

AGENDA
Mansfield Conservation Commission
Regular Meeting
Wednesday, March 21, 2012
Audrey P. Beck Building
CONFERENCE ROOM B
7:30 PM

1. Call to Order
2. Roll Call
3. Opportunity for Public Comment
4. Minutes
 - a. February 15, 2012
5. New Business
 - a. IWA Referral: W1494 - Moskowitz - landscaping work within 150'.
W1495 - Sabatelli - Stearns Rd - addition in buffer
 - b. PZC Referral: Zoning Regulation Revisions to PVRA & PVCA Zones
 - c. Agricultural Committee proposed Right to Farm Ordinance
 - d. Other
6. Continuing Business
 - a. Protecting Dark Skies in the Last Green Valley
 - b. Water Source Study for the Four Corners Area/Environmental Impact Evaluation (EIE)
 - c. Swan Lake Discharge Mirror Lake Dredging and other UConn Drainage Issues
 - d. UConn Agronomy Farm Irrigation Project
 - e. Eagleville Brook Impervious Surface TMDL Project
 - f. UConn Hazardous Waste Transfer Station
 - g. Ponde Place Student Housing Project
 - h. CL&P "Interstate Reliability Project"
 - i. Watershed Protection Projects Grant Opportunity
 - j. Water Regulations
 - k. Other
7. Communications
 - a. Minutes
 - Open Space (2/28/12) PZC (2/21/12 & 3/5/12) IWA (3/5/12)
 - b. Inland Wetlands Agent Monthly Activity Report
 - c. Winter 2012 CLEARscapes
 - d. Other
8. Other
9. Future Agendas
10. Adjournment

PAGE
BREAK

Town of Mansfield
CONSERVATION COMMISSION
Meeting of 15 February 2012
Conference B, Audrey P. Beck Building
(draft) MINUTES

Members present: Aline Booth (Alt.), Joan Buck (Alt.), Neil Facchinetti (from 8:35p), Quentin Kessel, Scott Lehmann, John Silander. *Members absent:* Peter Drzewiecki, Robert Dahn, Frank Trainor. *Others present:* Grant Meitzler (Wetlands Agent).

1. The meeting was called to order at 7:32p by Chair Quentin Kessel. Aline Booth and Joan Buck were designated voting members for this meeting.
2. The draft minutes of the 18 January meeting were approved with the correction of a typo.
3. **IWA Referral: W1492 (Healey, 476 Storrs Rd.)** {Lehmann's report on the 02/14 IWA Field Trip to this site is attached.} The applicant proposes to renovate an old barn in Mansfield Center for a banquet and wedding facility. From the barn, land slopes gently down to a large pond. The leaching field for the facility's septic system would be below the barn and about 100 ft from the pond at its closest point. Beds of plantings are planned for the area between the leaching field and the fence at the Town's right-of-way along the pond's edge. Walkways around the barn would have a pervious brick surface; roof drainage would be directed into dry wells at the north edge of the property. A culvert in the drainage swale from Storrs Rd to the pond along the south edge of the property would direct runoff from Storrs Rd and the adjacent Mansfield's Restaurant parking area toward the pond; sections of perforated pipe would allow some of it to seep into the ground along the way, and several catchments would impede movement of sand and sediment into the pond.

After some discussion, focusing on the potential for damage to the pond from nutrient loading and sedimentation, the Commission agreed (**motion:** Booth, Buck; all in favor save Facchinetti, who had not yet arrived) to comment to the IWA that:

Because of the sensitive nature of the pond (classified as a bog) below the barn, this development will have a negative impact on wetlands unless proper precautions are taken. Bogs like this one are very sensitive to nutrient loading, and the coarse soils in this area facilitate movement of ground water. Nutrients from septic leachate and fertilizer will compromise the bog if they reach it; sedimentation can also be a problem. For more information, the IWA should consult testimony in the public record on The Farms, a development proposed (c.1989) for this area but not approved by PZC, and DEP's *Water Quality Guidelines* (c. 2005). It may be possible to prevent damage to the bog by properly engineering drainage: location & design of the leaching field, rain gardens, catchments for sand and sediments, perforated culvert, etc.

4. **Dark Skies.** Kessel reported that the screening of "The City Dark," a documentary film on light pollution, at E. O. Smith Auditorium on 13 February had attracted a large (100-150) audience. The film was introduced by Mansfield resident and amateur astronomer William Shakalis; afterward, Leo Smith from the International Dark-Sky Association and Richard Stevens from the UConn Health Center answered questions from the audience. Mr. Shakalis organized and promoted the event and deserves most of the credit for its success; also to be thanked are Matt Hart, who enabled purchase of the DVD, and Jennifer Kaufman, who made the

arrangements with E. O. Smith.

The Commission unanimously agreed (**motion:** Kessel, Booth) that light pollution is a problem that should be acknowledged in the next edition of the Plan of Conservation and Development and addressed in part through lighting regulations based on the *Model Lighting Ordinance* proposed by the Illuminating Engineering Society and International Dark-Sky Association.

5. UConn Water Source Study. Meitzler reported that test wells are now being drilled in some of UConn's water supply study areas – the lower Willimantic River area just south of Eagleville and the area off Bassetts Bridge road. Kessel attended a presentation on expanding the study to include moving Well A in the Fenton River well-field farther from the river, in the thought that more water might be extracted from the relocated well without drawing down the river itself. He pointed out that the proposed location is near the University's pistol range, where lead contamination of the soil may be a problem.

6. Hazardous Waste Transfer Station. In response to a query from Booth, Kessel reported on the current status of plans to move UConn's Hazardous Waste Transfer Station from its present location behind Horsebarn Hill to a site that is not in a public water supply watershed. At one time it was to be relocated near the University's sewage treatment plant, but that site is no longer available. UConn now appears to be thinking of putting it in the new Tech Park.

7. Adjourned at 8:50p.

Scott Lehmann, Secretary, 16 February 2012.

Attachment: 02/14/12 IWA Field Trip Report

W1492 (Healey, 476 Storrs Rd.) The applicant proposes to renovate an old barn off Storrs Rd in Mansfield Center so that it can be used for weddings and other events. The land slopes gently from the barn down to a pond. Standard erosion controls should suffice to protect the pond during construction. Walkways around the barn are to be paved in pervious brick, with plantings and other landscaping between them and the Town's fenced right-of-way along the pond. Rainwater from the roof will be directed into drywells. A drainage swale runs along the south edge of the property to the pond from Storrs Rd. The applicant proposes to improve its appearance and performance by directing runoff (most of it from the adjacent parking lot of Mansfield's Restaurant) into a buried culvert with catchments to trap sand.

Scott Lehmann

Memorandum:

March 1, 2012

To: Inland Wetland Agency
From: Grant Meitzler, Inland Wetland Agent
Re: New Business for March 5, 2012 meeting

W1494 - Moskowitz - 117 Stone Mill Rd - landscaping work in buffer

	yes	no
	-----	-----
fee paid	x	
certified receipts	to come in	
map dated	2.28.2012	

This application is for placing fill and doing minor grading on land directly adjacent to the Stone Mill Bridge Project.

Receipt and referral to the Conservation Commission is appropriate.

W1495 - Sabatelli - Stearns Rd - addition in buffer

	yes	no
	-----	-----
fee paid	x	
certified receipts	x	
map dated	3.01.2012	

This application is for a house addition within the 150' regulated area next to wetlands. Applicant will bring in the owner's signature shortly. The addition is for a one car garage.

Receipt and referral to the Conservation Commission is appropriate.

PAGE
BREAK

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 # 1494
Fee Paid \$185.00
Date Received 2-15-12

Applicants are referred to the Mansfield Inland Wetlands and Watercourses Regulations for complete requirements, and are obligated to follow them. For assistance, please contact Grant Meitzler, Inland Wetlands Agent at the telephone numbers above.

Please print or type or use similar format for computer; attach additional pages as necessary.

Part A - Applicant

Name Robert Moskowitz

Mailing Address 117 Stonemill Road

Storrs CT

Zip 06268

Telephone-Home 860 429 6109

Telephone-Business 860 429 6109

Title and Brief Description of Project

LANDSCAPING WORK NEXT TO STONEMILL
BRIDGE PROJECT

Location of Project 117 Stonemill Rd

Intended Start Date 3-4 months

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

Name same

Mailing Address same

Zip _____

Telephone-Home same

Telephone-Business same

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

Signature [Signature]

date _____

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

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

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

600 sq ft

3) Describe the type of materials you are using for the project:

gravel fill with existing material cover seeded to match existing

a) include *type* of material used as fill or to be excavated

b) include *volume* of material to be filled or excavated 20-25 yds

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).

perimeter silt fence with hay bales on silt fence in place until seeding is established

Part D - Site Description

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

flat

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.

N/A

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 2-28-12

3) Zone Classification AAR-90

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>Joslyn Trust</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 ___ **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 ___ **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 ___ **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. ___ \$250. ___ \$125. ___ \$100. ___ \$50. ___ \$25.

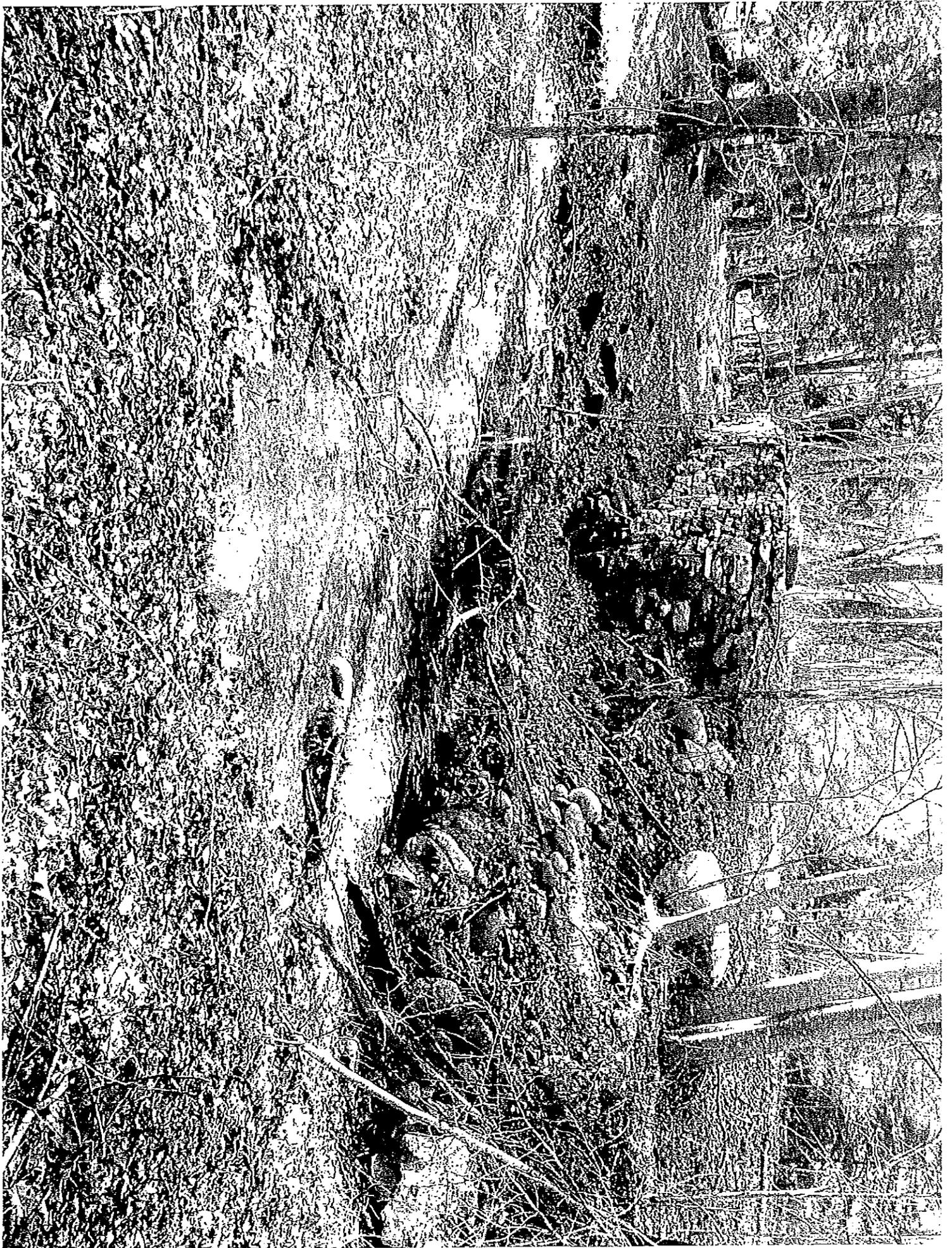
___ \$60 State DEP Fee

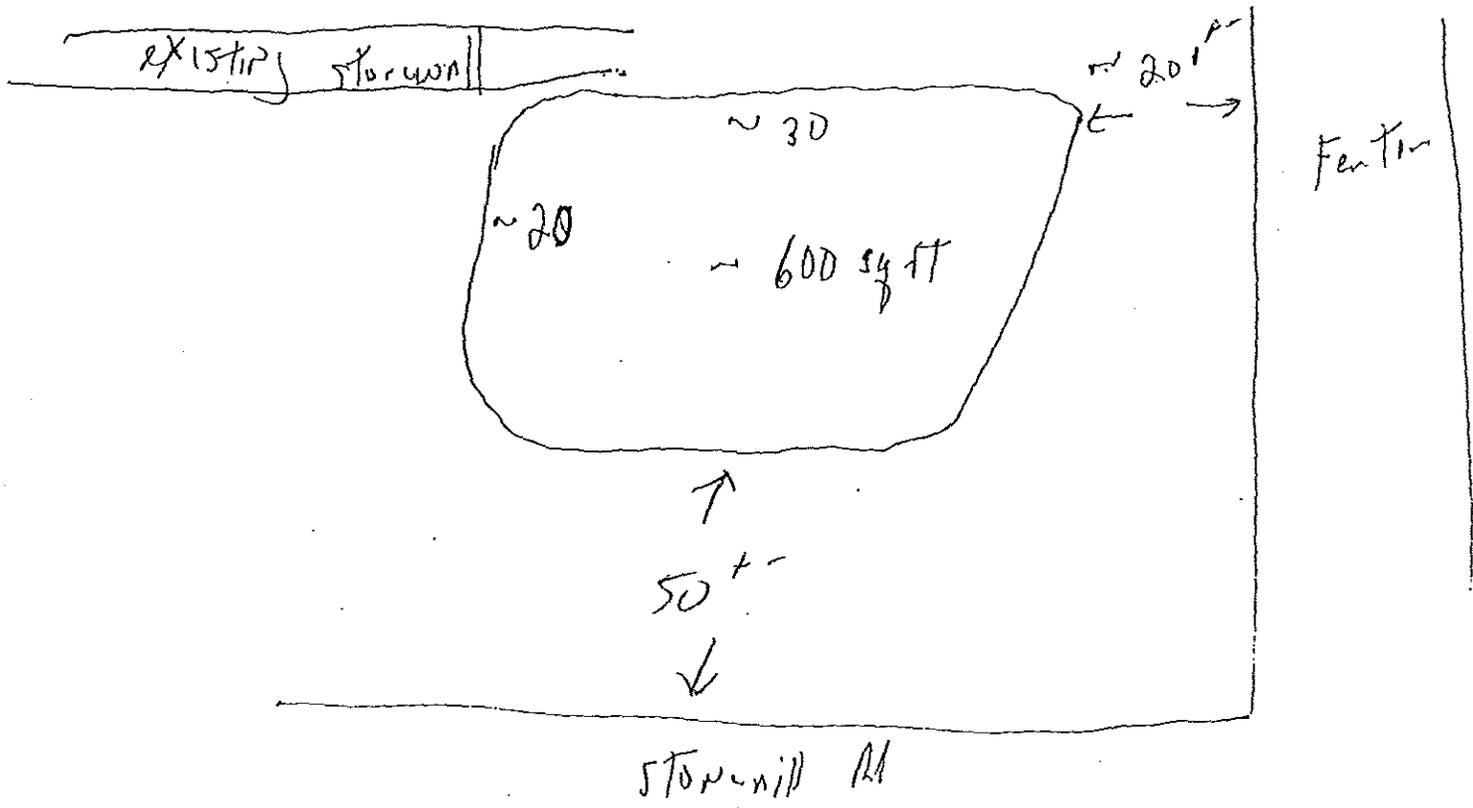
Note: The Agency may require you to provide additional information about the regulated area which is the subject of the application, or about wetlands or watercourses affected by the regulated activity. If the Agency, upon review of your application, finds the activity proposed may involve a "significant 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.

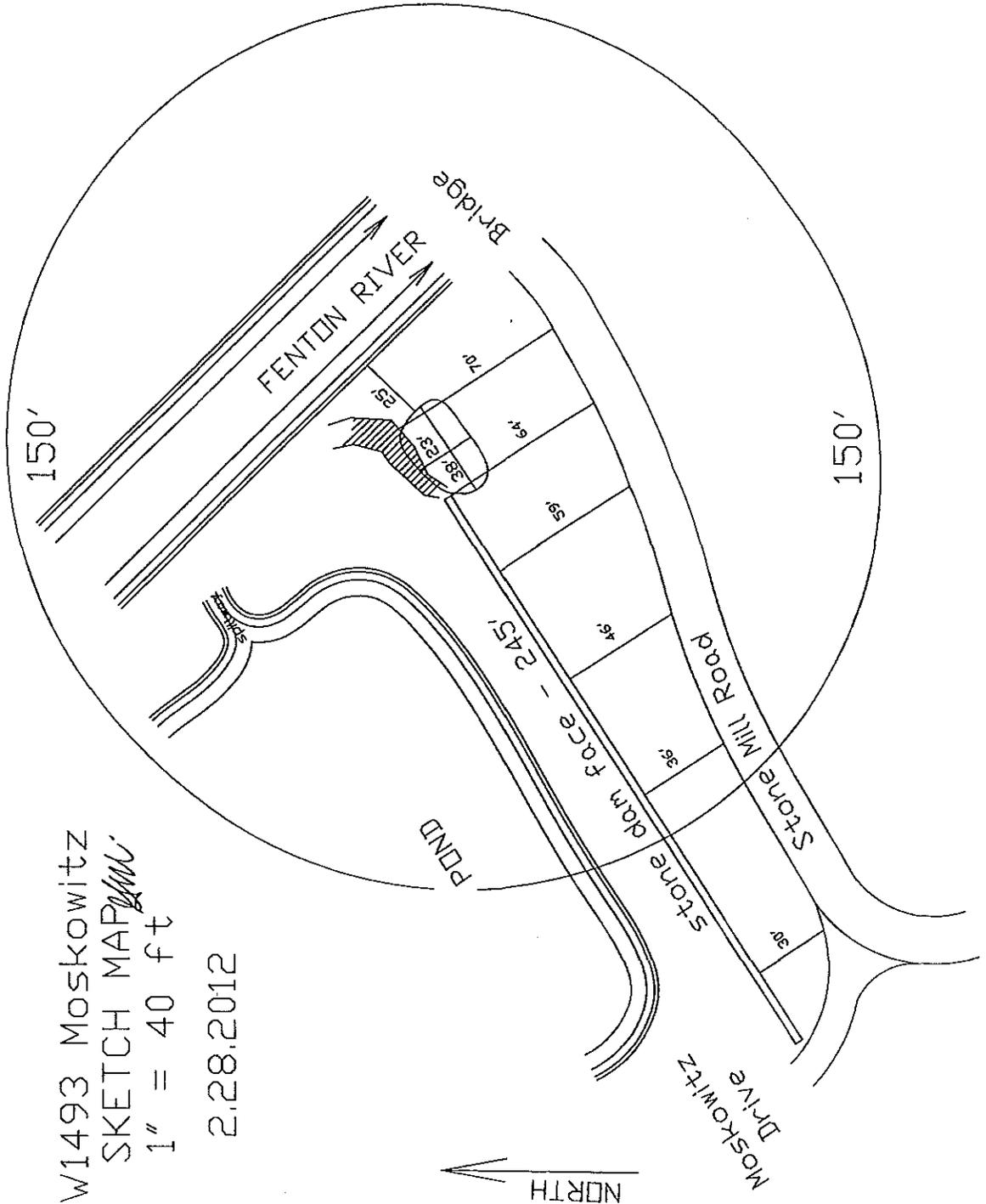
Applicant's Signature

Date





W1493 Moskowitz
SKETCH MAP
1" = 40 ft
2.28.2012



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 # 1495
Fee Paid \$185-
Date Received 2-29-12 *sp*

Applicants are referred to the Mansfield Inland Wetlands and Watercourses Regulations for complete requirements, and are obligated to follow them. For assistance, please contact Grant Meitzler, Inland Wetlands Agent at the telephone numbers above.

Please print or type or use similar format for computer; attach additional pages as necessary.

Part A - Applicant

Name CHRIS NIAPPAKOS

Mailing Address 68 BROOKSIDE LANE

MANSFIELD, CT Zip 06250

Telephone-Home _____ Telephone-Business 860-617-5396

Title and Brief Description of Project

1 CAR GARAGE ADDITION

Location of Project 306 STORNS RD MANSFIELD, CT

Intended Start Date APRIL 1ST 2012

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

Name LINDA SABATELLI

Mailing Address 306 STORNS RD

MANSFIELD, CT Zip 06250

Telephone-Home 860-423-1721 Telephone-Business _____

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

Signature _____ date _____

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

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

NONE

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

GARAGE ADDITION WITHIN 150 FT OF WETLANDS

3) Describe the type of materials you are using for the project:

CONCRETE FDN & SLAB WOOD FRAMING/SIDING/TRIM

- a) include *type* of material used as fill or to be excavated USE ON SITE MATERIAL
- b) include *volume* of material to be filled or excavated 17 YDS

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).

SILT FENCE

Part D - Site Description

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

WOODED/HILLY

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.

NO

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 MARCH 1ST 2012

3) Zone Classification R2B90

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>CHUANBONG & LI WEIDON ZHANG</u>	<u>5 CANDIDE LA MANSFIELD</u>
<u>RING & WEIWEI WANG</u>	<u>11 CANDIDE LA MANSFIELD</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. NOT IN 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 ___ (No) X ___ 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 ___ (No) X ___ 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. ___ \$250. X \$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.


Applicant's Signature

3-1-12
Date

TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Town Council, Conservation Commission, Open Space Preservation Committee,
Agriculture Committee, Zoning Board of Appeals
From: Linda M. Painter, AICP, Director of Planning and Development 
Date: March 15, 2012
Subject: Proposed Revisions to Zoning Regulations
May 7, 2012 Public Hearing

The Planning and Zoning Commission has scheduled a Public Hearing for Monday, May 7, 2012 at 7:30 p.m. to hear comments on the attached Commission proposed 3/5/12 draft revisions to Mansfield's Zoning Regulations. For inclusion in the Commission's pre-meeting packet, comments must be received in the Planning Office by Wednesday, May 2, 2012. Except for technical information from staff, no comments can be received after the close of the public hearing.

The draft proposes revisions to the Pleasant Valley Residence/Agriculture (PVRA) and Pleasant Valley Commercial/Agriculture (PVCA) Regulations. Explanatory notes have been provided.

Please contact the Planning Office at 860-429-3330 if you have any questions regarding the proposed revisions or the PZC hearing process.

PAGE
BREAK

Proposed Revisions to Pleasant Valley Residence/Agriculture (PVRA) and Pleasant Valley Commercial/Agriculture (PVCA) Regulations

Draft: March 5, 2012

This draft includes changes requested by the Commission at the February 16, 2012 meeting as well as explanatory notes.

Underlined Text: Added

~~Strikethrough Text~~: Deleted

Italic Text: Explanatory Notes

Article VII: Permitted Uses

Section A: General

* * * * *

Amend Article VII, Section A.4 as follows:

4. With the exception of all uses in the Pleasant Valley Commercial/Agriculture Zone or Research and Development/Limited Industrial Zone (see provisions below), changes in the use of an existing structure or lot may be authorized by the Zoning Agent through the issuance of a Certificate of Compliance provided the new use is included in the same permitted use category as the previous use and provided all other applicable provisions of these regulations are met. In the Pleasant Valley Commercial/Agriculture Zone and Research and Development/Limited Industrial Zones, all changes in use from that described and approved in previous permit submissions, or from that established prior to zoning approval provisions, require the submission of a revised statement of use for review and approval by the Director of Planning and Development. ~~and Planning and Zoning Commission review and approval.~~ The Commission-Director of Planning and Development shall have the right to refer the request to the Commission for their review and approval. ~~approve the proposed change in use without the submission of a new application.~~ However, where the proposed change in use is considered to be a significant alteration of the previous use with potential impacts that have not been reviewed, ~~the Commission.~~ The Commission shall have the authority to ~~shall~~ require the submission and processing of a new application as per the requirements for establishing a new use on a site.

Where questions arise regarding changes in use and permit requirements, the Planning and Zoning Commission shall determine whether a proposal constitutes a change in use and the appropriate permit requirements.

Explanatory Note: The proposed revisions are designed to streamline the review process for changes of use in the Pleasant Valley Commercial/Agriculture Zone and Research and Development/Limited Industrial Zones by allowing the Director of Planning and Development to make an initial determination as to whether the change is significant enough to require review by the Planning and Zoning Commission.

* * * * *

Amend Article VII, Section U.2 , U.3 and U.4 as follows:

Section U: Uses Permitted in the PVCA (Pleasant Valley Commercial/Agriculture) Zone (Land South of Pleasant Valley Road and east of Mansfield Avenue)

* * * * *

2. General

The uses listed below in Sections U3 and U4 and associated site improvements are permitted in the PVCA zone, provided:

- a. Any special requirements associated with a particular use are met;
- b. Except as noted below, all uses permitted in the PVCA zone shall be served by adequate public sewer and water supply systems. On a case-by-case basis the Planning and Zoning Commission shall have the right to authorize the use of onsite sanitary waste disposal and/or water supply systems for permitted uses provided it is documented to the Commission's satisfaction that there is a low risk of aquifer contamination or other health, safety or environmental problems.
- c. Applicable provisions of Article X, Section A (Design Development Districts) and Article VI, Sections A and B (Performance Standards) are met: and
- d. With the exception of those uses included in U.4 below, special permit approval is obtained in accordance with the provisions of Article V, Section B for any of the activities delineated in Article VII, Section A.2.

Article VII, Sections A.3., A.4 and A.5 also include or reference provisions authorizing the Zoning Agent to approve certain changes in the use of existing structures or lots and authorizing the PZC Chairman and Zoning Agent to approve minor modifications of existing or approved site improvements. All changes in use in the PVCD-PVCA zone require Planning and Zoning Commission approval in accordance with the provisions of Article VII, Section A.4.

3. Categories of Permitted Uses in the Pleasant Valley Commercial/Agriculture Zone Requiring Special Permit Approval as per the Provisions of Article V, Section B. and Applicable Provisions of Article X. Section A.

- a. Research and development laboratories and related facilities and the production, processing, assembly and distribution of prototype or specialized products which require a high degree of scientific input and on site technical supervision. Specialized products that may be authorized include but shall not be limited to the following: precision mechanical and electronic equipment; business machines; computer components; optical products; medical, dental and scientific supplies and apparatus; and precision instruments;

All genetic or bio-engineering research or development activities and the creation of biogenetic products are limited to those permitted in bio-safety level 1 and 2 (BL-1 and BL-2) laboratories as per the current "Guidelines" of the National Institutes of Health regarding research involving recombinant DNA molecules. The keeping and utilization of small animals for scientific purposes is authorized, provided the animals are kept in an enclosed portion of a building located on the subject lot or in areas specifically approved by the Planning and Zoning Commission;

- b. Commercial printing and reproduction services and the industrial production, processing, assembly and/or distribution of products not specified in Section 3a above, provided the nature, size and intensity of the proposed use complies with environmental, traffic safety, neighborhood impact and all other special permit approval criteria;
- c. Business and Professional Offices;
- d. Repair services for electronic and mechanical equipment, office equipment, home appliances, bicycles and recreational equipment and similar uses;
- e. Commercial recreation facilities, such as tennis clubs and physical fitness centers;
- f. Radio, television and other communication facilities but excluding communication towers or other structures that exceed the maximum height provisions for the PVCA zone;
- g. Veterinary hospitals and commercial kennels boarding or breeding two or more animals provided potential noise impacts are addressed in association with the required Special Permit application;
- h. Repair services for agricultural and commercial vehicles, machinery and equipment and automobile and truck repair services; however, ~~but~~ auto salvage operations are not permitted;

- i. State licensed group daycare homes or state licensed childcare centers as defined by State Statutes;
 - j. Permanent retail sales outlets for agricultural and horticultural products, provided all the standards and requirements of Article X, Section T are met;
 - k. Other commercial agricultural operations (any agricultural or horticultural use that is not authorized by other provisions of these Regulations).
 - l. Accessory retail sales and accessory storage and warehousing for any permitted use authorized within Section 3.
4. **Uses Which May be Authorized in the Pleasant Valley Commercial/Agriculture Zone by the Zoning Agent:**
- a. Agricultural and horticultural uses such as the keeping of farm animals, field crops, orchards, greenhouses, accessory buildings, etc., provided the provisions of Article X, Sections T are met;
 - b. Dwelling units for property owners, managers, caretakers, or security personnel associated with a permitted agricultural use provided all residential structures are located on the same lot as the agricultural use.
 - c. Accessory cafeterias or retail shops conducted primarily for the convenience of employees, provided the use is located within a building and there are no advertising or exterior displays.

Explanatory Note: The proposed revisions correct typos in the existing regulations and clarify the types of repair services allowed in the Pleasant Valley Commercial/Agriculture Zone.

* * * * *

Article Eight: Schedule of Dimensional Requirements

Amend Article VIII, Schedule of Dimensional Requirements as follows:

Note: Only changes to the PVRA and PVCA dimensional requirements are shown; no changes are proposed to requirements for other zones.)

ZONE	MINIMUM LOT AREA/ACRES See Notes (3) (4) (18)	MINIMUM LOT FRONTAGE/FT See Notes (4)(6)(7)(13)(16)	MIN. FRONT SETBACK LINE (IN FEET) See Notes (4)(8)(9)(15)(16)(17)(21)	MIN. SIDE SETBACK LINE (IN FEET) See Notes (4)(10)(11)(15)(16)(17)(21)	MIN. REAR SETBACK LINE (IN FEET) See Note (4)(15)(16)(17)(21)	MAXIMUM HEIGHT See Note (14)	MAXIMUM BUILDING GROUND COVERAGE
PVRA, PVCA: SEE NOTE (1)	25-ACRES <u>See Note 5</u>	200	See footnote 17 <u>200</u>	See footnote 17 <u>50</u>	See footnote 17 <u>50</u>	40	25%

Explanatory Note: The proposed revisions are designed to provide more flexibility in site design for the PVRA and PVCA zones. The elimination of the minimum lot area and reduction in side yard setbacks are consistent with requirements for other zones including Neighborhood Business, Planned Business zones. The reduction in the front setback will provide a more consistent setback along Pleasant Valley Road while still ensuring protection of viewsheds, as the smaller single-family lots within the zone are approximately 200 feet deep.

Notes Schedule of Dimensional Requirements

Notes that pertain to the PVRA and PVCA zones are shown here for reference purposes. No changes to the notes are proposed as part of this amendment.

1. See Article X, Section A for Special Design Development District requirements, including minimum acreage required to establish a new zone.
* * * * *
3. Larger lots may be required in areas with inland wetland soils and watercourses, visible ledge or steep slopes. See Article VIII, Section B.5.
4. Special provisions apply to non-conforming lots of record. See Article VIII, Section B.
5. No minimum lot area has been designated for this zone. The required lot area shall be governed by the required setbacks, parking and loading areas and other provisions of these Regulations.
6. The minimum lot frontage shall be continuous and uninterrupted along a street line. In residential zones, corner lots situated at the junction of two or more streets shall be required to have the minimum frontage along all abutting streets.
7. Where the front lot line is an arc or the sidelines converge toward the front lot line, the required frontage shall be measured along the front setback line, which shall be parallel to the street line.
8. All setbacks from the front lot line shall be measured in accordance with the provisions of Article VIII, Section 7 (Highway Clearance Setback).
9. On lots abutting more than one street, the minimum setback from the front lot line shall be required along all streets.
10. Lot lines on corner lots which abut side lot lines of adjacent lots shall be considered side lot lines and applicable side lot line setback shall be met.
11. All development on lots that adjoin a residential zone having greater side lot line setbacks shall comply with the side lot line setbacks of the adjacent residential zone.
* * * * *
13. Lot frontage requirements for business and residential uses within specified zones may be waived by the Planning and Zoning Commission for private roads, provided special permit approval is obtained (see Article VIII, Section B.3.d).
14. A maximum height of 45 (forty-five) feet may be applied per Article X, Section G.3, Height of Buildings.
15. Whenever a right-of-way exists for a future street, all new buildings, structures and site improvements shall, with respect to the right-of-way, meet the minimum setbacks from front lot lines as if the right-of-way included an existing street.
16. Special frontage and setback provisions may apply to subdivision lots and associated building area envelopes approved after February 20, 2002. See Article VIII, Section B.5 and applicable provisions of Mansfield's Subdivision Regulations.
17. Special setback provisions apply for all buildings, structures and site improvements approved after June 1, 2004 that are located within a designated Design Development District (see Article X, Section A.4.d).
18. For all subdivision lots in the R-90 and RAR-90 zones approved after June 1, 2006, the Planning and Zoning Commission shall have the right to authorize or require the minimum acreage for each new subdivision lot to be reduced to less than 90,000 square feet in size. (See Article VIII, Section B.6.b and applicable provisions of Mansfield's Subdivision Regulations.)
* * * * *
21. The Planning and Zoning Commission shall have the authority to reduce or increase front, side and/or rear setback line requirements for properties within one of the ten (10) historic village areas identified in Article X, Section J. Setback reductions or increases shall only be approved or required where the reduction or increase in setback is considered necessary to address the special historic village area review criteria contained in Article X, Section J.2.

Article Ten: Special Regulations

* * * * *

Amend Article X, Sections A. 9 and A.10 as follows:

9. Special Provisions for the Pleasant Valley Residence/Agriculture (PVRA) zone

a. Water and Sewer Facilities

Except as noted below, all proposed developments in the PVRA zone must be served by public water and sewer facilities or must be readily connected to such services. "Readily connected" is defined as that point in time when contracts have been let for construction of public sewer and water facilities requested for connection. A Certificate of Compliance shall not be issued until the site is connected to public water and sewer facilities. Article VII Section K.2.b. authorizes the commission to waive this requirement.

For the purposes of this requirement, community well water supply systems authorized, constructed and operated pursuant to the Connecticut Department of Public Health regulations are considered public water facilities.

b. Agricultural Land Preservation Requirements

Pursuant to the Plan of Conservation and Development recommendations, the Commission shall have the authority to require up to ~~fifty-fourty~~ (5040) percent of the prime agricultural acreage on a subject property to be permanently preserved for agricultural use. This agricultural dedication provision may be addressed prior to any development, in association with an initial development phase or incrementally, over a series of phases or developments. However, in applying this provision, cumulatively no more than ~~fifty-fourty~~ (5040) percent of the prime agriculture acreage of a property in existence at the time this regulation is adopted shall be required to be permanently preserved for agricultural use.

As utilized in this provision, prime agricultural acreage shall be those areas that have been cultivated or otherwise used for agricultural purposes and/or those areas with soils that are classified as "prime agricultural" by the Natural Resources Conservation Service. ~~The Commission shall have final approval of the~~ The location of the agricultural acreage to be preserved shall be determined by the Commission, and may be on other land under the control of the applicant. All property owners and prospective developers are encouraged to work with the Commission to identify an appropriate location(s) for preserved agricultural land, including other land in the Pleasant Valley area under the control of the applicant.

In identifying agricultural land for preservation, the Applicant and Commission shall consider whether:

- ~~that will retain the land will retain~~ agricultural value;
- the agricultural use of the land would complement existing and proposed land uses and;
- the agricultural use of the land would enhance adjacent and nearby agricultural land; and
- the agricultural use of the land would conflict with existing and planned uses on adjacent properties .

Based on information reviewed prior to the adoption of this regulation, the following area should be considered a priority for agricultural land preservation:

- Land immediately south of Pleasant Valley Road between Mansfield City Road and the Flood Hazard Zone containing Conantville Brook.

To ensure the permanent preservation of designated agricultural land, conservation easements, approved by the Commission, shall be filed on the Land Records. ~~In addition,~~ While not required, the Commission shall have the authority to recommend and facilitate the transferral of agricultural land to be transferred in title to the Town of Mansfield or an acceptable organization dedicated to agricultural preservation. Agricultural easement areas shall be monumented with iron pins and Town Conservations easement markers shall be placed every 50 to 100 feet around

the perimeter boundary of the easement area. The Town Markers shall be placed on trees, fences, four (4) inch cedar posts or other structures acceptable to the Commission.

c. Compliance with provisions for the Design Multiple Residence Zone (See Article X. Section A.6)

All proposed developments in the PVRA zone shall comply with the density, building height, floor area, distance between structures, parking, courtyards, and housing units mix and affordable housing provisions for the Design Multiple Residence Zone (see Article X. Section A.6.). Additional density will be considered based on the proposed development plan and provision of affordable housing.

d. Student Housing Restrictions

Housing designed primarily for student occupancy shall not be authorized in this district due to potential neighborhood compatibility issues.

e. Age Restricted Housing

Due to the proximity of commercial and health care services in southern Mansfield and the adjacent Town of Windham and due to the physical characteristics of the Pleasant Valley Residence Agriculture Zone, ~~the Commission encourages Age Restricted Housing developments~~ are specifically allowed within this district. For age restricted developments the special density and floor area provisions for the Age Restricted Housing Zone shall apply (see Article X. Section A.5.b. and i.) in addition to the requirements for the DMR zone noted in subsection (c), above.

c. Open Space/Recreation Facilities

~~The Commission shall have the authority to require appropriate open space and recreation facilities for all residential developments. The size and location of any required open space and the degree of any required improvement shall take into account the size and location of the agricultural land to be preserved pursuant to subsection 9.b. (above) and the size and nature of the residential development. In situations where the agricultural land preservation requirements of Section 9.b (above) have been addressed suitably, any additional acreage that may be required to meet this provision shall be limited to acreage needed to provide specific recreational improvements. As a general guide, for developments with fifty (50) or more dwelling units, the Commission may require multi-use ball fields, tennis courts, and/or playgrounds. For smaller projects, trails, garden areas, and multi-use lawn areas may be considered adequate to meet this requirement. Detailed plans and specifications for proposed or required open space and recreational improvements shall be shown on project plans. Whenever possible and appropriate, active recreational facilities shall be screened from residences, driveways, streets, and parking areas. At least 600 square feet of open space and/or recreational area shall be required for each dwelling unit in the proposed development. This requirement may be satisfied through the preservation of agricultural land pursuant to subsection 9(b). If the area preserved for agricultural use meets or exceeds the minimum open space requirement per dwelling unit, no additional open space or recreational facilities shall be required other than the open space provided through building separation and site landscaping regulations.~~

d. PVRA Design Criteria

To promote the retention and enhancement of the agricultural and scenic character of the Pleasant Valley Residence Agriculture Zone, all new developments shall be designed to preserve and, as appropriate, enhance existing views and vistas from adjacent and nearby roadways and neighboring properties. Developments consisting of more than one structure shall exhibit a high degree of coordination in site planning, architectural design, site design and site detailing. All physical components shall be designed to complement an overall plan. In addition to addressing all applicable provisions of the Architectural and Design Standards contained in Article X, Section R of these regulations, all development shall address the following design criteria:

1. In the event the area zoned Pleasant Valley Residence Agriculture situated south of Pleasant Valley Road is developed in more than one phase or by more than one developer, all design components (including site layout, building layout and building design, and landscaping, lighting and other site improvements) shall be compatible and designed to complement an overall plan. To help ensure compliance with this requirement, the Commission shall have the authority to require the submission of a conceptual master plan when a proposed

development would result in the division or resubdivision of a tract or parcel of land existing at the time these regulations were adopted into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development, excluding development for municipal, conservation or agricultural purposes. When required, the conceptual master plan shall be submitted in association with a pending special permit or subdivision application and shall include:

- a. Areas under common ownership at the time these regulations were adopted. If the application includes a resubdivision as described above, the plan shall address how the proposed development will be compatible with development on the lot previously divided;
- b. ~~Depicting-Depiction of~~ future parcels, buildings, roadways/driveways, walkways, service areas, public sewer and water lines, storm water facilities, agricultural preservation areas and other site development components ~~and;~~ and
- c. ~~Associated~~ design guidelines for the entire area.

~~When required, this information shall be submitted in association with a pending special permit application. The Commission shall have the right to approve conditions regulating the development of future phases and ensuring that this provision has been addressed.~~

2. All new buildings and structures and all associated parking, loading and waste disposal or storage areas shall be located a minimum of ~~five-two~~ two hundred (500/200) feet from Pleasant Valley Road and appropriately screened. The Commission shall have the right to reduce this locational requirement based on individual site characteristics, the specific proposed use and the specific development design. This locational requirement is designed to help preserve existing agricultural land immediately south of Pleasant Valley Road (see Section 9.b) and to minimize incompatible visual impacts, particularly from Pleasant Valley Road, Mansfield City Road north of Pleasant Valley Road and from Stearns Road.
3. New buildings shall be designed to minimize mass by utilizing smaller visual components through the use of projections, recesses, varied façade treatments, varied roof lines and pitches, and where appropriate, variations in building materials and colors;
4. Site specific landscape and lighting plans shall be designed by qualified professionals and implemented to reduce visual impact, minimize light spill (undesirable light that falls outside the area of intended illumination) and promote compatibility with neighboring agricultural and residential uses.

10. Special Provisions for the Pleasant Valley Commercial/Agriculture (PVCA) Zone

a. Water and Sewer Facilities

Except as noted below, all proposed developments in the PVCA zone must be served by public water and sewer facilities or must be readily connected to such services. "Readily connected" is defined as that point in time when contracts have been let for construction of public sewer and water facilities requested for connection. A Certificate of Compliance shall not be issued until the site is connected to public water and sewer facilities. Article VII Section K.2.b. authorizes the commission to waive this requirement.

b. Building Height Requirements

No building shall exceed three stories or a height of 40 feet.

c. Distance Between Structures

Except as noted below, the distance between any two structures shall be no less than fifty (50) feet. The Commission may vary this spacing requirement when it determines that such variations will enhance the design of the project without significantly affecting either emergency or solar access.

d. Courtyards

Except as noted below, courts enclosed on all sides shall not be permitted and no open court shall have a length or

width less than fifty (50) feet. The Commission may vary these requirements when it determines that such variations will enhance the design of the project without significantly affecting either emergency or solar access.

e. Parking

Required parking spaces shall not be allowed on any street or internal roadway and shall be set back a minimum of 10 feet from principal buildings. All spaces shall comply with the parking provisions of Article X, Section D and other dimensional requirements of these Regulations.

f. Agricultural Land Preservation Requirements

Pursuant to the Plan of Conservation and Development recommendations, the Commission shall have the authority to require up to ~~fifty-fourty (5040)~~ percent of the prime agricultural acreage on a subject property to be permanently preserved for agricultural use. This agricultural dedication provision may be addressed prior to any development, in association with an initial development phase or incrementally, over a series of phases or developments. However, in applying this provision, cumulatively no more than ~~fifty-fourty (5040)~~ percent of the prime agriculture acreage of a property in existence at the time this regulation is adopted shall be required to be permanently preserved for agricultural use.

As utilized in this provision, prime agricultural acreage shall be those areas that have been cultivated or otherwise used for agricultural purposes and/or those areas with soils that are classified as "prime agricultural" by the Natural Resources Conservation Service. ~~The Commission shall have final approval of the location of the agricultural acreage to be preserved shall be determined by the Commission and may be on other land under the control of the applicant.~~ All property owners and prospective developers are encouraged to work with the Commission to identify an appropriate location(s) for preserved agricultural land, including other land under the control of the applicant.

In identifying agricultural land for preservation, the Applicant and Commission shall consider whether:

- the land will retain agricultural value;
- the agricultural use of the land would complement existing and proposed land uses;
- the agricultural use of the land would enhance adjacent and nearby agricultural land; and
- whether the agricultural use of the land would conflict with existing and planned uses on adjacent properties .

~~that will retain agricultural value, complement existing and proposed land uses and enhance adjacent and nearby agricultural land.~~ Based on information reviewed prior to the adoption of this regulation, the following area should be considered a priority for agricultural land preservation:

- Land immediately south of Pleasant Valley Road.

To ensure the permanent preservation of designated agricultural land, conservation easements, approved by the Commission, shall be filed on the Land Records. ~~In addition~~While not required, the Commission shall have the authority to recommend and facilitate the transfer of agricultural land in title to the Town of Mansfield or an acceptable organization dedicated to agricultural preservation. Agricultural easement areas shall be monumented with iron pins and Town Conservations easement markers shall be placed every 50 to 100 feet around the perimeter boundary of the easement area. The Town Markers shall be placed on trees, fences, four (4) inch cedar posts or other structures acceptable to the Commission.

g. PVCA Design Criteria

To promote the retention and enhancement of the agricultural and scenic character of the Pleasant Valley Commercial Agriculture Zone, all new developments shall be designed to preserve and, as appropriate, enhance existing views and vistas from adjacent and nearby roadways and neighboring properties. Developments consisting of more than one structure shall exhibit a high degree of coordination in site planning, architectural design, site design and site detailing. All physical components shall be designed to complement an overall plan. In addition to

addressing all applicable provisions of the Architectural and Design Standards contained in Article X, Section R of these regulations, all development shall address the following design criteria:

1. In the event the area zoned Pleasant Valley Residence-Commercial Agriculture situated south of Pleasant Valley Road is developed in more than one phase or by more than one developer, all design components (including site layout, building layout and building design, and landscaping, lighting and other site improvements) shall be compatible and designed to complement an overall plan. To help ensure compliance with this requirement, the Commission shall have the authority to require the submission of a conceptual master plan when a proposed development would result in the division or resubdivision of a tract or parcel of land existing at the time these regulations were adopted into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development, excluding development for municipal, conservation or agricultural purposes. When required, the conceptual master plan shall be submitted in association with a pending special permit or subdivision application and shall include:
 - a. Areas under common ownership at the time these regulations were adopted. If the application includes a resubdivision as described above, the plan shall address how the proposed development will be compatible with development on the lot previously divided;
 - b. ~~-(depicting Depiction of future parcels, buildings, roadways/driveways, walkways, service areas, public sewer and water lines, storm water facilities, agricultural preservation areas and other site development components)-and; and~~
 - c. ~~-a~~Associated design guidelines for the entire area.

~~When required, this information shall be submitted in association with a pending special permit application. The Commission shall have the right to approve conditions regulating the development of future phases and ensuring that this provision has been addressed.~~

2. All new buildings and structures and all associated parking, loading and waste disposal or storage areas shall be located a minimum of ~~five two hundred (500200)~~ feet from Pleasant Valley Road and appropriately screened. The Commission shall have the right to reduce this locational requirement based on individual site characteristics, the specific proposed use and the specific development design. This locational requirement is designed to help preserve existing agricultural land immediately south of Pleasant Valley Road (see Section 10.f) and to minimize incompatible visual impacts, particularly from Pleasant Valley Road, Mansfield City Road north of Pleasant Valley Road and from Stearns Road.
3. New buildings shall be designed to minimize mass by utilizing smaller visual components through the use of projections, recesses, varied façade treatments, varied roof lines and pitches, and where appropriate, variations in building materials and colors;
4. Site specific landscape and lighting plans shall be designed by qualified professionals and implemented to reduce visual impact, minimize light spill (undesirable light that falls outside the area of intended illumination) and promote compatibility with neighboring agricultural and residential uses.

Explanatory Notes: The proposed revisions to Article X, Sections A.9 and A.10 are designed to provide additional flexibility for development in these zones.

- *The reduction in the amount of prime agricultural areas to be preserved is designed to promote consistency with the town's open space requirements for cluster subdivisions, which require up to 40% of the land to be subdivided to be used exclusively for recreational, conservation and/or agricultural purpose (Section 13.1.1, Mansfield Subdivision Regulations). The purpose of the PVRA/PVCA special provisions is to encourage the clustering of development in order to preserve the prime agricultural land for agricultural use; therefore, consistency between the provisions for cluster subdivisions and preservation of prime agricultural land in these zones is appropriate.*

- *The changes to provisions regarding location of the agricultural land to be preserved are designed to clarify the Commission's role in approving the final location as well as factors that will be considered as part of the approval process. The revisions also clarify that transfer of preserved agricultural land to the ownership of the town or other land preservation organization is not required; however, the Commission has the ability to facilitate or recommend a transfer.*
- *The changes to the applicable provisions of the DMR zones to residential development in the PVRA zone change affordable housing from a requirement to an incentive, with the provision for consideration of additional density in exchange for provision of affordable housing.*
- *Clarification is provided that Age-Restricted Housing developments are specifically allowed within the PVRA zone.*
- *The changes to the open space/recreational facility requirements are designed to clarify that the preservation of agricultural land may fully satisfy open space requirements for residential developments in the PVRA zone if the area preserved exceeds the minimum open space requirements for the residential development.*
- *The changes to the PVRA design criteria are designed to provide a more definitive threshold as to when a master plan may be required by the Commission. The changes use the same threshold established by state statute for subdivisions, thereby allowing some incremental development prior to requiring a conceptual master plan for an entire parcel.*
- *The reduction in the setback from Pleasant Valley Road from 500 feet to 200 feet is intended to provide greater flexibility in development while maintaining the viewshed along the road. The revised setback is generally consistent with the depth of the smaller single-family home parcels along the road.*



To: Conservation Commission
From: Ordinance Review Subcommittee
Re: Right-to-Farm Ordinance
Date: March 14, 2012

Subject Matter

Approximately a year ago, the Town Council requested that the Agriculture Committee investigate possible incentives for farms. Members of the Agriculture Committee gathered information by researching available options, learning what other towns had enacted, attending a workshop of the regional AGvocate Program, and surveying farmers in Mansfield to determine how the Town could best serve farmers' needs.

After completing this research, the committee has recommends that the Town Council consider adopting both a local Right-to-Farm ordinance and enacting one or more Municipal Farm Tax Incentives.

At its meeting of February 27, 2012, the Town Council established an ordinance review subcommittee to review four ordinances recommended by the Agriculture Committee to incentivize farmers. On March 8, 2012 the subcommittee met and passed a unanimous motion to refer this ordinance to the Conservation Commission for input. We hope that you will review this ordinance and provide input to the subcommittee at your meeting of March 21, 2012.

Right-to-Farm Ordinance

The State of Connecticut General Statutes § 19a-341 states "no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance" provided the operation is following generally accepted agricultural practices. Generally accepted agricultural practices are determined by the Commissioner of Agriculture.

In addition to this state statute, CT law also allows municipalities to adopt a local Right to Farm (RTF) ordinance. A local RTF ordinance cannot be more restrictive than the state statute, but it serves as a statement that a municipality supports local farms and farm businesses and views agriculture as a valued activity in the town. Stating what the town values may limit nuisance lawsuits or other farm and non-farm conflicts. Furthermore, a local RTF ordinance may encourage farmers to reinvest in their farms and may bring new farmers into the community.

Several towns in CT have recently passed local Right-to-Farm (RTF) Ordinances. They include: Brooklyn, Canterbury, Colchester, Columbia, Eastford, Franklin, Hampton, Lebanon, New Milford, North Stonington, Sprague, Thompson, and Woodstock.

Attachments

- Draft Right-to-Farm Ordinance
- The State of Connecticut General Statutes § 19a-341
- Background on Right-to-Farm Ordinances

PAGE
BREAK



**Town of Mansfield
Code of Ordinances**
“An Ordinance Regarding the Right to Farm”

February 8, 2012 Draft

Section 1. Title.

This chapter shall be known and may be cited as the “Right to Farm Ordinance.”

Section 2. Legislative Authority.

This chapter is enacted pursuant to sections 1-1, 7-148 and 19a-341(a) and (c) of the Connecticut General Statutes.

Section 3. Findings and Purpose.

Agriculture plays a significant role in the heritage and future of the Town of Mansfield. The Town Council of the Town of Mansfield recognizes the importance of agriculture and farming to the quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife, and local economy of the Town of Mansfield. This ordinance is intended to encourage the pursuit of agriculture and farming, promote agriculturally based economic opportunities, and protect farmland within the Town of Mansfield by allowing agricultural uses and related activities to function with minimal conflict with abutting property owners and Town of Mansfield agencies.

It is the declared policy of the Town of Mansfield to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products and for its natural and ecological value. It is also determined that whatever the effect may be on others through generally accepted agricultural practices is offset and ameliorated by the benefits of local agriculture and farming to the neighborhood and to the people of the Town of Mansfield.

Section 4. Definitions.

The terms “agriculture and “farming” shall have all those meanings set forth in section 1-1(q) of the Connecticut General Statutes.

Section 5. Right to Farm.

Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility within the Town of Mansfield, or any of its appurtenances, or the operation thereof shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally accepted farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Connecticut Commissioner of Energy and Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control

approved by the Commissioner of Energy and Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment, or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

Section 6. Exceptions.

The provisions of this chapter shall not apply whenever a nuisance results from willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

(h) Failure to file an application for classification of land as forest land within the time limit prescribed in subsection (f) of this section and in the manner and form prescribed in subsection (g) of this section shall be considered a waiver of the right to such classification on such assessment list.

(i) The municipality within which land proposed for classification as forest land is situated or the owner of such land may appeal to the State Forester for a review of the findings of the certified forester as issued in the certified forester's report. Such appeal shall be filed with the State Forester not later than thirty business days after the issuance of the report and shall be brought by petition in writing. The State Forester shall review the report of the certified forester and any information the certified forester relied upon in developing his or her findings and may gather additional information at his or her discretion. The State Forester shall render the results of his or her review of the certified forester's report not later than sixty calendar days after the appeal was filed.

(j) An owner of land aggrieved by the denial of any application to the assessor of a municipality for classification of land as forest land shall have the same rights and remedies for appeal and relief as are provided in the general statutes for taxpayers claiming to be aggrieved by the doings of assessors or boards of assessment appeals.

(k) During the month of June each year the assessor of a municipality within which land classified as forest land is situated shall report to the State Forester, in a format prescribed by the State Forester, the total number of owners of land classified as farm land, forest land or open space land as of the most recent grand list and a listing of the parcels of land so classified showing the acreage of each parcel, the total acreage of all such parcels, the number of acres of each parcel classified as farm land, forest land or open space land, and the total acreage for all such parcels.

Right-to-Farm: CGS § 19a-341 *State Statute*

§ 19a-341. Agricultural or farming operation not deemed a nuisance; exceptions. Spring or well water collection operation not deemed a nuisance. (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

(b) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances, no operation to collect spring water or well water, as defined in section 21a-150, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable noise from equipment used in such operation provided the operation (1) conforms to generally accepted practices for the collection of spring

water or well water, (2) has received all approvals or permits required by law, and (3) complies with the local zoning authority's time, place and manner restrictions on operations to collect spring water or well water.

(c) The provisions of this section shall not apply whenever a nuisance results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

Permitted Uses in Wetlands: CGS § 22a-40(a)(1)

§ 22a-40. Permitted operations and uses. (a) The following operations and uses shall be permitted in wetlands and watercourses, as of right:

(1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale.

Certified Farmers' Markets: CGS § 22-6r

§ 22-6r. Certified farmers' markets. Definitions. Sale of farm products at farmers' kiosks. Sale of fresh produce to food service establishments. (a) For purposes of this section:

(1) "Farmers' market" means a cooperative or nonprofit enterprise or association that consistently occupies a given site throughout the season, which operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products directly to consumers and to sell fresh produce to food service establishments, as defined in section 19-13-B42 of the regulations of Connecticut state agencies, and where the farm products sold are produced by the participating farmers with the sole intent and purpose of generating a portion of household income;

(2) "Fresh produce" means fruits and vegetables that have not been processed in any manner;

(3) "Certified farmers' market" means a farmers' market that is authorized by the commissioner to operate;

(4) "Farmer's kiosk" means a structure or area located within a certified farmers' market used by a farm business to conduct sales of Connecticut-grown farm products;

(5) "Connecticut-grown" means produce and other farm products that have a traceable point of origin within Connecticut;

(6) "Farm" has the meaning ascribed to it in subsection (q) of section 1-1;

(7) "Farm products" means any fresh fruits, vegetables, mushrooms, nuts, shell eggs, honey or other bee products, maple syrup or maple sugar, flowers, nursery stock and other horticultural commodities, livestock food products, including meat, milk, cheese and other dairy products, food products of "aquaculture," as defined in subsection (q) of section 1-1, including fish, oysters, clams, mussels and other molluscan shellfish taken from the waters of the state or tidal wetlands, products from any tree, vine or plant and their flowers, or any of the products listed in this subdivision that have been processed by the participating farmer, including, but not limited to, baked goods made with farm products.

Background

Right-to-Farm Ordinances

Local right-to-farm ordinances help maintain a supportive environment for farmers by limiting farmer/non-farmer neighbor conflicts. They are particularly useful where new residential and commercial development occurs adjacent to active farms. While new residents may be drawn by the charm of the rural landscape, they soon realize that farm operations create dust, odors and noise. In reaction to these perceived nuisances, non-farm neighbors may lodge complaints with the town or file lawsuits that can cripple or shut down farm operations. A local right-to-farm ordinance may help new residents prepare for living in a farming community.

The State of Connecticut has declared that "no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance" provided the operation is following generally accepted agricultural practices (see Appendix A, CGS § 19a-341). Generally accepted agricultural practices are determined by the Commissioner of Agriculture. Towns could consider enacting local "right-to-farm" ordinances to emphasize their support for local farms and farm businesses. In conjunction with an examination and subsequent update of local regulations that may hamper farm businesses, a local right-to-farm ordinance reaffirms a town's commitment to agriculture and identifies farming as an accepted and valued activity.

A right-to-farm ordinance may help protect farming operations by discouraging nuisance lawsuits or other actions. Typically such ordinances document the importance of farming locally — such as revenue and job creation, relation to community character, or environmental benefits — and may require that a landowner selling

property adjacent to an active farm provide the buyer with a notice disclosing the town's support for agriculture and the types of impacts that may be associated with agricultural activities. Modeled after the state right-to-farm law, local ordinances should recognize and ideally cite the expansive state definition of agriculture (see Appendix A, CGS § 1-1(q); see Appendix C for recent court cases concerning right-to-farm issues).



Stone Wall Dairy Farm

Public Act 490: Connecticut's Landmark Use Value Legislation

In the late 1950s and early 1960s many towns in Connecticut saw significant new development and, with that development, higher assessments and property taxes. In turn, those higher assessments and property taxes led to additional pressure on landowners to sell farm and forest land for other uses.

As a consequence, in 1963, the General Assembly passed *Public Act 490*, one of the first programs of its kind in the country. Stating that "it [is] in the public interest to encourage the preservation of farm, forest, and open space land," *Public Act 490* provides for the assessment of farm, forest and open space land on the basis of its current use rather than its market value.

Is *Public Act 490* an unfair tax break for farmers? Hardly. Farm and forest land require few services from local government. In fact, even when taxed at its current use value, farmland typically generates a fiscal surplus that can be used to offset the costs of providing services to residential development (see discussion of Cost of Community Services, page 3). Additionally, *Public Act 490* reflects the reality that market value taxation would likely result in the development of farmland, leading to municipal costs far greater than the related gain in tax revenues (see Appendix A, CGS § 12-107).

.....✂.....
In 2000, the town of Woodstock adopted a local right-to-farm ordinance that declared the town's support for farmers and described common, acceptable farming practices.

In December 2007, the town of North Stonington held a special town meeting where a right-to-farm ordinance was adopted. The ordinance is designed to "foster farming as a way of life by declaring this municipality's support of the farmer's right to farm."

In July of 2008, residents of the town of New Milford passed a right-to-farm ordinance that was proposed by the town's farmland preservation committee. The ordinance declares that "no present or future agricultural operations... shall become or be considered a nuisance."
✂.....



Mansfield Open Space Preservation Committee
DRAFT Minutes of February 28, 2012 meeting

Members present: Jim Morrow (chair), Vicky Wetherell, Quentin Kessel, Ken Feathers. Also attending: Roberta Coughlin, Michael Soares and Joshua's Trust representatives Richard Hyde and Warren Church.

1. Meeting was called to order at 7:35.
2. Vicky was appointed acting secretary.
3. Minutes of the January 24 meeting were approved.

4. Opportunity for Public Comment

No comments.

New Business

5. *March Meeting Date* The committee agreed to meet on March 20 rather than the usual date of March 27 because the Climate Impact Forum is on that date.

6. *Executive Session* The committee voted to go into Executive Session at 7:40 and voted to come out of executive session at 8:50.

Old Business

7. *Open Space Action Plan* This plan is scheduled to be presented to the Town Council on March 12 with committee comments.

8. *Committee membership* Roberta Coughlin and Michael Soares expressed interest in joining the committee after discussion of their interests and potential contributions to the committee's work.

9. Meeting adjourned at 9:20.

PAGE
BREAK

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Tuesday, February 21, 2012
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), M. Beal, R. Hall, K. Holt, G. Lewis,
B. Pociask (7:00p.m. – 7:50 p.m.), P. Plante, K. Rawn, B. Ryan
Alternates present: B. Chandy, V. Ward, S. Westa (arr. 7:04 p.m.)
Staff Present: Linda M. Painter, Director of Planning and Development
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:01 p.m. None of the alternates were seated, as all members were present.

Holt MOVED, Beal seconded, to add the 2-14-12 Field Trip Minutes to the agenda. MOTION PASSED UNANIMOUSLY.

Minutes:

2-6-12 Minutes- Ryan MOVED, Rawn seconded, to approve the 2/6/12 meeting minutes as written. MOTION PASSED with all in favor except Hall who disqualified himself. Ward and Beal noted that they listened to the 2-6-12 recording of the meeting.

2-14-12 Field Trip Minutes- Beal MOVED, Ryan seconded, to approve the 2/14/12 Field Trip Minutes as written. MOTION PASSED with Beal, Holt, Ryan and Rawn in favor and all others disqualified.

Zoning Agents Report:

Curt Hirsch updated the Commission on the Cease & Desist Order issued to Kueffner regarding earth removal on Merrow Road. Kueffner told Hirsch that his surveyor is working on plans to submit to the Commission.

In response to Pociask's question at the 2-6-12 meeting, Hirsch stated that the marble at the Paideia site is shipped to the site as it becomes available and is stored on site. He added that the stop work order is still in effect and will remain in effect until revised plans are submitted and approved by the Building and Zoning Departments.

A modification request was approved by Hirsch and Chairman Goodwin for the Gardens at Bassetts Bridge wedding venue. The applicant revised the hours of wedding operations to end at dusk, eliminating the need for exterior lighting.

Old Business:

a. **Special Permit Application, Addition to Eastbrook Mall, (PZC File #432-6)**

95 Storrs Road

New England Design/applicant

Plante MOVED, Holt seconded, to approve with conditions the Special Permit application (PZC File #1307) of Eastbrook F, LLC for an ±14,528 square foot addition to the north side of Eastbrook Mall, as described in a statement of use, as shown on the 19-page plan set dated December 1, 2011 and revised through January 30, 2012 and Sheet SP-1A dated 1/30/12 as prepared by BL Companies; the 3-page set of building plans and elevations dated 12/1/11 and revised through 2/2/12 as prepared by New England Design; a traffic impact study prepared by BL Companies dated October 2011; a Stormwater Management Report prepared by BL Companies dated December 2011; an Operations and Maintenance Plan prepared by BL Companies dated December 1, 2011; and as presented at Public Hearings on 1/3/12 and 2/6/12. This approval is granted because the application as approved is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

- 1) **Extent of Approval.** This approval authorizes the proposed addition and related site work as shown on Sheet SP-1A. This approval does not include the out-parcel and related site work that was withdrawn from the application prior to the 2/6/12 public hearing. Any significant change in the use or site improvements as described in application submissions and at the Public Hearing shall require further PZC review and approval. Any questions regarding what constitutes a significant change shall be reviewed with the Zoning Agent and, as deemed necessary, the PZC.
- 2) **Plan Revisions.** The plan set shall be revised to eliminate all references to the out-parcel and related site work, including the driveway to Storrs Road and crossing of Sawmill Brook. A complete revised plan set, including the revisions to the north building façade, shall be submitted to the Director of Planning and Development for approval prior to issuance of a Zoning Permit. Final plans shall be signed and sealed by all responsible professionals.
- 3) **Excavation/Installation of Retaining Wall.** This approval specifically authorizes the changes in grade proposed as part of the project, including the excavation of approximately 3,800 cubic yards of material along the north property line and construction of a gravity retaining wall with evergreen plantings. Waivers to the requirements of Article X, Section H.3.b and Article X, Section H.5.e are also approved as part of this authorization.
- 4) **Erosion and Sedimentation Controls.** Erosion and sedimentation controls shall be inspected daily and after storms. Copies of erosion and sedimentation control inspection reports shall be submitted to the Zoning Agent and Inland Wetlands Agent on a bi-weekly basis.
- 5) **Landscape Buffer Reduction.** This approval specifically authorizes a reduction in the 50-foot landscape buffer required by Article VI, Section B.4.q.2 of the Zoning Regulations to allow the retaining wall to be constructed along the north property line. The retaining wall shall include an irrigation system to ensure the viability of the plantings within and on top of the wall.
- 6) **Parking.** This approval grants a temporary waiver of the parking regulations as set forth in Article X, Section D allowing the reduction of parking spaces from 1,116 to 976 spaces. This waiver is granted because it has been demonstrated that the subject parking lot in fact has adequate parking spaces for the present uses in residence. Notwithstanding the foregoing, should the Zoning Agent determine at a future date that 976 spaces are not adequate for the parking needs of the shopping center, the applicant shall return to the PZC with a specific plan for installation of additional spaces.
- 7) **Endangered/Threatened Species.** The applicant shall coordinate with the Connecticut Department of Energy and Environmental Protection (DEEP) on inspections, seasonal work restrictions and other measures as may be necessary to protect the wood turtle/box turtle habitats.
- 8) **Lighting.** Details of proposed wall fixtures must be submitted for approval by the Director of Planning and Development. All fixtures shall be dark-sky compliant and shall be consistent with the Architectural and Design Standards contained in Article X, Section R.4.
- 9) **Signs.** The applicant shall submit detailed sign plans including dimensions prior to issuance of a Zoning Permit for the proposed signs.
- 10) **Validity.** This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records.

MOTION PASSED with all in favor except Hall who disqualified himself.

Public Hearing:

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

Chairman Goodwin opened the Continued Public Hearing at 7:21 p.m. Members present were Goodwin, Beal, Hall, Holt, Lewis, Pociask, Plante, Rawn, Ryan, and alternates Chandy, Ward and Westa. No alternates were seated for the Public Hearing. Linda Painter, Director of Planning and Development, noted the following communications received and distributed to members of the Commission: a 2/21/2012 memo from the Director of Planning (distributed at the meeting); a 2/16/2012 memo from the Director of Planning; a 2/16/12 email from Kevin Thatcher, Engineer, CHA Companies, with three attached revision sheets (C-101, C-301 and C-501) and a lighting specification sheet.

Attorney Joseph P. Williams, of Shipman and Goodwin, submitted for the record a digital copy of the Environmental Site Review and reviewed the changes to the plans since the last public hearing, noting those changes suggested in the staff reports. He also requested that bicycle racks be allowed to be placed at the rear of the building and not in the front in order to save a parking space for customers.

Kevin Thatcher, P.E., of CHA Companies, reviewed the changes to the plans which included increased sight distance by the removal of plantings; installation of an in-ground propane tank; the removal of the left-turn from the Storrs Road driveway by re-designing the island with signage and striping indicating no left turn; and lighting locations and specifications.

Linda Painter, Director of Planning and Development, requested that the lighting continue further down Storrs Road/Route 195 to the edge of the property abutting to Route 320. The applicant agreed.

Pociask questioned if, when designing the Storrs Road/Route 195 entrance and island, consideration had been given to the turning radius for tanker/delivery trucks. Thatcher responded that it had been designed to accommodate the size of these vehicles, but also stated that Cumberland will be requiring deliveries to enter the site from the Middle Turnpike/Route 44 entrance. Pociask also questioned the current condition of the grease trap. Thatcher responded that is regulated by the Health Department. The applicant will comply with and address any issues raised by the Health Department.

Chairman Goodwin asked the applicant if consideration had been given to siting the building on an angle to minimize the visual impact for motorists traveling west on Route 44, noting that they will be looking at the rear/loading area of the building. It was suggested that adding screening at the southeastern end of the building would hide the boxes and crates that are often found in the rear of commercial buildings. The applicant agreed to provide screening.

Beal asked if backup generators are proposed in light of the recent length of power outages. John Marth, Project Manager for Cumberland Farms, stated that mobile generator units will be moved in to run the store and pumps.

David Kahlbaugh, Traffic Engineer, of CHA Companies, stated that he spoke with WRTD and Rick Chapman of CT DOT and noted that the DOT did not support a bus pull-off as requested by WRTD.

Plante and Rawn related that the Town is working toward a vision of the entire Four Corners area being developed, adding that public transit is a key component to this vision.

****At 7:50 p.m. Pociask excused himself from the rest of the meeting and alternate Ward was seated. ****

Tony Lent, 28 Daleville Road, stated that he didn't think a bus stop is needed on the north bound lane of 195 as much as it is on the south bound side, and added that he is in favor of the proposal.

Noting no further comments or questions from the Commission, public or the applicant, Holt MOVED, Rawn seconded, to close the Public Hearing at 8:07 p.m. MOTION PASSED with all in favor except Beal who was opposed.

Old Business:

b. Special Permit Application, Cumberland Farms, (PZC File #1303-2)

643 Middle Turnpike & 1660 Storrs Road

Cumberland Farms, Inc./applicant

Noting the PZC's concerns about a bus shelter/pull-off, grease-trap review by EHHD, parking in rear, and southeast screening, Beal volunteered to work with staff on a draft motion for the 3/5/12 meeting.

c. Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA), Pleasant Valley Commercial/Agriculture (PVCA) Regulations and Research and Development/Limited Industrial Zone

After extensive discussion and review of the proposed revisions, Holt MOVED, Beal seconded, that a public hearing be scheduled for May 7, 2012 to hear comments on the attached 2/16/12 draft revisions to the Zoning Regulations. The draft regulations shall be revised to include explanatory notes and shall be referred to the Town Attorney, WINCOG Regional Planning Commission, adjacent municipalities, Town Council, Zoning Board of Appeals, Conservation Commission, Open Space Preservation Committee, Agriculture Committee and Design Review Panel. MOTION PASSED UNANIMOUSLY.

New Business:

School Building Project

Painter briefed the Commission on the presentation made to the Town Council at its 2-21-12 special meeting, briefly summarizing the possible building options the Town Council may choose. Painter stated that the Town Council is hoping to bring this to a May referendum. The PZC discussed the merits of scheduling a presentation for its next meeting, but decided by consensus that it preferred to wait until the Town Council makes its formal 8-24 referral.

Reports from Officers and Committees:

It was noted that the next Regulatory Review Committee meeting will be on Wednesday, February 29th at 1:15 p.m. in Conference Room C.

Communications and Bills: Noted.

Adjournment: The meeting was adjourned at 9:31 p.m.

Respectfully submitted,

Katherine Holt, Secretary

DRAFT MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, March 5, 2012
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), M. Beal, R. Hall, K. Holt, G. Lewis, B. Pociask, K. Rawn, B. Ryan
Members absent: P. Plante
Alternates present: B. Chandy, V. Ward, S. Westa
Staff Present: Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:43 p.m. Alternate Chandy was seated in Plante's absence.

Minutes:

2-21-12 Minutes- Hall MOVED, Ryan seconded, to approve the 2/21/12 meeting minutes as written. MOTION PASSED with all in favor except Pociask who disqualified himself.

Zoning Agents Report:

Hirsch noted that he signed off on the UConn Foundation's application to split their parcel located at Dog Lane and Bundy Lane with the three abutters, giving each abutter a portion of the lot. Hirsch also updated the Commission that the Mike's Stand parcel located at Storrs Road and Middle Turnpike is being renovated and two new tenants have been identified.

Old Business:

- a. **Special Permit Application, Cumberland Farms, 643 Middle Turnpike & 1660 Storrs Road, Cumberland Farms, Inc./applicant PZC File #1303-2**
After discussion on the draft motion, members raised some questions and concerns regarding the bus pull-off and bus shelter. Due to the Director of Planning and Development's attendance at tonight's School Siting Public Hearing, she was unavailable to answer the Commission's questions and concerns. Therefore, Beal MOVED, Holt seconded, to table action on the motion until the next meeting. MOTION PASSED UNANIMOUSLY.
- b. **Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA), Pleasant Valley Commercial/Agriculture (PVCA) Regulations and Research and Development/Limited Industrial Zone, (PZC File #907-37)**
Public Hearing Scheduled for May 7, 2012

New Business:

- a. **Modification Request, BAE Revision, Lot 3 Pond View Estates, 306 Stearns Road, C. Niarhakos, applicant, PZC File #1193**
Holt MOVED, Hall seconded, That the Planning & Zoning Commission approve the proposed revision to the Building Area Envelope on Lot 3 of the Pond View Estates Subdivision (306 Stearns Road), as described in the 2/29/12 request and shown on a plan also dated 2/29/12, because it will not affect neighboring properties, natural or manmade features or the overall character of the subdivision. This action shall be noticed on the Land Record. MOTION PASSED UNANIMOUSLY.

Reports from Officers and Committees:

It was noted that the next Regulatory Review Committee meeting will be on Wednesday, March 7th at 1:15 p.m. in Conference Room B.

Communications and Bills: Noted.

Executive Session:

Holt MOVED, Holt seconded, to enter into Executive Session at 8:20 p.m. MOTION PASSED UNANIMOUSLY. Members present Goodwin, Beal, Hall, Holt, Lewis, Pociask, Rawn, Ryan and alternates Chandy, Ward, Westa.

Holt MOVED, Hall seconded, to enter exit from Executive Session at 8:30 p.m. MOTION PASSED UNANIMOUSLY.

Adjournment: The meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Katherine Holt, Secretary

DRAFT MINUTES
MANSFIELD INLAND WETLANDS AGENCY
Monday, March 5, 2012
Council Chambers, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), M. Beal, R. Hall, K. Holt, G. Lewis, B. Pociask, K. Rawn, B. Ryan
Members absent: P. Plante
Alternates present: B. Chandy, V. Ward, S. Westa
Staff present: Grant Meitzler (Wetlands Agent)

Chairman Goodwin called the meeting to order at 7:01 p.m. and appointed alternate Chandy to act in Plante's absence.

Minutes:

2-6-2012 - Regular Meeting- Rawn MOVED, Chandy seconded, to approve the 2-6-12 minutes as written. MOTION PASSED UNANIMOUSLY, with Beal and Ward noting that they listened to the recordings.

2-14-2012 - Field Trip Meeting- Ryan MOVED, Beal seconded, to approve the 2-14-12 minutes as written. MOTION PASSED with Beal, Holt, Ryan and Rawn in favor and all others disqualified.

Communications:

The 2-29-12 Wetlands Agent's Monthly Business report and the draft minutes of the 2-15-12 Conservation Commission were noted. Particular attention was called to the Conservation Commissions discussion regarding the application at 476 Storrs Road.

Old Business:

W1492 - Common Fields - 474 Storrs Rd - barn conversion & site work in buffer

Michael Healey, property owner, reviewed a revised set of sheets dated 3/5/12 that he distributed this evening. He noted that he met with Wetlands Agent Meitzler to work on addressing drainage improvements on the property, adding that most of the drainage comes from Storrs Road and the neighboring parking lot. Healey discussed implementing a controlled drainage system with a catch basin which would be directed to a "sediment pond" in the rear of the property, ultimately collecting the sediment before it reaches the bog.

Healey distributed a 2/23/12 letter submitted to Matt Hart requesting a license to utilize the parking on the Town of Mansfield property (adjacent to his site). Healey is proposing a septic system and a reserve system area, as well as "pervious" pavers for the driveway and the on-site parking areas.

Meitzler stated that he finds the "sediment pond" a good addition to the plans and finds no other significant issues with the proposal.

Holt recommended re-thinking the landscape plan, using plants that need little or no nitrogen in order to conserve the bog.

Pociask questioned how often the "sediment pond" would need to be cleaned out and who would be responsible for the cleaning.

Noting no further comments or questions from the public or Commission, Holt volunteered to work on a motion for the next meeting.

New Business:

W1494 - Moskowitz - landscaping work within 150'

Ryan MOVED, Holt seconded, to receive the application submitted by Robert Moskowitz. (File #W1494) under the Wetlands and Watercourses Regulations of the Town of Mansfield, for landscaping work in the buffer, on property located at 117 Stonemill Road, as shown on a map dated February 28, 2012, and as described in

application submissions, and to refer said application to staff and Conservation Committee, for review and comments. MOTION PASSED UNANIMOUSLY.

W1495 - Sabatelli - Stearns Rd - addition in buffer

Ryan MOVED, Holt seconded, to receive the application submitted by Chris Niarhakos. (File #W1495) under the Wetlands and Watercourses Regulations of the Town of Mansfield, for a garage addition in buffer, on property located at 306 Stearns Road, owned by Linda Sabatelli, as shown on a map dated March 1, 2012, and as described in application submissions, and to refer said application to staff and Conservation Committee, for review and comments. MOTION PASSED UNANIMOUSLY.

A field trip was set for 3/13/12 at 1:30 p.m.

Communications: Noted.

Adjournment: The Chairman declared the meeting adjourned at 7:42 p.m.

Respectfully submitted,

Katherine Holt, Secretary

Memorandum:

February 29, 2012

To: Inland Wetland Agency
From: Grant Meitzler, Inland Wetland Agent
Re: Monthly Business

W1419 - Chernushek - hearing on Order

- 3.10.09: The hearing on the Order remains open and should continue until the permit application under consideration is acted upon.
(The Order was dropped on approval of the application required in the Order.)
- 4.30.09: Former rye grass seeding is beginning to show green. I spoke with Mr. Chernushek this afternoon who indicated health problems that delayed his starting but indicated he will be working this weekend. I will update on this Monday evening.
- 5.26.09: A light cover of grass growth has come in. Mr. Chernushek indicates health problems and two related deaths have delayed his start of work since the permit approval was granted. It appears that some light work has started. He has further indicated that he will start a vacation on June 22, 2009 to finish the work.
- 6.13.09: Work is underway.
- 6.21.09: Bulldozer work has been completed - finish work remains. The additional silt fencing has been placed along the northerly wetlands crossing, and the additional pipe under the southerly crossing has been installed. Remaining work includes finish grading along edges, spreading stockpiled topsoil, and establishing grass growth.
- 7.01.09: I spoke with Mr. Chernushek who indicated he expects work to be completed by September 1, 2009. (Site photo attached).
- 9.03.09: Mr. Chernushek has been working on levelling and grading. The formerly seeded areas have become fairly thick growth surrounding the central wet areas. He has further indicated that with the combination of weather and the slower moving of earth with the payloader compared to the earlier rented bulldozer has led him to contact contractors for earth moving estimates which have not yet been received. The site is not yet finished but has remained quite stable.
- 9.12.09: I met with Mr. Chernushek today and discussed again what his plans are for stabilizing this work site.
- 10.01.09: Mr. Chernushek indicated he has not heard back from the contractor he had spoken with about removing material, and is in progress of contacting others. In discussion is removal of material from the site either within the 100 cubic yard limit or obtaining a permit for such removal.
- 10.28.09: Mr. Chernushek has indicated he has made arrangements with DeSiato Sand & Gravel to remove 750 cubic yards of material. Staff is in the process of clarifying permit requirements.
- W1445 - Chernushek - application for gravel removal from site**
- 11.30.09: Packet of information representing submissions by Mr. Chernushek, Mr. DeSiato and myself is in this agenda packet as Mr. Chernusheks's request for modification.
- 12.29.09: Preparation of required information for PZC special permit application is in progress. Tabling any action until the February 1, 2010 meeting is recommended.

- 1.12.10: 65 day extension of time received.
- 2.18.10: No new information has been received.
- 2.25.10: This application has been **withdrawn**.
- 6.30.10: As viewed from the adjacent property, the upstream and downstream areas have grown to a decent protected surface. I did not see indication of sediment movement.
- 10.26.10: A sale of the East portion of the Chernushek property has been in negotiation.
- 12.27.10: The property exchange has been completed. The owner is now the neighboring property owner Bernie Brodin. He has indicated his intention to stabilize the area as weather permits.
- 4.25.11: Mr. Brodin indicates he is starting with grading and spreading hay and seed to stabilize disturbed areas.

Mansfield Auto Parts - Route 32

- 3.09.11: Inspection - no vehicles are within 25' of wetlands.
- 3.22.11: Inspection - no vehicles are within 25' of wetlands.
- 4.25.11: Inspection - no vehicles are within 25' of wetlands.
- 5.17.11: Inspection - no vehicles are within 25' of wetlands. Mr. Bednarczyk's estimate is that approximately 100 tires per month are being removed from the site.
- 6.14.11: Inspection - no vehicles are within 25' of wetlands.
- 7.12.11: Inspection - no vehicles are within 25' of wetlands.
- 8.04.11: Inspection - no vehicles are within 25' of wetlands.
- 9.13.11: Inspection - no vehicles are within 25' of wetlands.
- 11.03.11: Inspection - two vehicles are within 25' of wetlands. Vehicle doors and a camper or trailer are stored in the extreme rear lot not approved by zoning for use.
- 11.30.11: Inspection - two vehicles are within 25' of wetlands. Employees indicate cars will be moved soon. Payloader repair parts are to be there later today and cars will be moved as soon as parts are installed. Owner indicated in earlier discussion that the doors would be moved. Rate of tire removal has increased with a company in Massachusetts removing them by truckload. At time of this discussion (about a week ago) nearly 2,000 tires had been removed from the lot by the railroad tracks.
- 12.07.11: Inspection - two vehicles are within 25' of wetlands. Payloader repairs not yet completed. Weekly inspections will be made until the two vehicles and doors are moved.
- 12.27.11: Inspection - 1 vehicle within 25' of wetlands - owner indicates it will be moved this week. Payloader is back in operation. Owner indicates doors in "rear" lot will be moved this week. Large number of tires have been moved from lot by RR tracks - approximately 65% of tires have been removed.
- 2.01.12: Inspection - employee indicates payloader repair has had problems and the one car within 25' has not yet been moved. Tire removal has continued and about 90 percent of the tires have been removed. A truck from the company removing the tires arrived while I was at the site.
- 3.01.12: Inspection - owner indicates payloader is repaired. Owner indicates the one car within 25' will be moved. Tire removal is nearing completion.

In This Issue

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- Connecticut's Changing Landscape
- New CLEAR Publications

CLEARSCAPES



A Newsletter of the Center for Land Use Education and Research at the University of Connecticut.

Outreach

The Geospatial Training Program (GTP)

Working at Local, State, National and Cyberspace Levels

CLEAR's Geospatial Training Program (GTP) is actually much more than its name implies, working on a wide range of projects involving geospatial analysis and tool development, as well as developing and delivering training. All of this is primarily done by CLEAR's Cary Chadwick and Emily Wilson, who not only do their own projects but also provide ongoing support to CLEAR's other programs. As we like to say, the line outside their office is long. Here are some things that GTP is doing.

One of GTP's core functions is to develop and run training programs on geographic information systems (GIS), global positioning systems (GPS), and, increasingly, a wide range of technologies that can be described as "web mapping" techniques. The audience for these classes, which are frequently sold out, includes private sector professionals, academics, agency staff, nonprofit organization members, and of course CLEAR's main audience of community staff and commissioners. The GTP Training Schedule page is one of the most frequently accessed parts of the CLEAR website.

In collaboration with CLEAR's National NEMO Network, the GTP is also providing national training to members of the USDA National Water Program, a network that includes researchers, extension professionals,



GTP's Cary Chadwick leads the Pictures, Points & Places: An Introduction to GPS class.

and other people at Land Grant and Sea Grant universities across the country. GTP conducts training sessions on online mapping techniques at the annual water program national conference and at specially scheduled regional workshops. To date, the team has been to South Carolina, California, Hawaii, Maine, West Virginia, Rhode Island Massachusetts, and New Hampshire.

... continued on pg 2

The NEW Community & Natural Resource Planning Program

CLEAR would like to welcome the Community and Natural Resource Planning (CNP) Program to its family of partners. This new organization evolved out of the Green Valley Institute (GVI) which conducted land use education and outreach in the 35 towns of The Last Green Valley National Heritage Corridor since 1999. CNP will expand GVI's mission—improving the knowledge base from which land use and natural resource decisions are made—to reach a larger audience. The new format and collaborations will address community and natural resource planning issues throughout the entire state of Connecticut.

In partnership with the Connecticut Environmental Review Team and the Eastern Connecticut Resource Conservation and Development Area, CNP is conducting a series of land use workshops this year. In the fall of 2011, CNP conducted two series of four workshops each in conjunction with the Central CT Regional Planning Agency and the CT River Estuary Regional Planning Agency. This spring CNP will present two additional workshop series in conjunction with the Northwestern CT Council of Governments, the Litchfield Hills Council of Elected Officials and the Southeastern CT Council of Governments.

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**Connecticut Conference
ON NATURAL RESOURCES**
Many Resources, One Environment

**March 12th
2012**

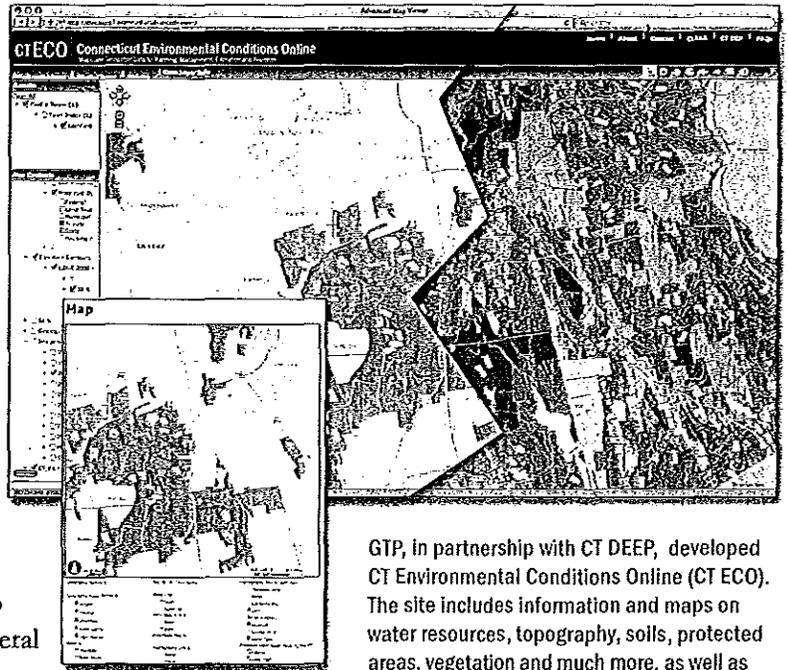
Details on the web
www.ccnr.uconn.edu

Geospatial Training Program

...continued from page 1

On the tool development front, GTP has increasingly moved to online mapping tools. These tools, as opposed to desktop tools that require specialized expertise, are typically accessible to users at all levels of geospatial expertise. While there have been web tools on the CLEAR site for some time, including NEMO's Online Community Resource Inventory and the Connecticut's Changing Landscape site, the culmination of this work to date has been the creation of Connecticut Environmental Conditions Online, or "CT ECO." CT ECO was developed as a full partnership with the CT Department of Energy and Environmental Protection (CT DEEP). CT ECO uses advanced web mapping technology to provide local, state and federal agencies, and the general public with convenient access to the most up-to-date and complete natural resource information available statewide. Included is information and maps on water resources, topography, soils, protected areas, vegetation and much more, as well as the latest statewide high resolution aerial photos. CT ECO is at: www.cteco.uconn.edu.

As noted, GTP also conducts analysis and mapping in support of CLEAR's other programs. GTP, for instance, analyzes the land cover data produced by the Connecticut's



GTP, in partnership with CT DEEP, developed CT Environmental Conditions Online (CT ECO). The site includes information and maps on water resources, topography, soils, protected areas, vegetation and much more, as well as the latest statewide high resolution aerial pho-

tos. (Images, above) CT ECO's Advanced Map Viewer shows an area of Litchfield displaying multiple layers including protected open space, elevation and waterbodies. Maps can be viewed both with and without aerial imagery. (Image inset) Users can print customized map layouts.

GTP Spring 2012 Training Schedule

The new GTP Spring 2012 training schedule has just been announced. Visit clear.uconn.edu/geospatial/training.htm for more details and registration or contact Cary Chadwick.

- April 18-20 - Intro to GIS: Geospatial Technologies at Work
- April 25 - Intro to ModelBuilder: Creating and Using Geospatial Models
- May 1-2 - Intro to Python Scripting: Developing Custom Geoprocessing Tools
- June 14-15 - Intro to GPS: Pictures, Points & Places
- June 20-22 - Intro to GIS: Geospatial Technologies at Work

Changing Landscape project, and creates the statistics, maps and websites needed to get that information out to the public. Occasionally, GTP will do an analysis at the town or watershed level, funding and time permitting. For instance, GTP and NEMO collaborated with the Connecticut Office of Policy and Management and the Central Naugatuck Region Council of Governments on a study of the planning technique known as a "buildout analysis." That study was focused primarily on a regional analyses and its implications for feasibility of conducting a statewide buildout (see nemo.uconn.edu/publications/about_buildouts.pdf). In contrast, a more recent project with the Town of Kent was conducted to provide information to the town as it develops revisions to its Plan of Conservation and Development. This project was taken on due to Kent's unusual soils-based zoning, and also broke new technological ground in that the data on building locations used in the analysis was provided by local volunteers via Google Earth.

GTP is not only its own program, but in many ways the glue that holds the many CLEAR programs together.

For more information, contact Cary Chadwick at cary.chadwick@uconn.edu, or visit: clear.uconn.edu/geospatial.

Program Updates

► **CLEAR's Land Use Academy (LUA)** held its first-ever **Advanced Training** on November 5, 2011. Attendance was at capacity, attracting 85 land use commissioners and professional planners from 36 towns for the day long training held on the Central Connecticut State University campus in New Britain. LUA Director Bruce Hyde developed the program in response to feedback from attendees of the Academy's Basic Training sessions, and after soliciting input from both town planners and planning and zoning commissioners. The Academy is a partnership with the Connecticut Bar Association (CBA), and the Advanced Training featured four talks from prominent CBA land use attorneys on topics like *Bias and Conflicts, Conditions and Modification*, and *Running a Meeting*. Based on the success of the November session, another **Advanced Training is scheduled for March 31, 2012**. Details for the upcoming training and the agenda and copies of the talks from November can be found at: clear.uconn.edu/lua/advanced. (the next **Basic Training is scheduled for April 21, 2012**. Details on the website clear.uconn.edu/lua)

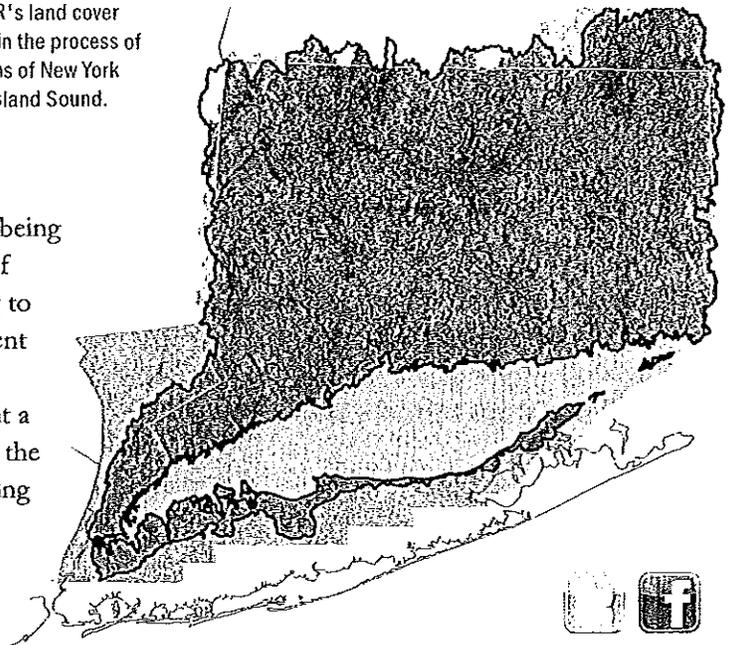
► **The Land Use Academy is also working** on two projects recently funded by the U.S. Department of Housing and Urban Development. The projects focus on **transit oriented development (TOD), value capture and affordable housing** in communities along the New Haven-Hartford-Springfield rail corridor. For both projects, one led by the Connecticut Department of Economic Development (DECD) and the other by the Capitol Region Council of Governments (CRCOG), LUA will be developing educational programs on Affordable Housing

(Map, right) CLEAR's land cover change project is in the process of adding the portions of New York draining to Long Island Sound.

In addition, research is being conducted on the use of tax increment financing to promote the development of affordable housing. These projects represent a new topical strength for the LUA, and involve working with new partners like DECD, CRCOG, and the Partnership for Strong Communities program.

For more information contact: Bruce Hyde, 860-345-5229, bruce.hyde@uconn.edu.

► **The Connecticut's Changing Landscape (CCL)** project is in the midst of expanding its geographic range and extending the time period covered by the study. The project is funded by the federal/state Long Island Sound Study, which uses CCL land cover change data to help track Long Island Sound conditions and trends. CLEAR is in the final stages of **adding the portions of New York** (see image, above) that drain to the Sound (which includes most of Westchester County and the northern shore of Long Island) to the CCL database for the 1985 – 2006 period. Maps and information for the newly expanded study area will be made available this spring on the web using cutting-edge internet mapping technology. Basic land cover, impervious cover, and riparian (streamside) cover change will all be included. Following quickly on the heels of the NY addition will be an **update of the CCL using 2010 imagery**, thus creating a nationally unique database charting 25 years (1985-2010) of change. For more information contact: CLEAR, 860-345-4511, clear@uconn.edu



Websites & Webinars

2012 CLEAR Webinar Series

The 2012 CLEAR Webinar Series is getting underway. This year's topics cover a wide range, from the latest web mapping technology to low impact development to climate change adaptation, and even community food security! As always, our webinars are only one hour long and free of charge. First on the schedule are:

- February 28 - An Introduction to "Buildout" Analyses
- March 13 - LID in Connecticut: a Virtual Tour of Where It's Working
- May 8 - ArcGIS.com: A User-Friendly Tool for Creating Maps Online

Visit the CLEAR website to register and for the full 2012 schedule, clear.uconn.edu (see Events & Information).

CLEAR is Blogging!

We hope our blog will be useful in keeping you up-to-date on our latest research projects, training classes, workshops, webinars, publications, and anything else we feel like talking about! Check out our new blog at clear.uconn.edu/blog.

Outreach Continued...



The NEW Community & Natural Resource Planning Program continued from page 1

Each RPA conducted a brief online survey to assess the educational needs of the land use decision-makers in their region. As a result, the fall workshop series addressed the following issues:

- Development Alternatives
- Economics of Land Use
- Growth and Community Character
- Building Sustainable Communities
- Low Impact Development

Other CLEAR partner organizations, including CT NEMO, are participating by providing expertise on low impact development and other topics of interest.

CNP's staff includes Susan Westa,

Associate Extension

Educator who specializes

in land use planning and

policy and Paula Stahl,

Assistant Extension

Educator, licensed

landscape Architect and

community finance spe-

cialist. They bring together

a wealth of information

and experience addressing a wide range of

issues from community planning and

design to economic development. Other

CNP staff and organizational partnerships

provide expertise in natural resource pro-

tection. Holly Drinkuth, CNP Natural

Resource Program Coordinator also serves

as the Director of Education and Outreach

Programs for The Nature Conservancy in

Connecticut, focusing on the benefits of

healthy natural systems for communities.

He currently works with CLEAR's

Extension Forestry Program to provide

information and support to Connecticut

woodland owners, managers and community

and use decision makers. CNP's work

program will continue to evolve over the next year as it works with different communities and identifies educational needs of land use decision-makers throughout the state.

For more information contact: Susan Westa, 860-774-9600, susan.westa@uconn.edu.

New CLEAR Publications

CLEAR came out with a number of publications recently that may be worth a look:

- CLEAR published *Land Cover Change in the Riparian Corridors of*

Connecticut in the Fall 2011 issue

of *Watershed Science*

Bulletin. This paper

looks at statewide

development trends in

these critical streamside

areas, and discusses the

implications for watershed

health and local land use

controls. Copies cannot be

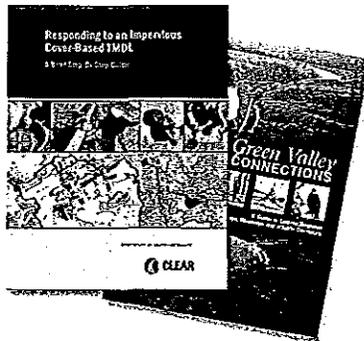
posted on the web until

Sept. 2012, but we can send

individual PDF copies.

Email Chet Arnold at chester.arnold@uconn.edu.

- CLEAR's Community and Natural Resource Planning program (see article, page 1) published *Green Valley Connections: A Guide to Linking Regional Greenways, Blueways and Wildlife Corridors*. This guide is a hands-on manual that describes the benefits of, and processes involved with, building "green infrastructure" at the town and regional level. While the manual uses examples from towns in Northeastern Connecticut, the process guidance, including the step-by-step workbook



that comprises the second half of the book, is relevant to any community.

The guide is online at clear.uconn.edu/publications/GVConnections.pdf. Printed copies may be available, for more information contact Paula Stahl at paula.stahl@uconn.edu.

- CLEAR's NEMO program has published *Responding to an Impervious Cover-Based TMDL: A Brief Step-By-Step Guide*, a new booklet providing guidance for communities faced with impervious surface-related regulations. The booklet is based largely on NEMO's recent experience with the Eagleville Brook Impervious Cover Total Maximum Daily Load (IC-TMDL) project, a partnership of CLEAR, CT DEEP, the University of Connecticut, and the Town of Mansfield. Impervious cover-based regulations are likely to be an increasing trend in the future, and the process outlined in the booklet can be of use to any town concerned about protecting its water resources from stormwater runoff.

The booklet can be downloaded at: clear.uconn.edu/projects/TMDL/library/IC-TMDL-Guide_final.pdf.

Contact CLEAR at: University of Connecticut, CES, 1066 Saybrook Road, P.O. Box 70, Haddam, CT 06438 • Phone: (860) 345-4511

• Email: clear@uconn.edu • Web: clear.uconn.edu
• Editor: Chet Arnold • Designer: Kara Bonsack

The University of Connecticut Center for Land Use Education and Research (CLEAR) provides information, education and assistance to land use decision makers, in support of balancing growth and natural resource protection. CLEAR is a partnership of the Department of Extension and the Department of Natural Resources and the Environment at the College of Agriculture and Natural Resources, and the CT Sea Grant College Program. Support for CLEAR comes from the University of Connecticut and from state and federal grants.

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