

REGULAR MEETING – MANSFIELD TOWN COUNCIL

July 11, 2016

Mayor Paul M. Shapiro called the regular meeting of the Mansfield Town Council to order at 7:00 p.m. in the Council Chamber of the Audrey P. Beck Building.

Recalling the incidents in Baton Rouge, Dallas and St Paul, Mayor Shapiro requested a moment of silence and reflection on one of the most difficult weeks in the nation's history.

I. ROLL CALL

Present: Keane, Kochenburger, Marcellino, Raymond, Sargent, Shaiken, Shapiro

Excused: Moran, Ryan

II. APPROVAL OF MINUTES

Mr. Shaiken moved and Ms. Keane seconded to approve the minutes of the June 21, 2016 special meeting as presented. Motion passed. Ms. Keane moved and Mr. Marcellino seconded to approve the minutes of the June 27, 2016 meeting as presented. Motion passed with Mr. Kochenburger noting that he had listened to the recording of the meeting.

III. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Thomas Nielsen, Birchwood Heights, expressed appreciation for the proposed changes suggested by staff and the Ad Hoc Committee on Rental Regulations and Enforcement and urged their approval. Mr. Nielsen read a letter from John E. Murphy of Brown's Road, also in support of the proposed changes into the record. (Statements attached)

Jason McGarry, South Eagleville Road, spoke to the report prepared by the Director of Public Works regarding accidents in certain areas and intersections in Mansfield. Mr. McGarry requested that the Zoning Board of Appeals fee be waived in his efforts to erect a six foot protective fence on his property. (Statement attached)

Carla Kelly, Middle Turnpike, spoke in support of the work of the Ad Hoc Committee on Rental Regulations and Enforcement and urged a public hearing be promptly scheduled. (Statement attached)

Nancy Barry, Juniper Lane, thanked the Town Council and the Ad Hoc Committee on Rental Regulations and Enforcement for proposing much needed changes which will close some of the loopholes in the current ordinances. (Statement attached)

Alison Hilding, Southwood Road resident and member of the State Council of Environmental Quality but speaking as an individual, thanked and recognized Director of Planning Linda Painter for her succinct and comprehensive comments in response to the DEEP's Integrated Water Resources Management Plan. Ms. Hilding also clarified that in her comments during the June 17, 2016 meeting she was referring to businesses like a brewery which would bring water into Town only to export it as a manufactured product. She asked that the Town give some thought to the use of water in these types of facilities.

Brian Coleman, Centre Street, stated that he is speaking for tenants and their rights and questioned the practice of Town employees taking pictures of cars outside of rental units. Mr. Coleman also stated that tenants, not landlords, should be approached regarding

July 11, 2016

inspections as it is their home and suggested that the owner occupancy in the proposed amendments be listed at 25% not 50%.

Rebecca Shafer, Echo Road, requested a temporary freeze be placed on the issuance of new rental permits and offered draft language to that effect. (Statement attached, additional submitted documentation will appear as a communication in the July 25, 2016 packet)

Bill Roe, Echo Road, expressed his appreciation for the proposed amendments noting that the Town is at a fork in the road and we can support family friendly neighborhoods or we can support business enterprises.

#### IV. REPORT OF THE TOWN MANAGER

In addition to his written report the Town Manager offered the following comments:

- Chief Dave Dagon will be retiring near the end of the year. Chief Dagon was the first career chief of the combined departments and has done a great job for the Town
- Staff will send out potential additional dates in August and September for a special meeting to finish setting the Council's goals.

#### V. REPORTS AND COMMENTS OF COUNCIL MEMBERS

No reports offered.

#### VI. OLD BUSINESS

No old business listed.

#### VII. NEW BUSINESS

##### 1. Proclamation in Honor of Dr. James Palmer

Mr. Marcellino moved and Ms. Raymond seconded, effective July 11, 2016, to authorize the Mayor to issue the attached Proclamation in Honor of Dr. James Palmer. The motion passed unanimously.

Mayor Shapiro read the proclamation. The Mayor thanked Dr. Palmer for his service and all he has done to instill the love of learning, kindness and respect, and a sense of humor in the countless number of Mansfield children who have passed through his care. Council members thanked him for his service and offered their best wishes.

Dr. Palmer stated that he was overwhelmed by the recognition and offered a proclamation of his own to the Council (proclamation attached)

##### 2. Proposed Amendments to the Mansfield Housing Code and Related Ordinances

Mr. Shaiken moved and Ms. Keane seconded, effective July 11, 2016, to schedule a public hearing for 7:00 PM at the Town Council's regular meeting on July 25, 2016, to solicit public comment regarding the proposed amendments to the Mansfield Housing Code and related ordinances.

Council members discussed the time line for review of the proposed amendments; the impact of the effective date on fall rentals; and the need to clarify and modify identified issues.

The motion passed with Kochenburger, Marcellino, Raymond, Shaiken, and Shapiro in favor and Keane and Sargent in opposition.

July 11, 2016

3. Mansfield/Chaplin Boundary Line  
This item of business is not ready for action.

VIII. REPORTS OF COUNCIL COMMITTEES

No comments offered

IX. DEPARTMENTAL AND COMMITTEE REPORTS

No comments offered.

X. PETITIONS, REQUESTS AND COMMUNICATIONS

4. Petition to Ensure the Safety of Route 6
5. Mansfield Public Library Advisory Board re: Transportation
6. T. Briggs (06/27/16)
7. A. Hilding (06/27/16)
8. N. Silander (06/21/16)
9. Tolland Fire Department re: Thank you
10. J. Carrington re: Mr. McGarry's Traffic Concerns – the Town Manager will forward the Director of Public Works' report to DOT and request an additional review including a site visit. Staff will explore the Town's ability to waive ZBA fees.
11. M. Hart: Route 6 Petition
12. Yale Data-Driven CT Municipal Solar Scorecard 2016 - The Town Manager noted that Mansfield was ranked number 3 in the State and that efforts to promote solar installations will continue
13. The Mansfield Minute – July 2016

XI. FUTURE AGENDAS

Ms. Raymond requested that the subject of consideration of a rental permit moratorium be added to a future agenda. The following information was deemed by members to be important:

- Discussion of any case law as a result of the Hamden suit
- Concerns/caveats regarding the likelihood of prevailing given current case law
- Determination as to the proper authorizing entity PZC or Town Council
- Determination as to how long a "reasonable" moratorium could extend
- A review of the materials and information presented to Council by the public

The subject will be referred to the town attorney and the Ad Hoc Committee on Rental Regulations and Enforcement.

XII. ADJOURNMENT

Mr. Shaiken moved and Mr. Marcellino seconded to adjourn the meeting at 8:16 p.m. The motion passed unanimously.

Paul M. Shapiro, Mayor

Mary Stanton, Town Clerk

July 11, 2016

Town of Mansfield

Town Council

July 11, 2016

To The Members of the Town Council,

I appreciate the proposed ordinance changes the Planning and Zoning staff has put forward and the good work of the Ad Hoc Rental Committee which has been done in a non-partisan manner. There is a need to get this to a hearing to garner citizen input as soon as possible so that you (the town council) have all the information that is needed to make a lucid decision. Since the purpose of these changes is to close loopholes that are currently being used to abuse our laws, your addressing these changes promptly would be appreciated as well. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas R Nielsen", with a long horizontal flourish extending to the right.

Thomas R Nielsen

41 Birchwood HTS

Storrs, CT 06268

JOHN E MURPHY  
P.O. BOX 436  
199 BROWNS ROAD  
MANSFIELD CENTER, CT 06250

July 11, 2016

To: Mayor Shapiro and Members of the Mansfield Town Council  
Re: Proposed Changes to Zoning Ordinances

I regret that I am unable to be with you tonight. I want to thank town resident Tom Nielson for reading my letter during the meeting and for leaving it with you for inclusion in the official record. Thank you for considering my thoughts in these next five minutes.

I write to strongly support swift action on the four proposed ordinance changes proposed by Planning and Zoning staff. I appreciate the good work of the Ad Hoc Rental Committee and I am especially pleased that this has been done in a non-partisan manner. This spirit of cooperation across party lines and policy differences to find long-term sustainable solutions for the town *as a whole* is vital to any success.

The required hearing should be conducted as soon as possible, to keep momentum for this effort and maintain cooperation to resolve existing loopholes and differences in language between the building code and zoning regulations. These loopholes have been used for many years by property owners to maximize and in some cases exceed occupancy limits to make as much money as possible with little or no regard for real impacts on neighborhoods and the quality of life in our town.

These loopholes also allow local real estate services to actively promote "excellent" investment opportunities to non-local residents who may not even be aware of local concerns. Many people still do not know that over the past three years there has been a 51% increase in non-owner occupied homes. Real estate marketers know this and some have been approached to modify their sales pitches and practices with more sensitivity to resident concerns. Some have responded positively while others have been shamefully indifferent and remain focused only on their profits regardless of impacts.

Others have already documented the growth of staff levels and the student population at UConn, and that the university is accepting many more students than it can house on campus. 70% of fraternities and sororities were moved off campus years ago. The Mansfield Neighborhood Preservation Group has researched this challenge and found that it is a real and growing national issue for cities and towns of all sizes, as they struggle to accommodate the needs and demands of universities as they strive to succeed with their missions.

The short and long-term needs must be carefully balanced on both ends. We have a rare and unique opportunity before us to correct, realign and reconfigure the core relationship between UConn, our town government and residents. We can make this something positive and holistic and most important, proactive.

I know there are more policy and regulation changes being developed to address this continuing challenge and they will be offered in the months ahead. But for now, it is truly essential for the work that has been done to correct the existing loopholes be completed. We can discuss and debate the merits of future changes but the ones before you now have been the result of a great deal of work and that effort should be honored in the spirit in which it was made.

Currently one home per week is being converted to rental status by investors. This rate of change without correction only increases potential violations, damages morale among residents who are very worried about their future, and the resulting stress and tension will only make the job of the Council even more difficult.

I close with a reminder from the Mansfield Tomorrow planning document, which was developed by the whole town a few years ago. One of the identified Top 4 goals speaks loudly to us today:

**Support Neighborhoods:** The continued conversion of single-family homes into rental units, particularly in neighborhoods near UConn and ECSU where there are large student populations, is a significant concern for the long-term health of these neighborhoods.

As a 30+ year resident and local media producer I have covered these issues and I am very impressed with the good intentions and hopes of many citizens who share a common concern and purpose. It is still largely non-partisan and should not be polluted by further delay, lack of candor and disclosure, and potential manipulation by parties with personal interests. I hope you agree and will act now to support the proposed ordinance changes. These small steps will make a huge difference to the final results.

Thank you for your consideration and I wish you Godspeed in your good work!

*John*

I was glad to see that Mr. Carrington, Director of Public Works, conducted a report concerning accidents in the area and intersections in Storrs. In reading the report that will be presented during tonight's meeting I noted that there are certain important facts excluded concerning the data. The information does not solve the problem concerning the safety of my wife and four children and other residents due to the increase in traffic, and problems associated with the intersection.

The results of the analysis of the spread sheet concerning major intersections, ranking worst to best, does show the intersection where my house, and my neighbor's house is ranked 4<sup>th</sup>. Although this would negate the necessity of the severity of the intersection of routes 32 and 275 due to being ranked fourth, the report does not take into account that the intersections ranked 1-3, 5-6 on the spreadsheet have one aspect in common. The property on intersections 1-3, 5-6 are either UConn, town, or commercially owned. The intersection 32/275 has residential property with the property line/house on the intersection. No data was presented with the Norwich location in regards to proximity of private residential inhabited houses at the intersection. Also, no information was provided whether vehicles left the road and crashed into property in all the other intersections. Noted in the report was the March 28<sup>th</sup> Town Manager's Report concerning the ConnDOT summary, that since that summary, another vehicle ran off the road into my neighbor's property, making three vehicles, in three years' time. Currently, my family, friends, and I keep counting the accidents with the hopes we will reach the number that warrants action.

Last week I contacted the Town of Lebanon first selectman, Ms. Besty Petrie, concerning a property in Lebanon where the town installed a guard rail for a residential property on a corner, 123 Madley Road (picture submitted). I was told that at first rocks were placed on the corner of the home by the owner, but vehicles crashed over the rocks. Later, the town installed a guard rail, and the owner also installed wood poles with a wire grated fence.

The Town of Mansfield was presented a similar situation in West Hartford in regards to a property on a corner. I noted using rocks which would cost me money, which was recommended to me by the past Planning and Zoning Official, Curt Hirsch. Mr. Hart recommended at one town meeting that I don't use rocks. In both the West Hartford and Lebanon's situations, the towns physically addressed the situation. These towns had the courage to overcome the caution presented in the Town of Mansfield's report of creating a "precedent and potentially expose the Town to liability." What has been given to me, my family, and neighborhood for the last three years, continued conversations and monitoring, no physical action. Although The Town of Mansfield does not want to "make improvements" to private property, it has no problem dictating to private property owners what they can or cannot do. The town, ConnDOT, and State need to stop passing the buck, and take action.

Today I received from Planning and Zoning Director Ms. Mullen, paperwork to present to the ZBA, the only one possible quality of life change for myself and my family is installing a six foot fence. The variance would cost me \$480.00 of my own money, not counting the money for me to install the fence, and the fact the variance could be denied. I believe the town should waive this fee due to the money and time I have spent these past three years being denied physical support. The fence would give privacy and some better perception of the corner for motorists. Although my kids play in the front and backyard, they do so with the risk of a vehicle crashing in either, since this has happened before.

Submitted by Jason McGarry 7/11/2016

The town and ConnDOT, UConn, and in a larger sense, State of Connecticut, could resolve this problem for all involved. The State of Connecticut could purchase my property, and possibly my neighbor's property. In fact, last year the state had to purchase some of my property on the corner due to the fact that for over fifty years they had encroached with signs and the traffic signal. UConn, owned by the State of Connecticut, once owned my property and neighbor's property.

The intersections that are closest to UConn, similar to mine, are much larger in area. In fact, intersection 32/275 is the smallest intersection to make up the square that encompasses the body of the other three intersections around UConn. The town already owns the corner associated with the area that was once was part of the Joshua Trust, which, is currently difficult for motorist to see around the corner due to the WW2 Eagleville Monument and shrubs. If the state bought the two residential properties on the intersection, they could increase the area of the intersection to match the others. With the yearly increase of UConn in the area and students (500 more students a year), the Downtown Partnership, the installation of the double lane bridge between Eagleville and Coventry (and possibly a two lane road under the railroad trestle in the future), the changes would facilitate the changes in the area. More importantly, the threat of vehicle crashes to private residential property would be eliminated.

I want to thank Mr. Hart and Mr. Carrington for replying to my last e-mail concerning the most recent two crashes. Also to Ms. Raymond, who expressed concern.

"The Rental Committee has been doing great work to make some much needed changes to the existing ordinances that are in the Packet this week and we appreciate all of your work to make this happen. We know it is tedious and we sincerely appreciate that our neighborhoods are being taken into consideration.

This is a bi-partisan issue, affecting all of our neighborhoods. We are happy to see some changes finally being made and we thank you for that. Please get this to a public hearing, or whatever needs to be done, so that you can finalize these changes and close the loopholes we have all been living with as our neighborhoods are eroded by those who take advantage of any lack of coordination they find between our zoning and our housing regulations."

Meeting July 11 - 7:00

I have been watching the meetings online and want to thank you for your hard work, and all the work the Rental Committee has been doing. The 4 ordinance changes in the packet are excellent, and much needed. Thank you for moving forward swiftly so we can finally get these loopholes closed. It is very important for our neighborhoods that our regulations not be abused any longer. Thank you very much.

Nancy Barry  
14 Juniper Ln  
Mansfield Ctr.

# MANSFIELD NEIGHBORHOOD PRESERVATION

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To: Mansfield Town Council  
From: Rebecca Shafer and Bill Roe, Mansfield Neighborhood Preservation Group  
Date: July 11, 2016  
Re: Temporary Freeze on New Rental Permit Issuance

Tonight, I am going to ask you to put in place a temporary freeze on new Rental Permits while the Town considers its options. Something needs to be done NOW, so the problem does not worsen while the recommendations of the Ad Hoc Rental Committee, Planning & Zoning Committee and Town Staff can be developed and considered.

The numbers of houses that are converting to rentals is now available to us online as a result of changes in procedures the PZ/Housing Depts. have made. Thank you, Matt for directing them to make these changes.

Since we began looking into this in early fall 2015, approximately **50 more homes** have become rentals. That exceeds even the number anticipated in Cindi's projections for NextGenCT (attached). In the past 3 years, there has been a **51.6% increase** in the number of homes turned into rentals.

Since January of this year, on average, **1 home per week** is being converted to a rental. This was one of the top concerns in Mansfield Tomorrow (attached) and two of the Measures of Effectiveness specifically mention this (attached).

These conversions are a **permanent change** to our neighborhoods. CT is one of the two states (CT and Kansas) that do not automatically extinguish a grandfathered use when a property is sold or the use is discontinued; thus, once a house becomes a rental the only way it will again be a non-rental is if the owner *affirmatively* gives up the right to use it as a rental. [The right to a nonconforming use is a property right and . . . any provision of a statute or ordinance which takes away that right in an unreasonable manner, or in a manner not grounded on the public welfare, is invalid.] *Petruzzi v. Zoning Board of Appeals*, 176 Conn. 479, 483-84, 408 A.2d 243 (1979). Vine and Verrillo.

Hamden (CT) instituted a temporary freeze in new rental permits (attached) and then extended it for 2 additional months while they made changes to their regulations, and other towns have also done this. As long as the length is reasonable (one year or less) towns have an unfettered right to institute moratoriums to consider new regs. We need to do this to stop the reduction of our property values and the erosion of our neighborhoods house-by-house every week.

I have attached a draft resolution. Would the council please consider the negative impact this is having on the community and take this **temporary action** while the committees have time to act.

## **Mansfield Code of Ordinances §130-35, Chapter 9 Rental Certification & Inspections**

Add

### **Section 901.7 – Temporary Moratorium on the Issuance of Rental Certifications**

In order to allow adequate time for the Town of Mansfield to assess, review, and amend its regulations and codes affecting rental housing and the adequacy thereof to protect the health, safety and general welfare of the town, and notwithstanding sections 901.1, 901.2 above, there shall be an immediate temporary one year moratorium on the issuance of new rental certification permits.

This moratorium applies to all new permits for rental certification under sections 901.1 and 901.2 of Chapter 9 of §130-35 of the Mansfield Code of Ordinances.

This moratorium does not apply to renewals of existing rental certifications.

This moratorium may be lifted prior to the one year period by amendment to the Mansfield Code of Ordinances.



# Proclamation

## Town of Mansfield, Connecticut

WHEREAS, Dr. James "Jim" Palmer has retired after a distinguished career in education, beginning as a teacher at the Mansfield Middle School in 1974 and serving as the principal of Vinton Elementary School for the last 31 years; and

WHEREAS, Dr. Palmer's passion for education is evident and heartfelt, given the strong rapport he has developed with his students, teachers, and the larger Mansfield community; and

WHEREAS, Dr. Palmer is also known for his wit and encyclopedic knowledge of the community, the district, and issues important to his students; and

WHEREAS, Dr. Palmer has helped to educate generations of Mansfield residents, and his dedication and service are an inspiration to all.

NOW, THEREFORE, BE IT PROCLAIMED that the Town of Mansfield does hereby extend to Dr. James Palmer its heartfelt congratulations and thanks for a lifetime of service to our community.

*IN WITNESS WHEREOF, I have set my hand and caused the seal of the Town of Mansfield to be affixed on this July 11<sup>th</sup> in the year 2016.*

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Paul M. Shapiro, Mayor  
Town of Mansfield  
July 11, 2016

WHEREAS THE MANSFIELD TOWN COUNCIL  
HAS LONG SUPPORTED OUR SCHOOLS  
THROUGH BOTH SUNNY AND CLOUDY  
WEATHER, AND

WHEREAS, THE GOOD PEOPLE OF THIS  
COMMUNITY HAVE ALWAYS APPRECIATED  
AND ENCOURAGED THE DEDICATED  
SERVICE OF MANSFIELD'S EDUCATORS  
WHICH HAS CONTINUED TO FOSTER  
INSPIRED TEACHING AND LEADERSHIP FOR  
GENERATIONS OF STUDENTS AND FAMILIES  
I THEREFORE HUMBLY AND GRATEFULLY  
ACCEPT THIS PROCLAMATION ON BEHALF  
OF ALL THE STAFF MEMBERS I HAVE  
HAD THE PRIVILEGE TO WORK WITH  
THROUGHOUT THESE MANY YEARS IN  
THE WONDERFUL TOWN OF MANSFIELD.

Dr. James Palmer 7/11/2016