

AGENDA
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting, Monday, June 21, 2010, 7:00 p.m.
Council Chambers, Audrey P. Beck Municipal Building

Minutes

6/7/10; 6/15/10 Field Trip

Scheduled Business

Zoning Agent's Report

- A. Enforcement Update
- B. DeBoer Property, Storrs Rd
- C. Current Home Occupation Permits
- D. Other

7:15 p.m. Public Hearing:

Gravel Permit Renewals, Banis property on Pleasant Valley Road File #1164; Hall property on Old Mansfield Hollow Road File #910-2; Green property at 1090 Stafford Road, File #1258

Memos from Zoning Agent and Assistant Town Engineer

Old Business

1. **Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, PZC File 907-33**
 - a. Rezoning of Industrial Park Zone and Associated Regulation Revisions
 - b. Aquifer and Public Water Supply Protection Regulations
 - c. Invasive Plant Species Regulations(Discussion tabled until 7/6/10)
2. **Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs, PZC File 907-32**
(Discussion tabled until 7/6/10)
3. **Consideration of Action: Gravel Permit Renewals, Banis property on Pleasant Valley Road File #1164; Hall property on Old Mansfield Hollow Road File #910-2; Green property at 1090 Stafford Road, File #1258**
4. **Other**

New Business

1. **Request to authorize overhead utility lines over conservation easement area dedicated in association with the Hawthorne Park Subdivision, PZC File # 1177**
Memo from Director of Planning
2. **Request to authorize site work, Whispering Glen Multi-family housing development, PZC File #1284**
Memo from Director of Planning
3. **8-24 Referral, North Eagleville Road Sidewalk Project**
Memo from Director of Planning
4. **Other**

Reports from Officers and Committees

1. Chairman's Report
2. Regional Planning Commission
3. Regulatory Review Committee
4. Other

Communications and Bills

1. 6/9/10 ZBA Decision Notice
2. Mansfield Press Release re: Special Achievement Award in recognition of the Town's dedication to the development of Greenways
3. Notice of 6/28/10 Town Meeting on Four Corners Water/Sewer Project Design (6/14/10 memo from Town Manager)
4. 4/8/10 Letter from Keystone Companies re: Ponde Place
5. Other

DRAFT MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, June 7, 2010 Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, R. Hall, K. Holt (arrived at 7:29 p.m.), B. Pociask, P. Plante
Members absent: J. Goodwin, G. Lewis, B. Ryan
Alternates present: F. Loxsom, K. Rawn
Alternates absent: V. Stearns
Staff Present: Gregory J. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:20 p.m. and appointed Rawn and Loxsom to act in members' absence.

Minutes:

5/17/10-Hall MOVED, Pociask seconded, to approve the 5/3/10 minutes as written. MOTION PASSED UNANIMOUSLY.

Old Business:

None.

New Business:

1. Request for Bond Release: Hallock Subdivision, Wormwood Hill Road, File # 1285

Pociask MOVED, Hall seconded, that the Director of Planning is authorized to take appropriate action to release \$5,000 plus accumulated interest that has been held to ensure suitable completion of the Hallock Subdivision monumentation and driveway work on Wormwood Hill Road. MOTION PASSED UNANIMOUSLY.

2. Gravel Permit Renewals, Banis property on Pleasant Valley Road File #1164; Hall property on Old Mansfield Hollow Road File #910-2; Green property at 1090 Stafford Road, File #1258

Pociask MOVED, Plante seconded, that the Commission set a public hearing for June 21, 2010, for the purpose of hearing special permit gravel renewal requests. MOTION PASSED UNANIMOUSLY.

3. 8-24 Referral: Dog Lane/Bundy Lane Parcel

Gregory Padick, Director of Planning referenced and summarized his 6/3/10 memo and 5/10/10 comments from the Open Space Preservation Committee. Plante MOVED, Pociask seconded, that the PZC notify the Town Council that the proposed acquisition of the UConn Foundation property on Dog Lane and Bundy Lane would be consistent with Mansfield's Plan of Conservation and Development and would help protect the scenic character of Dog Lane, a designated "Scenic Road". MOTION PASSED UNANIMOUSLY.

5. 2010 PZC Vacation Schedule

Hall MOVED, Beal seconded, to cancel the August 16, 2010 meeting due to vacation schedules. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

Chairman Favretti scheduled a 6/15/10 field trip at 2pm. Regulatory Review Chairman Beal stated that the next meeting has not been scheduled.

Communications and Bills:

Items #1 – 5 were noted.

6. 6/1/10 letter to PZC Re: Paideia Society Amphitheater

Padick referenced the 6/1/10 letter signed by 7 residents of the Dog Lane/Willowbrook Road neighborhood; a 6/1/10 memo from Rajeev Bansal; a 6/1/10 letter from Gerald and Anita Leibowitz; a 6/1/10 letter from

Timothy Bell; a 6/1/10 letter from Elizabeth Norris; and a 6/1/10 letter from Ronald and Emily Schurin. Padick summarized the residents' concerns regarding the condition of the site at the Paideia Society Amphitheater. Upon review of the letters and Padick's update regarding his recent meeting with E. Tomazos, who said he will submit revised plans shortly, the Commission decided by consensus to address the status of the site when the Paideia Society submits these plans and appears before the Commission.

Zoning Agent's Report:

Curt Hirsch, Zoning Agent updated the PZC that he and Chairman Favretti approved a modification for a patio and lighting at Hillel. Hirsch noted that the Ed Hall site is now in compliance and recommends it to be removed from the agenda.

**PZC recessed at 7:35 p.m. to re-open IWA Meeting.

**PZC reconvened at 7:47 p.m.

Public Hearing:

Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, PZC File 907-33

a. Rezoning of Industrial Park Zone and Associated Regulation Revisions

b. Aquifer and Public Water Supply Protection Regulations

c. Invasive Plant Species Regulations

Chairman Favretti opened the Public Hearing at 7:47 p.m. Members present were Favretti, Beal, Hall, Holt, Pociask, Plante, and alternates Loxsom and Rawn; both alternates were appointed to act. Gregory Padick, Director of Planning read the legal notice as it appeared in the Chronicle on 5/25/10 and 6/2/10. Padick noted the following communications received and distributed to all members of the Commission: a 6/7/10 Notice of Protest to proposed Zoning Revisions, submitted by Kari L. Olson on behalf of property owners Bruce and Franca Hussey; a 6/7/10 letter from John McGill; a 6/4/10 letter from Alexinia Y. Baldwin, PhD; a 6/3/10 memo from G. Padick, Director of Planning; a 6/1/10 letter from Dennis O'Brien, Mansfield Town Attorney; a 5/27/10 memo from Conservation Commission; a 5/5/10 letter from Windham Regional Council of Governments, signed by Ted Melinosky, Vice Chair, WINCOG Regional Planning Commission, which was read into the record. He also noted that on 4/23/10 the proposed regulation revisions were sent to all members signed up for Mansfield's Public Notice Registry (via email); sent (via mail) to all residents within 500 feet of the proposed re-zoning; and referred to the Town Clerk; Town Attorney; Town Council; Conservation Commission; Open Space Preservation Committee; Agriculture Committee; Design Review Panel; and Zoning Board of Appeals.

Using maps, Padick summarized the proposed revisions to the Pleasant Valley area. He reviewed the background of the previous public hearings held for the rezoning of this area. He also briefly explained the proposed Aquifer and Public Water Supply Protection Regulations and Invasive Plant Species Regulations.

Chairman Favretti opened the floor for the public to ask Padick any questions regarding the revisions. The following questions were addressed by Padick.

Michael Orenstein, 11a Charter Oak Square, had questions about what the "red area" on the map represented. Jean Meddick, 7a Charter Oak Square, asked Padick to clarify if the agricultural dedication is 50% or up to 50% of the total area. She also asked why the 500-foot setback is only depicted on Pleasant Valley Road and not along Mansfield City Road.

Alexinia Baldwin, 3 Charter Oak Square, asked for clarification on how the Pleasant Valley rezoning will affect the previously re-zoned parcel on Mansfield City Road. She wants to be notified about all future hearings.

Jean Meddick, 7a Charter Oak Square, questioned if the 50% agricultural dedication will apply to the Chesmer parcel on Mansfield City Road.

Noting no further questions, Chairman Favretti opened the floor for public comments regarding the revisions.

Jim Morrow, Vicky Wetherell and Steve Lowrey were present from the Open Space Preservation Committee (OSPC). Morrow read and submitted for the record a 6-7-10 memo providing specific comments and recommendations which included asking the PZC not to approve the proposed rezoning. Their rationale was that if the agricultural land is too close to the proposed residential areas, the future homeowners could force the land owner to stop the agricultural use and just leave the land fallow to revert to wooded open space.

Vicki Wetherell, read and submitted for the record two memos dated 6-7-10 providing specific comments in opposition to the proposed zoning revisions. She also submitted a map used to depict the priority agricultural lands and a "Cost of Community Services Studies from the Planning for Agriculture, A Guide for Connecticut Municipalities", which depicts the comparative costs for town services in residential, commercial/industry and open spaces within municipalities. Wetherell also referred to Jim Gibbons (Land Use Planner for the Cooperative Extension Service) and his previous recommendation for the PZC to form a task force or hold an informal open house to discuss the potential uses, including his idea of an office park for the area.

Al Cyr, representing the Agricultural Committee, discussed the need for a public forum. He read and submitted a 6-7-10 memo providing specific recommendations for the priority agricultural lands in the Pleasant Valley area. He said that placing a residential zone next to an agricultural use has the potential to create greater conflict than if commercial uses were located near agricultural land.

Quentin Kessel, Conservation Commission, requested that the Conservation Commission memo dated 5-27-10 be part of the record of this hearing. He specifically expressed support for the changes proposed to the Aquifer and Public Water Supply Protection Regulations and Invasive Plant Species Regulations.

Carolyn Stearns, expressed concern about Mountain Dairy's future, if farming were to be discontinued on the Hussey and Chesmer properties. She noted that slow-moving farm vehicles create unsafe traffic conditions, therefore adding more residents in a multi-family zone would be detrimental to the traffic safety in the area. She noted her support of the recommendations from the Agricultural Committee.

Roswell Hall questioned Open Space Preservation Committee members regarding the proposed driveways shown on their maps. Morrow responded that they are hypothetical driveways.

Larry Lombard, 185 Pleasant Valley Road, thanked all the committees for the time and effort they put into the proposals.

Mike Orenstein, Charter Oak Square, felt the addition of many families will have a detrimental fiscal impact on the school system and services in the Town.

Carmello Jaspia, Freedom Green, expressed concern with developing the area, because he likes to utilize the land as it is, by walking, hiking and playing in the cornfield.

Attorney Kari Olson, representing the Bruce and Franca Hussey, primary property owners, related that the best way to resolve identified issues is to have an open meeting between the entire Planning and Zoning Commission and Hussey's. Olson summarized and submitted a 6-7-10 letter outlining her clients concerns with the proposal. She emphasized that there are no current proposals to develop or sell any of the land owned by the Hussey's.

Tina Marie Penya, Freedom Green, expressed concern for potential development, noting that her family chose to live at Freedom Green based on the scenic resources within walking distance.

Jean Meddick, stated that the land should be preserved for agriculture and open space.

Roswell Hall, asked Padick to clarify the 500-foot setback and agricultural dedication issue raised by Olson. Padick related that these provisions would be applied in association with each other.

Chairman Favretti noted no further comments or questions from the public or Commission on any of the proposed revisions. Hall MOVED, Beal seconded, to close the public hearing at 9:18p.m. MOTION PASSED with all in favor except Loxsom who was opposed.

Public Hearing:

Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs, PZC File 907-32

Chairman Favretti opened the continued Public Hearing at 9:19 p.m. Members present were Favretti, Beal, Hall, Holt, Pociask, Plante, and alternates Loxsom and Rawn; both alternates were appointed to act. Padick read into the record a 5/5/10 letter from Windham Regional Council of Governments, signed by Ted Melinosky,

Vice Chair, WINCOG RPC, and noted a 5/27/10 memo from M. Hart, Mansfield Town Manager and a 6/3/10 memo from G. Padick, Director of Planning.

Chairman Favretti opened the floor to the public for comments and/or questions on the proposed revisions.

Chris Kueffner, 192 Ravine Road, read and submitted a 6-7-10 letter to the Commission expressing opposition to the proposed definition of family.

Chairman Favretti noted no further comments or questions from the public or Commission. Hall MOVED, Plante seconded, to close the public hearing at 9:25 p.m. MOTION PASSED UNANIMOUSLY.

New Business:

4. Request to manage plant growth in Conservation Easement, Dunham Farm Estates, File #1252

Mr. Derek Allinson, on behalf of Dunham Pond Association, asked permission from the Commission to thin the tree saplings that are growing within the conservation easement area. He indicated that he will be doing all work with hand trimmers, and estimates there are about 20 seedlings that currently need to be removed.

Favretti suggested the issue of conservation easement management be referred to the Conservation Commission and to the Regulatory Review Committee to study the Town's model conservation easement language for possible revision.

Holt MOVED, Hall seconded, to approve the applicant's request on behalf of Dunham Pond Association, Inc., to conduct minimal maintenance on the 7.4 acre parcel of open space land adjacent to the north side of the Dunham Pond. Work to be done is not to exceed what has been outlined in Allinson's 5-18-10 letter to the Zoning Agent. MOTION PASSED UNANIMOUSLY.

Adjournment:

Chairman Favretti declared the meeting adjourned at 9:42 p.m.

Respectfully submitted,

Katherine Holt, Secretary

MINUTES

MANSFIELD INLAND WETLAND AGENCY/PLANNING AND ZONING COMMISSION
FIELD TRIP
Special Meeting
Tuesday, June 15, 2010

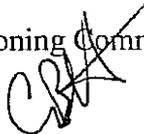
Members present: R. Favretti (1-3), M. Beal, K. Rawn, K. Holt (2-4)
Staff present: G. Meitzler (Wetlands Agent, Assistant Town Engineer), C. Hirsch, (Zoning Agent)

The field trip began at 2:00 p.m.

1. GREEN PROPERTY, 1090 Stafford Rd., review of 2009 gravel removal site, PZC file #1258. Members observed the original excavation site noting the progress in full stabilization of the steep slope. The new area of proposed excavation was not observed since work has not yet started. Mr. DeSiato arrived as members were leaving. No decisions were made.
2. BANIS PROPERTY, Pleasant Valley Rd., review of 2009 rock removal site, PZC file #1164. Members were met on site by owner Steven Banis. Members observed site characteristics of the current activity in Phase 3 of the operation. No decisions were made.
3. HALL PROPERTY, 35 Mansfield Hollow Rd., review of 2009 gravel removal site, PZC file #910-2. Members were met on site by owner Edward Hall. Mr. Hall pointed out the area of current activity and members observed the site characteristics. No decisions were made.
4. ST. JEAN PROPERTY, 43 Hickory La., review of above-ground pool location, IWA file #W1455. Members were met by Mrs. St. Jean. The site characteristics with respect to the proximity to wetlands on the site were observed. No decisions were made.

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To: Town Council/Planning & Zoning Commission
 From: Curt Hirsch, Zoning Agent
 Date: June 8, 2010



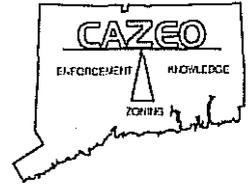
Re: *Monthly Report of Zoning Enforcement Activity*
For the month of May, 2010

Activity	This month	Last month	Same month last year	This fiscal year to date	Last fiscal year to date
Zoning Permits issued	17	12	17	131	126
Certificates of Compliance issued	11	3	14	98	126
Site inspections	45	38	29	463	498
Complaints received from the Public	3	4	6	36	52
Complaints requiring inspection	3	2	4	28	31
Potential/Actual violations found	2	2	5	46	54
Enforcement letters	11	8	28	119	114
Notices to issue ZBA forms	2	0	1	9	6
Notices of Zoning Violations issued	0	3	1	34	55
Zoning Citations issued	0	1	2	47	14

Zoning permits issued this month for single family homes = 2, multi-fm = 0
 2009/10 fiscal year total: s-fm = 13, multi-fm = 8



Town of Mansfield



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ZONING AGENT
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AUDREY P. BECK BUILDING
4 SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3341

To: Planning and Zoning Commission
From: Curt Hirsch, Zoning Agent
Date: June 9, 2010

Re: **Home Occupation Permits**

Per Article X, Section O.3.a of the zoning regulations, 'A home occupation permit, issued by the Zoning Agent, shall be valid for a period ending January 1st of an even-numbered year and may, upon application by the holder of such permit, be renewed for additional periods of two years, provided the requirements and intent of this section are continually met'.

The following Mansfield residents have active Home Occupation Permits for the 2010-2012 permit period:

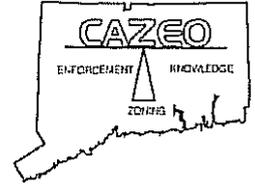
Boukus, Amanda	59 Lynwood	rubber stamps
Bradley, Nancy	885 Warrenville	Cat boarding
Bredburry, Alexandra	10 Kaya	Bed & Breakfast
Castelli, M. Lynn	341 Mulberry	Massage therapy
Crepeau, Joyce	244 S. Eagleville	Hair Salon
Dardick, Kenneth	1027 Mansfield City	Medical information
Fecho, Leila	22 Puddin	Newsletters/brochures
<i>Galey, James</i>	<i>85 Coventry</i>	<i>Contractor</i>
Glow, Daniel	1074 Storrs	Guitar workshop
<i>Hall, Edward</i>	<i>35 Mansfield Hollow</i>	<i>Contractor</i>
Haney, John	354 Warrenville	Gunsmithing
Haney, John	354 Warrenville	Counselling
Holt, Katherine	563 Storrs	Bed & Breakfast
<i>Hurlock, Michael</i>	<i>9 Dunham Pond</i>	<i>family counseling</i>
Langworthy, Kenneth	196 Puddin	Woodworking
McCarthy, Brian & Kathy	93 Conantville	Real Estate
Miller, Linda	11 Mountain	Artisit Studio
Miniutti, Peter	11 Storrs Heights	Professional office
Nass, Beverly	44 Flaherty Rd	Massage Therapist
Olsen, Dawn	6 Mulberry	Hair salon
Pacik, Dawn	339 Mansfield City	Acupuncture & Herbs
Shane, Shauna	287 Gurleyville	Art studio
<i>Shaw, Michael</i>	<i>17 Stafford</i>	<i>Contractor</i>
Thompson, AnneMarie	129 Summit	Bed & Breakfast
Wong, Mellicent	624 Storrs	music instruction

Note: Italicized entries are new permits for 2010-12 period

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Town of Mansfield



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(860) 429-3341

To: Planning & Zoning Commission
From: Curt Hirsch, Zoning Agent
Date: June 16, 2010

Re: Special Permit Renewal of Gravel Permits, 2010-2011 (Article X, Section H)
1) Steven Banis, Pleasant Valley Rd., PZC #1164
2) Edward Hall, Old Mansfield Hollow Rd., PZC #910-2
3) Karen Green, Stafford Rd., PZC #1258

Special permits for 'gravel' removal and/or filling expire on July 1st of each year but may be renewed by the PZC for additional periods of up to one year each. There are three active removal operations currently under special permit and each permittee has requested a renewal of the existing permit. The excavation activity approved on the Green property has not started yet and that site is undisturbed from last year. I will comment on each of the permits separately below. Several members of the PZC conducted a field trip to each site on June 15, 2010 and I was present along with them. I have enclosed within your packets; the applicants special permit, renewal requests (together with any supporting submission materials they may have submitted), and copies of the PZC, 2009 approval actions.

1) Banis, Pleasant Valley Road, PZC # 1164

Mr. Banis submitted a letter dated 6/4/10, which provides a status report of his activity. He also submitted an updated plan bearing a date of June 4, 2110 to reflect the existing condition of his removal activity. This operation is approaching the end of its tenth year of activity. Under the initial permit in 2000, approximately 2,500 cubic yards of mostly rock material was authorized for removal (with some blasting) from three separate areas on the 68-acre property. An additional 9,000 cubic yards of material was authorized for removal during the 2006 permit renewal.

Area #1, as shown on the approved plan has been completed and is currently being used for hay production according to the submitted letter. An agricultural barn was also constructed within area #1. Mr. Banis then proceeded into the southern portion of area #3 and that now has a good vegetation cover. Area #2 was completed near the end of 2006 and also has a good vegetative cover.

The current activity is in Area 3 and Mr. Banis is proceeding northward from the previously completed phase of this area. His letter indicates that he has removed only about 300 yards

of material within Area 3 during the past year, which is depicted on the submitted site plan. Members of the Commission observed this relatively small area of activity during their recent site visit. A substantial stockpile of broken stone was present within the active work area. Mr. Banis indicates that approximately 7,500 c.y. of material remain to be removed. As the blasting and excavation activity moves toward completion, which may include "several more renewals" the activity is moving further away from abutting, residential properties along Pleasant Valley Road to the south.

This has been a well-managed operation. To date we have not received any information from the public in advance of the 6/21/10 public hearing. Bonding was not required for this operation. My review of the approval conditions shows that the applicant is in full compliance with the PZC approval and pending any contrary information presented at the 6/21/10 public hearing **a renewal of the existing special permit with existing conditions is recommended.**

2) Hall, Bassett's Bridge Road, PZC # 910-2

Mr. Hall has submitted a 6/14/10 request to renew his special permit application and paid the application fee. No other supporting information was submitted but I have enclosed a file copy of the latest site plan for the packet. The PZC conditional approval requires that any request for permit renewal include the submission of a revised site plan, however the 7/6/09 renewal approval waived the mapping requirement (Condition 7A) for a third time last year due to the minimum amount of activity that occurred during the preceding permit period. During the past approximately eight years, the annual quantity of material excavated from the site has been estimated at no more than 800 cubic yards. His current renewal request indicates that approximately 1200 cubic yards of material were removed. In my opinion, this minimum activity does not justify the preparation of a site plan prepared by a professional engineer as required by approval condition #7.A. The PZC requirement for the submission of annual groundwater monitoring reports was fully eliminated in the 2008 renewal action.

This gravel-excavation activity is entering its 18th year. Work is still ongoing within phase I of a proposed three-phase project (the two remaining phases require further PZC approval). Phase I encompasses approximately 2.5 acres in area with a total estimate of 24,000 cubic yards of material to be excavated. Mr. Hall's renewal application estimates that there is about 2,000 c.y. of material left in this phase and that it will require another 1 to 2 years to complete. The permit limits the quantity of material during any single year to a maximum 8,000 c.y. Observations made during the 6/15/10 site visit show little sign of recent activity in the permitted excavation area. In fact, much of the Phase I area has significant, naturally occurring vegetative ground cover and small tree growth. PZC members on the field trip observed past unauthorized excavation activity along the northern rim of the permit area. This activity ceased over a year ago and has established a good, natural cover. Mr. Hall still intends to submit a modification request for work in this area at some future time.

A specific, undisturbed buffer area along the south boundary of the excavation site is required. This buffer, depicted on the enclosed 2006 map, is now located on land of Eric Hall and extends easterly toward Mansfield Hollow Road Extension, as a 50-foot wide, treed, land-strip. This buffer has remained substantially intact. There is no visual sign of erosion

beyond the confines of the gravel pit and any soil movement that could occur, would move inward on the site, not outward toward adjacent properties. The PZC retains an \$8,300 bond for site stabilization and restoration. The associated bond agreement was revised in 2007 to reflect changed conditions since the original 1992 agreement.

In summary: With the exception of a required, updated site plan, the removal activity itself appears to be in compliance with the 7/6/09, PZC approval conditions. The minimal level of activity within the 'permitted' gravel site has been very minor and any differences between the 2006 plan and the current site condition would be negligible on a plan. To my knowledge and personal observation, there has not been any physical impact upon adjacent properties as a result of the applicant's activity related to gravel removal. I recommend either a revision to condition # 7.A to eliminate the submission of a "professionally prepared map" or alternatively, continuing the waiver for mapping in condition #18 on a year-to-year basis. I also recommend the deletion of the second sentence of condition #16 from any approval motion. This revision to the bond agreement was taken care of after the 2006 approval. Pending any information that may be presented at the 6/21/10 public hearing, I recommend **that the existing special permit be renewed along with the existing (or suggested revised) conditions.** I would emphasize the existing note after Condition 19 that any changes to the approved scope of work shall require authorization through a request for modification.

3) Green, Stafford Road, PZC # 1258

Mrs. Green has submitted a renewal application and stated that she has not started the project yet. The authorized area of excavation was modified during the 2009-2010 renewal process. This 'new' area of the Green farm remains in its natural, undisturbed condition. I am not aware of any site conditions that would affect the nature of the proposed excavation and there have been no changes to the requested scope of activity that would change the Commission's previous approval. Some Commission members visited the site during the 6/15/10 field trip and observed the stabilization of the previous excavation area. I recommend **that the existing special permit be renewed along with the existing approval conditions.**

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Memorandum:

June 17, 2010

To: Planning & Zoning Commission
From: Grant Meitzler, Assistant Town Engineer
Re: 2010 Annual Gravel Permit Renewals

Hall - Old Mansfield Hollow Rd

There has been very little activity here apparently due to the slow economy during the past year. Much of the active area has grown to brush and trees.

This site operates as a "gravel pit" and any movement of sediment is within the excavation areas. The excavation areas are protected by grass, weed and tree growth.

I saw no problems with this site.

Banis - Pleasant Valley Rd

Work has continued as outlined earlier. From observations made on the field trip, work has been limited to the same area as last year. The present work area is well away from the site wetlands. The active work area is contained and I saw no sign of sediment moving from the rather limited work area.

I saw no problems with this site.

Green - Stafford Rd

The original work area is now all but finished. Excavation was completed some time ago. The hillside slopes and excavation area itself were hydroseeded before renewal last year and appear generally in good condition. This permit was expanded to include an additional area south of the house. Work on this additional area has not started yet.

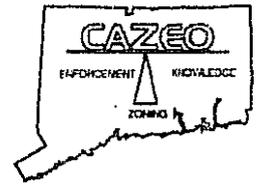
This bond should be kept active until the grass growth is satisfactorily established.

I saw no problems with this site.

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Town of Mansfield



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To: Steven Banis
From: Curt Hirsch, Zoning Agent
Date: June 1, 2010

Re: **Renewal of Special Permit for gravel removal/filling**

Your special permit approval for gravel removal and/or filling expires on July 1, 2010. All applications for renewal of gravel permits shall be submitted to the Planning and Zoning Commission no later than May 30, 2010 (I'm late). The submission of a renewal request shall give the Commission and its staff the right to enter upon the permit premises at reasonable times for the purpose of determining compliance with the approved permit and the zoning regulations. Denial of such permission shall be cause for revocation of the permit. You will be given written notice of any proposed site inspection.

Please indicate below whether you do or you do not wish to renew your special permit. You shall submit a written statement containing any information about your removal/fill activity which has changed since your permit was issued, or last renewed. The Commission will use your statement and information gathered from an inspection of your site to determine whether you are in compliance with the permit and therefore, if the permit should be renewed. Please provide the following **minimum** information for Commission review (your permit may include additional renewal conditions):

- What is the amount of material removed/filled in the last year?
-
- What is the volume of material left to be removed/filled on the site?
-
- How long will it take to complete the authorized work?
-
- Are there any changes in the type or amount of equipment being used for this activity?

CIRCLE ONE:

I do I do not wish to renew my special permit. Signature:

Please complete and return to the Zoning Agent no later than **June 9, 2010** with a renewal fee of **\$250.00**.

Received 6-8-10
ck # 6310

June 4th, 2010

Steven D. Banis
29 Norwich Rd
Salem, CT 06420

Town of Mansfield
Curt Hirsch- Zoning Agent
Audrey P. Beck Building
4 South Eagleville Rd
Storrs, CT 06268

Re: Renewal of Special Permit for gravel removal/filling

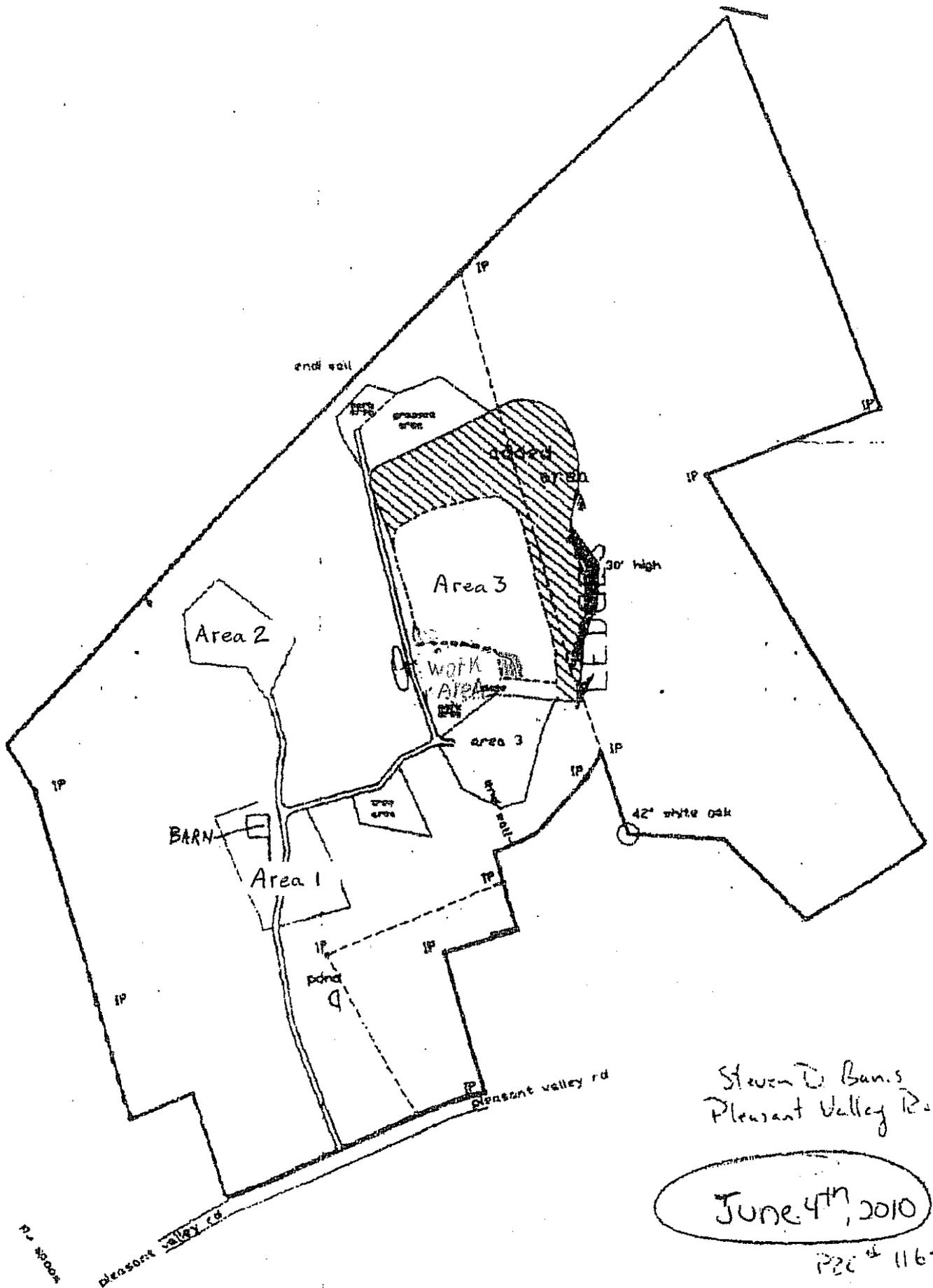
Yes, I do wish to renew my special permit. Enclosed is a check for \$250.00 for the renewal fee. I have removed 300 +/- yards of material from the farm. Also some material has been used on site around the farm. I still have 7500 +/- yards of material yet to be removed. I estimate that I will need several more renewals.

There has been no change in the type of equipment being used. I have attached a copy of the approved site plan, and it has been revised to show the existing condition of the removal activity.

If any questions please call me at (860) 884-3728.

Sincerely yours,

Steven D. Banis



Steven D. Banis
 Pleasant Valley Road

June 4th, 2010

P20 # 1164

scale: 1" = 300'

TOWN OF MANSFIELD
PLANNING AND ZONING COMMISSION

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

FILE

Tuesday, July 07, 2009

Mr. Steven D. Banis
29 Norwich Road
Salem, Connecticut 06420

Re: Renewal of Mansfield Sand and Gravel Permit, PZC file #1164

Dear Mr. Banis:

At a regular meeting held on July 6, 2009 the Mansfield Planning and Zoning Commission adopted the following motion:

"to approve with conditions the special permit renewal application (file 1164) of Steven D. Banis for the removal of approximately 9,000 cubic yards of excess material from Area #3 to be used for agricultural purposes on property located at Pleasant Valley Farm, Pleasant Valley Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 6/1/05 revised through 5/18/09, accompanied by a 5/18/09 letter, and as presented at a Public Hearing on 6/15/09. This approval is granted because the application as hereby approved is considered to be in compliance with Article X, Section H, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted subject to the following conditions:

1. The applicant shall implement the suggestions and recommendations for soil and erosion control contained in a 7/12/00 letter from David Askew, District Manager of the Tolland County Soil and Water Conservation District, Inc. This work includes the stabilization of areas adjacent to watercourses, the stabilization of the largest intermittent stream channel, the phasing of land-disturbing activity to minimize periods of soil exposure and the revegetation of disturbed areas.
2. No blasting or excavation work shall take place within fifty feet of a property line. Particular care shall be taken in meeting this requirement adjacent to the Wadsworth property.
3. All work shall be conducted between 7 a.m. and 7 p.m. Monday through Friday and between 9 a.m. and 7 p.m. Saturday.
4. All blasting work shall be subject to the permitting process administered by the office of the Fire Marshal. The applicant's blasting agent shall notify the Windham Airport prior to blasting activity pursuant to a schedule to be agreed upon by the blasting agent, Mansfield's Fire Marshal and the Windham Airport manager. In addition, the applicant shall place a temporary sign along Pleasant Valley Road at least twelve (12) hours prior to blasting activity. The sign shall note the anticipated period of blasting.
5. Based on the applicant's submissions, all material removed from site is to be trucked out of Mansfield. All trucks hauling material offsite shall use Pleasant Valley Road to Route 32 to Route 6, and all loads shall be covered during transit.
6. The site shall be maintained as follows:
 - A. There shall be no rock-processing equipment onsite;
 - B. There shall be no rock or stump burial onsite;
 - C. Onsite stockpiling shall be kept to a minimum to help prevent safety problems;
 - D. No topsoil shall be removed from the site.
 - E. The applicant shall submit bi-weekly erosion and sedimentation monitoring reports to the Zoning Agent until disturbed areas are revegetated;
7. Subject to compliance with all conditions, this permit shall be in effect until July 1, 2010;

8. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.”

If there are any questions regarding this action, the Planning Office may be contacted at 429-3330. It is suggested that you phone the Planning Office prior to coming in to pick up the form, to make sure it is ready for filing.

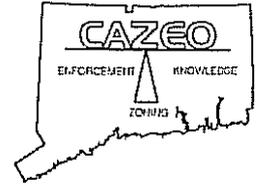
Very truly yours,



Katherine K. Holt, Secretary
Mansfield Planning & Zoning Commission



Town of Mansfield



CURT B. HIRSCH
ZONING AGENT
HIRSCHCB@MANSFIELDC.T.ORG

AUDREY P. BECK BUILDING
4 SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3341

To: Edward Hall
From: Curt Hirsch, Zoning Agent
Date: June 1, 2010

Re: **Renewal of Special Permit for gravel removal/filling**

Your special permit approval for gravel removal and/or filling expires on July 1, 2010. All applications for renewal of gravel permits shall be submitted to the Planning and Zoning Commission no later than May 30, 2010 (I'm late). The submission of a renewal request shall give the Commission and its staff the right to enter upon the permit premises at reasonable times for the purpose of determining compliance with the approved permit and the zoning regulations. Denial of such permission shall be cause for revocation of the permit. You will be given written notice of any proposed site inspection.

Please indicate below whether you do or you do not wish to renew your special permit. You shall submit a written statement containing any information about your removal/fill activity which has changed since your permit was issued, or last renewed. The Commission will use your statement and information gathered from an inspection of your site to determine whether you are in compliance with the permit and therefor, if the permit should be renewed. Please provide the following minimum information for Commission review (your permit may include additional renewal conditions):

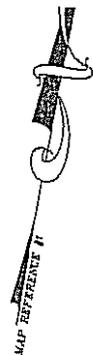
- What is the amount of material removed/filled in the last year?
1,200 yds³
- What is the volume of material left to be removed/filled on the site?
2,000 yds³
- How long will it take to complete the authorized work?
1-2 YR
- Are there any changes in the type or amount of equipment being used for this activity? NO

CIRCLE ONE:

I do / I do not wish to renew my special permit. Signature: Edward C Hall 6/11/10

Please complete and return to the Zoning Agent no later than June 9, 2010 with a renewal fee of \$250.00.

Pd 6/14/10 ck #4189



N/F EDWARD C. & JUDY J. HALL

N/F RYAN DUNSTAN

PROPOSED CONTOURS PER MAP REFERENCE NO. 2

BENCHMARK: 6/06 REBAR ELEV. = 659.00'

RE-BAR SHT 6/13/06

AREA RECENTLY GRADED, LOAMED, AND RAKED (JUNE 13, 2006)

RE-BAR SE 6/13/06

APPROXIMATE LOCATION OF TEMPORARY LDM STOCKPILE AS OF 6/30/05

LIMIT OF GRADING AREA (PER MAP REFERENCE #2)

FINAL GRADED & STABILIZED AREA

LIMIT OF ACTIVE DISTURBED AREA AS OF 6/9/04 (NO CHANGES NOTED AS OF 6/30/05)

EXISTING SPOT ELEVATIONS AS OF 6/9/04 (TYPICAL) (NO CHANGES NOTED AS OF 6/30/05)

ACTIVE AREA AS OF 6/30/05

LOCATION OF ACTIVE LAND EXHAUSTION (PUNE 0004)

N/F ERIC C. HALL & HOLLY HALL, TRUSTEES OF THE JULIA HALL IRREVOCABLE SPECIAL NEEDS TRUST

LIMIT OF PERMITTED AREA

APPROXIMATE LOCATION OF EXISTING SEWER TANK & LIFTING AREA (PER ED HALL)

For Planning and Zoning Commission approval condition #8, September 19, 2005, buffer area is to remain in its existing wooded state, except for two oak trees observed by the Zoning Enforcement Officer and marked in the field on November 7, 2005. Existing cart path, as existing on September 19, 2005 and shown on this plan, may remain and be maintained but not expanded. Applicant may install a fence along the southern property line of the parcel, and may disturb underbrush to the minimum extent necessary for such fence installation, but no tree shall be removed having a diameter at breast height of greater than 3" unless authorized, in writing, by the Zoning Enforcement Officer.

Approved Site Plan for 2009-2010 Special Permit 6-13-06

APPROX AREA DIGITIZED FROM ASSessor'S MAP

1" IRON PIPE (FIND.)

1" IRON PIPE (FIND.)

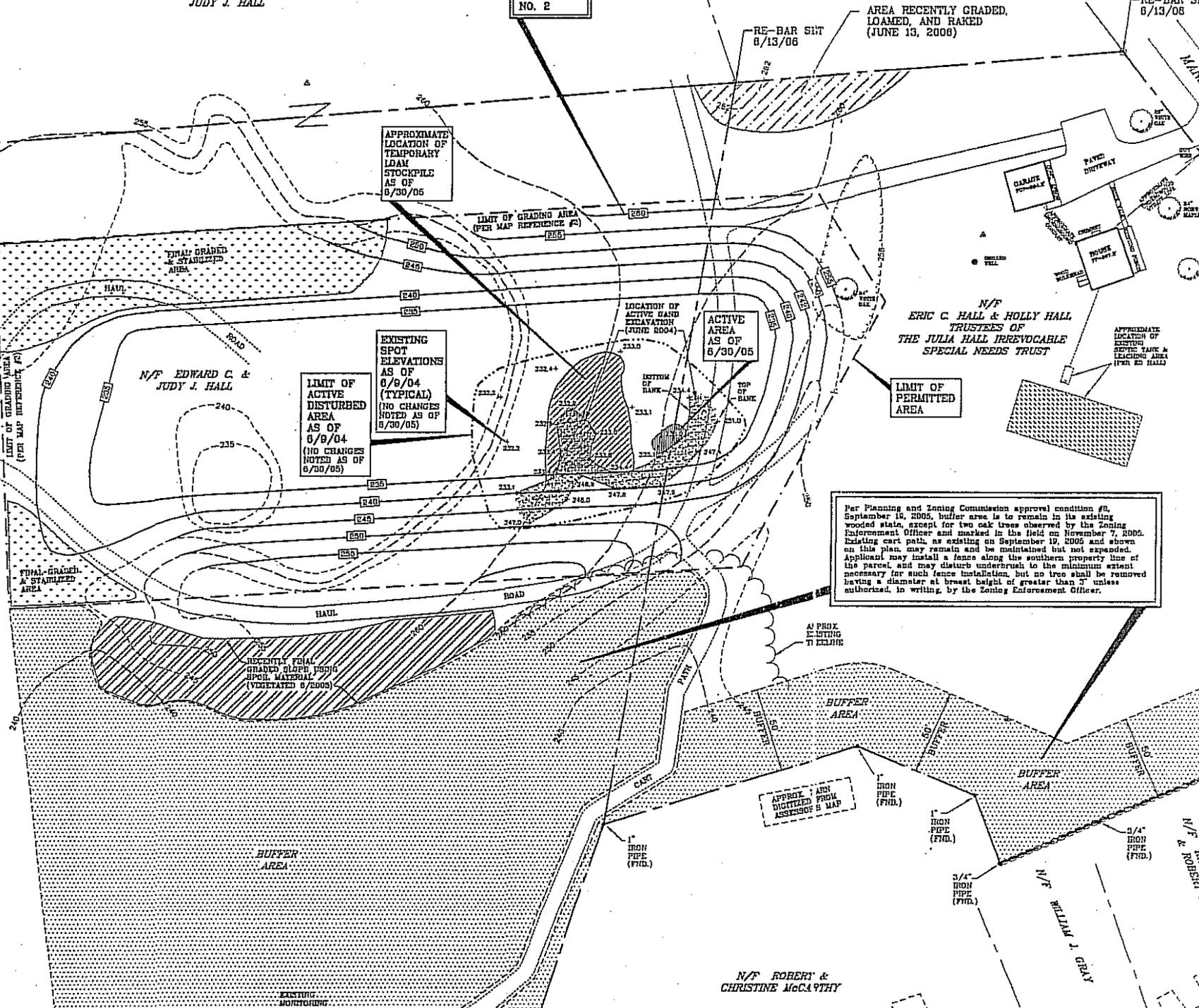
3/4" IRON PIPE (FIND.)

3/4" IRON PIPE (FIND.)

N/F ROBERT & CHRISTINE McCAETHY

N/F WILLIAM J. GRAY

N/F ROBERT & CHRISTINE McCAETHY



**TOWN OF MANSFIELD
PLANNING AND ZONING COMMISSION**

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

FILE

Tuesday, July 07, 2009

Mr. Edward C. Hall
35 Mansfield Hollow Rd.
Mansfield, CT 06250

Re: Planning & Zoning Commission approved renewal of a special permit for gravel removal

Dear Mr. Hall:

At a regular meeting held on July 6, 2009, the Mansfield Planning and Zoning Commission adopted the following motion:

“ to approve with conditions the special permit renewal application of Edward C. Hall (file 910-2) for excavating and grading on property owned by the applicant, located off Bassetts Bridge Road, as presented at a Public Hearing on 6/15/09. This renewal is granted because the application as hereby approved is considered to be in compliance with Art. V, Sec. B and Art. X, Sec. H of the Mansfield Zoning Regulations: Approval is granted with the following conditions, which must be strictly adhered to, due to potential adverse neighborhood impacts. Any violation of these conditions or the Zoning Regulations may provide basis for revocation or non-renewal of this special permit.

1. No activity shall take place until this renewal of special permit is filed on the Mansfield Land Records by the applicant. This approval for special permit renewal shall apply only to the authorized Phase I area of the site. The excavation activity taking place outside of the north perimeter of the authorized Phase I area shall cease until an application is submitted to the Commission for review and consideration of action.
2. This special permit renewal shall be effective until July 1, 2010;
3. Excavation activity shall take place only in accordance with plans dated 12/1/91 and 5/9/95, as revised to 6/13/06;
4. This permit renewal acknowledges that up to 500 cubic yards of clean topsoil may be brought onto the Phase I premises. Prior to depositing any topsoil/fill, the applicant shall contact the Assistant Town Engineer and identify the source of the topsoil material. The Assistant Town Engineer shall make a determination about the suitability of the material source and may require that it be tested for contamination. Only clean topsoil shall be brought in, and it shall be spread or stockpiled solely within the Phase I area.
5. All work shall be performed by Edward C. Hall or his employees. No other subcontractors or excavators shall excavate in or haul from this site. All work shall be performed using the equipment stated on said plans and in the applicant's Statement of Use;
6. No more than 8,000 cubic yards of sand and gravel or the amount of material remaining in Phase I, whichever is less, shall be removed per year;
7. In association with any request for permit renewal, the following information shall be submitted to the Commission at least one month prior to the permit expiration date:
 - A. Updated mapping, prepared by a licensed professional engineer, depicting current contour elevations and the status of site conditions, including areas that have been revegetated;
 - B. A status report statement that includes information regarding:

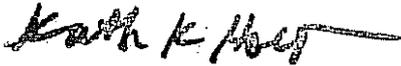
- the amount of material removed in the current permit year and the estimated remaining material to be removed in the approved phase;
 - the planned timetable for future removal and restoration activity;
 - conformance or lack thereof with the specific approval conditions contained in this renewal motion
8. Unless prior authorization has been granted by the Commission, the existing area to the south and southeast of the approved excavation phase shall be retained in its existing wooded state. This area provides a buffer between the subject excavation activity and neighboring residential uses and is deemed necessary to address neighborhood impact requirements. The buffer shall extend southerly from the approved Phase I area to the Stadler-McCarthy property and shall extend southeasterly along the Gray and Dyjak properties to Mansfield Hollow Road Extension. The southeasterly extension shall have a minimum width of 50 feet (see Article X, Section H.5.e);
9. Topsoil:
- A. A minimum of 4" of topsoil shall be spread, sceded and stabilized over areas where excavation has been completed;
 - B. No loam shall be removed from the property. All stockpiled loam presently on the site shall be used for restoration of the area where gravel is removed
10. In order to ensure that dust does not leave the site, erosion and sedimentation controls and site restoration provisions as detailed in the plans shall be strictly adhered to and the following measures shall be implemented:
- A. No more than 1.5 acres shall be exposed at any one time;
 - B. The work shall be performed as described, from north to south and west to east, occurring in a "trough";
 - C. The swale along the haul road shall be kept dust-free and maintained to trap fine material and to keep the gravel surface of the road clean;
 - D. If the above measures do not control dust on the site as evidenced by complaints from nearby residents and verification by the Zoning Agent, dust monitors shall be installed immediately, with the advice of the applicant's engineer, and with their operation approved by the PZC;
 - E. The haul road shall be watered as necessary to prevent dust;
 - F. All loads shall be covered at the loading location;
 - G. There shall be no stockpiles of any material other than topsoil located outside the excavation area. Any stockpiles will be only as part of the daily operation of the excavation and shall not exceed 10 cubic yards in size. All stockpiled material shall be graded off and stored within the lower portions of the site in order to minimize any windblown transport.
11. In order to ensure that there is no damage to the major aquifer underlying the subject property and nearby wells, the following shall be complied with:
- A. Excavation shall not take place within 4 feet of the water table;
 - B. Materials stored onsite shall be limited to those directly connected with the subject excavation operation or an agricultural or accessory use authorized by the Zoning Regulations. Any burial of stumps obtained from the permit premises shall be in conformance with the DEP's regulations;
 - C. With the exception of manure, which shall be spread in accordance with the letter received at the 4/6/94 PZC meeting from Joyce Meader of the Cooperative Extension Service, no pesticides or fertilizers shall be applied unless a specific application plan is approved by the PZC. All operations to restore the subject site shall employ Best Management Practices as recommended by the Natural Resources Conservation Service and State Department of Environmental Protection for the application of manure, fertilizers or pesticides and the management of animal wastes;
 - D. No refueling, maintenance or storage of equipment shall be done onsite, in order to minimize the potential for damage from accidental spills;
12. At a minimum, the subject site shall be inspected monthly by the Zoning Agent. Said agent shall schedule quarterly site inspections and shall invite neighborhood representatives to accompany him;
13. Old Mansfield Hollow Rd. shall be the only route used for deliveries out of the neighborhood;
14. All zoning performance standards shall be strictly adhered to;
15. Approval of this permit does not imply approval of any future phase;

16. The existing cash bond plus accumulated interest shall remain in place until the activity has ceased and the area has been stabilized and restored to the satisfaction of the PZC. Prior to filing notice of this Special Permit renewal on the Land Records, an updated bond agreement approved by the PZC Chairman with staff assistance shall be executed.;
17. Hauling operations and use of site excavation equipment shall be limited to the hours of 8 am to 5:30 p.m. Mon.-Fri., and 8 a.m. to 1 p.m. on Saturday, with no hours of operation on Sunday;
18. For one year only, from July 1, 2009 to July 1, 2010, the Planning and Zoning Commission waives the requirement of a map submission as per Condition #7A.
19. This special permit shall become valid only after it is obtained by the applicant from the Mansfield Planning Office and filed by him upon the Mansfield Land Records.

Further, it is noted that if there are any changes to the site or plan not authorized by this approval, the applicant shall request a modification before proceeding. Such a request for modification may be considered major and may entail a Public Hearing, depending on the nature of the request and its potential for impact on the health, welfare and safety of Mansfield's citizens and nearby residents.

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

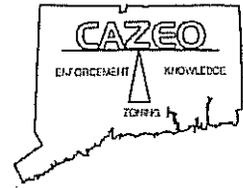
Very truly yours,



Katherine K. Holt, Secretary
Mansfield Planning & Zoning Commission



Town of Mansfield



CURT B. HIRSCH
ZONING AGENT
HIRSCHCB@MANSFIELDCT.ORG

AUDREY P. BECK BUILDING
4 SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3341

To: Karen Green
From: Curt Hirsch, Zoning Agent
Date: June 1, 2010

Re: **Renewal of Special Permit for gravel removal/filling**

Your special permit approval for gravel removal and/or filling expires on July 1, 2010. All applications for renewal of gravel permits shall be submitted to the Planning and Zoning Commission no later than May 30, 2010 (I'm late). The submission of a renewal request shall give the Commission and its staff the right to enter upon the permit premises at reasonable times for the purpose of determining compliance with the approved permit and the zoning regulations. Denial of such permission shall be cause for revocation of the permit. You will be given written notice of any proposed site inspection.

Please indicate below whether you do or you do not wish to renew your special permit. You shall submit a written statement containing any information about your removal/fill activity which has changed since your permit was issued, or last renewed. The Commission will use your statement and information gathered from an inspection of your site to determine whether you are in compliance with the permit and therefor, if the permit should be renewed. Please provide the following minimum information for Commission review (your permit may include additional renewal conditions):

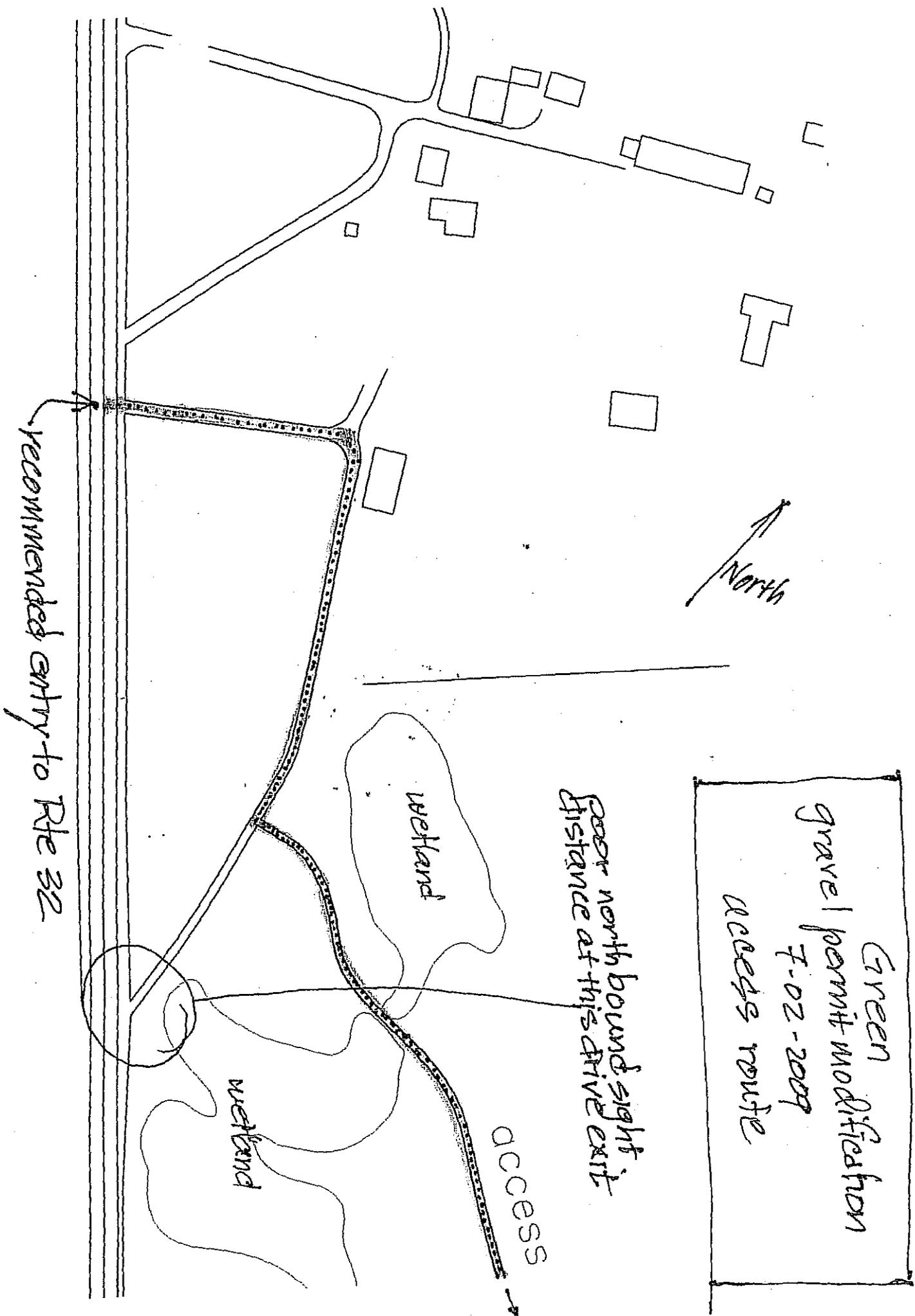
- What is the amount of material removed/filled in the last year? *Have not started project yet*
-
- What is the volume of material left to be removed/filled on the site?
-
- How long will it take to complete the authorized work?
-
- Are there any changes in the type or amount of equipment being used for this activity?

CIRCLE ONE:

I do I do not wish to renew my special permit. Signature: *Karen W Green*

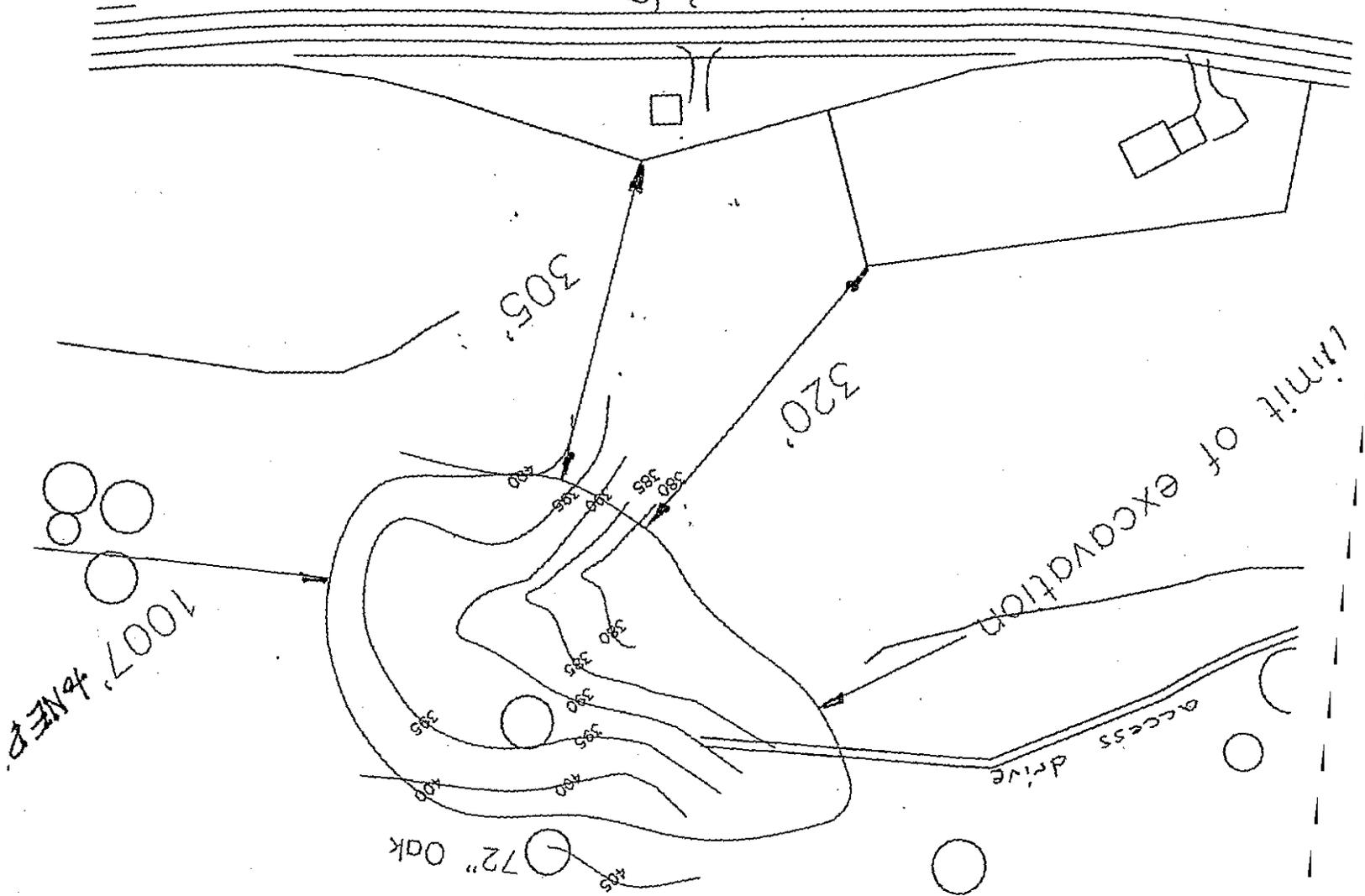
Please complete and return to the Zoning Agent no later than **June 9, 2010** with a renewal fee of **\$250.00**.

8



GREEN
Gravel permit modification
7.02.2009

Desiats Sand & Gravel



Area = 2.6 acres
Estimated volume:
10,000 to 14,000 c.y.

**TOWN OF MANSFIELD
PLANNING AND ZONING COMMISSION**

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

Tuesday, August 04, 2009

Karen Green
1090 Stafford Road
Mansfield, CT 06268

Re: Mansfield's PZC approval for a Special Permit for gravel removal at 1090 Stafford Road
PZC file #1258

Dear Karen Green,

At a meeting held on 8/3/09, the Mansfield Planning and Zoning Commission adopted the following motion:

"to approve with conditions the application of K. Green (File # 1258) for a special permit modification and permit renewal for gravel removal activity at 1090 Stafford Road. The approved area for new excavation is shown on maps dated 7/2/09 and authorized work is described in a 6/15/09 letter from the applicant, other application submissions and testimony at a Public Hearing on 7/20/09. This approval is granted because the application as hereby approved is considered to be in compliance with Article XI, Section D, Article V, Section B and Article X, Section H of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. All disturbed areas shall be covered with a minimum of 4 inches of topsoil and revegetated as per regulatory requirements and application submissions. No topsoil shall be removed from site without prior authorization.
2. The haul route indicated on the 7/2/09 plans and approved by the Assistant Town Engineer shall be utilized. An anti-tracking pad shall be installed at the Route 32 intersection of the haul route.
3. Erosion and sedimentation controls shall be installed where necessary as determined by the Assistant Town Engineer/Inland Wetland Agent. Particular attention shall be given to the area where a haul road culvert will be placed.
4. Due to the agricultural nature of the subject application, the distance of the site activity from wetland/watercourse areas and the adequacy of submitted plans, no site development bonding shall be required at this time. The PZC reserves the right to require bonding if site development problems arise.
5. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records. If the subject excavation and site restoration work for both the original and new areas of excavation are not completed by 7/1/2010, renewal of this Special Permit shall be required.
6. This approval accepts the applicant's requested waivers of map submission requirements. The information provided is adequate to address all applicable approval requirements."

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

Very truly yours,


Katherine K. Holt, Secretary
Mansfield Planning & Zoning Commission

PAGE
BREAK



KARI L. OLSON
(860) 240-6085
KOLSON@MURTHALAW.COM

June 7, 2010

VIA HAND DELIVERY

Planning and Zoning Commission
Town of Mansfield
Audrey P Beck Municipal Building
South Eagleville Road
Mansfield, Connecticut 06268

Re: April 14, 2010 Draft Proposed Zoning Regulation Revisions

Dear Commission:

As you know, this firm represents Bruce and Franca Hussey relating to the Town of Mansfield's April 14, 2010 proposed zoning map and regulation amendments ("Amendments"), currently scheduled for discussion on June 7, 2010. As you also are aware, since the last zoning amendment proposal, we have had several informal discussions with the Director of Planning, Gregory Padick and others regarding the Commissions multiple applications to change the zoning designation for the Husseys' property. Although these discussions have, for the most part, been somewhat fruitful, and the current proposed zoning changes represent a compromise from the Commissions earlier proposal, the new regulations still fail to adequately address significant concerns that have previously been raised as well as new ones.

The latest proposal seeks to rezone the Husseys' property from the existing IP Zone into three distinct zones: RAR-90, PVRA and PVCA. I will discuss each in turn.

Proposal To Rezone to RAR-90 Land West of Mansfield Avenue

This parcel consists of approximately 18 acres, nearly half of which is existing wetlands. The remaining land is currently used for and is designated as farmland. The property can be readily accessed for purposes of installing public water and sewer.

The Husseys object to having this property rezoned to RAR-90, principally because the current RAR-90 zone does not permit a housing density that appropriately takes into account the fact that this property is readily accessible to public utilities. The Husseys would not object to an R-20 zone designation for this parcel or a modified PVRA designation)(see below).

Murtha Cullina LLP | Attorneys at Law

*Submitted at 6/7/10
Public Hearing gdp*

Proposal to Rezone to PVRA Land South of Pleasant Valley Road and East of the
Conantville Brook

As the Commission is aware, the Husseys have always opposed the creation of the new PVRA zone on constitutional grounds. Specifically,

1. The PVRA zone would permit the Commission to take private property without just compensation in violation of federal and state law; and
2. The PVRA requirements for the farmland set-aside or conveyance of private land for agricultural purposes is neither related nor proportional to any impact created by the use of the property. This is compounded by the fact that the farmland exaction is not in lieu of or does not otherwise offset all additional open space requirements and the onerous 500' setback from Pleasant Valley Road proposed within the PVRA.
3. There are insufficient criteria or standards for establishing the amount or exact location of the farmland the Commission may exact; and
4. There is no statutory authority for the Commission to exact private land for agricultural purposes; and
5. The PVRA constitutes spot zoning in violation of state law; and
6. The proposed PVRA zone is not consistent with the Town's or the State's Plan of Conservation and Development.

Proposal to Rezone to PVCA Land South of Pleasant Valley Road And East of
Mansfield Avenue

As is the case with the proposed PVRA, the Husseys oppose the rezoning of their property to a PVCA. For clarity, their objections to the PVCA are reiterated as follows:

1. The PVCA permits the Commission to take private property without just compensation in violation of federal and state law; and
2. The PVCA requirements for the farmland set-aside or conveyance of private land for agricultural purposes is neither related nor proportional to any impact created by the use of the property. This is compounded by the fact that the farmland exaction is not in lieu of or does not otherwise offset all additional

open space requirements and the onerous 500' setback from Pleasant Valley Road proposed within the PVCA.

3. There are insufficient criteria or standards for establishing the amount or exact location of the farmland the Commission may exact; and
4. There is no statutory authority for the Commission to exact private land for agricultural purposes; and
5. The PVCA constitutes spot zoning in violation of state law; and
6. The proposed permitted uses for the property are still too restrictive to ensure, especially in the current market, an economically viable use for the property; and
7. The proposed PVRA zone is not consistent with the Town's or the State's Plan of Conservation and Development.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kari L. Olson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kari L. Olson

cc: Mr. Bruce Hussey
Ms. Franca Hussey

PAGE
BREAK

Comment concerning input to PZC about the Pleasant Valley zoning proposals

In 2007, Jim Gibbons (UConn Ext. System land use specialist) addressed PZC about Pleasant Valley, and he recommended that PZC form a task force to conduct informal sessions rather than formal hearings to gather input and work toward a public consensus before drafting regulations. This did not happen.

At the 2008 hearing, the OSPC recommended that PZC offer a more open forum than a public hearing. Since that hearing, while PZC drafted the current zoning proposal, it provided opportunities for input and discussion with the land owner to address his interests. PZC has not offered the same opportunity to the community, including the Town's advisory committees. In our 2008 comments, we cited the need for input in venues such an open house, as the Storrs Downtown project has done with some success. Like Storrs Center, development of Pleasant Valley has the potential to be a large benefit or problem for the Town, and we again recommend that an informal venue be made available to the community so that PZC and the landowners have an opportunity to discuss how all uses of Pleasant Valley can be coordinated and provide an economic benefit to the Town.

Vicky Wetherell
Open Space Preservation Committee

Comments concerning proposed zoning for the Hussey property, PZC hearing, June 7, 2010

The proposed zoning for the Pleasant Valley area would have a significant impact on the town's financial future. On the Hussey property, the land east of Conant Brook is proposed for multifamily residences, and the land west of Mansfield City Road is proposed for single family homes. When these proposed residential areas are combined with the already approved multifamily zoning for the adjacent Chesmer property, the majority of the Pleasant Valley land would become residential.

Numerous studies nationwide have consistently demonstrated that residential properties use more Town funds for services than they contribute to a town in property tax revenues. Services include schools, social services, police and fire services. As a town acquires more residences, property taxes rise. In contrast, **commercial and farm uses bring in more revenue to a Town than they use in services.** "Cost of Community Services" studies in seven Connecticut towns show that commercial uses, farmland and undeveloped open space, on average, require only 31 cents for each dollar in property taxes, while residential uses require \$1.11 in services for each dollar in property taxes (see attached summary). Thus, **commercial and farming uses help balance the "overdraft" on a town's balance sheet that is created by services provided to residential properties.**

Pleasant Valley is one of several areas in Mansfield where access to public sewer and water make appealing sites for high density uses. These areas include Four Corners and the proposed Storrs Center. Future development in both of these areas would offer a majority of commercial uses, which would result in an overall positive flow of property taxes to the Town. Unlike these two areas, the zoning proposal for the Hussey property would create a majority of residential land use in the Valley and reverse the low demand for services by the current farming uses. PZC has already approved new multifamily-zoned areas in Four Corners, Storrs Center and on the Chesmer property. This zoning will add hundreds of new residences to the Town and more needs for services. Adding even more residences in Pleasant Valley is unnecessary and will add to the "overdraft" on the Town's balance sheet. I urge you not to convert any more of Pleasant Valley to residential uses.

Recommendation

Since PZC is proposing this zoning, the proposal should promote the best interests of the Town. Replacing good farmland with **commercial development** is not the best use of this land, but it would require fewer services than residences, and it would help balance property tax increases created by residential development on the Chesmer property. I recommend zoning for commercial uses on the Hussey land and preservation of farming in Pleasant Valley because they would serve the best interests of the Town's economy and help keep Mansfield affordable for all of us.

Vicky Wetherell
Mansfield Open Space Preservation Committee
Mansfield Agriculture Committee

Cost to Provide Community Services per Dollar of Revenue Raised*

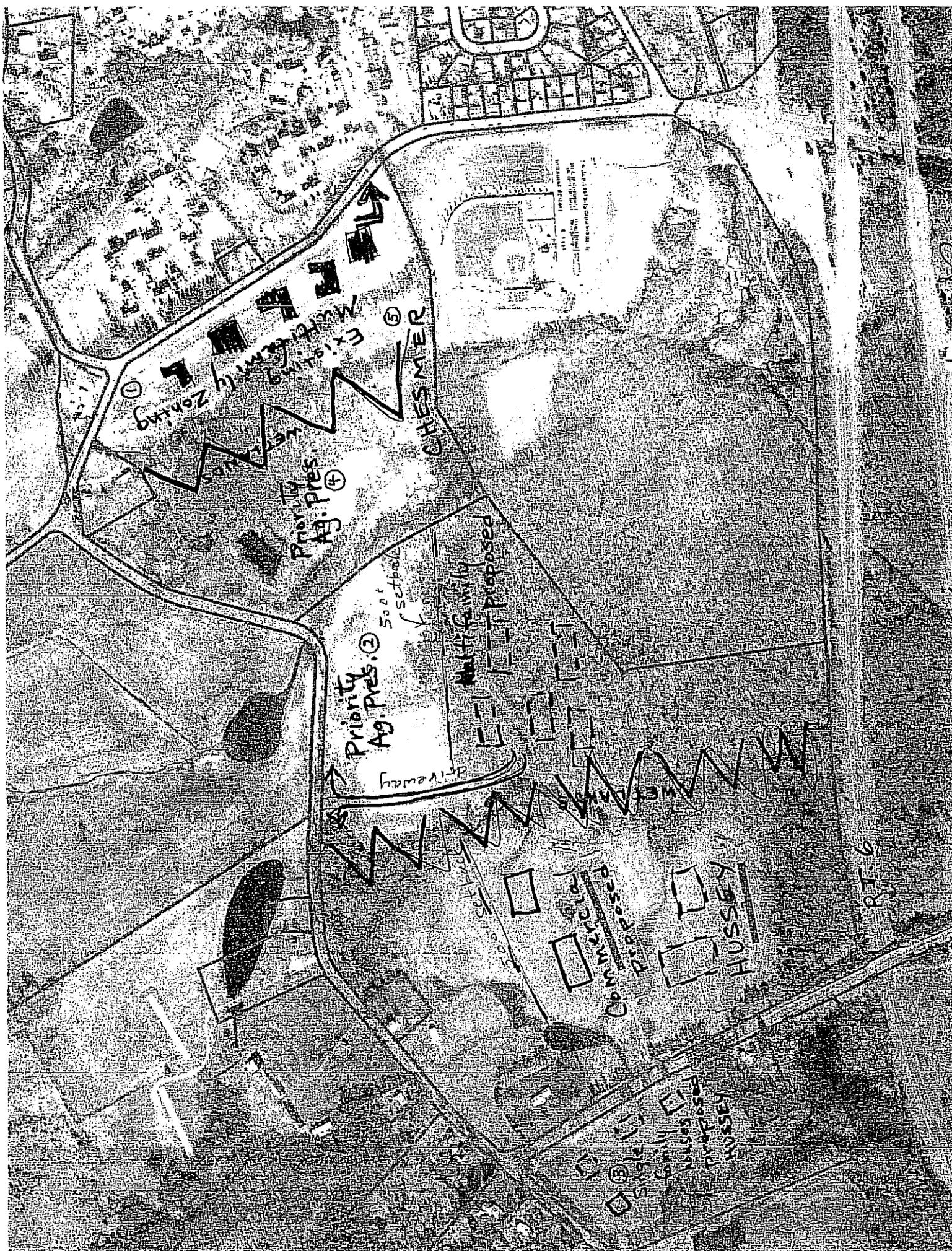
Town (year of study)	Residential	Commercial and Industrial	Working and Open Land
Bolton (1998)	1.05	0.23	0.5
Brooklyn (2002)	1.09	0.17	0.3
Durham (1995)	1.07	0.27	0.23
Farmington (1995)	1.33	0.32	0.31
Lebanon (2007)	1.12	0.18	0.17
Litchfield (1995)	1.11	0.34	0.34
Pomfret (1995)	1.08	0.27	0.86
Windham (2002)	1.15	0.24	0.19
Median	1.11	0.26	0.31
US Median	1.19	0.29	0.37

* From Planning for Agriculture: A Guide for CT Municipalities

Cost of Community Services Studies (COCS) use municipal data to determine the fiscal contribution of various local land uses. Over 20 years of COCS from around the country have shown that farmland and other open space generate more public revenue than they require in services. Even when farmland, for example, is assessed at its current agricultural use value under Public Act 490, farmland generates a surplus to offset the shortfall created by residential demand for public services.

A review of COCS research in eight CT Towns shows that for each dollar of property tax revenue generated by working and open space land, on average, only \$0.31 is required in municipal services. Whereas, on average, residential uses require \$1.11 in municipal services.

Submitted at 6/7/10 public hearing



Zoning ①

EXISTING

Priority Ag. Pres. ④

Priority Ag. Pres. ②

500' school

WALTERS

CHESMER

COMMERCIAL PROPOSED

HUSSEY

③ Single Units
600' x 100'
PROPOSED
HUSSEY

PT-6

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MANSFIELD AGRICULTURE COMMITTEE

To: Mansfield PZC, Greg Padick

Re: Draft Zoning Map and Regulation Revisions for Pleasant Valley Area

At their May 4, 2010 meeting, the committee reviewed proposed zoning revisions for the Hussey property south of Pleasant Valley Road. The zoning of this area has been under consideration since the Plan of Conservation and Development revisions began in 2003. Previous PZC proposals for this area have been unacceptable to the Agriculture Committee because there was not sufficient protection for this area of level land with prime agricultural soils (a rare resource in Mansfield).

The committee has previously recommended priority areas for preservation of farmland. On the Hussey property, the priority area is the field south of Pleasant Valley Road and east of Conant Brook (the old strawberry field). The soils there are the most productive and they are adjacent to active farmland to the north. Previous PZC zoning proposals have included an agricultural easement that could protect this field and focus development west of Conant Brook. The current proposal to create a Residential Area east of Conant Brook would place multi-family residential units in the woods immediately south of this field, with an entrance road through the field. Farmland needs a more adequate buffer to avoid trespass and conflict with residents. This priority field and the farmland on adjacent properties are now a well buffered farming area. Placing residences in the midst of this area would have a permanent negative impact on farming in Pleasant Valley, a priority farmland area in the Plan of Conservation and Development. If the current industrial zoning is to be replaced, the committee recommends (as in the past) that commercial zoning remain in this area because those uses have less potential for conflict with surrounding farming activity than residential uses.

The committee strongly recommends that the zoning map be revised so that any development is located west of Conant Brook, where there is already residential use and easier access to Willimantic. The brook and its wetlands would serve as a buffer between this development area and the priority field. To preserve the farmland in this field, the proposed agricultural easement should be east of the brook. To allow for reasonable development on the west side of the brook, the proposed 500-foot setback from Pleasant Valley Road for development should no longer be included in the regulations. We urge PZC to create zoning that promotes the long-term viability of farming in town by providing adequate protection for this field and consequently for a large area of surrounding farmland.

The committee has previously noted that a conservation easement would prevent development on farmland, but it would not preserve its agricultural use. The proposed area to have this easement would be the owner of the multi-family housing, and that owner would stop leasing the land for farming if there were complaints from residents about noise, odors, etc. So we recommend that the town pursue preservation of this field through acquisition by the town or by an appropriate organization.

Submitted at 6/7/10 Public Hearing
GHP

PAGE
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OPEN SPACE PRESERVATION COMMITTEE

Comments on proposed Pleasant Valley zoning

June 7, 2010

At their May 2010 meeting, the committee discussed the proposed zoning for the Pleasant Valley area and is providing specific comments and recommendations.

The farmland in Pleasant Valley is listed as a significant conservation resource in the Town's Plan of Conservation and Development. Overall, the committee continues to be concerned that the preservation of open farmland in this area can be easily implemented and foster continued agricultural use of these lands. The proposed priority agricultural preservation areas on both the Chesmer and Hussey properties on Pleasant Valley Road are fields that are currently isolated from residential areas. Continuation of this isolation is an important factor in keeping this priority farmland viable for agriculture.

COMMENTS:

Residential development as proposed raises several concerns:

Agricultural use in potential conflict

The current proposal creates a residential zone east of Conant Brook that would mandate development in and adjacent to the priority agricultural land. It would place residences in woods to the south of this priority field and a driveway through the field. This close proximity to the field would not provide an adequate buffer between residences and agricultural land. Trespass leading to crop damage, litter from the driveway, and resident complaints about noise or odors have the potential to make these fields less viable for farming. This is especially critical since the ownership would remain with the developer/condo/residence owners, who would not be required or necessarily motivated to allow farming activities on these lands if they cause conflict.

Scenic farmland vista would be altered

The current scenic view of the priority field from the road, enhanced by the bend in the road bringing it in front of a passing driver, would be altered by an intruding driveway and residential buildings visible in the background behind the fields.

Submitted at 6/7/10 meeting GND

Wetlands function of Conant Brook

Dense residential development in the large wet woods where development is proposed could adversely impact the wetland function in the adjacent headwaters of Conant Brook. A large area of impervious surface associated with building roofs and parking lots would increase runoff. In conjunction with the reduction of forest cover this could cause downstream increases in peak flow, with potential erosion or flooding in the densely developed lower Conant Brook area.

RECOMMENDATION

The Open Space Preservation Committee recommends that the proposed PVRA zone east of Conant Brook not be approved. We recommend instead one zone for the entire Hussey property east of Mansfield Avenue that 1) places all development west of Conant Brook, where there is already existing residential development, and 2) designates an agricultural easement area east of Conant Brook.

This modification of the development location has several advantages:

Easier access:

The area west of Conant Brook is more easily accessed from Mansfield Avenue for traffic, sewer, and water than the proposed residential development area, reducing development costs.

Better agricultural buffer

The area east of Conant Brook has surrounding natural buffers for the priority agricultural land, reducing potential conflict of agricultural activity with the developed area and increasing the potential for successful long term agricultural use. These buffers are Conant Brook and associated wetlands on the west, existing wet woodlands on the south, and a secondary wetland to the east which buffers land on Mansfield City Road currently zoned for residential development.

Preserve scenic agricultural vista

The relocated development area would leave unaltered the view south of Pleasant Valley Road across the agricultural field.

Better wetland function

There will be less alteration of the land cover in the immediate vicinity of Conant Brook, limiting any adverse changes in the brook's hydrology.

June 7, 2010

Dear members of the Mansfield PZC:

I am writing to urge you to resist changing the town's current definition of family—more particularly, the proposal to reduce the number of unrelated people allowed to live together from four to three on residences that convert to rental property.

I have a number of concerns about the change, but two stand out. The first has to do with unintended consequences. Assuming demand for rental housing remains the same, and especially if it changes or grows, this change has the real potential to cause more, not fewer, houses to convert to, or remain as, rentals.

The second reason I am concerned is that the proposed change does not address the actual problem, which I think we can all acknowledge is behavior. Four people isn't the problem any more than three people will be the solution. The problem is behavior. Until the town elects to actually ask the right questions about the causes of the problems they seek to solve, the answers that will be offered will be clumsy. I'm afraid that the proposed change is a clumsy answer.

Submitted at 6/7/10

Here you have been asked to invoke a zoning answer when better answers will have much more to do with helping neighbors communicate, promoting the development of respect and friendships, and how a town's desired culture is expressed to its newest residents.

With due respect to the earnestness of your work and thoughtful deliberations, and to the diligence of town staff, I believe that you have been asked to apply a zoning hammer - indeed, the only hammer you have - when more subtle tools, including communication, conversation, and promoting a culture of neighborliness will have a more pronounced and lasting effect.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Kueffner", with a circular flourish above the name.

Christopher Kueffner
192 Ravine Rd.
Storrs, CT 06268

TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission
From: Gregory Padick, Director of Planning
Date: June 15, 2010
Re: Proposed Overhead Utility Line, Hawthorne Lane Conservation Easement Area
PZC File #1177



Please find attached a 6/8/10 letter from Hawthorne Lane residents seeking PZC approval for a potential CL&P overhead utility line crossing of a conservation easement area approved in 2001 in association with the Hawthorne Park Subdivision off of Bassetts Bridge Road. This approval is being sought so that CL&P can incorporate an alternative route for new utility transmission lines associated with the Interstate Reliability Project. The current CL&P route would necessitate significant tree removal closer to existing homes. The proposed alternative route would still require some tree removal (but would have less impact for the residents). The submitted 6/8/10 letter, a 5/7/10 letter from CL&P and submitted maps and photographs provide more information on this request.

Section II of the approved Conservation Easement, prohibits tree cutting in a conservation easement area without prior written approval from the Planning and Zoning Commission. Staff's initial review indicates that the proposal will significantly reduce visual and potential noise impacts for neighboring residents. Potential impacts on the conservation easement area, which includes wetland soils, will necessitate a PZC judgment which should not be rendered until the site has been visited and until comments have been received from staff and the Conservation Commission.

It is recommended that the PZC refer the subject request to the Conservation Commission and staff and schedule a field trip visitation. The July Conservation Commission meeting is scheduled for July 20th.

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June 8, 2010

To: Town of Mansfield Planning and Zoning Commission
From: Residents of Hawthorne Lane
Re: CL&P Interstate Reliability Project

Members of the Commission:

We have been working cooperatively with Mansfield Town Officials and Tony Mele, (Project Manager of CL&P's Interstate Reliability Project) on an alternate route for the IRP power lines near Hawthorne Lane. The alternate will greatly reduce the economic, aesthetic, and environmental impact on existing residents of the area. It helps maintain a buffer of trees in front of our homes and creates a larger area of uncleared woodland.

The alternative route has been well received by town and CL&P officials, but it has come to our attention that CL&P has discovered a potential obstacle—namely, .35 acres of an existing conservation area would have to be partially cleared (of large trees under the new power lines) under the alternate route. (5/7/10 CL&P letter attached)

We ask the Commission to give CL&P permission to perform this limited clearing in the area designated on the enclosed map. We think this makes good sense, for the following reasons:

- No structures (including poles) would be built on the .35 acres in question. CL&P would only need to keep the area clear of large trees directly under the lines. This area would remain as undisturbed as land beneath existing CL&P transmission lines.
- A quick look at the enclosed map shows that the "Hawthorne Alternative" requires much less clearing, because the lines would go over an existing road, and because monopoles would be used (rather than sets of three poles). This would result in a much lower environmental impact than the original IRP route.

Again, we ask that the Planning and Zoning Commission give CL&P formal permission to perform limited clearing on the .35 acres in question. It seems clear that doing so would result in a much lower environmental impact than the original IRP route, and would be more in line with the intent and spirit of the town's open-space policies.

Thank you in advance for giving your time and attention to this issue. We have enclosed maps and photographs of the area in question. We also encourage members of the commission to visit the area to get a better understanding of our proposal. Existing stakes mark the cutting lines for the original and alternate routes. Please contact Wayne Hawthorne (456-7592) if you wish to arrange a visit to the site.

R. S. Welden Christine M. Mindel
Carmen Welden

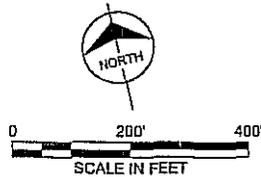
Wayne and Christine Hawthorne, 28 Hawthorne Lane Wayne Hawthorne Christine Hawthorne
Tom and Pam Mindel, 27 Hawthorne Lane Tom Mindel Pam Mindel
Christine and R. Scott Welden, 25 Hawthorne Lane
Carmen Welden, 25 Hawthorne Lane (apartment)
Ryan Hawthorne, 21 Hawthorne Lane Ryan Hawthorne Patricia Hawthorne

PAGE
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LEGEND

- EXISTING STRUCTURE TO BE REMOVED
- EXISTING STRUCTURE TO REMAIN
- PROPOSED STRUCTURE
- WETLANDS
- VERNAL POOL HABITAT
- PROPERTY LINE
- EXISTING RIGHT-OF-WAY LINE
- PROPOSED RIGHT-OF-WAY LINE
- EXISTING 345kV CENTERLINE
- PROPOSED 345kV CENTERLINE
- PROPOSED 345kV CONDUCTOR
- VEGETATION CLEARING LIMITS
- TYPICAL PARCEL NUMBER



46197

date	JAN. 28, 2010	detailed	D. LAURSEN
designed	S. CASTEEL	checked	

	Northeast Utilities Service Co.			
	FOR CONNECTICUT LIGHT & POWER			
TITLE INTERSTATE RELIABILITY PROJECT 345-kV PROPOSED LINE (HAWTHORNE LANE)				
BY	BmC	CHKD	APP	APP
DATE	01/28/10	DATE	DATE	DATE
H-SCALE		SIZE	FEED BOOK & PAGES	
V-SCALE		V.S.	R.E.DWG. NO.	
R.E. PROJ. NUMBER			TAUSCO DWG. NO.	SHEET 5



LEGEND

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- EXISTING STRUCTURE TO REMAIN
- PROPOSED STRUCTURE
- 30264 TYPICAL PARCEL NUMBER
- WETLANDS
- PROPERTY LINE
- EXISTING RIGHT-OF-WAY LINE
- PROPOSED RIGHT-OF-WAY LINE
- EXISTING 345KV CENTERLINE
- PROPOSED 345KV CENTERLINE
- PROPOSED 345KV CONDUCTOR
- PROPOSED VEGETATION CLEARING LIMITS
- ALTERNATE VEGETATION CLEARING LIMITS



46197

date	detailed
OCT. 30, 2009	D. LAURSEN
designed	checked
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Northeast Utilities Service Co.

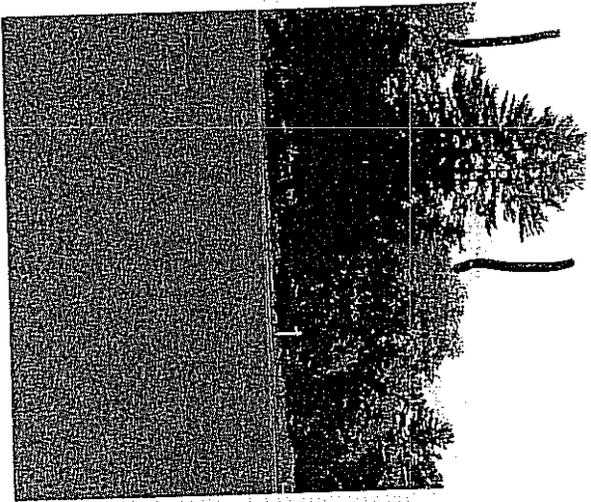
FOR CONNECTICUT LIGHT & POWER

TITLE
INTERSTATE RELIABILITY PROJECT
345-kV TRANSMISSION LINE
(HAWTHORNE LANE ALTERNATE DESIGN)

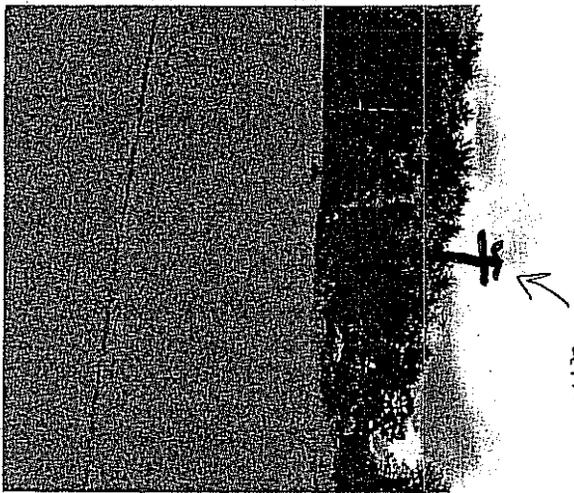
BY	BMCD	CHKD	APP	APP
DATE	10/30/09	DATE	DATE	DATE
H-SCALE		SIZE	FIELD BOOK & PAGES	
V-SCALE		V.S.	FIELD NO.	
R.E. PROJ. NUMBER			NUSCO DWG NO. SHEET 2	

Pictures Submitted by
Hewthorne Lane Residents

Tree removal required
for alternative route

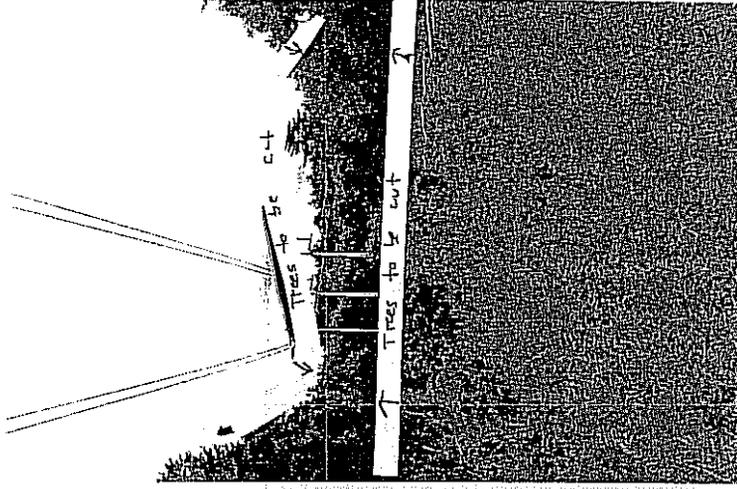
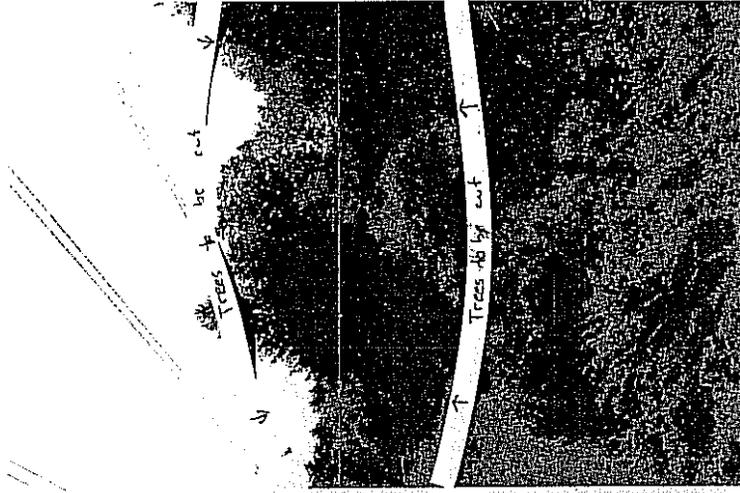
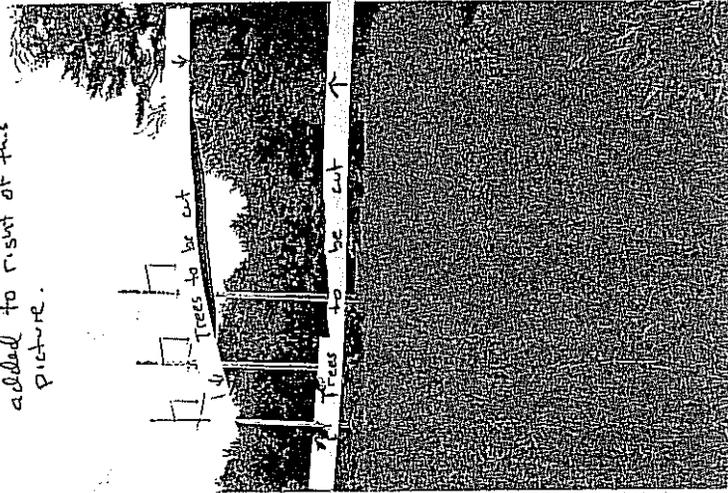


Monuments to be
installed if possible
alternative approved



Alternative Route Proposed by Hewthorne Lane Residents

3 Additional Poles to be added to right of this picture.



CLTP currently planned route within existing R.O.W

Pictures submitted by Hawthorne Lane Residents



May 7, 2010

Mr. Wayne Hawthorne
28 Hawthorne Lane
Mansfield, CT 06250

Re: CL&P Efforts to Accommodate Realignment of Proposed IRP Route

Dear Mr. Hawthorne:

Thank you for your patience while we complete our evaluation of the "Hawthorne Alternative" that we discussed at our November meeting, and that I described in my March 30, 2009 letter to you. As you may recall, the Hawthorne Alternative contemplates shifting The Connecticut Light and Power Company's ("CL&P") existing right-of-way, existing 345-kV transmission lines, and the proposed 345-kV transmission lines onto other areas of property owned by you and the other residents of Hawthorne Lane. CL&P had planned to offer this configuration as one of several alternative configurations evaluated in order to meet the requirements of the Connecticut Siting Council's ("Council") EMF Best Management Practices.

When we met in November, CL&P agreed to prepare sample letter agreements for you and the other residents of Hawthorne Lane to review. Those letter agreements were to describe the conditions under which, in exchange for CL&P conveying certain of its existing right-of-way to you and the other Hawthorne Lane residents, you and the other residents would convey to CL&P standard utility easement rights over the area to be occupied by the Hawthorne Alternative so that the Hawthorne Alternative could be built if so ordered by the Council. During the course of researching deeds to that area, we discovered that a restrictive conservation easement was put in place across a critical piece of your family's properties. The existence and nature of that conservation easement, which is held by the Town of Mansfield, preclude any realignment that might otherwise be possible. In other words, based on the restrictions contained in the conservation easement, the Hawthorne Alternative cannot be built.

That being said, we remain open to discussing these issues and hearing any suggestions you may have.

For your information, I've included two (2) maps that I hope will help illustrate the issue. The first, designated as Sheet 2 in the lower right hand corner, shows the configuration that we discussed at our November meeting and the area of property easement that the Company would need to acquire (indicated as "PROPERTY TO BE ACQUIRED = 1.5 ACRES"). The second map, designated as Sheet 5, is similar to Sheet 2 but shows the conservation area (indicated as "EXISTING CONSERVATION AREA & REQUIRED ROW OVERLAP = 0.35 ACRES").



I am also attaching a brief description of the conservation easement and the reasons why it prevents the relocation of our right-of-way and transmission facilities across it.

Please do not hesitate to contact me with any questions or issues you may have on this matter.

Sincerely,

Tony Mele
Project Manager – Interstate Reliability Project

Enclosures

cc: Project File



Mansfield, CT
 Doc # 2002-00539B1
 Vol 468 Pg. 420
 02/25/2002 03:09:55pm

CONSERVATION AGREEMENT

THIS INDENTURE made this 18th day of January, 2002, by and between WAYNE W. HAWTHORNE, CHRISTINE HAWTHORNE, RYAN W. HAWTHORNE and PATRICIA HAWTHORNE, all of the Town of Mansfield, County of Tolland, State of Connecticut (hereinafter collectively called "GRANTOR"), and the TOWN OF MANSFIELD, a municipal corporation incorporated under the laws of the State of Connecticut and the Charter of the Town of Mansfield (hereinafter called "GRANTEE"),

WITNESSETH:

WHEREAS the GRANTOR is the owner in fee simple of certain real property in the Town of Mansfield, County of Tolland and State of Connecticut, hereinafter called "The Conservation Easement Area". Said Conservation Easement Area is delineated on the following map filed or about to be filed on the Land Records of the Town of Mansfield:

"BOUNDARY PLAN – FOR SUBDIVISION ENTITLED – HAWTHORNE PARK BASSETTS BRIDGE ROAD MANSFIELD CENTER, CONNECTICUT OWNER & SUBDIVIDER WAYNE W. HAWTHORNE 145 BASSETTS BRIDGE ROAD MANSFIELD CENTER, CONNECTICUT 06250 DATE : OCTOBER 22, 2001 SCALE : 1"= 60' SHEET 2 OF 5 DATUM ENGINEERING & SURVEYING, LLC 132 CONANTVILLE ROAD MANSFIELD CENTER, CT 06250 TEL (860)456-1357 FAX (860)456-1840 JOB NO. 201022".

WHEREAS the Conservation Easement Area possesses ecological, scientific, educational, aesthetic, agricultural, historic and/or recreational values of importance to the Grantor, the people of Mansfield and the people of the State of Connecticut; and

WHEREAS the Grantee, acting through its Planning and Zoning Commission, has determined that it would be in the public interest to retain, maintain and conserve the Conservation Easement Area in its present state to protect its conservation values, and that the maintenance and conservation of said property of the Grantor can be accomplished by the securing of a Conservation Easement over, across, and upon said Conservation Easement Area;

WHEREAS the Planning and Zoning Commission, pursuant to applicable zoning and subdivision regulations and pursuant to actions by the Mansfield Town Council, is authorized to acquire easements in the name of the Grantee, the Town of Mansfield; and

WHEREAS the Grantor is willing, in consideration of one (1) dollar and other good and valuable considerations, receipt of which is hereby acknowledged, including a desire to conserve and protect the fauna, flora and hydrologic/geological features and the natural beauty of the property for posterity, to grant to said Grantee the Easement and Covenants as hereinafter expressed concerning the Conservation Easement Area, thereby providing for its maintenance and conservation;

NOW, THEREFORE, the Grantor, for and in consideration of the facts above recited and of the mutual covenants, terms, conditions and restrictions herein contained, does hereby give, grant, bargain, sell and convey with quit claim covenants unto the Grantee, its successors and assigns forever, a Conservation Easement in perpetuity over the defined Conservation Easement Area, of the nature and character and to the extent hereinafter set forth. All terms, covenants and conditions contained herein are deemed to run with the land.

I. Rights of the Grantee

To accomplish the purpose of this Easement, the following rights are conveyed to the Grantee by this easement:

- A. The right to preserve and protect the Conservation Easement Area;
- B. The right to enter (following reasonable notice to current Grantor or occupant) the Conservation Easement Area at all reasonable times and, if necessary, across other lands of the Grantor, for the purposes of:
 1. Inspecting the Conservation Easement Area to determine if the Grantor, his successors or assigns, is complying with the covenants and purposes of this Easement;
 2. Enforcing the terms of this Conservation Easement agreement;
 3. Taking any and all actions with respect to the Conservation Easement Area as may be necessary or appropriate, with or without order of the court, to remedy or abate violations hereof;
 4. Maintaining and/or replacing boundary markers of the Conservation Easement Area;
- C. The right, but not the obligation, to monitor the condition of any rare or endangered plant and animal populations and plant communities in the Conservation Easement Area, and to manage them, if necessary, for their continued survival and quality in the Conservation Easement Area;
- D. The right to enforce the covenants contained herein pursuant to Section 8-12 CGS and/or other provisions of the Connecticut General Statutes. Nothing herein shall be construed to entitle the Grantee to institute any enforcement proceedings against the Grantor for any changes to the Conservation Easement Area due to causes beyond the Grantor's control, such as changes caused by fire, floods or storms. The Grantor hereby waives any defense of laches with respect to any delay by the Grantee, its successors or assigns, in acting to enforce any restriction or exercise any rights under this easement.

II. Covenants

The Grantor makes the following covenants:

Without prior express written consent from the Grantee, the Grantor agrees to prohibit and refrain from the following activities under, over or upon the Conservation Easement Area:

- A. There shall be no construction or placing of buildings, sewage disposal systems, wells, drainage systems, underground tanks, roads, driveways, mobile homes, fences, signs, billboards or other advertising, or structures of any kind;
- B. There shall be no dumping, storing or placing of soil or other substances or materials and no storage or disposal of vehicles, vehicle parts or wastes of any kind;
- C. There shall be no topographic changes, no ditching, draining, diking, dredging, filling, excavating, regrading, mining or drilling, and no removal or filling of topsoil, loam, peat, sand, gravel, rock, minerals or other substances;
- D. There shall be no removal or destruction of trees, shrubs, or other vegetation, no use of fertilizers, poisons, pesticides, herbicides or biocides, no hunting or trapping, no grazing of domestic animals, no introduction of non-native plants and animals and no disturbance or change in the natural habitat in any manner. There shall be no removal of dead trees and no pruning and thinning of live trees and brush unless necessary to maintain trails and accessways;
- E. There shall be no alteration of water courses, waterbodies or wetland areas, nor shall there be activities or uses conducted on the Conservation Easement Area which are or have the potential for being detrimental to drainage, flood control, surface or ground water quality, erosion control, soil conservation, wildlife or the land and water areas in their natural condition;
- F. There shall be no operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles;
- G. There shall be no removal or disturbance of the iron pins, boundary markers or any other field identifications of the Conservation Easement boundaries.

Any request for written approval for uses and activities noted above shall be accompanied with a detailed statement of purpose and specific plans for the proposed use or activity. Grantee shall have the right to approve such changes in use provided the changes do not interfere with or have an adverse impact on the natural scenic, ecological and open space values being protected within the Conservation Easement Area.

III. Reserved Rights

- A. The Grantor herein reserves the right to make use of the Conservation Easement Area for any and all purposes which are in keeping with the stated intent of this Conservation

Easement Agreement and which shall in no way endanger the maintenance and conservation of the Conservation Easement Area in its natural state.

- B. The Grantor herein reserves the right to sell, give or otherwise convey the Conservation Easement Area or any portion or portions of the Conservation Easement Area, provided such conveyance is subject to the terms of this Easement and all applicable requirements of the Town of Mansfield and State of Connecticut.

IV. Public Access

Nothing contained in this Conservation Easement Agreement shall give or grant to the public a right to enter upon or use the Conservation Easement Area or any portion thereof where no such right existed for the public immediately prior to the execution of this Easement.

V. Subsequent Transfers

- A. The Grantor further covenants and agrees to incorporate the terms of this easement in any deed or legal instrument by which any interest in all or a portion of the Conservation Easement Area is divested, including without limitation, a leasehold interest. Failure of said Grantor to provide such notice shall not impair the validity of this easement or limit its enforceability in any way.
- B. The Grantor further covenants and agrees to give written notice by certified mail to the Mansfield Town Clerk of the transfer of any interest in the Conservation Easement Area at least five (5) days prior to the date of such transfer. Failure of said Grantor to provide such notice shall not impair the validity of this easement or limit its enforceability in any way. A copy of this notice shall also be sent to the Chairman of the Mansfield Planning and Zoning Commission.

VI. Other Provisions

- A. The Grantor agrees to pay any real estate taxes or other assessments levied by competent authorities on the Conservation Easement Area.
- B. If any provision of this Conservation Easement Agreement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of the easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.
- C. The covenants agreed to and the terms, conditions, restrictions and purposes imposed with this grant shall not only be permanent and binding upon the Grantor, but also upon his lessees, agents, personal representatives, successors and assigns, and all other

SEE SHEET 2 C

SEDIMENTATION AND EROSION CONTROL

1. THE CONSTRUCTION PLAN PROVIDES EROSION CONTROL MEASURES WHICH WILL PREVENT THE EXCESSIVE EROSION OF THE SOILS AND THE EXCESSIVE SILTATION OF THE ADJACENT WETLANDS AND WATERWAYS. THE EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT THE EXCESSIVE EROSION OF THE SOILS AND THE EXCESSIVE SILTATION OF THE ADJACENT WETLANDS AND WATERWAYS. THE EROSION CONTROL MEASURES SHALL BE DESIGNED TO PREVENT THE EXCESSIVE EROSION OF THE SOILS AND THE EXCESSIVE SILTATION OF THE ADJACENT WETLANDS AND WATERWAYS.

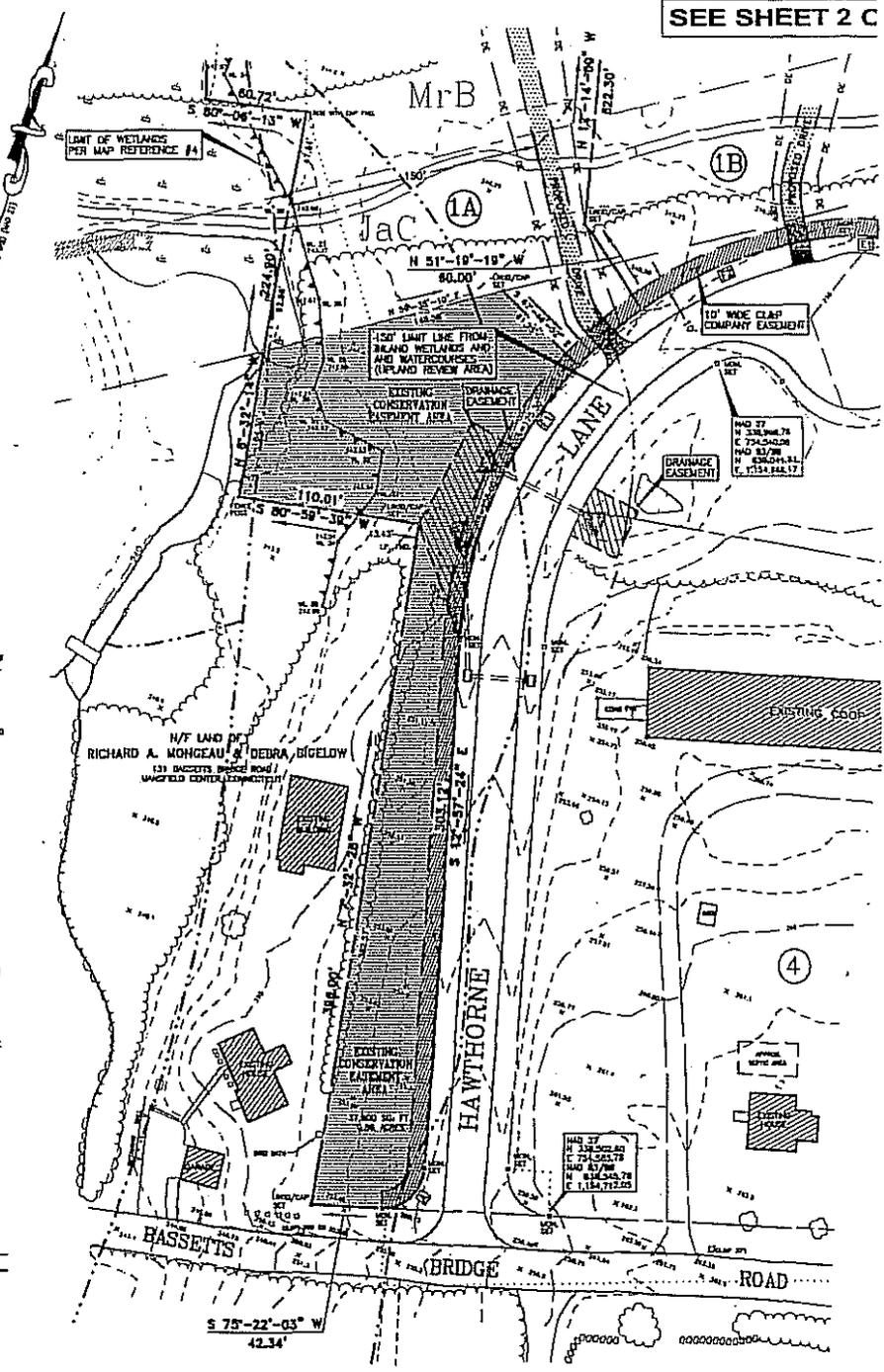
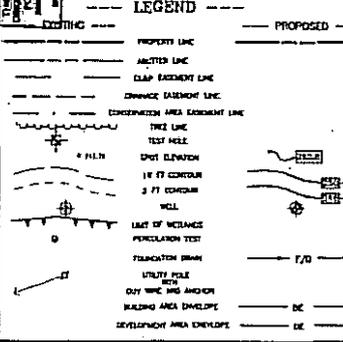
2. THE FOLLOWING PROCEDURES SHALL APPLY TO NEARLY ALL SITES... THE LIMIT OF EROSION SHALL BE ESTABLISHED IN THE FIELD FOR EACH PROPERTY... THE LIMIT OF EROSION SHALL BE ESTABLISHED IN THE FIELD FOR EACH PROPERTY... THE LIMIT OF EROSION SHALL BE ESTABLISHED IN THE FIELD FOR EACH PROPERTY...

3. GENERAL NOTES... A. BEEN BEEN PROVIDED... B. BEEN APPROVED... C. BEING... THE OWNER AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE ADJACENT WETLANDS AND WATERWAYS...

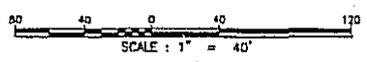
4. PLAN IMPLEMENTATION... PRIOR TO THE START OF CONSTRUCTION THERE SHALL BE A PRE-CONSTRUCTION MEETING WITH THE BUREAU OF CONSERVATION... A COPY OF THE PLAN SHALL BE PROVIDED TO THE BUREAU OF CONSERVATION... THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE ADJACENT WETLANDS AND WATERWAYS...

5. ANY MATERIAL REQUIRED FROM THE AREA... SHALL BE IN FULL COMPLIANCE WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE ADJACENT WETLANDS AND WATERWAYS... THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE ADJACENT WETLANDS AND WATERWAYS...



NOTES
 1.) BEARINGS DEPICTED HEREON ARE BASED ON 1927 NORTH AMERICAN DATUM (NAD 27)
 2.) 1983 NORTH AMERICAN DATUM (NAD 83/88) COORDINATED, DEPICTED HEREON, ESTABLISHED USING C.T.G.S. MONUMENTS 1928 & 1927.



**TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT**

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission
From: Gregory Padick, Director of Planning
Date: June 15, 2010
Re: Request to begin site work, Whispering Glen Multi-family Housing Project
PZC File #1284



Background

On 9/21/09 the PZC conditionally approved the 32 unit Whispering Glen multi-family housing development on Meadowbrook Lane. Final plans have now been submitted and sewer and water elements of the project have been approved by the Willimantic Water Works and Town of Windham. Draft legal documents have been submitted and are under review. A copy of the 9/21/09 approval is attached.

The attached 6/2/10 letter from project engineer, P. Lafayette, requests authorization to begin site work. Article XI, Section C.1.5. of the Zoning Regulations provides for the issuance of a zoning permit for site work including site grading, drainage improvement and road and driveway improvements. Based on the PZC's 9/21/09 approval, a cash site development bond will need to be posted prior to the initiation of any work. A draft bond agreement has been prepared and provided to the developer. Existing approval conditions require erosion and sedimentation controls to be met.

Condition #3 of the PZC's approval, specifies that "unless and alternative approval and filing schedule is approved by the Commission" no work can begin until legal documents for the homeowners association are approved and filed in the land records. Draft association documents have been filed but due to the complexity of the documents and vacation schedules, it will likely take 4 to 8 weeks to approve and file them. At this time the developer is not proposing any building development and since the association documents are most directly tied to the conveyance of ownership rights and responsibilities, staff supports a revision to condition #3 to link the association documents to the issuance of a zoning permit for any units in this project. This approach was utilized in condition #6 regarding affordable housing requirements.

Recommendation

Planning and Engineering staff member have no objection to allowing site work to begin at the Whispering Glen site provided site development bonding is in place and erosion and sedimentation controls are installed and maintained as per approved plans. This approach is authorized by Article XI, Section C.1. If the Commission agrees to the applicants' request, the following motion is appropriate:

That the PZC modify Condition #3 of its 9/21/09 approval of the Whispering Glen multi-family housing development to authorize the Zoning Agent to issue a Zoning Permit for approved site work, but no residential structures, as requested in a 6/2/10 letter from Project Engineer P. Lafayette. This authorization is subject to the following conditions:

1. **Homeowner Association requirements, as specified in condition #3 of the PZC's 9/21/09 approval, shall be met prior to the issuance of a Zoning Permit for construction of residential units.**
2. **Approved erosion and sedimentation controls shall be in place before any site work begins and maintained until the entire project is completed as per approved plans and fully stabilized.**
3. **No Zoning Permit shall be issued until the cash site development bond required pursuant to Condition #7 of the PZC's 9/21/09 approval has been posted and approved with associated bond agreement.**
4. **All other 9/21/09 approval conditions shall remain in full force and effect.**

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Mr. Greg Padick
Town Planner
Town Hall
4 South Eagleville Road
Storrs, CT 06268

June 2, 2010

RE: Whispering Glen
Zoning Permit

Dear Mr. Padick:

My client, Whispering Glen, LLC has asked me to request a zoning permit from the Town for the site work portion of the project, i.e., underground utilities, water, sewer, storm drainage and the roadway (first surface coat only). As you are aware, a majority of the storm drainage and sewage facilities need to be installed in order to service the first phase and construction of the roadway would make access to the site for building construction much easier. Construction vehicle (material delivery trucks, labor, etc.) access on a paved road will also significantly reduce any erosion and sediment occurrences.

Respectfully,

Pat Lafayette
Project Engineer

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

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

FILE

September 24, 2009

Development Solutions
Patrick Lafayette
33 East Town Street
Norwich, CT 06360

Re: Mansfield's PZC Approval
PZC File #1284

Dear Mr. Lafayette,

At a meeting held on 9/21/09, the Mansfield Planning and Zoning Commission adopted the following motion:

"to approve with conditions, the Special Permit application of Whispering Glen LLC, (File #1284) for a multi-family housing development on property located at 73 Meadowbrook Lane, in a new DMR zone, as submitted to the Commission and as shown on plans dated 10/15/08 as revised to 6/30/09 and as described in other application submission and as presented at Public Hearings on 5/4/09, 6/1/09, 7/6/09, and 8/3/09.

This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B, Article X, Section A.6, and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval is specifically tied to the applicant's submissions and the conditions cited in this motion. Unless modifications are specifically authorized, the proposed uses and site improvements shall be limited to those authorized by this approval. Any questions regarding authorized uses, required site improvements, and conditions cited in this approval, shall be reviewed with the Zoning Agent and Director of Planning and, as appropriate, the PZC.
2. No Zoning Permits shall be issued and no construction shall commence, until final plans have been approved by the Windham Water Works (water supply), Windham Engineering Department (sewer), Mansfield Public Works Department (encroachment, driveway, drainage permits) and all permits required by the Connecticut Department of Environmental Protection.
3. Based on application submissions, this approved multi-family housing development will have a unit ownership format and accordingly, all construction, conveyance and ownership of dwelling units and associated site improvements shall be in conformance with the provisions of Chapters 825 and 826 of the State Statutes and the Common Interest Ownership Act for Connecticut, as amended through Public Act 09-225. Unless an alternative approval and filing schedule is approved by the Commission, this Special Permit approval shall not be filed on the Land Records and no construction shall commence, until appropriate legal documents are submitted to and approved by the Town Attorney, Director of Planning and PZC Chairman. Required documents shall address the following requirements:
 - That all unit owners are required to be members of a homeowners association and share in the cost of meeting all association obligations.
 - That all roadways, walkways, drainage systems, sanitary sewer and water systems, utilities, landscaping and any other infrastructure and common area elements shall be constructed and maintained under established best management practices by the developer and/or homeowners association. Particular

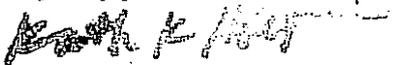
attention needs to be given to short term and long term maintenance requirements for the drainage system, including the detention basin and other drainage structures and the rain garden.

- That appropriate provisions have been made for association governance.
 - That appropriate provisions have been made to ensure adequate funding of all association obligations.
4. Based on the provisions of Article X, Section A.4.d and Article X, Section R and other provisions of Mansfield's Zoning Regulations, this approval accepts the applicants building layout with respect to setbacks from front and side property lines. The proposed setbacks with associated landscaping enhance the overall design of the project and do not detrimentally affect abutting properties.
 5. Based on the provisions of Article X, Section A.6.f, this approval accepts the applicant's proposed minimum separation between buildings of twenty (20) feet for all proposed buildings except for the building containing units 21 and 22. Building 22/23, which encroaches into the proposed recreation/community area and the private patio areas of units 19 & 21, detracts from the overall project design and accordingly, a required separation variation is not authorized. The currently configured building 22/23 shall be eliminated. One or both of these units may be added to other buildings as long as a twenty (20) foot separation distance is met and other site improvements are not significantly altered. Any such revision shall be reviewed and approved by the PZC Chairman, with staff assistance.
 6. This approval is conditioned upon compliance with the affordable housing provisions of Article X, Section A.6.k. Prior to the issuance of any Zoning Permits for buildings containing an affordable unit, more specific provisions that implement the applicant's July 2009 draft "Affordable Housing Strategy" shall be submitted to and approved by the PZC Chairman, with staff assistance.
 7. Prior to the issuance of any Zoning Permit, a cash site development bond in the amount of \$5,000, and with associated bond agreement, shall be submitted to and approved by the PZC Chairman with staff assistance. This bond will help address any drainage and erosion and sedimentation problems that are not appropriately addressed by the developer.
 8. This approval authorizes work to proceed in three (3) phases. Within each phase all site improvements for the subject phase shall be completed and/or bonded, in accordance with zoning provisions, before any Certificate of Compliance is issued.
 9. Prior to the issuance of any Certificate of Compliance, a stormwater and landscape best management program shall be submitted by the developer to address the use of fertilizers, pesticides and other chemicals that may be associated with the maintenance of landscape areas and the use of sand, salts and chemicals that may be associated with the maintenance of roadways and walkways. The program shall also incorporate the Best Management Practices identified in the notes on Sheet 4 of the approved plans. The management program shall be approved by the PZC Chairman, with staff assistance.
 10. Prior to the issuance of any Certificate of Compliance, a right of way dedication along Meadowbrook Lane and a conservation easement shall be submitted by the developer, approved by the PZC Chairman with staff assistance and filed on the Land Records. The easement shall utilize the Town's model format-with exceptions for trail/recreational improvements and sewer lines that pass through the easement area.
 11. All excess material removed from the site shall be deposited in appropriate locations that comply with municipal zoning and inland wetland requirements.
 12. A soil scientist or other professional deemed qualified by the PZC Chairman with staff assistance, shall oversee the wet basin and rain garden plantings.
 13. During periods of construction, the applicant shall submit to the Zoning Agent bi-weekly erosion and sediment control monitoring reports until disturbed areas are stabilized.

14. Finals plans shall incorporate the following additional revisions:
- A. Two sewer line revisions cited in the 7/28/09 report from the Assistant Town Engineer.
 - B. Incorporation of map notes on the landscaping plan that clearly indicates:
 - 1. That no plantings shall be placed within 5 feet of fire hydrants (see 7/29/09 report from Deputy Chief/Fire Marshal)
 - 2. That no plants on the State's Invasive Species list shall be used.
 - C. Relocation/Re-design of handicap parking spaces and signage (see 7/30/09 report from Director of Planning)
 - D. Correction of Sheet 9 detail for 4 foot wide walkway, Sheet 1 Chart of Zoning Requirements and update of cut/fill chart on Sheet 4 (see 7/30/09 report from Director of Planning)
 - E. Grading, drainage and unit floor elevation revisions to address issues raised in a 7/30/09 report from Director of Planning and an undated report from J. Lenard of the Design Review Panel.
 - F. Information presented in narrative form regarding the color and nature of building materials shall be added to the architectural elevation plans.
 - G. Building location revisions to establish a minimum separation distance of 20 feet between all buildings (see 7/30/09 report from Director of Planning).
 - H. Revision to landscape plan to eliminate species that have been identified as inappropriate for this site (see species list emailed to project engineer), and to eliminate on sheet 3 reference to a "mini-sledding area".
 - I. Addition of approval blocks to the Landscape and Architectural plans with appropriate reference to Mansfield Inland Wetlands Agency on all sheets involving work in the IWA's jurisdiction.
 - J. Incorporation of minor revisions and more details to address sanitary laterals, utility installation, particularly in areas with numerous underground utilities, and drainage systems.
15. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records."

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

Very truly yours,



Katherine K. Holt, Secretary
Mansfield Planning and Zoning Commission

**TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT**

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission
From: Gregory Padick, Director of Planning
Date: 6/15/10
Re: 8-24 Referral: Proposed North Eagleville Road Sidewalk



Pursuant to the provisions of Section 8-24 of the State Statutes, the above-referenced sidewalk project has been referred to the PZC for comment. The Town Council held a 6/14/10 Public Hearing on this issue, and if possible, comments should be forwarded prior to the Town Council's 6/28/10 meeting. The PZC has 35 days to report to the Town Council. The following information is provided for the PZC's consideration.

- The proposed sidewalk would be located along the northerly side of North Eagleville Road from Hunting Lodge Road to Northwood Apartments. The walk would be approximately 2,200 feet in length. A copy of the draft plans is attached.
- The project is a joint Town and University of Connecticut initiative. As currently planned, the Town would secure necessary easements and permits and the University will fund design and construction. A wetland permit application is expected to be filed this summer. The need for State permits is under active review. There are no zoning permits that need to be obtained.
- Map 18 of Mansfield's Plan of Conservation and Development depicts the proposed walkway route as a "Mansfield Bicycle and/or Pedestrian Improvement Area." On page 114 of the Plan, North Eagleville Road between Hunting Lodge and Southwood Road is identified in a listing of Municipal Walkway Improvement Needs. Due to limited funding, this project does not extend to Southwood Road but such an extension is possible in the future.
- The subject area is within the Eagleville Brook watershed. The project designers are in the process of submitting plans to the Eagleville Brook TMDL (Total Maximum Daily Load) study consultants who have agreed to make stormwater management recommendations.
- Attached letters from the Director of Public Works and Town Manager provide more information on this proposed walkway project.

Summary/Recommendation

Based on walkway priority project listing and mapping contained in Mansfield's Plan of Conservation and Development, the proposed North Eagleville Road walkway project is fully consistent with Mansfield's Master Plan. It is recommended **that the PZC notify the Town Council that the proposed North Eagleville Road sidewalk project is consistent with Mansfield's Plan of Conservation and Development and implementation will significantly enhance pedestrian safety in this area. All necessary Inland Wetland permits need to be obtained before any construction begins.**

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MEMORANDUM

Town of Mansfield
Town Manager's Office
4 So. Eagleville Rd., Mansfield, CT 06268
860-429-3336
Hartmw@mansfieldct.org



To: Planning and Zoning Commission
CC: Gregory Padick, Director of Planning
From: Matt Hart, Town Manager
Date: June 15, 2010
Re: Referral – North Eagleville Road Sidewalk Project

Pursuant to Section 8-24 of the Connecticut General Statutes, please see the attached information regarding the above captioned matter for your review and comment.

Your assistance with this matter is greatly appreciated.

Attach (1)

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Town of Mansfield
Agenda Item Summary

To: Town Council
From: Matthew Hart, Town Manager *M.H.*
CC: Maria Capriola, Assistant to Town Manager; Lon Hultgren, Director of Public Works; Tim Veillette, Project Engineer
Date: June 14, 2010
Re: North Eagleville Road Sidewalk Project

Subject Matter/Background

As per the information provided in the May 24th meeting packet, the Town has worked out a cooperative funding arrangement with the University of Connecticut to design and build a walkway on North Eagleville Road from Hunting Lodge Road to Northwood Road. Under this arrangement, UConn will fund the design and construction and the Town will obtain the necessary permits and easements for the project.

As well as the public hearing legal notice issued by the Town Clerk, the attached letter was sent to all property owners within 500 feet of the proposed walkway. At this Council meeting or a meeting in the near future, Council will need to refer the project to the Planning and Zoning Commission for an 8-24 referral. We suggest if there are no issues of consequence raised at the public hearing, the referral be done at this (June 14th) meeting. If there are issues to be addressed, we will ask for Council's referral at a subsequent meeting.

Financial Impact

Some funds for walkway projects have been budgeted in the last several years of capital budgets (project # 83308 – Town Walkways/Transportation Enhancements). We estimate the cost of acquiring the easements (the cost of appraisals, legal and the easements themselves) will run under \$10,000, which is available in this capital budget line item. Once the walkway is built, it will add an additional 2,200 feet (.42 miles) of walkway to the Town's approximately 5 miles of existing maintained bike and pedestrian facilities which will require plowing, sanding and sweeping. We estimate this additional cost of manpower and equipment will not exceed \$1,000 per year.

Legal Review

Our attorney for these acquisitions is Dennis Poitras (he handled the acquisitions for the last few of our walkway projects). Atty. Poitras will work with us on these acquisitions and will handle the closings.

Recommendation

Provided there are no new issues raised at the public hearing, staff recommends the Council refer the project to the Planning & Zoning Commission for review under Connecticut General Statutes Section 8-24.

If the Town Council supports this request, the following motion would be in order:

Move, to refer the proposed North Eagleville Road Sidewalk Project to the Planning and Zoning Commission for review pursuant to Section 8-24 of the Connecticut General Statutes.

Attachments

- 1) Letter sent to abutters

TOWN OF MANSFIELD
DEPARTMENT OF PUBLIC WORKS



Lon R. Hultgren, Director of Public Works

AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3331
Fax: (860) 429-6863
hultgrenlr@mansfieldct.org

May 28, 2010

Mansfield Residents/Property Owners on North Eagleville Road
(between Hunting Lodge Road and Northwood Road):

In cooperation with the University of Connecticut, the Town and University are planning to construct an off-road bikeway/walkway along the North side of North Eagleville Road between Hunting Lodge Road and Northwood apartments. This project has been on the Town's priority walkway listing for many years due to the foot traffic on North Eagleville Road in this area. Plans for this section of walkway are now close to being complete and the Town Council has scheduled a public hearing at its June 14, 2010 meeting for this project. The legal notice for this hearing is enclosed.

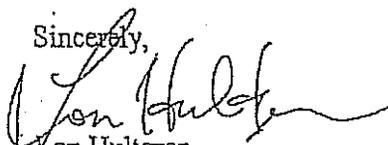
While the actual hearing is scheduled for 7:45 PM, there is another public hearing preceding it, so it may actually start a little later than 7:45 PM.

The plans for this project are available for viewing in the Town's Engineering offices at the Town Office building at 4 South Eagleville Road.

Please feel free to attend this meeting or to contact Tim Veillette, Project Engineer (429-3340) or me (429-3332) with any questions or concerns you may have. In addition, you can submit written or electronic comments on the project if you cannot attend this meeting.

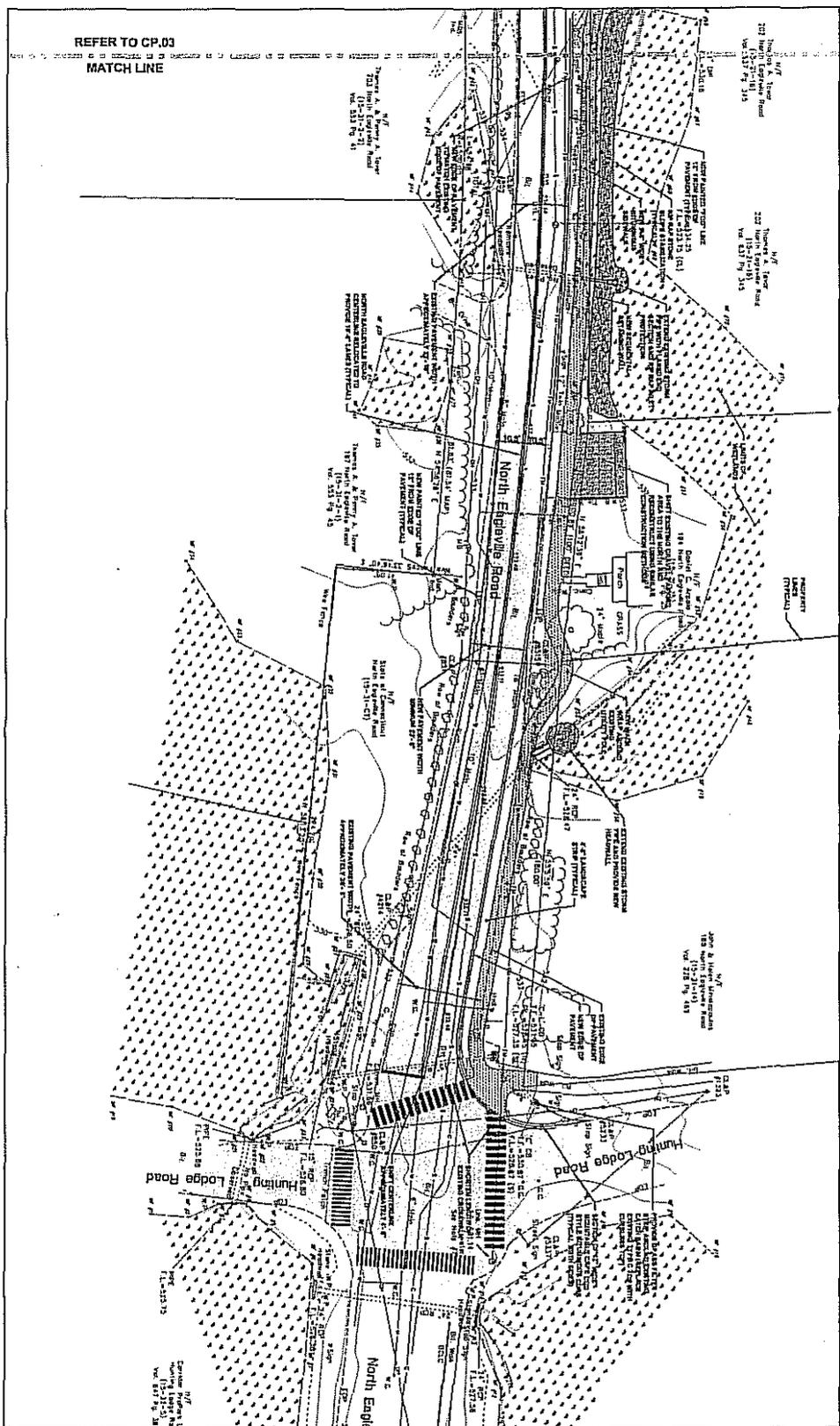
After the public hearing, the plans will be finalized, easements or rights of entries will be obtained and a wetlands permit will be applied for. Construction is planned for later this calendar year.

Sincerely,


Lon Hultgren
Director of Public Works

cc: Tim Veillette, Project Engineer
✓File

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NO.	DESCRIPTION	DATE
1	CONCEPTUAL SITE PLAN	5/12/20
2	CONCEPTUAL SITE PLAN	5/12/20
3	CONCEPTUAL SITE PLAN	5/12/20
4	CONCEPTUAL SITE PLAN	5/12/20
5	CONCEPTUAL SITE PLAN	5/12/20
6	CONCEPTUAL SITE PLAN	5/12/20
7	CONCEPTUAL SITE PLAN	5/12/20
8	CONCEPTUAL SITE PLAN	5/12/20
9	CONCEPTUAL SITE PLAN	5/12/20
10	CONCEPTUAL SITE PLAN	5/12/20

North Eagleville Road Sidewalk Project
University of Connecticut
 Storrs, Connecticut

BWH
 Integrated Services
 200 Main Street, Storrs, CT 06269
 TEL: 860.426.1000
 FAX: 860.426.1001
 WWW: BWHCONNECTIONS.COM

ZONING BOARD OF APPEALS

DECISION NOTICE

On June 9, 2010, the Mansfield Zoning board of Appeals took the following action:

Approved the application of Ray Duplissie for a Special Exception of Art IX, Sec C.2.b to construct a 17'4" x 30' deck onto a non-conforming residence, at 527 Middle Tpk, as shown on submitted plan.

In favor of approving application: Clauson, Fraenkel, Singer-Bansal, Wright

Reasons for approving application:

- does not adversely affect neighborhood
- deck enhances property

Opposed to approving application: Pellegrine

Reasons for opposing application:

- deck was built without proper approvals from town

Application was approved.

Approved the application of Stephen Baker for a Special Exception of Art IX, Sec D.3.a to construct a 425 sq ft porch with staircase access onto an existing residence within a Flood Hazard Zone, at 109 Thornbush Rd, as shown on submitted plan.

In favor of approving application: Accorsi, Fraenkel, Gotch, Pellegrine, Wright

Reasons for approval:

- renovations will enhance safety
- no negative impact on neighborhood
- town services won't be needed as often to deal with flooding problems

Application was approved.

Additional information is available in the Town Clerk's Office.

Dated June 10, 2010

Carol Pellegrine
Chairman

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TOWN OF MANSFIELD



AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
Fax: (860) 429-6863

Fax To:

Chronicle: 860-423-7641; Journal Inquirer: 1-860-646-9867; Daily Campus: 860-486-4388;
WHUS: 860-486-2955; WILI: 860-456-9501; Hartford Courant: 1-860-241-3865; Reminder
Press: E-mail or Q-Notify only

For immediate release

POC: (your name), (phone number)

The Town of Mansfield was honored with a special achievement award by Gov. Jodi Rell and the Connecticut Greenways Council on June 4th. Matt Hart, Town Manager, and Jennifer Kaufman, Parks Coordinator, accepted the award, which was given in recognition of the town's dedication to the development of greenways. Mansfield is fortunate to have a dedicated Open Space Preservation Committee, Parks Advisory Committee, Recreation Advisory Committee, Agriculture Committee, Town Council, Planning and Zoning Commission, and a supportive citizenry. It is through the dedication, expertise, and hard work of these groups in conjunction with Town staff that the town has preserved 2,785 acres of open space, created numerous parks, and developed a Town-wide trail system. Mansfield encourages the use of this system through the town's website where maps, guides, and information are available. In addition, the Town works in partnership with numerous organizations in the region to accomplish its goals. These groups include Joshua's Trust, Natural Areas Volunteers, the Last Green Valley Heritage Corridor, Friends of Mansfield parks, the Willimantic River Alliance, Ct Forest and Park Association, and Friends of Mansfield Hollow.

DEP Deputy Commissioner Susan Frechette joined Connecticut Greenways Council Chairman Bill O'Neill, Vice-Chair Mark Paquette, and CT DEP's Trails and Greenway Corridor Laurie Giannotti for the ceremony, which took place at the Rotary Park Bandstand in Putnam.

Photo: Matt Hart, Putnam Mayor Bob Viens, Jennifer Kaufman, Susan Frechette, and Bill O'Neill.

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**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *Matt H*
CC: Maria Capriola, Assistant to Town Manager; Lon Hultgren, Director of Public Works; Cherie Trahan, Director of Finance; Mary Stanton, Town Clerk
Date: June 14, 2010
Re: Four Corners Water/Sewer Project Design

Subject Matter/Background

Following the approval by the Mansfield Water Pollution Control Authority (WPCA), the Council must adopt a resolution authorizing the appropriation of \$330,000 to be funded by bonds, notes, etc. Secondly, the Council must adopt a resolution calling a Town meeting to vote on the appropriation.

Following the Town Meeting, the Council must adopt a resolution appropriating the funds once again.

Financial Impact

While the requested bond funds are to complete the design of the water and sewer systems, additional funds to actually construct these systems will be required once the design and permitting is complete (1 to 2 years). Current construction costs are projected to be from \$10 to \$16 million, with a good portion of these costs covered by sewer and water assessments, grants and low-interest loans. Additional local bonding in the range of \$2-\$3M is expected to be needed to complete the construction financing. Preliminary financial estimates indicate that these bond funds will be more than offset by the increase in property taxes from the development/redevelopment in this area. Once the sewer and water systems are built, they will be operated as a utility, with the user charges paying for all operation and maintenance costs.

Legal Review

The Town's bond attorney has outlined the procedures and resolutions to be taken by the Council, Town Clerk and Town voters at the Town meeting.

Recommendations

Action #1

Council is respectfully requested to enact the attached resolution appropriating \$330,000 for costs with respect to design of portions of the proposed Four Corners area water and sewer systems, and authorizing the issue of bonds and notes in the same amount to finance the appropriation (see attached).

Approved at 6/15/10 Town Council Meeting

Action #2

approved at
6/14/10
Town Council
meeting

Council is respectfully requested to enact the attached resolution calling a Town Meeting with respect to design of portions of the proposed Four Corners area water and sewer systems (see attached).

Attachments

- 1) Resolutions of the Town Council of the Town of Mansfield (Actions #1 & #2)

**RESOLUTIONS OF THE TOWN COUNCIL OF THE TOWN OF MANSFIELD
JUNE 14, 2010**

Item ____.

RESOLUTION APPROPRIATING \$330,000 FOR COSTS WITH RESPECT TO DESIGN OF PORTIONS OF THE PROPOSED FOUR CORNERS AREA WATER AND SEWER SYSTEMS, AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE THE APPROPRIATION.

RESOLVED,

(a) That the Town of Mansfield appropriate THREE HUNDRED THIRTY THOUSAND DOLLARS (\$330,000) for costs with respect to design of portions of the proposed Four Corners area water and sewer systems, contemplated to include study, testing and permitting for water supply (estimated cost \$200,000), design of a sewage pump station (estimated cost \$100,000), and related work and financing costs (estimated cost \$30,000). The appropriation may be spent for design costs, engineering and other consultant fees, legal fees, net temporary interest and other financing costs, and other expenses related to the project. The Town Manager is authorized to determine the scope and particulars of the project and may reduce or modify the scope of the project; and the entire appropriation may be spent on the project as so reduced or modified.

(b) That the Town issue its bonds, notes or obligations, in an amount not to exceed THREE HUNDRED THIRTY THOUSAND DOLLARS (\$330,000) to finance the appropriation for the project. The amount of bonds, notes or obligations authorized shall be reduced by the amount of grants received by the Town for the project and applied to pay project costs. The bonds or notes shall be issued pursuant to Section 7-259, Section 7-234 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts, as applicable. The bonds or notes shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.

(c) That the Town issue and renew its temporary notes or interim funding obligations from time to time in anticipation of the receipt of the proceeds from the sale of the bonds, notes, or obligations for the project and the receipt of project grants. The amount of the notes outstanding at any time shall not exceed THREE HUNDRED THIRTY THOUSAND DOLLARS (\$330,000). The notes shall be issued pursuant to Sections 7-264 and 7-378, or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes or obligations shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town. The Town shall comply with the provisions of Section 7-378a and 7-378b of the General Statutes with respect to any temporary notes if the notes do not mature within the time permitted by said Sections 7-264 or 7-378, and the Town shall comply with the provisions of Section 22a-479(c) with respect to any interim funding obligations.

(d) The Town Manager, the Director of Finance and the Treasurer, or any two of them, shall sign any bonds, notes, obligations, temporary notes or interim funding obligations by

their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds, notes, obligations, temporary notes or interim funding obligations. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to determine the amount, date, interest rates, maturities, redemption provisions, form and other details of the bonds, notes, obligations, temporary notes or interim funding obligations; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds, notes, obligations, temporary notes or interim funding obligations to provide for the keeping of a record of the bonds, notes, obligations, temporary notes or interim funding obligations; to designate a financial advisor to the Town in connection with the sale of the bonds, notes, obligations, temporary notes or interim funding obligations; to sell the bonds, notes, obligations, temporary notes or interim funding obligations at public or private sale; to deliver the bonds, notes, obligations, temporary notes or interim funding obligations; and to perform all other acts which are necessary or appropriate to issue the bonds, notes, obligations, temporary notes or interim funding obligations.

(e) That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds, notes, obligations, temporary notes or interim funding obligations authorized by this resolution, if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

(f) That the Town Manager, the Director of Finance and the Treasurer, or any two of them, are authorized to make representations and enter into written agreements for the benefit of holders of the bonds, notes, obligations, temporary notes or interim funding obligations authorized by this resolution to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds, notes, obligations, temporary notes or interim funding obligations.

(g) That the Town Manager, or any other proper officer or official of the Town, is authorized to apply for and accept federal and state grants to help finance the appropriation for the project and to apply for and accept state loans to finance the project, and to enter into any grant or loan agreement prescribed by the State of Connecticut or any other grantor or lender. The Town Manager, and any other proper officer or official of the Town, are authorized to take any other actions necessary to obtain any such grants or loans, including without limitation grants or loans pursuant to Section 22a-479 of the Connecticut General Statutes, Revision of 1958, as amended, or to any other present or future legislation, or to implement any such grant or loan agreements. Any grant proceeds may be used to pay project costs or principal and interest on bonds, notes, temporary notes or obligations.

(h) That the Town Manager, the Director of Finance, the Treasurer and other proper officers and officials of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds, notes, obligations, temporary notes or interim funding obligations and to obtain grants to finance the project.

Item 5.

RESOLUTION CALLING TOWN MEETING WITH RESPECT TO DESIGN OF PORTIONS OF THE PROPOSED FOUR CORNERS AREA WATER AND SEWER SYSTEMS.

RESOLVED, That pursuant to Sections 406 and 407 of the Town Charter, the resolution adopted by the Council under Item 5 of this meeting, appropriating \$330,000 for costs with respect to design of portions of the proposed Four Corners area water and sewer systems and authorizing the issue of bonds and notes and temporary notes to finance the appropriation, shall be submitted to a Special Town Meeting to be held Monday, June 28, 2010, which Town Meeting the Town Council hereby authorizes the Mayor to call.

PAGE
BREAK



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April 8, 2010

Re: Water Supply Update/Options

Here is an update on water supply for Ponde Place. We respectfully request a meeting to review and discuss possible next steps involving Ponde Place LLC and the University of Connecticut.

On-site drilling of our 4 individual wells is complete.

- The combined yield is estimated at 15 to 20 gallons per minute (21,600 to 28,800 gallons per day). This was below our expectation.
- Under DPH guidelines, the "safe" yield of the well fields is 90% of the combined yield with the best well out of service. Therefore with the current well fields the "safe" yield would be approximately 9 gallons per minute (13,000 gallons per day).
- The number of student beds that can be supported at full capacity, 15-20 gallons per minute, would be approximately 280, while the "safe yield" calculations only support approximately 170 student beds.
- Our original UCONN allocation (June '06) was for 45,000 gallons per day, or approximately 638 beds which we believe UCONN still needs.
- CWC has successfully reached an agreement with Tolland to extend a new water-main to Mansfield. It will ultimately be \pm 2,000 feet from Ponde Place on Hunting Lodge Road. This trunk line is planned to be ultimately connected to the UCONN water system.
- Several scenarios are possible:

1.) Ponde Place is developed using the "safe yield" formula for 170 student beds.

2.) Ponde Place is developed utilizing the well capacities of all four wells for 280 student beds with UCONN serving as an emergency back-up (0-14,200 gallons/day) in case the best well at Ponde Place goes off line.

3.) Ponde Place is developed in 2 phases, using either scenario #1 or #2 as the initial phase. Anticipating Phase II after the new CWC trunk line is completed in 12-24 months there could be as many as 638 beds.

Additional Information:

- The short fall in student housing still exists. Ponde Place can safely provide 170 beds; but has the potential of 280, with UCONN back-up or even the 638 within 24 months with the CWC system connection in place.
- Ponde Place wishes to initiate and explore with University leadership the variety of options available.
- All other agreed upon conditions with the University are still assumed valid. Foremost among these is the connection with the University Sanitary and the availability of emergency fire service lines to Ponde Place from the University.
- Ultimate construction of both undergraduate and graduate housing is still contemplated.
- Integration with UCONN Student Housing policies and campus security are still contemplated as permitted by existing policies and procedures.
- Local approvals will commence within 45 days of the resolution of the water supply issue.
- Occupancy could be as soon as fall 2011 if all agreements and approvals are in place by July 1, 2010.