

Town of Mansfield
CONSERVATION COMMISSION
Meeting of 21 December 2011
Conference B, Audrey P. Beck Building
(draft) MINUTES

Members present: Robert Dahn, Neil Facchinetti, Quentin Kessel, Scott Lehmann, John Silander, Frank Trainor. *Members absent:* Aline Booth (Alt.), Joan Buck (Alt.), Peter Drzewiecki. *Others present:* Interstate Reliability Project: Jeff Buckley (Burns & McDonnell Engineering), Jeffrey Martin (NUSCO), Tony Mele (NU Transmission), John Yarbrough (Carmody & Torrance, LLP); Hawthorne Lane residents: Chris Duers, Wayne Hawthorne, Richard ("Scott") Welden; Grant Meitzler (Wetlands Agent), Linda Painter (Town Planner).

1. The meeting was called to order at 7:34p by Chair Quentin Kessel. The Commission agreed unanimously to reorder and expand its agenda to accommodate guests and two items of new business.

2. The draft minutes of the 16 November meeting, with the excision of the second sentence of item 5, were approved.

3. Interstate Reliability Project:

a. CL&P has updated its 2008 proposal for a second 345kv transmission line to improve the electric power grid in S. New England. Its preferred alternative remains running the new line through NE Connecticut in the existing right-of-way (ROW) using a second column of poles. Use of monopoles in some sections of Mansfield would slightly reduce the amount of new clearing required in the ROW. The option preferred by the Commission (running the line parallel to I-90 & then down to Manchester) was rejected as more costly (\$700M with greater environmental impact vs. \$532M). Somewhat more costly variations on CL&P's preferred option include placing some sections of the line in Mansfield underground and avoiding Mansfield entirely (at Windham's expense). For details, see Linda Painter's report:

www.mansfieldct.gov/1904/1932/16188/interstate_reliability_project_report.pdf

b. Responding to questions from the Commission, representatives of CL&P indicated that the project aims (1) to eliminate bottlenecks in moving power to S. New England, a net importer of electricity, and (2) to increase the grid's reliability by providing redundancy through a second 345kv circuit. Higher single-pole structures carrying both the old and new 345kv line (which the Commission had suggested in order to avoid additional clearing in the ROW) might achieve(1) but not (2), since failure of a single structure would take out both circuits.

c. **PZC #1177 (Hawthorne La, Conservation Easement).** Residents of Hawthorne Lane have proposed that CL&P slightly 'cut the corner' of its ROW at the Hawthorne La cul de sac so that the buffer of trees in front of their homes does not disappear. This would require liquidating 0.32 acres of a Town conservation easement (and the trees thereon). In exchange, the residents have agreed to offer the town a conservation easement on 0.64 acres of wooded land at the rear of two of their lots. This slight re-routing is not part of CL&P's preferred alternative, but it will be included as an option in its application to the Connecticut Siting Council, provided the Town agrees to the easement swap. After some discussion, the Commission agreed unanimously (**motion:** Lehmann, Dahn) that it had no objection to the proposed exchange of conservation easements. CL&P representatives and Hawthorne La residents left the meeting.

4. IWA referrals. Lehmann visited these sites on the 13 December IWA Field Trip; his report is attached.

a. **W1489 (Town of Mansfield, Woodland Rd).** To address an erosion problem, the Town proposes to redirect drainage from a catchment in Ashford to a wooded area in Mansfield above a wetland, via 180 feet of 18-inch pipe with a level spreader at its egress to control erosion. The Commission does not expect any significant wetlands impact from this project as proposed (**motion:** Lehmann, Trainor; approved unanimously).

b. **W1490 (Eastbrook Mall, 95 Storrs Rd).** Two projects are proposed at Eastbrook Mall: (1) a 14.5K ft² addition to the N end (TJ-Max end) of the building and (2) a pad for a 3.2K ft² building on the grassy triangle at the NE corner of the property between Rt. 195 and Sawmill Brook. (1) requires cutting the existing access road around the N side of the mall into the hill that separates it from Sawmill Brook; (2) requires access from the mall to the new building pad by a bridge over Sawmill Brook. After some discussion, the Commission agreed on the following **motion** (Facchinetti, Silander; all in favor save Dahn, who abstained because he has done work for the developer):

(A) The Commission is concerned about runoff into Sawmill Brook from the Eastbrook Mall parking lots. To provide some protection for the brook, developers of the proposed expansion should eliminate at least as much impervious cover (IC) southwest of the brook as is created by the expansion; in particular, the eliminated IC should be replaced with a broad vegetated berm on the southwest side of the brook. (B) The brook should be protected from sedimentation during construction by adequate erosion-control measures. (C) Realigning the north access road will bring it quite close to the brook, and it is not possible, on the basis of the information provided, to rule out a significant impact on the brook.

c. **W1491 (Cumberland Farms, 4 Corners).** As this application is essentially a resubmission of W1483, the Commission saw no need to revise its comment of 20 July 2011.

5. Executive Session. At approximately 8:50p the Commission voted unanimously (**motion:** Dahn, Facchinetti) to go into executive session to discuss a property acquisition issue; Painter and Meitzler remained in attendance. The executive session ended and the regular meeting resumed at 9:00p (**motion:** Trainor, Dahn; approved unanimously).

6. UConn Water Supply Source Study. UConn has added relocating Fenton Well A farther from the Fenton River to the list of alternative water sources being evaluated.

7. Heidinger Letter. A 14 December letter to the Commission from Kurt Heidinger points out that, in the view of the Attorney General in 2000, UConn (as a state agency) does not qualify as a water company and its operations are therefore not subject to DEEP oversight under the state's aquifer protection program. The Commission agreed to pass Mr. Heidinger's letter along to the Town Council with the recommendation that it address concerns about the lack of legal authority for regulating UConn's use of the Willimantic and Fenton River wellfields.

8. Dark Skies. The Conservation Commissions of Mansfield, Ashford, & Willington will sponsor a showing of "The City Dark," a documentary film on light pollution, at 7:00p, 03 February 2012 at E.O. Smith. A representative from the International Dark Sky Association will attend to answer questions.

9. North Hillside Rd. The Final EIS on this project to connect UConn to Rt. 44 has been issued. The deadline for comments is 23 January 2012.

8. Adjourned at 9:13p.

Scott Lehmann, Secretary, 27 December 2011.

Attachment: Report on 12/13/2011 IWA Field Trip (Scott Lehmann, 12/14)

W1489 (Town of Mansfield, Woodland Rd). What was a seasonal front-yard pond on several lots in Ashford just north of the Mansfield town line is now drained via a catchment & pipe S into Mansfield. At some times of year water gushing from the pipe forms a small stream that erodes a horse pasture off Woodland Rd. To avoid this, the Town proposes to re-direct the water from the catch basin to a wooded area to the SE through 180' of 18" pipe. The water would exit the pipe onto a level spreader about 40' above a wetland. Assuming the drained water isn't contaminated with lawn chemicals, I don't anticipate any significant wetland impact from this project.

PZC1177 (Hawthorne La, Conservation Easement modification). Residents of Hawthorne La will lose a treed buffer between their homes and CL&P's power lines if the Interstate Reliability Project proceeds as proposed: more of CL&P's right-of-way on the N will be cleared for a second column of transmission lines. To save the buffer, the residents have proposed a small alteration in the right-of-way, which would run it through a 0.35 acre triangle of woods on which the Town holds a conservation easement (the trees -- including a large white pine -- on this parcel would be cleared for the transmission lines).

When the proposal came before the Commission in July 2010, we suggested that the Town acquire a conservation easement on the treed buffer as a quid pro quo. However, this turns out to be legally very complicated (an Attorney Enrichment Program). The residents have now proposed exchanging the Town's 0.35 acre conservation easement for one on 0.35 acres of woods at the rear of one of their lots, abutting an existing Town conservation easement. Field Trip participants located the area on a map but did not walk back to it.

Lifting the encumbrance on the wooded triangle represented by the Town's conservation easement is a necessary but not sufficient condition for relocating the right-of-way. If the easement is out of the way, CL&P is prepared to propose adjusting the right-of-way accordingly to the Connecticut Siting Council (under a provision allowing such adjustments for EMF mitigation). However, the cost of relocating the existing lines is on the order of \$1M, which would be passed along to rate-payers, and the Siting Council may not approve.

W1490 (Eastbrook Mall, Storrs Rd) Two projects are proposed: (1) an addition to the TJMax-end of the mall that would cover the parking area and some of the roadway to the N (the new roadway would be cut into the hill separating the mall from Sawmill Br), and (2) a pad for a small building in the grassy triangle of land between Sawmill Br and Rte 195, to be accessed by a bridge over Sawmill Br and a cut to Rte 195. The relocated road would be quite close to the brook at its E end, but they would still be separated by a rise. A bridge over the brook, here channelized, would further compromise it, in my view. It is not clear to me why a small building could not be located in the present parking lot, which was half empty when we visited, less than two weeks before Christmas.

WAYNE HAWTHORNE
28 Hawthorne Lane
Mansfield Center, CT 06250

January 18, 2012

Mansfield Town Council
4 South Eagleville Road
Storrs, CT 06268

Re: Hawthorne Lane Interstate Alternative Reliability Project

Dear Council Members:

The residents of Hawthorne Lane have been pursuing an alternative to the Interstate Reliability Project with Connecticut Light & Power for the past three years. The residents of Hawthorne Lane have followed all recommendations and suggestions from former Planning & Zoning Director Greg Padick and Linda Painter Director of Planning & Development. The Conservation Commission, Members of the PZC, Town and State officials have all made site visits to Hawthorne Lane. Residents have also attended meetings with Linda Painter, Dennis O'Brien, and CL&P's representatives Anthony Mele Project Manager, Attorney John Yarbrough, Jr. and Real Estate Specialist Charles Mead to insure all regulations have been addressed.

All parties involved including the Conservation Commission, PZC and CL&P are in agreement that this alternative should be submitted to the Connecticut Siting Council for approval.

The alternative would move the proposed transmission lines approximately 90 feet south of the existing line. This would eliminate significant tree removal and extend the overhead transmission lines over the cul-de-sac and an open field.

Mansfield's Conservation Commission has agreed to release a small section of their easement (.32 acres) to allow minor tree clearing for the transmission line. In return residents of Hawthorne Lane would release (.64 acres) of land adding to the town's existing conservation easement behind Lots 1A & 1B. (See attached map).

As requested in a letter dated January 4, 2012 from the Planning & Zoning Commission the Hawthorne Lane residents have obtained the services of Datum Engineering and Surveying, LLC and Attorney Stephen Bacon to comply with their recommendations on the changes necessary to complete the Hawthorne Lane Alternative (See attached letter). The residents understand it is

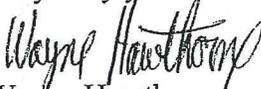
their responsibility to pay all expenses related to the preparation and recording of the necessary documents and revised map (A-2). There would be no expense to the town for this alternative.

After completing this phase of the alternative the homeowners will work with CL&P's Real Estate acquisition specialist and attorney to move the existing 300' ROW to the south away from the residences, allowing for a forested area between the homes and transmission lines. This involves the swapping of land between the residents and CL&P. It will not be necessary for the Town of Mansfield to be involved in this exchange.

The Hawthorne Lane property owners would like to thank the Director of Planning & Development, Conservation Commission, PZC and CL&P for assisting in getting this proposal approved. We also hope the Town Council will see the benefits to this alternative and would assist in helping the homeowners with the Connecticut Siting Council process.

In closing as residents of Mansfield we would prefer not to have the transmission lines erected through our neighborhood but feel if the Siting Council rejects the town's proposal this would be the best alternative for all involved. We hope the Town Council will agree to the Hawthorne Lane Alternative in minimizing the impact on our properties and save a significant amount of forest area.

Very truly yours,


Wayne Hawthorne

**TOWN OF MANSFIELD
MANSFIELD PLANNING AND ZONING COMMISSION**

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILL ROAD
STORRS, CT 06268
(860) 429-3330

Wednesday, January 04, 2012

Mr. Wayne Hawthorne
P.O. Box 39
Mansfield Center, CT 06250

Re: Conservation Easement
PZC File #1177

Dear Mr. Hawthorne,

At a meeting held on 1/3/12, the Mansfield Planning and Zoning Commission adopted the following motion:

“That the Planning and Zoning Commission hereby recommends that the Town Council amend the existing Conservation Easement for the Hawthorne Lane Subdivision to eliminate the 0.32 acres located to the west of the Hawthorne Lane cul-de-sac as depicted on the attached map and add the 0.64 acres located along the northern boundaries of the lots addressed at 21 and 25 Hawthorne Lane as depicted on the attached map. The change to the Conservation Easement should be contingent upon Connecticut Siting Council approval of the transmission line route proposed as part of the Interstate Reliability Project and specifically the Hawthorne Lane alternative. The property owners shall be responsible for retaining an attorney to prepare the amendment to the Conservation Easement, as well as a surveyor/engineer to prepare revised legal descriptions and a map prepared to A-2 survey standards. Subject to the foregoing conditions, the subdivision approval is modified accordingly.”

If you have any questions regarding this action, please call the Planning Office at 429-3330.

Very truly yours,


Katherine K. Holt, Secretary
Mansfield Planning and Zoning Commission

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