

AGENDA

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Tuesday, February 7, 2011, 7:15 p.m.
Or upon completion of Inland Wetland Agency meeting
Council Chambers, Audrey P. Beck Municipal Building

Minutes

1/19/11

Scheduled Business

7:20 p.m. Zoning Agent's Report

- A. Monthly Activity Report
- B. Enforcement Update
- C. Other

7:30 p.m. Public Hearing

Special Permit Application, proposed Sale of Alcoholic Liquor at Randy's Wooster Street Pizza, 1232 Storrs Rd, PZC File #1295

Memo from Director of Planning

7:45 p.m. Public Hearing

3-Lot Re-Subdivision Application (1 New lot), Property on Candide Lane and Stearns Road, J. Listro o/a, File #1296

Memos from Director of Planning, EHHD

8:00 p.m. Public Hearing

12/1/10 Draft Revisions to the Subdivision Regulations, PZC File #907-34

Memos from Director of Planning, Town Attorney, Fire Marshal, EHHD, OSPC, WINCOG

Old Business

1. Zoning Permit Application: Storrs Center Phases 1A and 1B

Memo from Director of Planning

2. Consideration of Action: Sale of Alcoholic Liquor at Randy's Wooster Street Pizza, 1232 Storrs Rd, PZC File #1295

3. Other

New Business

1. 8-24 Referral: Potential Acquisition of Penner Property

Memo from Director of Planning

2. Draft Natchaug River Basin Conservation Compact

Memo from Director of Planning

3. Other

Reports from Officers and Committees

- 1. Chairman's Report
- 2. Regional Planning Commission
- 3. Regulatory Review Committee (Next meeting scheduled for 2/9/11 at 1:15 pm)
- 4. Other

Communications and Bills

1. 1/20/11 Spring Weekend Report
2. 1/24/11 Letter to Mansfield Community Residents from J. Saddlemire, UConn Vice President for Student Affairs Re: Off Campus Housing
3. Winter 2011 CFPZA Newsletter
4. Winter 2011 CLEARscapes Newsletter
5. Notice of 3/12/11 Land Use Law Workshop
6. Notice of 3/3/11 Workshop "How Planning and Zoning Impacts Connecticut Agriculture"
7. Coventry Referral Re: Variance Application, Public Hearing 2/15/11
8. Other

DRAFT MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting

(scheduled for 1/18/11 but postponed until 1/19/11 due to snow storm)

Wednesday, January 19, 2011

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, G. Lewis
Members absent: P. Plante, B. Pociask, B. Ryan
Alternates present: F. Loxsom, K. Rawn, V. Stearns-Ward
Staff Present: Gregory J. Padick, Director of Planning, Curt Hirsch, Zoning Agent

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

Minutes:

1-03-11 - Hall MOVED, Rawn seconded, to approve the 1/3/11 minutes as written. MOTION PASSED UNANIMOUSLY. Beal noted that he listened to the recording of the meeting.

Continued Public Hearing:

Application to amend the Zoning Regulations, Article VII, Section P, Uses Permitted in the Planned Business-5 Zone (proposed addition of Veterinary Hospitals) W. Ernst, applicant, PZC File # 1294

Chairman Favretti opened the continued public hearing at 7:21 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Lewis, and alternates Loxsom, Rawn and Stearns-Ward who were appointed to act. Padick read into the record a 1-5-11 communications received from WINCOG Regional Planning Agency.

Favretti noted no comments or questions from the Commission or the public. Holt MOVED, Hall seconded, to close the Public Hearing at 7:24 p.m. MOTION PASSED UNANIMOUSLY.

Hall MOVED, Holt seconded, to approve the application of Wendy Ernst, (File #1294), to amend Article VII, Section P.2. of the Zoning Regulations to add as a new permitted use in the Planned Business-5 (PB-5) zone "Veterinary Hospitals provided potential noise impacts are addressed in association with the required special permit application", as submitted to the Commission and heard at Public Hearings on January 3 and January 19, 2011. A copy of the subject regulation shall be attached to the Minutes of this meeting, and this amendment shall be effective as of February 1, 2011. Reasons for approval include:

1. The revision is considered acceptably worded and suitably coordinated with related zoning provisions. The proposed wording has been found legally acceptable by the Town Attorney.
2. The subject PB-5 zone contains a number of parcels that are considered potential sites for a veterinary hospital. Mansfield's Special Permit approval process will ensure that potential land use impacts will be addressed.
3. The revision is considered to be consistent with Plan of Conservation & Development goals and objectives and the provisions of Article I of the Zoning Regulations. The revision could promote economic development in one of the Town's limited "Planned Development Areas".

MOTION PASSED UNANIMOUSLY.

Zoning Agent's Report:

Hirsch noted a citation hearing was held regarding the \$2,700 in fines at the Hall site. No decision has been made at this time, but one is expected prior to the next PZC meeting.

Old Business:

1. Consideration of Action, Proposed revision to the Zoning Regulations as noted above, PZC File #1294

See approved motion above.

2. Special Permit Modification Request, Proposed Commercial/Residential Mixed Use on Dog Lane. Storrs Center Alliance, LLC, applicant, PZC File #1246-3

Padick noted the 1-13-11 report from G. Padick, Director of Planning; a 1-13-11 report from G. Meitzler, Assistant Town Engineer; and a 1-13-11 report from J. Jackman, Fire Marshal.

Attorney Tom Cody of Robinson & Cole, Andy Graves and Geoff Fitzgerald of BL Companies, Macon Toledano of Storrs Center Alliance, Tom Trubiana of EDR, and Howard Kaufman of Leyland Alliance, were present to answer questions from the Commission or the public.

Trubiana reviewed the plan for the multi-family housing part of the project, emphasizing that they will be appealing to a broad spectrum of residents.

Holt suggested some interior design changes to make the apartments more appealing and user-friendly, and questioned subletting controls.

Favretti questioned Andy Graves about the conflict between parking and traffic on the north side of the DL-1 building and suggested changes to eliminate this conflict.

Favretti noted no further comments or questions from the Commission or the public.

Beal MOVED, Rawn seconded, that the PZC Chairman and Zoning Agent be authorized to approve the modification request of Storrs Center Alliance, LLC, for building and site improvements on Dog Lane as depicted on plans dated December 21, 2010 as prepared by BL Companies and as described in other application submissions, subject to the following conditions:

1. All applicable conditions contained in the PZC's 7/5/06 Special Permit approval, including but not limited to conditions 2,5,6,7 and 8, shall remain in effect and be addressed in association with the issuance of a Zoning Permit.
2. The site plan revisions cited in the Director of Planning's 1/13/11 report shall be addressed on final plans submitted for Zoning Permit approval.
3. Storefront signage and lighting improvements shall require subsequent PZC review and approval.
4. No work shall begin until a Zoning Permit is issued.

This approval authorizes the proposed automobile repairers use at the subject Dog Lane site and the use of an existing Bishop Center parking area for the subject mixed use project.

MOTION PASSED with all in favor except Hall who was opposed.

3. 3-Lot Re-Subdivision Application (1 New lot), Property on Candide Lane and Stearns Road, J. Listro o/a, File #1296

Tabled pending 2/7/11 Public Hearing.

4. Special Permit Application, proposed Sale of Alcoholic Liquor at Randy's Wooster Street Pizza, 1232 Storrs Rd, PZC File #1295

Tabled pending 2/7/11 Public Hearing.

5. 12/1/10 Draft Revisions to the Subdivision Regulations, PZC File #907-34

Tabled pending 2/7/11 Public Hearing.

New Business:

1. **Zoning Permit Review: Storrs Center Project Phases 1A and 1B**

Padick reviewed his 1-13-11 memo and highlighted the key components. Cynthia van Zelm, Executive Director of the Mansfield Downtown Partnership, invited member to attend the January 25th Planning and Design Meeting at the Downtown Partnership office.

2. **Draft Report: Water Source Study for the Four Corners Area**

The draft report was noted.

Reports from Officers and Committees:

Chairman Favretti noted a 1/26/11 Regulatory Review Committee meeting at 1:00 p.m.

Adjournment:

Chairman Favretti declared the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Katherine Holt, Secretary

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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

Memo to: Planning and Zoning Commission
From: Curt Hirsch, Zoning Agent
Date: February 2, 2011

MONTHLY ACTIVITY for January, 2011

ZONING PERMITS

<u>Name</u>	<u>Address</u>	<u>Purpose</u>
Rich	42 Fern Rd.	garage & shed additions

CERTIFICATES OF COMPLIANCE

Cranmer	33 Adeline Pl.	deck expansion
Maynard	37 Adeline Pl.	shed
Talbot	26 Southwood Rd.	shed
Clark	14 Farrell Rd.	shed

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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: February 2, 2011
Re: Special Permit Application, proposed sale of alcoholic beverages at Randy's Wooster St. Pizza, 1232 Storrs Road, University Plaza, File #1295

General

The subject special permit application seeks approval for the sale of beer and wine at Randy's Wooster St. Pizza, pursuant to the provisions of Art. X, Sec. I and Art. V, Sec. B of the Zoning Regulations. It is specifically noted that Art. X, Sec. I.4(a)(1)(b) authorizes the PZC, under the special permit review process, to authorize liquor permits for restaurants in Planned Business II zones that are within 500 feet of a school, provided:

- Alcoholic beverages are served "from a service bar in conjunction with the service of meals to customers seated at tables within a building" and
- The "premises does not contain a cocktail lounge or area where alcoholic beverages are served to patrons standing or seated at a bar"

Since Art. X, Sec. I.4 (a)(1)(b) was adopted in 1990, the PZC has acted on five applications submitted under this section. In 1990, an application to allow alcoholic liquor was approved for the Golden Crown Restaurant (currently named Chang's Garden); in 1993, a similar permit was issued for Paul's Pizza, in the Marketplace Shops, in 2002, authorization to sell alcoholic beverages was granted to the C.O. Jones restaurant, also in the Marketplace Shops; in 2004 authorization to sell alcoholic beverages was granted to the Oriental Café in the University Plaza; and in 2010 authorization to sell alcoholic beverages was granted to Jack Rabbits at 1244 Storrs Road at Storrs Commons.

The applicant's Statement of Use and submitted floor plan describe an existing 44-seat restaurant that is located in the lower level of University Plaza. The subject location is 275 feet from E.O. Smith High School (building to building). The subject lot is directly across Storrs Road from the High School. The site is over 1,000 feet from the Hope Lutheran Church on Dog Lane. A 250 foot separation distance from Churches is required by the Zoning Regulations. All other nearby land uses are commercial or governmental in nature. The submitted floor plan does not include a cocktail lounge or bar area for alcoholic beverage consumption. As proposed, customers will be served in designated seating areas. There are no proposed changes to the subject building or site. The subject property is served by UConn sewer and water systems.

Analysis

The proposed sale of alcohol, beer and wine, as described by the applicant, complies with the provisions of Art. X, Sec. I.4(a)(1)(b) and therefore, a decision on this application should be based on criteria contained or referenced in Art. V, Sec. B. As noted above, there are no changes proposed to the subject shopping center site and, in this reviewer's opinion, the proposed sale of beer and wine will not significantly alter sanitary, traffic, environmental, parking or aesthetic elements of the site. The approval criteria of Art. V, Sec. A.5 appear to be satisfactorily addressed.

The applicant has submitted certified mail receipts to demonstrate that neighborhood notification requirements have been met. The primary issue involves a PZC judgment regarding neighborhood compatibility and compliance with Art. V, Sec. B.5.c. In reviewing this issue, Public Hearing testimony should be considered with respect to criteria contained within the Zoning Regulations. In evaluating the submittal, the PZC also has the authority to consider additional conditions and safeguards as per the provisions of Art. V, Sec. B.6. For example, Art. V. Sec. 6.e authorizes the PZC to consider “methods or time of operation or extent of facilities.”

Summary/Recommendation

As proposed, the submittal is considered to be in compliance with criteria contained in Art. X, Sec. I.4(a)(1)(b) and Art. V, Sec. A.5. A PZC judgment is required by Art. V, Sec. B.5.c with respect to neighborhood compatibility. Additional conditions and safeguards can be required, as per the provisions of Art. V, Sec. B.6. This reviewer does not expect detrimental land use impacts to result due to the subject proposal.

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

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Planning and Zoning Commission
From: Gregory Padick, Director of Planning
Date: 2/3/11
Re: Listro Resubdivision, 1 new lot on Candide Lane, PZC File #1296



General

The following comments are based on the applicant's submissions (including a 3-page set of subdivision plans dated 11/4/10, as revised to 1/19/11, as prepared by Towne Engineering Inc, and consideration of applicable subdivision and zoning regulations.

The proposed subdivision application seeks approval to develop one new house lot off of Candide Lane. The new lot, labeled Lot 1, would be 3.11 acres in size and would be created on land that would be separated from two existing house lots (labeled Parcel 1 and Parcel 2). Resubdivision approval is required because the current lot lines for Parcel 2 were created in 1998 as Lot 1 of the Orange Judd Estates, Section 4 Subdivision. If the resubdivision is approved, Parcel 2 would be reduced from 5.72 acres to 4.26 acres and Parcel 1 would be reduced in size from 3.92 acres to 2.28 acres. Both Parcels 1 and 2 have existing houses and associated site improvements which would not be affected by the subject resubdivision.

The subject property is located in an RAR-90 zone and all three lots have the required 200 feet of frontage. The three lots also have depicted development and building area envelopes and no setback waivers have been requested. The submittal also includes two conservation easement areas which total 3.16 acres. Most of the conservation easement areas are comprised of inland wetland soils. The proposal includes a new driveway from Candide Lane to serve Lot 1. A wetland license application is pending before the Inland Wetland Agency and no action can be taken until the IWA has taken action. The property is not within a designated flood hazard area and is not within the Willimantic Reservoir drainage basin. It is within a Plan of Conservation and Development designated Stratified Drift Aquifer Area.

To date, no comments have been received from abutting property owners who have been notified as per regulatory requirements. Due to snow conditions, site visits and staff reports have not been completed and it is recommended that the 2/7/11 public hearing be continued.

Sanitary

- See 12/28/10 report from Eastern Highlands Health District. This report indicates that all State Health Code requirements have been addressed.
- The proposed house on Lot 1 will be served by an on site septic system designed for 4 bedrooms and an individual well. The existing houses on Parcels 1 and 2 have separate wells and septic systems.

Road/Drainage/Driveways

- No action should be taken until reports are received from the Assistant Town Engineer and Fire Marshal.
- Due to the previous subdivision, no right-of-way dedication along the Town Roads is required. Existing drainage and CL&P easements are depicted on the plans.
- The plans note that utilities for Lot 1 will be underground and a utility route is depicted as required by Section 6.5.h.
- Lot 1 would be served by a new driveway that would exceed 550 feet in length. The plans depict a driveway pull-off area and turn around area near the depicted new house. These driveway improvements are appropriately sized but the turn around is closer than a required seventy-five foot setback from the new house (see Section 7.11.c). Due to topographic constraints, significant re-grading would be required to meet the standard setback. Section 7.11.c authorizes the PZC to waive the setback and this reviewer has no objections to granting a waiver provided the plan is acceptable to the Fire Marshal. A report from the Fire Marshal may be available prior to the 2/7/11 hearing.
- The Lot 1 driveway has a segment which exceeds a ten (10) percent grade. To help address potential drainage issues, the proposal includes a stone level spreader near the midpoint of the steeply sloped area. Subject to the Assistant Town Engineer's report, driveway drainage issues appear to be addressed satisfactorily. It is noted that Section 7.9 authorizes the PZC to require all driveway segments exceeding 10% to be paved and constructed by the subdivider.
- To achieve a minimum of 300 feet of sightline along Candide Lane, two oak trees (10 and 15 inches D.B.H.) need to be removed. The removal of these trees is not expected to significantly alter the character of Candide Lane.

Environmental Impact/Erosion Control

- As previously noted, these plans are pending before the Inland Wetland Agency. No PZC action should take place until the IWA has acted on the proposal.
- Sheet 3 of the plans includes an Erosion and Sediment Control narrative, and the plans include silt fencing downgradient of driveway, house and septic field construction. An anti-tracking pad is proposed for the Lot 1 driveway. The plans include provisions for daily inspection of controls until all disturbed areas are stabilized.
- The plans need to provide an estimate of the amount of fill needed for developing Lot 1.
- The submittal includes a generic map note regarding solar orientation and the depicted house on Lot 1 has acceptable orientation.
- As per regulatory requirements, soil classification information needs to be added to the plans.
- No portion of the site is within a DEP-depicted area of potentially endangered, threatened or special concern species.
- Portions of the Development and Building Area Envelopes for Parcel A are adjacent to wetland areas. This lot is developed with existing lawn areas and it is understood that the envelopes near wetlands reflect existing developed areas that have been cleared in association with the existing use.

Subdivision Design Criteria

- As noted, the plans depict Development Area Envelopes (DAE) and Building Area Envelopes (BAE) for the subject lots. The plans should specifically note that BAEs serve as setback lines.
- As previously noted, no frontage or setback waivers are needed. However, the BAE for Lot 1 is relatively small and it is recommended that the southerly setback line be moved closer to the parcel 2 boundary line. This will necessitate a setback waiver which should be noted on the plans and noticed on the Land Records.
- Based on Plan of Conservation and Development mapping, wetland portions of the site are within an existing and potential conservation area classification.

- It must be confirmed that no significant trees need to be removed to develop Lot 1. To address Section 6.5.j.3, all trees over 9" D.B.H. within the DAE for Lot 1 should be identified.
- The submitted plans do not address a number of the application submission provisions. The plans need to address requirements to identify specimen trees, soil types, scenic views, and any stone walls or historic features on the property. The plans have not been signed by a Landscape Architect which is not mandatory for a 3 lot subdivision, but on a case-by-case basis, can be required.
- The plans include the required lot area certification and appear to meet the 40,000 square feet minimum DAE requirements.
- A 1/23/11 report from the State Archaeologist indicates no issues or problems.
- To meet regulatory requirements, the Lot 1 driveway must be included in the DAE for this lot.
- On Sheet 2 of the plans, the label "D.A.E." near the northwest corner of Parcel A needs to be relocated to avoid confusion with the property line.
- The BAE and DAE near the northwest corner of Parcel 1 need to be clarified. A BAE cannot extend beyond the DAE.

Open Space/Recreation

- As noted, the applicant has proposed two conservation easement areas to help protect wetland resources. There are no adjacent preserved open space areas and this conservation easement approach is considered appropriate. To facilitate enforcement, consideration should be given to shifting conservation easement boundaries to depicted Development Area Envelopes.
- Assuming the Public Hearing is continued, the proposal should be referred to the Open Space Preservation Committee.
- In 1998 in association with the Orange Judd Estates Subdivision, Section 4 review, the PZC considered a conservation easement for the two lots then under consideration (Parcel A and an adjacent lot off Candide Lane immediately north of the subject resubdivision). At that time the subdivider did not want to grant an easement and suggested a condition that Lots 1 and 2 not be resubdivided. This was accepted by the PZC and incorporated into the approval. The current plan involves both Lot 1 of the Orange Judd Subdivision and an adjacent non-subdivision parcel owned by John Listro. After consulting with the Town Attorney, it is staff's opinion that the 1998 resubdivision prohibition is not legally enforceable due to the changed circumstances and lack of regulatory authorization. Accordingly, the current plan and the appropriateness of the proposed lot division and open space dedication should be acted upon based on current regulations.
- Section 13 provides criteria for judging the suitability of an open space dedication. The PZC must make a final determination based on the criteria and standards of Section 13, particularly subsection 13.1.2. Any approval motion should require the deeds for open space dedications to be finalized before maps are signed. In addition, any approval should require the perimeters of all open space areas to be delineated with the Town's official medallions every 50 to 100 feet.

Other

- Final plans must be signed and sealed by all responsible professionals as per Section 6.3.d.
- Final plans need to be submitted in digital format, as per the requirements of Section 6.3.g.
- Subject to resolution of identified subdivision issues, any approval motion should address the filing requirements of Section 6.12.6.

Summary

Within this report I have identified a number of issues and recommended map revisions that should be reviewed with the applicant and resolved to the PZC's satisfaction. Issues to be reviewed include:

- Confirmation that the plans are acceptable to the Inland Wetland Agency;
- Confirmation that proposed driveway is acceptable based on Mansfield requirements;
- Confirmation that there are no significant specimen trees, stone walls, or scenic views within proposed envelopes that warrant special protection;
- Confirmation that open space dedication requirements have been appropriately met;
- Incorporation of minor mapping revisions cited in this report.

PLAN APPROVAL MEMO

December 28, 2010

Matt Maynard
Towne Engineering Inc
PO Box 162
South Windham, CT 06266

Re: **Subsurface Sewage Disposal System Plan** for: Resubdivision of 2 adjoining lots to become 3 lots, one unoccupied

Address: 12 Candide La & 260 Stearns Rd Mansfield CT

Plan Designed by: Towne Engineering

Plan Date: 11/4/2010, **Latest Revision Date:**

Dear Matt Maynard:

The above referenced plan has been reviewed for compliance with the Connecticut Public Health Code and Technical Standards. **The plan is approved with the following conditions:**

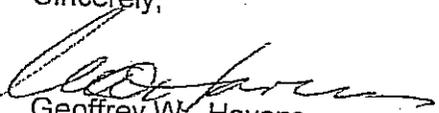
- 1) The site evaluated is suitable for development for a single family dwelling with 4 bedrooms and can comply with the requirements of the Public Health Code pending final approval of a design plan by this office.

Please note that this plan approval is not an approval to construct the sewage disposal system.

If not already done, a completed application and fee for the Permit to Construct the Sewage Disposal System must be submitted to the health district for review and approval. The permit will be approved when all above noted conditions of approval have been met.

If you have any questions, please call the health district office at 860-429-3325.

Sincerely,


Geoffrey W. Havens

Sanitarian II

Cc:



University of Connecticut
Connecticut State Museum of Natural History
Connecticut Archaeology Center

College of Liberal Arts and
Sciences



January 23, 2011

Joseph Boucher
Towne Engineering, Inc.
PO Box 162
South Windham, CT 06266

RE: Listro – 1 Lot Resubdivision
Candide Lane and Stearns Road
Mansfield, Connecticut

Dear Joe,

Thank you for the opportunity to review of the above-named development project for its archaeological sensitivity. A review of the State of Connecticut Archaeological Site Files and Maps show no known archaeological site in the project area. In addition, topographic and environmental variables suggest a low-to-moderate sensitivity for archaeological resources.

The Office of State Archaeology suggests that the above-named development project will have no effect on the state's cultural resources.

Thank you again for this review opportunity. Please feel free to contact me at the university should you have any questions.

Sincere regards,

Nicholas F. Bellantoni, PhD
Connecticut State Archaeologist

An Equal Opportunity Employer

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

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Planning & Zoning Commission
From: Gregory J. Padick, Director of Planning
Date: February 3, 2011
Re: 2/7/11 Public Hearing on PZC-proposed revisions to the Subdivision Regulations
(12/1/10 Draft) File #907-34



General

Please find attached a copy of the legal notice for the February 7, 2011 Public Hearing. This notice provides a summary of the proposed revisions. At Monday's meeting, I intend to make a brief presentation outlining the proposed revisions and rationale for considering the proposed revisions. I also will address any questions from Commission members and the public. After receiving public comments, the PZC will have to determine whether to close or continue the Public Hearing process. Once the Hearing is closed, only technical assistance from staff may be received by the Commission. Current state statutes authorize the PZC to modify the proposed revisions prior to adoption, but to minimize any potential procedural issues, an independent Hearing should be considered for any significant alterations.

Pursuant to statutory requirements, the proposed revisions have been referred to the Town Clerks of neighboring Towns and to individuals who have signed up on the Town's Registry. The proposed revisions have been filed with the Mansfield Town Clerk and have been posted on the Town's web site. Referrals also have been sent to the Town Attorney, Town Council, Zoning Board of Appeals, Eastern Highlands Health District, Open Space Preservation Committee, Conservation Commission and other staff members. All comments received to date are included in the agenda packet. All communications received prior to 4:30 p.m. on Monday, February 7th will be copied and distributed to PZC members.

As with any Subdivision regulation amendment, the PZC must weight anticipated public and private benefits versus anticipated public and private costs. All municipal land use regulations should be designed to serve a community need while protecting the public's health, safety, convenience and property values. The Commission has the legislative discretion to determine what is best for the Town as a whole, and land use regulations can and should be modified to meet changing circumstances or address a recognized public need. Sections 8-25 and 8-7d of the CT General Statutes provide information on the legislative basis, procedure and criteria for considering subdivision regulations revisions. Collective reasons for PZC legislative actions should be clearly documented.

Review Considerations

In reviewing the proposed regulation revisions, a number of factors must be considered. These factors include policies, objectives and recommendations contained in Mansfield's Plan of Conservation and Development and state and regional land use plans and legal appropriateness based on the enabling statutes, particularly Section 8-25.

In general, all of the proposed revisions are designed to promote land use goals articulated in local, regional and state plans and promote and protect the public health, welfare and safety. The draft revisions were discussed and refined at PZC Regulatory Review Committee meetings and the minutes of these meetings (attached) provide additional insight. The explanatory notes provided for each of the proposed revisions summarize the rationale for the draft amendments. The following supplemental comments

provide some additional information for the PZC's consideration:

- Care has been taken to provide explanatory notes after each grouping of proposed regulation revision. The PZC should consider citing some of these notes in any approval action.
- Subdivision reviews are considered administrative processes and if an applicant meets the regulations, approval needs to be granted. By clarifying existing provisions and by establishing a new pre-application process that is designed to promote information sharing and compliance with all applicable regulatory requirements, the proposed regulations will help reduce regulatory uncertainties for applicants and the Commission.
- Although the draft regulations do not mandate the PZC to participate in the pre-application reviews, the draft does not preclude PZC review and comment on Off-Site and Neighborhood Influences Plan, Site Analysis Plans, Conceptual Yield Plans or Conceptual Layout Plans. The State Statutes do provide opportunities for pre-application reviews by a Planning and Zoning Commission.
- A number of the revisions are designed to clarify existing provisions and address statutory changes. Portions of the Subdivision Regulations have been reorganized to promote understanding and practical use by applicants, staff reviews and the Commission.
- One of the most significant changes involve the incorporation of new pre-application submission provisions (Section 5). This change has been proposed in an effort to provide more feedback and guidance to prospective applicants which should expedite final subdivision review processes and help reduce the cost of making application revisions.
- Other significant proposed revisions involve common driveways (Section 7.10), sidewalk/bikeway and trail improvement requirements (Sections 9 and 13.8) and completion of improvement requirements.
- The Open Space Preservation Committee has proposed a few revisions to Sections 7.10 and 13.8 regarding common driveways and open space trail improvements. My review indicates that the PZC could consider some minor revisions to these sections without the need for a new public hearing. Any potential changes to the 12/1/10 draft should be reviewed with the Town Attorney before considering action to incorporate.
- This report was written prior to receipt of the Town Attorney's report.

Summary/Recommendation

The proposed regulation revisions present policy issues for the Commission's legislative discretion. The PZC must determine that the proposed revisions are legally appropriate, promote goals, objectives and recommendations contained in municipal, regional and state land use plans and in general promote the public's health, safety and welfare. The statutory provisions of Sections 8-25 and 8-7d provide a legal basis and procedural guidance for making this determination. The PZC must consider all communications received during the Public Hearing process, but once the Hearing has been closed, no additional input shall be received except for technical assistance from staff. The PZC has the right to modify the proposed revisions prior to adoption, but any significant alterations should be presented through an additional Public Hearing review process. As deemed appropriate by the PZC, the Public Hearing process can be extended to a future meeting.

O'Brien and Johnson

Attorneys at Law

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February 3, 2011

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Planning and Zoning Commission
Town of Mansfield
Audrey P. Beck Building
Four South Eagleville Road
Mansfield, CT 06268-2599

Re: **Proposed Revisions to the Subdivision Regulations**
PZC file #907-34

Ladies and Gentlemen:

As requested by Director of Planning Gregory J. Padick, I have completed my review of the **Proposed Revisions to the Subdivision Regulations** to be considered by the PZC at a public hearing to be held next Monday, February 7, 2011. My study of this file has included a reading of Greg's detailed February 3, 2011 memo to the Planning & Zoning Commission regarding this file.

As you know, the only question for me as town counsel is whether the proposed revisions are legal. For the most part, it is my responsibility to say whether the proposed revisions are within the purview of the Commission's authority under our constitutions and laws, especially Connecticut General Statutes section 8-25, the statute which expressly authorizes the PZC to adopt regulations controlling the subdivision of land to the extent set forth in that particular law.

My review of the zoning law of the State of Connecticut has revealed no legislative provision or case directly on point that provides or holds that any condition or requirement like those proposed in these revisions is beyond the scope of the legislative mandate, or unconstitutional.

My opinion, then, is that the PZC has the legal authority and discretion to enact and to implement the subject proposed revisions to the Town of Mansfield's Subdivision Regulations.

On a much less important note, as I read the December 1, 2010 draft of the proposed regulations, I made some notes regarding a few very minor, totally cosmetic, non-legal changes I suggest to you as follows:

In new section 4.10, line 3, "State Statutes" should be "General Statutes." In section 5.1, near the end of the second to the last line, there should be a comma between "schools parks." On page 8, in the first full paragraph, "Committees" should be "committees."

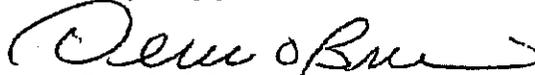
Planning and Zoning Commission
Town of Mansfield
Audrey P. Beck Building
February 3, 2011
Page Two

Next, on page 13, section 7.10, all references to "common driveways" (plural) should be to "a common driveway." For example, the first sentence of subsection f. (near the bottom of page 13) should say: "At any intersection of a common driveway and a street, the common driveway shall . . ." and subsection d should start: "A common driveway serving two (2) or three (3) lots . . ." Similar changes should be made elsewhere in these subsections and in d., and in j. on page 14 as well.

Finally, on page 17, section 14.1, in the third line from the bottom "for new dwellings" should be "for a new dwelling." As these proposed changes are very minor, cosmetic, and not at all substantive, there is no need whatsoever to delay or postpone the February 7, 2011 public hearing, if you choose to adopt them.

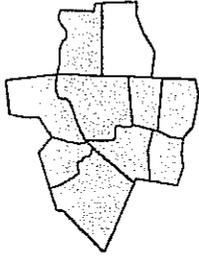
Please let me know if you need any more from me on this.

Very truly yours,



Dennis O'Brien
Town Attorney

cc: Gregory J. Padick
Director of Planning



WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

REGIONAL PLANNING COMMISSION

Date: January 5, 2011
Referral #: 10-12-15-MD
Report on: **Subdivision Regulations**

MANSFIELD

To: Town of Mansfield Planning and Zoning Commission
C/o: Gregory Padick, Director of Planning

Commissioners;

This referral involves: A courtesy referral to revise sections of the Subdivision Regulations.

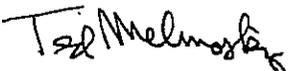
Receipt is hereby acknowledged of the above referral. Thank you for the opportunity to review this courtesy referral.

Comments for Inclusion in the Public Record: The Regional Planning Commission reviewed the proposed amendments to the subdivision regulations. The commission offers recommendations on how proposals can better meet the goals and vision of the Windham Region Land Use Plan, WINCOG's regional guide for conservation and development. The recommendations of the Regional Planning Commission are purely advisory.

- The proposal is not anticipated to create negative intermunicipal impacts.
- The Regional Planning Commission wholeheartedly supports the Mansfield Planning and Zoning Commission in striving to improve the clarity and content of the Subdivision Regulations. All proposed changes are compatible with the Windham Region Land Use Plan 2010.

Questions concerning this referral should be directed to Jana Butts at the Windham Region Council of Governments.

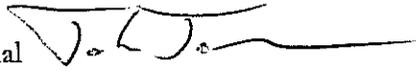
Sincerely,


Ted Melinosky, Vice Chair
WINCOG RPC



Town of Mansfield
Mansfield Fire Department
Office of the Fire Marshal



To: Planning and Zoning Commission
From: John Jackman, Deputy Chief/Fire Marshal 
Date: Monday, December 20, 2010
Re: Proposed Revisions to the Subdivision Regulations

After reviewing the December 1, 2010 draft revisions to the Subdivision Regulations, I have the following comment:

- The proposed revisions to the regulations include reasonable provisions for the delivery of emergency services. Specifically the proposed revision of § 7.10 and 7.11 which regulate common driveways and criteria for driveways exceeding 300 feet in length have been revised to include the recommendations for width, turning radius, parking and signage from the June 10, 2010 Office of the Fire Marshal memo.

OPEN SPACE PRESERVATION COMMITTEE

January 10, 2011

To: Mansfield PZC, Greg Padick

Re: OSPC Comments on Proposed Revisions to the Mansfield Subdivision Regulations

Pre-application Design Process

At their October 19, 2010 meeting, the committee reviewed the pre-application design process as described in the proposed regulations, and they suggested changes. OSPC appreciates PZC's support for this process, and the committee endorsed the current version at their December 21, 2010, meeting.

Common Driveways

Also at their December 21, 2010 meeting, the committee reviewed the proposed common driveway provisions (item 7.10 on pp. 12-14). We appreciated Greg meeting with us in November to explain this part of the regulations. Below are recommended changes to clarify and document this process.

Based on our discussion with Greg, it is our understanding that the common driveway process is as follows:

- 1) For a property *with* sufficient frontage on an existing Town road:
 - a. Developer provides a yield plan/conceptual plan showing proposed lots with frontage on a Town road.
 - b. PZC and/or staff determine that a common driveway accessing the existing Town road is a better choice for two or more lots for reasons listed in 7.10.
 - c. Wherever possible and appropriate, PZC may approve one lot as owning the common driveway and designate easements for access by other lot owners.

OSPC Recommendation: Because a common driveway is a form of waiver, the PZC motion to approve the subdivision should include a statement about the item(s) in 7.10 a. that make a common driveway necessary, as well as the feature or issue specific to the property that supports a common driveway designation. This information, as well as ownership of the common driveway, should also be included on the subdivision plan.

- 2) For a property *without* sufficient frontage on an existing Town road:
 - a. Developer provides a yield plan/conceptual plan showing lots on a proposed new Town road with standard frontage for each lot.
 - b. PZC and/or staff determine that a common driveway is a better choice than a new Town road for reasons listed in 7.10.
 - c. PZC waives the requirement for frontage on a Town road so that frontage on a common driveway can be accepted (see 7.6).
 - d. PZC may also approve a lesser amount of frontage for lots on a common driveway (see 7.6).
 - e. PZC may approve 4 or 5 lots on a common driveway with a $\frac{3}{4}$ vote.
 - f. Wherever possible and appropriate, PZC may approve one lot as owning the common driveway and designates easements for access by other lot owners.

(Continued on next pge)

OSPC Recommendation: Because a common driveway is a form of waiver, the PZC motion to approve this type of subdivision should include a statement about the item(s) in 7.10 a. that make a common driveway necessary, as well as the feature or issue specific to the property that supports a common driveway designation. The motion should also include any waivers on this common driveway. This information, as well as ownership of the common driveway, should be included on the subdivision plan.

Other Common Driveway Recommendations

3) The committee also recommends that the introduction to 7.10 be expanded to include an overview of the common driveway process, including items such as those listed in 1) and 2) above. This would make the process clear to those reading the regulations and reduce staff time needed to explain this process.

4) In 7.10 b, there is a list of reasons for designating a common driveway. Reason number 1 (“Reduce environmental impacts”) is too vague. The committee recommends that the reason number 1 cited in 7.10 a (“Wetlands, steep slopes...etc.”) be reworded and substituted for “Reduce environmental impacts.”

5. The committee also recommends that the regulations require a long-term bond for maintenance of a common driveway. This would insure access for emergency vehicles without the Town incurring expenses for maintenance.

Trail Improvements

The committee also recommends that item 13.8 (Site Improvements) include a statement concerning the location of a trail in relation to proposed homes. Where possible, a trail should be located at least 50 feet from the building envelope. A natural buffer or manmade visual barrier should be provided if possible.



Eastern Highlands Health District

4 South Eagleville Road • Mansfield CT 06268 • Tel: (860) 429-3325 • Fax: (860) 429-3321 • Web: www.EHHD.org

January 18, 2011

EHHD ACHIEVE Initiative

Leadership Team

Ande Bloom, M.S., R.D.
EHHD, Health Education Program Coordinator

Linda Drake, M.S.
UConn, Director of Expanded Food and Nutrition Education Program

Linda Farmer, AICP
Tolland, Town Planner

Chris Grulke, R.N.
Tolland BOE, Nurse Supervisor

Kevin Grunwald, MSW
Mansfield, Director of Human Services

Kathleen Krider
Director, Mt. Hope Montessori School

Elizabeth McCosh Lillie
Region 19 BOE Member

Robert Miller, MPH, R.S.
EHHD, Director of Health

Gregory Padick
Mansfield, Director of Planning

Wendy Rubin, CPRP
Coventry, Director of Parks and Recreation

Bette Day Stern, M.A., CPRP
Mansfield, Recreation Supervisor

Jaci VanHeest, PhD
UConn, Associate Professor

Mary Withey, MSN, APRN
VNA East, Inc. Coordinator of Community Outreach Services

Rudy Favretti, Chairman
Mansfield Planning and Zoning Commission
4 South Eagleville Road
Mansfield, CT 06268

Dear Mr. Favretti:

On behalf of the Eastern Highlands Health District's ACHIEVE (Action Communities for Health, Innovation, and Environmental Change) leadership team I would like to commend the Mansfield Planning and Zoning Commission and the Town of Mansfield Planning office for taking the time to review and update subdivision regulations. The focus of ACHIEVE is to promote and effect change in communities to encourage policies and environments that provide opportunities for healthy eating and active living.

It is clear from the proposed Subdivision Regulations that the Mansfield PZC has taken significant steps to encourage and enable active living in Mansfield. Specifically, the EHHD ACHIEVE leadership team noted that revisions to the following sections of the current regulations can have a positive impact on the community's health and reduce the incidence of chronic disease over time:

Section 6 includes requirements for sidewalks, bikeways, trails and/or other improvements designed to encourage and enhance bicycle and pedestrian use;

Section 9 includes new provisions of pedestrian improvements unless waived by a ¾ vote of the Commission; and

Section 13.8 clarifies park and trail improvements that can be required.

These proposed changes are model practices that exemplify progressive community planning, and contribute to the promotion of healthy behaviors.

Thank you for being a partner in community health.

Sincerely,

Ande Bloom, M.S., R.D.

cc: Matthew Hart
Greg Padick

PAGE
BREAK

MINUTES
PLANNING & ZONING COMMISSION REGULATORY REVIEW COMMITTEE
Tuesday, May 25, 2010
Conference Room C, Audrey P. Beck Municipal Building

Members present: M. Beal, R. Favretti, K. Holt (arrived at 2:14 and departed at 3:00), K. Rawn

Others present: G. Padick, Director of Planning

I. Call to Order

Chairman Beal called the meeting to order at 2:02 p.m.

II. Minutes

4-27-10- Favretti MOVED, Rawn seconded that the 4-27-10 Minutes be approved as distributed. MOTION PASSED UNANIMOUSLY.

5-11-10- The draft minutes were distributed and tabled until the next meeting.

III. Consideration of potential fall 2010 revisions to the Zoning Regulations/Zoning Map

Padick related that the focus of the meeting would be on potential zone changes and any associated regulation revisions. Making direct reference to the current Zoning map and the Planned Development Areas map from the 2006 POCD, the following potential rezonings were discussed:

A. Institutional Zone/RDLI Zone

Padick pointed out that State owned land between UConn's developed Storrs campus area and Route 44 is still zoned Research and Development/Limited Industrial (RDLI). This zone was created in association with the Connecticut Technology Park project and is no longer appropriate for this State owned land. He also noted that State land between Dog Lane and Willowbrook is zoned RAR-90 but contains two dormitories, the Bishop Center and UConn's President's House. After discussion it was decided to propose rezoning both the RDLI zone and the State land North of Dog Lane to Institutional. Padick also agreed to revisit the current permitted use provisions for the Institutional zone with a particular focus on uses identified for UConn's North Campus. The North Campus area could be developed in association with a planned extension of North Hillside Road which could occur in 2011.

B. King Hill Road Area

Padick pointed out that currently approximately 20 acres of land along North Eagleville and King Hill Roads are zoned Planned Business, but the 2006 Plan of Conservation and Development recommends a Neighborhood Business/Mixed Use zone. Noting that this area is immediately adjacent to the UConn Campus, committee members indicated their support for higher density multi-family housing which currently is not authorized in existing neighborhood business zones. It also was noted that commercial uses should be oriented toward serving the UConn campus area and not be of a size and scale that could conflict with commercial initiatives for the Storrs Center and Four Corners areas. Padick noted that a new zone would need to be established with separate permitted use provisions and appropriate references throughout the Zoning Regulations. Committee members supported Padick's work on this rezoning proposal.

C. **Four Corners Area**

Padick and Rawn briefly updated the other Committee members on the current status of the Four Corners sewer and water initiative. It was agreed that the existing Zoning for the planned sewer and water service area need to be reviewed and that if public sewer and water becomes available, permitted uses need to be revised to allow higher density commercial and residential development. Special Design Guidelines for the area also need to be considered. After discussion, it was agreed to postpone working on this issue until additional progress has been made on providing public water and sewer.

D. **Area east of Storrs Road south of Willimantic Water Works**

Padick noted that the 2006 Plan of Conservation and Development recommends Professional Office/Mixed Use Zoning for land between Riverview Road and the Willimantic Water Works property adjacent to the Willimantic Reservoir. Noting that the Plan indicates that this area should be developed as a unified project and that there currently are 6 or 7 separate parcels with single family homes in this area, it was agreed not to initiate any rezoning at this time.

E. **Planned Business area along Route 32 and Route 31**

Padick noted that an area along the easterly side of Route 32 south of Mansfield Auto Parts is zoned RAR-90 but designated in the 2006 Plan as Planned Business. After discussion, it was agreed that any rezoning of this area should be initiated by the subject property owners. This approach was supported due to the existence of two small lots in this area and a desire to promote coordinated development and not lot by lot development.

F. **Village Area Zoning**

Padick noted that numerous village areas are identified in the Plan of Conservation and Development and the Plan recommends consideration of special village zoning to help protect the character of these areas. It was noted that all or part of three of the designated village areas have protection through the Historic District Commission and that some of the village areas no longer have special character or have little or no undeveloped land. It was agreed that members would review the identified village areas with an orientation toward selecting one or more for consideration of special village zoning. Current statutory provisions for village zoning also need to be reviewed further.

IV. **Review of Potential Regulation Revisions**



Padick related that in association with his work on a regional effort to promote healthy communities, he planned to review subdivision and zoning Regulations with respect to walkway, bikeway and trail improvement requirements. Committee members expressed support for this initiative and it was generally agreed that in areas designed for development and for areas adjacent to schools, parks and public facilities, walkway/bikeway/trail improvements should be required unless specifically waived. Padick agreed to add this issue to the listing of higher priority regulation revisions that may be considered at fall 2010 public hearings.

V. **Future Meetings**

After discussion it was agreed to postpone the next committee meeting until July. As appropriate, Padick agreed to email information and any draft regulations to Committee members prior to the next meeting.

MINUTES
PLANNING & ZONING COMMISSION REGULATORY REVIEW COMMITTEE
Wednesday, August 18, 2010
Conference Room C, Audrey P. Beck Municipal Building

Members present: M. Beal, R. Favretti (2:02-3:45), K. Holt, P. Plante, K. Rawn
Others present: G. Padick, Director of Planning

I. Call to Order

Chairman Beal called the meeting to order at 2:02 p.m.

II. Minutes

5-11-10- Favretti MOVED, Holt seconded, that the 5-11-10 Minutes be approved as distributed. MOTION PASSED with Favretti, Holt and Beal in favor and Rawn and Plante disqualified.

5-25-10- Favretti MOVED, Holt seconded, that the 5-25-10 minutes be approved as distributed. MOTION PASSED with all in favor except Plante who disqualified himself.

III. Consideration of potential fall 2010 revisions to the Zoning Regulations/Zoning Map:

A. Regulation Issues

Padick reviewed with Committee members the thirteen (13) regulation issues identified on the agenda. For each issue, he specifically referred to preliminary findings as documented in 4/27, 5/11 and 5/25 committee minutes and related that draft revisions are being prepared based on these findings. After discussing each of the listed items, members generally indicated that the direction provided in these minutes remained applicable. More specifically with respect to item #3 and new subdivision provisions for preliminary site analysis, committee members emphasized that preliminary reviews should be primarily a staff responsibility with potential assistance from advisory committees but not the Planning and Zoning Commission.

B. Zoning Map Issues

1. Institutional Zone

Padick distributed mapping and permitted use information for the UConn campus area Institutional (I) zone and the existing RDLI zone. He suggested rezoning the existing RDLI one to I and revising the permitted uses in the I zone to incorporate research and development and other commercial uses that may be appropriate for the former RDLI zoned land, which is now UConn's North Campus area. In addition to incorporating the RDLI zone into the I zone, Padick identified four (4) other State owned and used parcels which should be considered for rezoning to I. He also pointed out a few apparent inconsistencies between the current digital zoning map and original maps used for approving the subject zones. These technical issues can be addressed without formal rezoning processes.

2. King Hill Road Planned Business 4 Zone

Padick distributed mapping and permitted use information for the King Hill Road area (PB-4 zone), which includes approximately eight (8) acres of existing parking (X-Lot and Farmer Brown's lot), which could be redeveloped. He pointed out that the existing permitted uses provide for a variety of commercial uses as well as a mixed commercial/multi-family housing category. These existing



permitted uses generally are consistent with Plan of Conservation and Development recommendations but they do not address the Plan's suggested orientation toward neighborhood as compared to town-wide uses. Padick noted that Mansfield's two existing Neighborhood Business zones have building square footage restrictions designed to limit intensity of use, but that this orientation does not appear appropriate adjacent to UConn's campus. He also related that student oriented multi-family housing in this area would be consistent with the Plan of Conservation and Development and that existing density provisions need to be reviewed for appropriateness. Padick agreed to work further on potential revisions to the permitted use provisions but that a rezoning to a new classification may not be necessary. It also was noted that adjacent land currently zoned R-90 could be considered appropriate for rezoning to PB-4 or any new zone classification for this area.

3. **Village District Zoning**

Padick distributed a copy of Section 8-2j of the State Statutes regarding the creation of Village Zones and a copy of the Plan of Conservation and Development mapping of Mansfield's village areas. He noted that at least 12 Connecticut municipalities have established village zones pursuant to this Statute. Alternatively, some towns have adopted special design districts that can incorporate standards not provided for in Section 8-2j.

Members briefly discussed potential village district areas in Mansfield and the associated needs to document each village's special character and establish application review processes. It was agreed to continue reviewing this issue.

It was noted that existing publications already document the history and character of Mansfield's villages and that these resources would facilitate the preparation of village approval criteria. Favretti agreed to work with Padick to further review this potential rezoning issue.

** Favretti left the meeting at about 3:45 p.m.

C. **Additional Regulatory Issues**

1. **Directional Signs**

Padick noted that a directional sign issue involving off site real estate signage had been discussed at a PZC meeting and referred to the Committee. After discussion, it was agreed that this issue should be reviewed further. Padick agreed to research how other Towns address off-site real estate signage.

2. **Definition of Family/Student Apartments**

Padick related that while considering potential permitted uses for the King Hill Road PB-4 area, he concluded that the recently revised definition of family, which reduced to three (3) the number of unrelated individuals who automatically qualify as a family, could present a disincentive to the development of new student oriented multi-family housing developments. He noted that the Plan of Conservation and Development supports additional off-campus student housing developments in appropriate locations proximate to the UConn campus. He suggested that consideration be given to amending the regulations to authorize four (4) unrelated individuals in multi-family housing dwelling units that have been specifically designed for student occupancy and approved by the PZC.

MINUTES
PLANNING & ZONING COMMISSION REGULATORY REVIEW COMMITTEE
Wednesday, September 1, 2010
Conference Room B, Audrey P. Beck Municipal Building

Members present: M. Beal, R. Favretti, K. Holt, K. Rawn
Others present: G. Padick, Director of Planning

I. Call to Order

Chairman Beal called the meeting to order at 1:08 p.m.

II. Minutes

~~8-16-10-~~ Favretti MOVED, Rawn seconded, that the 8-16-10 minutes be approved as distributed. MOTION PASSED UNANIMOUSLY.

III. Consideration of potential fall 2010 revisions to the Zoning Regulations/Zoning Map:

Padick updated Committee members regarding the Agricultural Committee's participation in drafting potential revisions to the Zoning Regulations. Padick will continue to work with Agriculture Committee members on this project to update existing Agricultural Regulations.



A majority of the meeting was spent reviewing proposed revisions to the subdivision regulations as distributed to members. Although various sections were discussed, particular attention was given to a new Section 5 "Subdivision Design Objectives/Design Process". This section would require for subdivisions with streets or 4 or more lots, specific submittals to the Director of Planning prior to a subdivision application to the PZC. Subject to further review of the proposed wording of this new section, members expressed support for this proposed approach.

Members suggested a number of specific wording revisions and identified a few sections of the regulations that need more extensive revision. Padick agreed to work further on the subject subdivision revisions which will be presented in a more formal format at the next committee meeting.

A 8/25/10 memo from the Zoning Agent regarding off-site realty signage was briefly reviewed and discussed. It was agreed to revisit this issue in association with other directional signage, including agricultural signage.

Members also briefly reviewed the definition of family/multi-family student housing issues he brought to the committees attention on August 16th. Members agreed that this issue should be reviewed further.

IV. Future Meetings

It was confirmed that the next meeting would be Wednesday, September 15th at 1pm.

V. Adjournment

The meeting was adjourned at 3:12 p.m.

Respectfully submitted,

Katherine Holt, Secretary

DRAFT MINUTES
PLANNING & ZONING COMMISSION REGULATORY REVIEW COMMITTEE
Wednesday, September 15, 2010
Conference Room B, Audrey P. Beck Municipal Building

Members present: M. Beal, R. Favretti, K. Holt, K. Rawn
Others present: G. Padick, Director of Planning

I. Call to Order

Chairman Beal called the meeting to order at 1:05 p.m.

II. Minutes

9-1-10- Favretti MOVED, Rawn seconded, that the 9-1-10 minutes be approved as distributed.
MOTION PASSED UNANIMOUSLY.

III. Consideration of potential revisions to the Subdivision Zoning Regulations/Zoning Map:

 The entire meeting was spent reviewing draft revisions to numerous sections of the Subdivision Regulations. Padick noted that all of the issues identified on the 9/15/10 agenda under item III a, were incorporated into the draft revisions and in addition, he had drafted revisions to address other sections where updating was considered appropriate. Committee members were advised that some of the revisions involved significant changes to the subdivision application process and approval standards. Other changes were designed to clarify and reorganize existing provisions and to document in the regulations existing policies and practices. Particular attention was given to a new Section 5 which would require subdivisions with 4 or more lots and/or new streets to submit for review and comment (by the Director of Planning) both site analysis plans and conceptual plans. This new requirement would have to be addressed prior to a final subdivision application submittal to the Planning and Zoning Commission. Other significant draft revisions involve common driveways, sidewalks, bikeways and trails, preservation of stonewalls, historic features and trees and completion of subdivision improvements.

Members tentatively agreed upon a number of wording changes but it was agreed that more time was needed to study and refine the proposed revisions.

IV. Future Meetings

It was confirmed that the next meeting would be Wednesday, September 29th at 1pm in Conference Room B.

V. Adjournment

The meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Katherine Holt, Secretary

DRAFT MINUTES
PLANNING & ZONING COMMISSION REGULATORY REVIEW COMMITTEE
Wednesday, October 13, 2010
Conference Room B, Audrey P. Beck Municipal Building

Members present: M. Beal, R. Favretti, K. Holt, K. Rawn
Others present: G. Padick, Director of Planning

Call to Order

Chairman Beal called the meeting to order at 1:22 p.m.

Minutes

9-29-10- Holt MOVED, Favretti seconded, that the 9-29-10 minutes be approved as distributed. MOTION PASSED with Rawn disqualified.

Consideration of potential revisions to the Subdivision/Zoning Regulations/Zoning Map:

Padick briefly updated member on the agricultural zoning regulation update which involves coordination with the Agriculture Committee and its subcommittee that was established to work on this issue. It also was noted that a new statewide livestock regulation working group has been set up with the goal of finalizing outreach materials by the end of 2010. Padick is scheduled to meet with the Agriculture Subcommittee members on October 27th.

Members briefly reviewed with Padick a previously distributed 9/29/10 draft of potential zoning regulation revisions that would address agenda items regarding historic preservation criteria, lighting, loading/waste disposal area requirements, notification provisions and setbacks for recreational facilities. He related that he would continue to work on these drafts and spend more time on design standards for major projects. Padick also related that as part of the North Eagleville Brook TMDL study, he was expecting by the end of October, initial draft regulation proposals from the TMDL consultant team regarding storm water management, site development and erosion and sediment control.

Members reviewed with Padick the previously discussed issue that the new definition of family and its three unrelated person provision may deter appropriately located new student housing developments. It was agreed that subject to the inclusion of on-site management and project size criteria and potentially other criteria specifically related to student housing, consideration should be give to allowing four unrelated persons to reside in dwelling units that are designed and approved by the Commission for student occupancy. Padick agreed to draft a revision for the Committees consideration.

➔ Padick briefly explained that the distributed 10/7/10 draft subdivision regulations incorporated previously discussed revisions and now include explanatory notes for each section of the proposed revisions. He related that this draft has been forwarded to the Town Attorney and that a preliminary legal review may be available before the next committee meeting. After discussion regarding potential public hearing schedules, Committee members agreed to forward the draft revisions to the full PZC so that members who are not on the Committee would have more time to consider the draft revisions prior to the scheduling of any public hearing.

Committee members briefly discussed the four agenda identified zoning map issues and there remained overall support to pursue all of the potential revisions. Some of the revisions will necessitate zoning regulation revisions. Members agreed to focus on the potential village district zoning and potential applicability in both rural residential and mixed residential/commercial areas of Town.

Future Meetings

It was confirmed that the next meeting would be Wednesday, October 27th at 1:15 pm in Conference Room C.

Adjournment: The meeting was adjourned at 2:42 p.m.

Respectfully submitted,

Katherine Holt, Secretary

DRAFT MINUTES
PLANNING & ZONING COMMISSION REGULATORY REVIEW COMMITTEE
Wednesday, November 10, 2010
Conference Room C, Audrey P. Beck Municipal Building

Members present: M. Beal, R. Favretti, K. Holt, K. Rawn (arrived at 1:19 pm)
Others present: G. Padick, Director of Planning

Call to Order:

Chairman Beal called the meeting to order at 1:15 p.m.

Minutes:

10-27-10- Favretti MOVED, Beal seconded, that the 10-27-10 minutes be approved as distributed. MOTION PASSED with Favretti and Beal in favor and Holt disqualifying herself. (Rawn had not yet arrived)

Consideration of potential revisions to the Subdivision/Zoning Regulations/Zoning Map:

Padick noted that the primary objective of the meeting was to review additional changes to the November 3rd draft revisions to the Subdivision Regulations and to determine whether the current draft should be forwarded to the full PZC for consideration and the potential scheduling of a public hearing in January 2011. He proceeded to review with Committee members a number of suggested additions and some revisions that were drafted based on previous committee discussions. Particular attention was given to the proposed Section 5 which would establish a new pre-application design process and Section 7.10 Common Driveways. New additions also included a new Section 4.2, referrals to staff/Mansfield Boards and Committees and an addition to Section 5.2.a.2 regarding notifications for those situations where a mandatory pre-application submittal would not be required.

After agreeing upon a number of wording revisions and sections that needed further clarification, Committee members decided that a revised draft should be provided for PZC consideration at the Commission's November 15th meeting. Padick agreed to incorporate the agreed upon revisions into an updated draft which would be distributed at the 11/15/10 meeting.

Padick related that he anticipated having additional draft revisions available for the next Committee meeting. Favretti noted that he had begun his analysis of Mansfield's village/settlement areas and potential approaches to incorporate village zoning provisions.

Future Meetings:

It was agreed that the next meeting would be Wednesday, December 1st at 1:15 pm in Conference Room B.

Adjournment:

The meeting was adjourned at 2:02 p.m.

Respectfully submitted,

Ken Rawn, Acting Secretary

DRAFT MINUTES
PLANNING & ZONING COMMISSION REGULATORY REVIEW COMMITTEE
Wednesday, December 1, 2010
Conference Room C, Audrey P. Beck Municipal Building

Members present: M. Beal, R. Favretti, P. Plante, K. Rawn
Others present: G. Padick, Director of Planning; C. Hirsch, Zoning Agent (arrived at 2:30 p.m.)

Call to Order:

Chairman Beal called the meeting to order at 1:15 p.m.

Minutes:

11-10-10- Favretti MOVED, Rawn seconded, that the 11-10-10 minutes be approved as distributed. MOTION PASSED with Beal, Favretti and Rawn in favor and Plante disqualifying himself.

Consideration of Potential Revisions to the Subdivision Regulations:

→ Padick distributed a revised draft with suggested revisions and additions designed to address issues raised at the 11/16/10 PZC meeting. He noted that the proposed revisions include: clarification of the proposed pre-application design process, incorporation of provisions to provide the PZC with pre-application information and opportunities to comment and incorporation of provisions that specify that any review comments received through the pre-application design process are advisory and not binding. Padick also related that the proposed common driveway regulation revisions had been modified to incorporate a suggestion contained in the Conservation Commission minutes.

After review and discussion, committee members agreed on some additional wording revisions and identified a few other sections that needed further revision. Padick agreed to incorporate the new changes prior to the 12/3/10 PZC meeting.

Consideration of Potential Revisions to the Zoning Regulations and Zoning Map:

Padick related that additional draft revisions to address zoning issues previously discussed had not yet been drafted.

Favretti noted that he was progressing on his review of potential village area zoning districts and would likely have information to share at the next committee meeting.

Consideration of Additional Regulatory Issues Raised by the Zoning Agent

Curt Hirsch joined the Committee and reviewed, on an item by item basis, eight (8) issues identified in an 11/16/10 memo which had been distributed to Committee members. Members discussed each of these issues with Hirsch and Padick and agreed that a majority of the issues should be pursued by drafting potential Zoning Regulations revisions. These issues include: incorporating driveway criteria for single family and two family residences, clarifying what accessory equipment or structures are subject to dimensional requirements and permit requirements, establishing requirements for clothing collection boxes, clarifying signage requirements for agricultural uses and for special events, clarifying provisions for "shipping containers or similar objects", revised provisions regarding corner visibility for fences, walls and hedges and regulating animal rescue shelters, companion animal training and other uses involving animals.

Future Meetings:

It was agreed that the next meeting would be Wednesday, December 15th at 1:15 pm in Conference Room C.

Adjournment:

The meeting was adjourned at 3:21 p.m.

Respectfully submitted,
Ken Rawn, Acting Secretary

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: February 2, 2011
Re: Zoning Permit Application: Storrs Center Project Phases 1A and 1B



As you may be aware, the Downtown Partnership Public Hearing on the Zoning Permit application for Phases 1A and 1B of the Storrs Center project was rescheduled until Feb 3rd. It is expected that the Partnership Board will make its recommendation to the Director of Planning on or before February 8th. Any PZC comments on the plans should be forwarded to me on or before February 8th. This issue has been included on the PZC Agenda for February 7th.

Please contact me at (860) 429-3329 if you have any questions regarding the project plans or the Zoning Permit review process.

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**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: February 2, 2011
Re: 8-24 Referral: Penner Property, White Oak Drive, Jonathan Lane/Fieldstone Drive



Pursuant to the provisions of Section 8-24 of the State Statutes, the above-referenced proposed acquisition of land has been referred to the PZC for comment. The Town Council has scheduled a 2/14/11 Public Hearing on this issue, and if possible, comments should be forwarded prior to the Public Hearing. The PZC has 35 days to report to the Town Council. The following information is provided for the PZC's consideration.

- The property being considered by the Town is 3.9 acres in size, is undeveloped, is situated in an RAR-90 zone and is located between existing homes on White Oak drive, Jonathan Lane and Fieldstone Drive (see attached maps).
- The subject property includes a portion of an Atlantic White Cedar Swamp of statewide significance. Most of the swamp area already is protected through Town ownership or conservation easement and acquisition of the Penner Property has been an open space priority for many years. Due to a pending tax sale, the Town may be able to acquire this site in March or April. The attached 1/24/11 Agenda Item Summary provides more information about the subject site and the pending opportunity to acquire this property.
- Mansfield's Open Space Preservation Committee has reviewed the proposed acquisition. The attached 1/20/11 report from the Committee provides additional information and a recommendation that the Town acquire the Penner Property.
- The Penner Property is within an open space preservation area classification on Mansfield's Plan of Conservation and Development mapping. The subject cedar swamp is specifically referenced in the Plan's Appendix J (Listing of Significant Conservation and Wildlife Resources) and Town acquisition would promote many of the Plan's objectives and recommendations.
- The attached 5/12/04 letter from K. Metzler of the CT. Dept of Environmental Protection specifically notes the importance of the subject cedar swamp.

Summary/Recommendation

Based on open space priority criteria and mapping contained in Mansfield's Plan of Conservation and Development, Town acquisition of the Penner Property would promote Mansfield's Master Plan. The primary benefit of Town ownership would be to help maintain the health and character of a wetland habitat of statewide importance. It is recommended **that the PZC notify the Town Council that the proposed acquisition of the Penner Property would promote Mansfield's Plan of Conservation and Development and would help protect the ecological health and character of an Atlantic White Cedar Swamp of statewide importance.**

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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 *MwH*
Date: February 1, 2011
Re: Proposed Open Space Acquisition – Penner Property, White Oak Drive/Jonathan Lane/Fieldstone Drive

The attached resolution was passed by the Town Council on 1/24/2011.

Pursuant to Section 8-24 of the Connecticut General Statutes, please see the attached information regarding the above captioned matter for your review. A public hearing on this matter has been scheduled by the Town Council for 2/14/2011 at 7:30PM in the Council Chambers.

Your assistance with this matter is greatly appreciated.

Attach (1)

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**Town of Mansfield
Agenda Item Summary**

To: Town Council
From: Matt Hart, Town Manager *M. Hart*
CC: Maria Capriola, Assistant to the Town Manager; Gregory Padick, Director of Planning
Date: January 24, 2011
Re: Proposed Open Space Acquisition – Penner Property, White Oak Drive/Jonathan Lane/Fieldstone Drive

Subject Matter/Background

The 3.9 acre Penner property, which does not have any road frontage, is situated between White Oak Drive, Jonathan Lane and Fieldstone Drive. The parcel is undeveloped and is situated within an Atlantic White Cedar Swamp of statewide significance. With one minor exception, the Penner property is surrounded by preserved open space areas (see attached map).

For many years, Town representatives have attempted to contact the property owner to both collect back taxes and potentially negotiate the transfer of this property to the Town for open space preservation purposes. These efforts have not been successful as the owner, who does not live in Connecticut, has not responded to our communications. Property taxes have not been paid for ten years and currently \$3,240 is owed to the Town. The property is assessed at \$10,220.

We are in the process of scheduling a tax sale to expedite tax collections on a number of properties in Town, including the Penner property. State law prevents a Town from bidding on a tax sale parcel but if no bids are received, the Town can elect to obtain ownership, with payment of the applicable attorney's fees (approximately \$5,000). The alternative process of foreclosure would allow the Town to place a bid for the parcel, but this process would be significantly more expensive.

Although the Penner property is a wetland area, it includes a portion of a White Cedar Swamp that has been an open space priority for decades. At the Town's request, a Department of Environmental Protection (DEP) ecologist examined the swamp as part of the Town's review of the adjacent Wild Rose Estates subdivision. The DEP's visitation confirmed the swamp's significance as a unique and fragile habitat, which supports a state-listed endangered species. Of additional importance, the swamp provides a unique opportunity for research. Town ownership of the Penner property would help to preserve this important habitat and the Open Space Preservation Committee confirmed their support for the Town's preservation of this property at their December 21, 2010 meeting.

Financial Impact

If the Penner property is acquired through the tax sale process, the Town would need to pay the associated attorney's fees (approximately \$5,000). The Town would also need to forgo the collection of back taxes (\$3,240) owed by the present owner. If approved, the acquisition costs would be funded from the Town's Open Space Acquisition Fund.

Recommendation

In conformance with the Town's open space acquisition procedures, staff recommends that the Town Council schedule a public hearing for 7:30 PM at its regular meeting on February 14, 2011, to solicit public comment regarding the potential acquisition of the Penner property. Additionally, this potential acquisition should be referred to the Planning and Zoning Commission pursuant to Section 8-24 of the State Statutes.

If the Town Council supports this recommendation, the following resolution is in order:

Move, to schedule a public hearing for 7:30 PM at the Town Council's regular meeting on February 14, 2011, to solicit public comment regarding the potential acquisition of the Penner property located between White Oak Drive, Jonathan Lane and Fieldstone Drive. In addition, this potential acquisition shall be referred the Planning and Zoning Commission for review pursuant to Section 8-24 of the Connecticut General Statutes.

Attachments

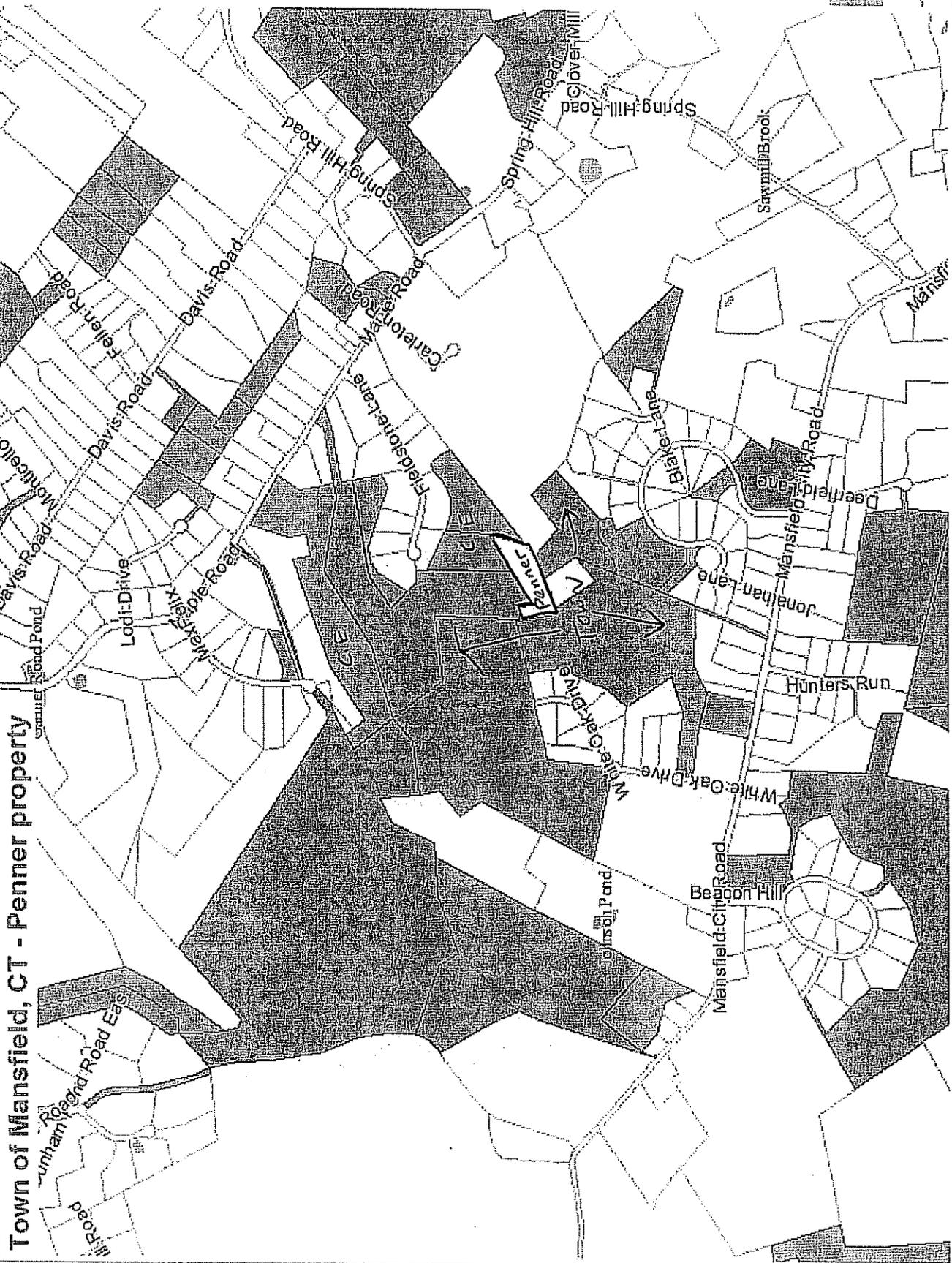
- 1) Map depicting the subject Penner property and adjacent preserved open space areas
- 2) Open Space Preservation Committee re: Town Acquisition of the Penner Property



- Conservation Easement
- Federal Property
- Joshuas Trust
- Joshuas Trust C/E
- Open Space
- Other Open Space
- Private Agriculture
- Private Open Space
- State Open Space
- Trail License
- Uncertain Open Space
- Map Grid
- Towns
- Dimensions
- Address
- Parcel ID
- Area
- Streets
- Parcels
- Powerlines
- Water
- Wetlands
- Town
- Roads
- Highways

1 in = 1224.62 ft

Printed: 1/10/2011



Town of Mansfield, CT - Penner property

MainStreetGIS, LLC - www.mainstreetgis.com / info@mainstreetgis.com
 Disclaimer: This map is for assessment purposes only. It is not valid for use as a survey or for conveyance

OPEN SPACE PRESERVATION COMMITTEE

January 20, 2011

To: Town Council

Re: Town Acquisition of the Penner Property

At their December 21, 2010, meeting, the Committee reviewed the status of the Penner property and renewed their long-time support for the Town's preservation of this property.

COMMENTS:

This 3.9-acre parcel is south of Fieldstone Drive and contains a portion of the main grove of Atlantic white cedar trees in the White Cedar Swamp. Since the 1990's, the Town has gradually protected this swamp, which is of state-wide significance. The Town now owns most of the white-cedar portion of the swamp. This was achieved through open space dedications in abutting subdivisions and by purchase of a parcel in 1992. The Penner property is an in-holding between several two Town-owned parcels. The part of north side abuts a conservation easement on private property. The committee reviewed Town acquisition of this property with reference to the following items:

Town Plan's Open Space Acquisition Priority Criteria:

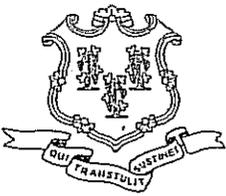
- Town protection would "conserve, preserve or protect a notable wildlife habitat and plant community."
- The white cedar swamp is one of the locations listed in the Connecticut DEP Natural Diversity Data Base, which tracks rare species in the state.
- The white cedar swamp is cited in Appendix J of the Town Plan as part of the Kidder-Sawmill Brook streambelts. It is described as "a significant white cedar swamp between Maple Road and Mansfield City Road that is on State DEP priority list."

Additional benefits of the Town's purchase of this parcel:

Town ownership of the property would eliminate an in-holding and improve protection of the main grove of cedars.

RECOMMENDATION:

The Committee supports Town acquisition of this property for the reasons stated above.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
State Geological and Natural History Survey of Connecticut



May 12, 2004

Mr. Gregory Padick, Town Planner
Audrey P Beck Municipal Building
4 South Eagleville Road
Mansfield, CT 06268

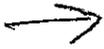
Dear Mr. Padick

Thank you for the opportunity to review the proposed Wild Rose Estates subdivision and its potential impacts on the adjacent Atlantic white cedar swamp. This wetland has always been a particular favorite of mine. In general, I think that the proposed drainage improvements and the water quality/detention basin will be a significant improvement over that which currently exists. I do, though, have several concerns.

- 1) The proposed water quality/detention basin will require the removal and reconstruction of an existing earthen berm. As proposed, this will require the removal of an unknown number of trees placing the top of slope for the new berm within 30 feet of the wetland boundary. Given the likely potential for significant erosion during the construction phase and its subsequent stabilization, it is my opinion that the proposed buffer is inadequate. The water quality/detention basin should be redesigned so that the existing forested buffer is not disturbed.
- 2) The proposed storm drainage system and water detention/renovation, as proposed, will require regular maintenance (sediment removal, mowing, etc.). Who will oversee the maintenance schedule and who will do this work? Is the Town required and/or willing to assume this responsibility?
- 3) The Town should reassess the configuration of the proposed open space. The wetland acreage associated with the cedar swamp should be included as dedicated open space with a conservation easement in favor of or fee ownership transferred to the Town. Single ownership of the cedar swamp will help insure its long-term protection.



Mr. Gregory Padick
May 12, 2004
Page 2



This cedar swamp is an important resource for both the Town and State of Connecticut offering habitat for State-listed species and providing a unique opportunity for research and recreational solace. I am thankful that the Town has recognized its value. Thank you again for the opportunity to provide comments and if you need any other assistance or clarification, I can be reached by phone (860 424-3585) or e-mail (kenneth.metzler@po.state.ct.us).

Sincerely,

Kenneth J. Metzler
Ecologist

TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission, Conservation Commission
From: Gregory Padick, Director of Planning 
Date: February 3, 2011
Re: Draft Natchaug River Basin Conservation Compact

Over the past few years a group of individuals, including representatives from municipalities; federal, state and regional agencies; and conservation and land use organizations; have been meeting to study and plan for land use activities within the Natchaug River drainage basin. Mansfield representatives include: Q. Kessel, Conservation Commission Chairman; L. Hultgren, Town Engineer/Director of Public Works; D. Burchsted, Naubesatuck Watershed Council; S. Westa, Green Valley Institute; P. Bresnaham, UConn Water Resources Institute; M. Reich of the Willimantic River Alliance; and myself. Our work has not yet finished and future efforts will focus on best management practices for public works departments, model land use regulations and public education.

The attached draft compact is now being finalized and will soon be distributed to the Chief elected officials within the Natchaug River drainage basin for review and hopefully, endorsement. The goal is to have every Town in the basin support the compact by April. Before presenting the compact to the Mansfield Town Council, it is considered appropriate to seek the support of the Planning and Zoning Commission and Conservation Commission. It is recommended that the draft compact be reviewed and if considered acceptable, a motion to recommend approval by the Town Council would be appropriate.

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The Natchaug River Basin Conservation Compact

We, the undersigned chief elected officials, on behalf of our municipalities, recognize that:

1. The sparkling rivers and expansive forests of the Natchaug River Basin are a treasure in The Last Green Valley, respected and valued by people within the basin and beyond. The eight towns in the watershed share a common interest in working to preserve the quality of the streams, their interconnected corridors and natural areas, and the basin that encompasses them;
2. The Fenton, Mount Hope and Natchaug Rivers and their tributaries are officially designated state greenways of Connecticut, identified by the watershed communities for their natural, historic and cultural importance;
3. The basin contains a rich diversity of plants and animals in its forests and streams and supplies drinking water to over 65,000 people. The Natchaug River is recognized for its outstanding water quality and the basin contributes remarkably clean water downstream to the Thames River and Long Island Sound; and
4. The ecological health of the watershed is vital to the economic livelihood, physical and social well-being of those who live in, work in and visit our communities. It determines the quality of our drinking water, enhances property values, provides protection from storms and floods, offers recreation and education opportunities, and is integral to sustaining our quality of life.

Furthermore, we understand that:

1. Management of land and water uses throughout the eight watershed communities is key to sustaining watershed health. Therefore, municipal policies that support wise land use decisions and best management practices are essential;
2. Clean air and water, flood security and ample recreational opportunities provided by a well managed watershed are essential for maintaining public health and welfare; and
3. A healthy watershed ecosystem is consistent with each municipality's goals of promoting a vibrant community, preserving town character, fostering ecological integrity, maintaining public health and safety and nurturing sustainable economic growth.

Therefore, the towns of the Natchaug River Basin enter into this voluntary compact that acknowledges their commitment to work cooperatively to balance conservation and growth by:

1. Protecting and restoring the natural resources of the watershed;
2. Reviewing land use regulations and municipal practices and adapting them to be compatible with the goals of this conservation compact;
3. Supporting efforts to link and maintain ecologically viable habitats and rural landscapes; and
4. Ensuring the long-term environmental health, vitality and security of the watershed to enhance the social and economic strength of our communities.

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20 Jan., 2011

Report Recommends Voluntary Moratorium on Spring Weekend

News by Topic: [University News](#)

To: The University Community

From: Philip E. Austin

In May 2010, President Hogan established a Task Force charged to develop proposals to “De-Escalate Spring Weekend.” The Task Force, chaired by Provost Peter Nicholls and comprising members of the administration, representatives of the Town of Mansfield, and the State Police, was charged with “developing a set of actionable strategies which will result in substantial reduction of violence and risk related to UConn’s Spring Weekend.” The Task Force met on a number of occasions, consulted broadly with on-campus governance groups as well as off-campus constituencies, developed a report, and presented their recommendations to me for consideration. The report can be viewed in its entirety below.

I accept this report and the recommendations presented within.

I particularly endorse, and urge all members of the University community to support, the recommendation that we ask students to engage in a voluntary moratorium on Spring Weekend in 2011. The reasons for this are clearly outlined in the report. The safety of our students is paramount, and I believe we must do everything we can to eliminate the risk of violence during the particular weekend in question and throughout the year.

Let me express my appreciation to the Task Force for their diligent work and for their thoughtful proposals. I urge students, staff, faculty, and friends of the University to work together to implement the proposals of the Task Force.

Report of the UConn Spring Weekend Task Force

Background

“Spring Weekend” at UConn first developed in the 1960s and has existed in different incarnations since that time, usually taking place on the last weekend before spring semester final exams. In its earlier years, the gathering was relatively small and composed mainly of UConn students.

However, with each passing decade, the number of people attending Spring Weekend became progressively larger in size. Outside of any design or intention of the university, it eventually grew into massive gatherings over three nights that included huge numbers of people with no connection to the university who traveled from elsewhere in the state or the region to attend.

By the 1990s, far from the comparatively sedate gathering it once was, the modern Spring Weekend had become vast, unwieldy, unpredictable and dangerous; the hallmarks of the unsanctioned gatherings included increasingly more vandalism, medical emergencies, recklessness, drug and

alcohol abuse, aggression and violence. It is estimated that non-UConn students began making up at least half of the assembled crowds.

In 1998, after especially chaotic and disturbing nights on Thursday and Friday, the university made the decision to close X-Lot – the traditional Saturday night gathering place – in an effort to forcefully prevent the event from happening on land or property controlled by the university. In response, the crowds surrounding X-Lot grew combative and violent and began assaulting emergency responders. The situation then deteriorated into destructive confrontations between the assembled crowds and law enforcement, who were working to preserve order and safety. This resulted in numerous injuries, scores of arrests and extensive property damage throughout campus. It also created a lasting stain on the university's reputation.

Since that time, the university, the town of Mansfield and the state have taken new and different approaches to effectively managing the uninvited crowds during Spring Weekend. These efforts are aimed at reducing risk, property damage and violence while also preventing the kind of confrontational dynamic that was created in 1998. At the same time, the sheer volume of Spring Weekend participants has continued to grow steadily over the last decade to the point that police estimated crowds to be as large as 10,000 – 15,000 in recent years, including a number of high school-aged individuals. In contrast, the crowd in 1998 was estimated to be roughly 4,000.

The risks associated with the three-day event have continued: UConn and state police made over 100 arrests in 2010 for numerous offenses ranging from narcotics to weapons possession to assault. The presence of gang members has also been noted. Additionally, in recent years, there has also been an increase in the size and frequency of additional off-campus gatherings during other times of the year, though Spring Weekend remains by far the largest.

Though the fact it exists at all creates inherent risks, it is the behavior that occurs while it is going on that makes Spring Weekend so problematic. The data associated with Spring Weekend reveals important details about the root of the problem:

- Of the 84 individuals arrested by UConn police over the three day period in 2010, 70 of them – or 83% – were not UConn students. According to UConn police, that percentage is typical for the weekend in recent years, with between 80% and 90% of arrests each year involving people with no connection to the university.
- Of all the individuals treated for medical issues during Spring Weekend – including those who were dangerously intoxicated or were hurt in accidents or fights – UConn's Health Services Director Michael Kurland has said that between 80% and 90% are non-students.
- In 2010, there were between 6,000 and 7,000 registered guests – and an unknown number of unregistered guests – staying on campus with UConn students over Spring Weekend.

For many years, the university sponsored Spring Weekend events on campus, such as concerts and games, as a means to provide alternative activities and draw students away from the unsanctioned off-campus gatherings that revolve around alcohol consumption. However, it became clear that the university-sponsored events could not effectively compete with the draw of the off-campus parties and this effort was never successful. Many students often participated in both the sanctioned and unsanctioned events and non-students came to Mansfield specifically for the off-campus gatherings. There is little evidence that recent alternative on-campus university programming during Spring Weekend has or will meaningfully reduce the number of people who participate in the off-campus gatherings.

Not wishing to draw more people to campus or give any appearance of supporting Spring Weekend, the university has reduced or eliminated many university-sponsored events during the weekend. It has

also encouraged students to not participate in the unsanctioned Spring Weekend events, most especially the gatherings at Carriage House, Celeron Square and X-Lot, none of which the university condones in any way. Further, UConn has closed roads and parking lots and set up sobriety checkpoints, along with state police, to discourage non-students from traveling to Storrs and to stop intoxicated people from driving.

In the interest of preserving public safety and the security of the campus and community, UConn, the state and surrounding towns have police, fire and emergency medical services on hand during Spring Weekend. Though this is costly, the consequences of not doing so are obvious.

Because Spring Weekend is so problematic, many in and out of the university have asked why UConn does not simply “cancel” the event. Those who support Spring Weekend are correct when they say it has become a tradition – albeit an unwanted, expensive and dangerous one – which many students often feel entitled to participate in. It is a tradition that has grown and developed organically over more than four decades and is ingrained as part of the culture, not only for UConn students but for thousands of non-students who travel to Storrs. This has made it the kind of problem that is most difficult to address. Spring Weekend is a case of thousands of people gathering against the university’s wishes, not the university inviting thousands to gather. It must be understood that if there were any realistic, practical way for the university to end Spring Weekend outright, then it would have done so many years ago.

This is especially true in the wake of the most recent Spring Weekend.

Shortly after midnight on Friday, April 23, 2010 following the off-campus gathering at the Carriage House apartment complex, UConn junior Jafar Karzoun was brutally assaulted outside a restaurant on North Eagleville Road just beyond the edge of campus. Eight days later, on Saturday evening, May 1, he died as a result of his injuries. He was 20 years old.

A 19-year-old man, a non-UConn student in Mansfield to attend Spring Weekend, was arrested and later charged in Jafar’s death.

Spring Weekend Task Force

On May 7, 2010, days after Karzoun died, a task force composed of UConn administrators and later Mansfield officials and state police was created by the university president. The mission of the task force was to recommend steps the university could take to “deescalate” Spring Weekend – to make it smaller, more manageable, less attractive to students and non-students alike – and above all, to reduce the risk of violence.

This was certainly not the first time the university had devoted time and effort to these questions. In 2008 and early 2009, a committee of administrators, faculty, staff and students met regularly and presented a report on Spring Weekend to the Board of Trustees Student Life Committee on possible ways to address the event.

In the year that immediately followed, Jasper Howard and Jafar Karzoun were killed. The fact that the second of these two deaths took place during Spring Weekend – realizing a long-held fear on the part of the university – added a new urgency to the goal of deescalating the event. The work done by the previous Spring Weekend committee is an important basis for this report and its recommendations.

The fundamental issue is devising new solutions for an old problem. As was noted above, if there were a practical way to end Spring Weekend, the university would have eagerly implemented it long

ago. It is clear to the members of the task force that, in the end, there are variations on only two realistic options:

- a) Forcefully stop people from gathering
- b) Discourage non-university students from attending the non-sanctioned events

The problem with the first option – using mass force in an attempt to prevent anyone from gathering at all – is that it necessitates confrontation and would require more resources in the form of emergency personnel than could possibly be provided.

The fact remains that thousands of individuals are going to attempt to gather for Spring Weekend whether the university wants them to or not. Much about UConn has changed in the last 12 years, but there is no reason to believe that the dynamic between revelers and law enforcement would be any different now than it was in 1998. Meeting them with a very aggressive response would undoubtedly trigger the same kind of angry, violent, ugly confrontations that were seen then. The possibility that a Spring Weekend participant may bring a weapon to campus greatly increases this concern. And knowing that Spring Weekend crowds today are more than twice as large as they were 1998, it has the very real potential to become disastrous.

We firmly believe that a hyper-aggressive approach such as this would come at a terrible cost that far exceeds its value.

On the second option: the police provide a strong, judicious presence that seeks to stop crime from occurring – particularly any kind of violence – without simultaneously creating large-scale confrontations between police and revelers.

Approaching the event like this is clearly an effective way to manage these gatherings that wisely bridges the divide between a very aggressive, confrontational approach and something more hands-off. Yet the inherent risks to life and property continue to exist under this approach, because Spring Weekend continues to exist. Perhaps future years will be uneventful, or perhaps there will be another tragedy. It is only a matter of chance and time.

So the question becomes, what *will* deescalate Spring Weekend? Examining and recommending such options was the charge of the task force.

Recommendations

We present these recommendations for consideration by UConn's president and for discussion among students, staff, faculty, town government and residents. They are presented with an acknowledgement of the complexity of managing conduct outside of the jurisdiction of the university campus. Whether they are implemented is ultimately the decision of the university administration in partnership with the town of Mansfield. How they are effectively implemented will be the subject of future work on the part of this task force and other stakeholders.

The goal behind them is three-fold: 1) to significantly reduce the size of crowds present on and around campus over Spring Weekend, especially non-students; 2) to reduce the risk of and potential for crime during Spring Weekend; 3) to deter individuals from participating in Spring Weekend gatherings.

Our recommendations are as follows:

- **Prohibit guests in dormitories on all three nights of Spring Weekend.** In 2010, between 6,000 and 7,000 registered guests spent a portion or all of the period associated with Spring Weekend staying with friends or acquaintances on campus. These guests played a major role in contributing to the extraordinary volume of the Spring Weekend gatherings, making them more difficult to manage and increasing the risks associated with them. This flood of non-students onto campus contributing to crowds of between 10,000 and 15,000 is intolerable. In addition to banning non-students from dormitories during this period, non-students will not be admitted to UConn's dining halls.
- **Aggressively work to prevent non-students from successfully gaining access to campus or the nearby off-campus complexes to participate in Spring Weekend.** As was mentioned above, only 14 of the 84 people arrested by UConn police during this past Spring Weekend were UConn students, meaning 83% of those arrested were non-students. Similarly, between 80% and 90% of people requiring medical attention during Spring Weekend are non-students. It is clear that those with no connection to the university who travel here for Spring Weekend cause the vast majority of the problems the event generates. They represent a threat to the safety of UConn students, the campus and the community. We suggest that law enforcement continue and enhance the effective strategies they began in 2010 aimed specifically at preventing non-students from being able to participate in Spring Weekend.
- **When possible, cancel remaining university-sponsored events associated with Spring Weekend and cancel other evening events on campus during this period, including those at the Jorgensen and the Student Union.** Even positive on-campus events during this period make it more difficult to effectively bar non-students from gaining access to campus as it must remain porous to some degree to allow for travel. Also, again, there is no evidence that official on-campus programming has any effect on the unsanctioned events.
- **Propose a voluntary moratorium on Spring Weekend in 2011 in light of the deaths of Jafar Karzoun and Jasper Howard.** In recognition of these losses, we recommend that students be asked to not participate in any Spring Weekend activities out of respect for their late classmates. All students who are able to should be encouraged to return home for the weekend. Students who celebrate Easter can take advantage of the fact the holiday weekend falls on what has traditionally been the Spring Weekend period this coming year. The long term goal of the university is to continually deescalate Spring Weekend – both on and off-campus. A one-year moratorium this April will serve as the foundation of that effort.
- **The university should more aggressively engage area landlords to help address aspects of Spring Weekend.**

We are aware that despite the risks and possible consequences, there are many UConn students who see Spring Weekend as an entitlement. There is undoubtedly a perception that the university's efforts to significantly limit and curtail Spring Weekend represent an effort to unfairly erode the enjoyment some associate with it.

All involved should understand that the university's first and greatest concern is the safety of our students and the sanctity of our campus and the surrounding community. Spring Weekend has without question become a magnet for toxic behavior and criminality that poses too great a risk to the UConn community for the university to tolerate it any longer in its current form. This is our sole motivation in seeking to diminish it. We look forward to discussing our recommendations with students, faculty, staff and the town of Mansfield in the coming weeks.

Task Force Members:

Peter Nicholls, Provost & Executive Vice President (Chair)
Colonel Thomas Davoren, Deputy Commissioner, CT Department of Public Safety
Barry Feldman, Vice President & Chief Operating Officer
Matthew Hart, Town Manager, Town of Mansfield
Robert Hudd, Associate Vice President & Chief of Police
Paul McCarthy, Senior Associate Director of Athletics/Administration (Staff)
Betsy Paterson, Mayor, Town of Mansfield
John Saddleire, Vice President for Student Affairs
Ralph Urban, Assistant Attorney General
Jim Walter, Associate Vice President for University Communications

Dec. 22, 2010



University of Connecticut
Division of Student Affairs

Vice President's Office

John R. Saddlemire, Ed.D.
Vice President

January 24, 2011

Dear Mansfield Community Residents:

Most University of Connecticut students who live off-campus are good tenants, neighbors and community members. For them, semesters come and go without incident or complaint from their neighbors. However, some rental facilities occupied by students stand out because of unacceptable behavior by the student tenants and their guests. For most students, this is their first time living independently. The process by which students learn about their rights *and* responsibilities as a neighbor and community member is new to them and ongoing. The University takes an active role in this process, working with the Town of Mansfield to address specific student issues as they arise. Here is an overview of these efforts.

Education

The creation of the **Off-Campus Student Services Office** in 2007 has provided a focal point for educating students on their rights and responsibilities to the community. Some of our educational initiatives include:

- Off-Campus Housing Fairs each semester provide students with information on housing options, community resources and Town of Mansfield services
- The Off-Campus Community Leader program, a network of students hired to increase communication, serves as a resource and builds community where they live
- The Off-Campus Housing Guide includes information on living off campus, University expectations and Town ordinances

Student Code of Conduct: Off-Campus Jurisdiction

The University of Connecticut has off-campus jurisdiction over student behavior off campus, through the *Responsibilities of Community Life: The Student Code*. The Code, adopted by the University's Board of Trustees, has legal standing and holds off-campus students accountable for misconduct. The **Community Standards Office** and **Off-Campus Student Services** use a specific protocol to help Mansfield residents, town management, and Police personnel refer situations to the University. The protocol requires that every situation reported be investigated and that action be taken by either the Community Standards Office or Off-Campus Student Services. These actions range from a university visit to the student to formal processes which could lead to suspension or even expulsion. Landlords are also notified when a visit is planned. The full text of the protocol can be found at: http://www.offcampus.uconn.edu/behavioral_protocol.html

An Equal Opportunity Employer

Wilbur Cross Building
233 Glenbrook Road Unit 4121
Storrs, Connecticut 06269-4121

Telephone: (860) 486-2265
Facsimile: (860) 486-1194
e-mail: john.saddlemire@uconn.edu
web: www.studentaffairs.uconn.edu

One Division. Multiple Services. Students First.

For a complete explanation of the *Responsibilities of Community Life: The Student Code* as well as the multiple services of the Office of Community Standards, please visit their website at:
<http://www.community.uconn.edu/>

Town Gown Relations

The University of Connecticut works with the Town of Mansfield to address off-campus student conduct in other ways, including:

- Appointments of senior level staff to the Town University Relations Committee and Quality of Life Committee
- Assignment of staff to work with Town staff on issues related to off-campus behavior

Both committees have spent considerable time discussing student behavior.

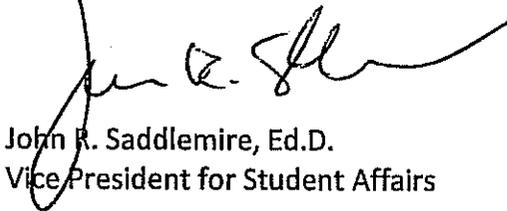
Mansfield Community-Campus Partnership

The University of Connecticut supports the work of the Mansfield Community-Campus Partnership (MCCP) by committing staff and other resources to the group's projects and initiatives, including:

- Conducting door-to-door visits to over 586 off-campus rentals (both apartment complexes and single family homes) in the Mansfield area at the beginning of the Fall semester to welcome students to the community and provide resources for a successful experience
- Coordinating community cookouts so that students can meet their non-student neighbors in neighborhoods where they live.

In sum, UConn has and will continue to work with the Mansfield community to educate students about living in a diverse community and to hold students accountable for their behavior. It is understood that the University has a formal role, as do the Town of Mansfield staff, Connecticut State Police and landlords, in improving the off-campus experience for all the Mansfield residents. As always, community members facing emergency situations should call 9-1-1. Residents concerned about on-going student misconduct should refer to the reporting protocol outlined above or contact **Off-Campus Student Services at (860) 486-3426** to discuss how the University can assist. Members of the public should be aware, however, that information about individual disciplinary processes cannot be provided because of federal law (FERPA).

Sincerely,



John R. Saddle mire, Ed.D.
Vice President for Student Affairs

For Immediate Response to Emergency Concerns: Call the Police at 911

For reporting concerns about chronic behavior issues: Call the UConn Off-Campus Student Services Office at 860.486.3426

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER*

Winter 2011

Volume XV, Issue 1

STATE'S HIGHER COURTS ADDRESS ISSUE OF CONDITIONAL APPROVALS

It is generally accepted that decisions by land use agencies to approve an application can have conditions attached to them. However, what if a condition is that another agency takes action and the approving land use agency has no control over that other agency? The old rule was that a condition of approval that requires action by another body which the approving commission has no authority over is improper unless the action appears to be a probability.

This rule was reexamined by the State Supreme Court which saw fit to modify it in a case entitled *Gerlt v. PZC*, 290 Conn. 313 (2009). In this case, a planning and zoning commission approved a site plan application to approve a shopping center with conditions, one of which was the granting of certain access easements by the town to the developer. When the decision was appealed, one issue raised was that this condition was improper as the Commission had no control over the Town to make it grant the needed easements.

In finding the condition valid, the Court first made the finding that evidence in the record demonstrated the probability that the Town would grant the easements. The Court then went on to provide an additional reason that the condition was valid – that without the easements, the approval would be

invalidated. This implies that a condition to an approval is valid if the action required of the other agency, if not taken, would invalidate the approval.

The State Court of Appeals addressed this rule in the realm of an affordable housing appeal, bending the rule so as to allow the affordable housing development to move forward. A planning and zoning commission had initially denied the affordable housing application in part because the water pollution and control commission had issued a negative report. This negative report was due to a concern that the proposed development would exceed the capacity of the existing treatment plant.

On appeal, the trial court remanded the matter to the Commission with an order that it approve the application with the condition that the water pollution and control commission approve an application submitted to it.

This condition was appealed to the Appellate Court, which upheld it. Just as the Supreme court had found, a condition which requires action by another body is valid if the underlying approval would be invalid without it. *See CMB Capital Appreciation LLC v. PZC*, 124 Conn. App. 379 (2010).

NON-RESIDENT CAN APPEAL ZONING DECISION

The owner and developer of large parcel of land sought to re-subdivide it into two parcels and convert an existing building into a church on one of them. The property was located on

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CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Winter 2011

Volume XV, Issue 1

the New York border. The applications for the re-subdivision and for the special permit to build a church were heard at the same time by the Commission and decisions to approve both were made. Appeals to Court followed. Both appeals were dismissed due to lack of statutory aggrievement under CGS sec. 8-8 as the plaintiffs did not own land within the state of Connecticut but in New York. The matter was taken to the Appellate Court which found that the Plaintiffs were properly aggrieved.

In making this ruling, the court first applied the legal principle that "In order to determine whether a party has standing to make a claim under a statute, a court must determine the interests and the parties that the statute was designed to protect." The interest here concerned the use of property in the state of Connecticut as well as the CT owner's conduct or use of that land. Another interest is to protect the health, safety and property values of its residents as well as promote the orderly development of the municipality. Allowing an out of state property owner to take an appeal would serve this purpose as a successful appeal would protect in state residents as well as the plaintiff from the harms alleged. *See Abel v. PZC, 297 Conn. 414 (2010).*

FEDERAL JURISDICTION OVER BILLBOARDS

When an owner of several nonconforming billboards sought to replace them, he sought the right to do

so by referring to the protection offered to nonconforming uses under Connecticut General Statutes sec. 8-2. The court found this reliance misplaced.

The billboards in question were visible from certain interstate highways. Because of this, their continued existence was governed by federal law, specifically 23 United States Code sec. 131. This law allows states to regulate outdoor advertising, such as billboards, in conformance with federal law. By adopting section 13a-123(c) of the General Statutes, billboards in this state, which are visible from interstate highways, are subject to these federal laws. Thus, any protection afforded by section 8-2 does not apply.

Because of this, billboards and other forms of outdoor advertising are effectively amortized as the law allows only for repair, and not the replacement of these land uses. *See Billboards Divinity LLC v. Carpenter, 50 Conn. L. Rptr. 443 (2010).*

NEW MEMBERS CAN VOTE ON APPLICATION

Where the composition of a commission had changed during the pendency of an application, it was held that "Thus, the general principle relevant to adjudication of the issue in this case is that a commission member needs to perform the due diligence necessary to make an informed decision on the specific issue before him. Accordingly, we conclude that the commission members who were not on the

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commission when the original application was approved were permitted to vote on the modified application, provided they were sufficiently informed of issues to make wise and informed judgment." *See Lorenz v. IWWC, 124 Conn. App. 489 (2010).*

EXTRA TIME TO AMEND PLAN OF CONSERVATION AND DEVELOPMENT

Perhaps in recognition of the difficult financial times many municipalities are facing, the state legislature has amended Connecticut General Statutes sec. 8-23. A part of this state law required towns to update and amend their plans of conservation and development at least once every ten years. The amendment would allow a grace period for complying until July 1, 2014. *See PA 10-138.*

ANNOUNCEMENTS

63rd Annual Conference

Set aside the evening of March 24, 2011 so that your land use agency can attend this year's annual conference. This conference will be held at the Aqua Turf Country Club where a fine dinner will be served, conversations with other land use agency members will take place and an interesting presentation and discussion offered. In addition, this is an opportunity to satisfy any training requirements that municipalities may have for their commission and board members. This year, we will discuss the

changing face of 'Farming' in Connecticut and how creative regulation can preserve farms and open space. A flyer and registration form will be mailed to all member agencies with the price per person to attend set at \$41.00.

Length of Service Award

Nomination forms for this award will be sent out soon to all member agencies. In order to be eligible for the award, a person must have served 12 continuous years as a member of a zoning agency. Please return all nomination forms by March 11, 2011.

Lifetime Achievement Award

This award is available to any person who has served at least 25 years in the area of land use, either as a member of a zoning agency or as staff or advisor to a zoning agency. Nomination forms will be sent to all members. In order to receive proper consideration, a nomination must be submitted by March 11, 2011.

ABOUT THE EDITOR

Steven Byrne is an attorney with an office in Farmington, Connecticut. A principal in the firm of Byrne & Byrne, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.

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Stormwater in the City

Program Updates
Read about recent projects, webinars, websites and other updates.

CLEARSCAPES



Outreach

Stormwater in the City

Rain Gardens Blossom in the Urban Landscape

Stormwater management is a tough nut to crack for any community. In recent years, an increasing number of Connecticut towns have been turning to *low impact development* (LID) techniques, which largely rely on soil and vegetation to minimize or eliminate water resource impacts from new development. But does LID—the focus of which has been largely on suburban settings—have anything to offer our state’s cities?

The Center’s signature outreach program, *Nonpoint Education for Municipal Officials* (NEMO), has been working with Connecticut communities for almost two decades (see *Program Updates*, page 3). For the past two years, much of this work has been in some of the state’s largest urban centers. Stormwater management in these areas presents a number of challenges, the most obvious of which is that they are largely covered with “impervious surfaces” like cement, asphalt and rooftops that greatly contribute to the increased quantity and decreased quality of runoff. In addition, most of our larger urban centers are

in some phase of separating and/or mitigating combined sewer systems handling both sanitary sewage and stormwater. Thus cities like Bridgeport and Hartford are looking for any strategy that can help to



Participants of NEMO’s two-day rain garden workshop after completing a new rain garden at Bridgeport’s Beardsley Zoo.

reduce the amount of runoff getting into their combined sewers.

LID can help, but it must be used within a different framework in our urban centers. **Restorative redevelopment** replaces preventative planning as the framework for action, with an emphasis on things like stream restoration, enhancement of the

... continued on pg 2

Research

Riparian Areas and Agricultural Lands

Two new additions to the **Connecticut’s Changing Landscape** (CCL) Project have been added to the Center website. The CCL tracks changes to the state’s land cover over time, beginning in 1985 and running to 2006 (an update to 2010 is planned for this spring). In addition to the basic land cover change and CLEAR’s forest fragmentation analysis, the Center has added studies on land cover change in riparian (streamside) corridors, and over prime and important agricultural soils. An extremely brief summary of some of the highlights of the research follows. Readers interested in these studies are encouraged to visit the project websites, where research summaries and data, maps and charts are available.

Riparian corridors are known to be environmentally important areas critical to stream stability, pollutant removal, and both aquatic and terrestrial wildlife habitat. These areas are sometimes known as “buffers,” but are not to be confused with the regulatory review zones overseen by local land use commissions. CLEAR looked at land cover change during the 21-year project period for corridors 100 feet and 300 feet to either side of Connecticut’s streams, as determined by the state hydrography (waterways) data layer.

During the 1985-2006 period new development totaled about 5,100 acres in the 100-foot corridor, and about 19,000 acres in the 300-foot corridor. During that

... continued on pg 4

Connecticut Conference
ON NATURAL RESOURCES
Many Resources, One Environment

March 7th
2011

Details on the web
www.ccnr.uconn.edu

Stormwater in the City

NEMO Conducts Rain Garden Workshops in Hartford and Bridgeport

...continued from page 1

urban tree canopy, and low impact development “retrofits” installed during renovation and redevelopment of brown fields or existing developed sites. Some common suburban LID elements, such as engineered grass swales for road runoff, are not well suited for the tight confines of the cityscape. However, other LID practices can work well in these settings, like permeable pavements for parking lots and sidewalks, “green street” techniques, and cisterns and vegetated “rain gardens” that receive roof runoff.

Rain gardens are small vegetated depressions that collect runoff from a roof, road or other paved area, allowing infiltration of the runoff into the ground, and in the process also provide some renovation of the water through plant uptake and microbial activity in the soil. Although the first wave of interest in rain gardens has been from homeowners in suburban settings, the small size, relative ease of installation, and low cost of these small “bioretention” areas can be put to good use in the city. Ease of installation, however, does not mean that one can build a rain garden without training. As with all LID practices, proper design, construction and maintenance is key to making these practices work.

In the past six months, led by new NEMO Director Mike Dietz (see page 3), the NEMO program has conducted two rain garden workshops targeted at small contractors in urban areas looking to increase the range of services that they can offer to clients. These workshops combine a day of classroom teaching with a day of in-the-field training that results in the construction of a working rain garden. Two workshops have been conducted—and rain gardens built—in Bridgeport and Hartford. In Bridgeport, NEMO worked with EPA Region One, CT DEP, Rutgers University and Horsley Witten Associates to create a new rain garden at the Beardsley Zoo. The Hartford workshop,



(Above) Participants of NEMO's two-day rain garden workshop plant a new rain garden at Bridgeport's Beardsley Zoo. (Left) Participants of NEMO's second rain garden workshop in downtown Hartford on the grounds of the Classical Magnet School.

just this past November, involved the same cast plus the City of Hartford and Metropolitan District Commission (MDC) as partners. The resultant rain garden is in the downtown area on the grounds of the Classical Magnet School at 85 Woodland Street.

NEMO has also taken the lead in the construction of rain gardens at two educational institutions, where student involvement and the day-to-day visibility of these practices will help to spread the word about LID. Again, the locations were in the Hartford and Bridgeport areas. With CLEAR partner CT Sea Grant in the lead, a rain garden was installed at the Vocational Aquaculture High School in Bridgeport. NEMO also collaborated with Bruce Morton at the Goodwin College in East Hartford to provide training and install another rain garden. At both locations, the rain gardens are placed at very public sites, and will become part of the teaching curriculum for courses on sustainability.

New ways for dealing with stormwater in the city are in their early stages, and the interweaving of LID, smart growth and environmental justice is still evolving. However, there is no doubt that LID has much to offer Connecticut's cities, and the NEMO Program hopes to continue to play a major role in making it happen. ☉

Program Updates

► NEMO Turns 20!

The Nonpoint Education for Municipal Officials (NEMO) Program turns 20 in 2011. When it was first developed in 1991,



NEMO's focus on land use planning and better site design as the principal strategies to protect water resources was

considered heretical, and its use of geospatial technology for outreach was unique. Twenty years later, "impervious surfaces" has entered the general lexicon (well, at least in our circles...) and GIS and remote sensing imagery are a part of everyday life. So, the world has changed, and of course so has NEMO. The program's first decade was spent largely on helping local officials to understand the land use/water resource connection. And, although we will never lose our focus on land use planning, our second decade has been increasingly about helping communities embrace low impact development (LID). As noted in the lead article on page 1, the future of NEMO seems very likely to focus on working in urban communities, as well as continuing its work with as many Connecticut municipalities as we can serve. There is much work to be done, and we're glad that new NEMO Director Mike Dietz is here to lead the charge! For more information contact: Mike Dietz, 860-345-5225, michael.dietz@uconn.edu.

► The Land Use Academy

The Land Use Academy is soldiering on, despite the loss of state support and the retirement/ departure of two of its CLEAR-based instruc-

tors. With partial support from our parent College of Agriculture and Natural Resources, CLEAR was able to hire Bruce Hyde, an experienced Connecticut land use planner, to keep the Academy doors open. Our partnership with CT Office and Policy and Management, Office of Responsible Growth continues. At present, we are conducting two full-day basic train-



New CLEAR members Mike Dietz, CT NEMO Director (top) and Bruce Hyde, Land Use Academy Director.

ing courses per year, and are working on development of new courses, including one on affordable housing. The basic training has been revamped and is much more interactive than in years past. The new edition was tested out successfully at the November training, held at Central Connecticut State University (CCSU) in partnership with the CCSU Center for Public Policy and Social Research. In attendance were 77 commissioners from 39 communities. Many thanks to our major partners, the Connecticut Bar Association Planning and Zoning section and our sister CLEAR program

the Green Valley Institute, for their essential contributions of instructional expertise. For more information contact: Bruce Hyde, 860-345-5229, bruce.hyde@uconn.edu.

► National NEMO Network

CLEAR's National NEMO Network, a coalition of program in 30 states modeled after the Connecticut NEMO program, held its seventh national conference, NEMO U7, in Portland, ME Sept. 29 – Oct. 1. The conference was very well attended with over 100 registrants from 24 states, representing many diverse organizations



Websites & Webinars

2011 CLEAR Webinar Series

The Center is rolling out a series of one-hour webinars that will cover a wide range of land use planning, land cover research, natural resource protection and geospatial technology topics. Beginning in February we plan to do one webinar a month. (They're free!)

- February 8 - Riparian Corridors
- March 15 - Affordable Housing
- April 19 - Rain Gardens

Visit the website for more information and full schedule:
clear.uconn.edu/webinars/CLEARseries.

CTView.org

The Center, along with MAGIC (UConn's Map and Geographic Information Center) was recently successful at gaining membership to AmericaView, a nationwide program that focuses on satellite remote sensing data and technologies in support of applied research, K-16 education, workforce development and technology transfer. A new website, ctview.org, will soon be completed to promote the access and use of remote sensing imagery in Connecticut. Currently there are 37 states participating in the AmericaView program.

Impervious Cover TMDL

Connecticut was the first state in the nation to base a Clean Water Act "Total Maximum Daily Load" (TMDL) program not on a specific pollutant, but on impervious cover. The Impervious Cover TMDL Project, a partnership of CT DEP, CLEAR's NEMO Program, UConn and the town of Mansfield, has been working its way through this new approach, and in the process breaking new ground on the use of low impact development practices. The project has an extensive website that can be found at: clear.uconn.edu/projects/tmdl.

Research continued from page 1

Program Updates

continued from page 3

and national networks. The two primary leaders of NEMO programs, Sea Grant and Extension, both piggy-backed additional meetings on the conference. Conference sessions focused on urban low impact development retrofits, local climate change adaptations, hybrid approaches to land use planning, and innovative approaches to supporting local land use officials.

Learn more about the National NEMO Network at: nemonet.uconn.edu. Follow the Network on Twitter at: twitter.com/NEMOhub and/or on Facebook (search for the National NEMO Network).

► The Geospatial Training Program (GTP)

CLEAR's Geospatial Training Program has also suffered a partial loss of staff



power, but is filling up its dance card with a new national training program funded by the USDA Water Program. The training

focuses on the use of "mashups," a combination of GIS and internet technology

that allows anyone to easily post geographically-specific information via the use of web browsers such as Google Maps and Google Earth. The applications for research, outreach, monitoring and evaluation are virtually endless. As a result of the USDA grant, in



GTP's Cary Chadwick leads a geospatial training workshop at the National NEMO Network's 7th NEMO University conference.

between our Connecticut trainings GTP faculty have been busy traipsing all over North America training Land Grant and Sea Grant audiences on "Mashup Madness" (see photo). For more information contact: Cary Chadwick, 860-345-5216. cary.chadwick@uconn.edu.

period, the percentage change in new development appears to have occurred at a slower rate in the 100-foot corridor than the 300-foot corridor, with both being slower than the rate for the entire state (Figure 1). At the town level, the amount of development in riparian areas was less than that for the overall town, but was also seen to vary closely with the overall town average. More can be found at: clear.uconn.edu/projects/riparian.

The **Agricultural Fields and Soils study** looks at land cover change over areas designated by the USDA Natural Resources Conservation Service (NRCS) to have *prime or important* farmland soils ("ag soils"). The CCL project's major land cover categories include developed land, forest, turf/grass, and agricultural fields (derived from satellite imagery).

During the 21-year study period Connecticut lost approximately 31,000 acres of agricultural field overlying ag soils. Forest was by far the most common land cover on ag soils throughout the period, but by 2006 the developed land cover category had replaced the agricultural field category as the second-most common land cover on ag soils.

Figure 2 compares the 2006 land cover

breakdown of the entire state versus that of the land overlying prime or important agricultural soils. As might be expected, important ag soil areas had more of the agricultural fields land cover category than the state as a whole. However, ag soil areas

Study Area	Percent Developed Land 1985	Percent Developed Land 2006	Change In Percent 1985-2006
100 ft corridor	12.7%	14.4%	+1.7%
300 ft corridor	14.5%	16.8%	+2.3%
state, all areas	16.0%	19.0%	+2.9%

Figure 1. Percent of developed land in 100 and 300-foot riparian corridors, compared to state.

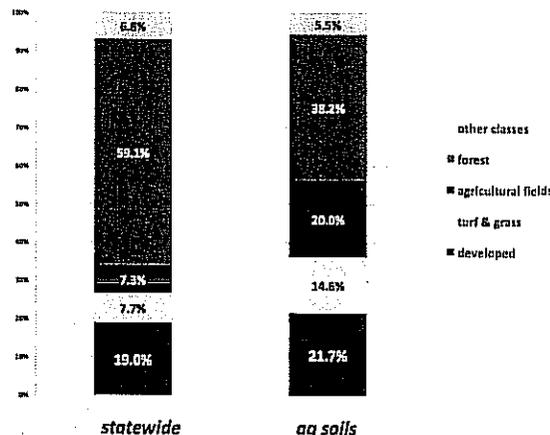


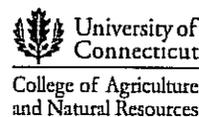
Figure 2. 2006 land cover breakdown over ag soils (right), versus entire state (left).

also had more development, more turf/grass, and less forest than the state overall. This might also be expected, since many soils well suited for agriculture, being relatively flat and well-drained, are also well-suited for development. More can be found at: clear.uconn.edu/projects/ag.

Contact CLEAR at: University of Connecticut, CES, 1066 Saybrook Road, P.O. Box 70, Haddam, CT 06438 • Phone: (860) 345-4511
 • Email: clear@uconn.edu • Web: clear.uconn.edu
 • Editor: Chet Arnold • Designer: Kara Bonsack

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

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Planning & Zoning

Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions

Wesleyan University
Exley Science Center 150
265 Church Street
Middletown, CT
Saturday, March 12, 2011
8:30 a.m. - 4:30 p.m.

Connecticut Bar Association

Sponsored by the
Connecticut Bar Association
Planning and Zoning Section

2:40-3:10 p.m.
Affordable Housing: The Municipal Perspective
Atty. Ira W. Bloom, Westport
A review of an application filed under Section 8-30g of the General Statutes from the Planning & Zoning Commission perspective, including practical advice and a review of the relevant case law. Also included will be a discussion of the new HOME Connecticut program, Public Act 07-04.

3:10-3:40 p.m.
Things to Watch Out For:
Religious Uses, Fair Housing/Disabled Persons, and Outdoor Furnaces
Atty. Marjorie F. Shansky, New Haven
A review of the implications of federal legislation on local zoning, particularly the Fair Housing Act and the Religious Land Use and Institutionalized Persons Act (RLUIPA); and state law considerations regarding religious expression and free speech issues.

3:40-4:10 p.m.
Enforcement
Atty. Charles R. Andres, New Haven
Analysis and discussion of Connecticut law concerning enforcement through the zoning, planning, and wetlands process.

4:10-4:30 p.m.
Questions

Please note:
Seminar is open ONLY to municipal officials (board members, commission members, and staff).

Refunds of seminar fees will not be granted for cancellations received after 10:00 a.m. on Tuesday, March 8, 2011.

Directions and weather cancellation information are enclosed.

Connecticut Land Use Law Seminar • Saturday, March 12, 2011

To Register: Mail with payment to Connecticut Bar Association, PO Box 350, New Britain, CT 06050-0350; with credit card payment by fax to (860)223-4488; by calling the CBA Member Service Center at (860)223-4400 or online at www.ctbar.org. (Please use a separate registration form for each registrant)

- Yes, I will attend the Connecticut Law Use Seminar @ \$45.00 (includes box lunch)
- No, I cannot attend the seminar, but would like to purchase _____ copies of the seminar material @ \$40.00 per copy (includes shipping & handling)

Please PRINT full name.

Name: _____ e-mail: _____

Address: _____ City: _____ State _____ Zip _____

Phone _____ Fax _____ Signature _____

Check (payable to Connecticut Bar Association) Visa MC Amex Amount: \$ _____

Card #: _____ Exp. Date: _____

Billing Zip Code: _____ Signature: _____

If you need assistance at the seminar, please contact us at least one week prior to the event.

Meeting code: #SPZ031211

Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions

The future of Connecticut's communities will be shaped by its land use laws and regulations. Developers, neighbors, and preservationists all collide before municipal land use boards and commissions, advocating their particular interests and approaches. Each commission member regularly has to make critical decisions, all within the context of complicated statutory and case law.

This introductory level course will focus on topics of immediate concern to all municipal land use agencies, boards, commissions, and their staffs. The topics reflect both timely and practical situations confronting participants at every level of the municipal land use process. This course will provide a broad review of the municipal land use process including zoning, planning, zoning board of appeals, and wetlands issues. Members of municipal land use agencies, boards, and commissions, as well as municipal planners, enforcement officers, and engineers will benefit from this full day course.

Seminar Program

8:30-9:00 a.m.
Registration

9:00-9:10 a.m.

Welcome
Atty. Ira W. Bloom, Chair, CBA Planning and Zoning Section of the Connecticut Bar Association

9:10-9:40 a.m.

Planning Commissions
Atty. Timothy D. Bates, New London
Powers of the planning commission; plan of development; statutory notice requirements; subdivisions and resubdivisions; multi-agency approvals; reasons for denial; open space; changes in regulations; bonding requirements; conditional approvals; mandating off-site improvements.

9:40-10:10 a.m.

Zoning Commissions
Atty. David M. Royston, Old Saybrook
Enabling legislation; powers of zoning commissions and proper purposes and goals of zoning; the comprehensive plan; proper notices of hearings; designating and amending zoning districts; spot zoning; floating zones; the uniform-ity requirement; dependence upon other governmental agency action; rendering decisions; publications of notices of decisions.

10:10-10:20 a.m.

Break

10:20-10:50 a.m.

Non-conforming Uses
Atty. Christopher J. Smith, Hartford
A general discussion of the origin, scope, and problems of non-conforming uses.

10:50-11:20 a.m.

Special Permit and Site Plan Review
Atty. Brian R. Smith, Hartford
Statutory requirements of and distinction between special permit and site plan review; appeals from decisions on applications for special permit and site plan approval.

11:20-11:50 a.m.

Zoning Board of Appeals
Atty. Robin M. Pearson, Farmington
Functions of zoning boards of appeal; requirements for proper notice of the hearing; conducting the hearing and the procedure to be used; variances; legal requisites for hardship; the theory of confisca-tion; self-created hardship; other statutory duties of the ZBA.

12:00-12:30 p.m.

Lunch
Preview of the 2008 ZIPLER Awards
Atty. Dwight H. Merriam, FAICP, CRE, Hartford

12:30-1:00 p.m.

Wetlands Law and Procedure
Atty. Michael A. Zizka, Hartford
Review of procedures of municipal inland wetlands and watercourse agencies, and how wetlands law impacts upon the zoning and planning process.

1:00-1:30 p.m.

Conflict of Interest and Predisposition
Atty. Richard P. Roberts, Hartford
Statutory provisions on conflict of interest; rules governing predisposition and predetermination; court decisions on conflict of interest; drawing the line between cases where disqualification applies and does not apply; procedural problems when a question of conflict arises.

1:30-2:00 p.m.

Procedural Issues in the Municipal Land Use Process
Atty. Mark K. Branse, Glastonbury
Review of statutory provisions and case law concerning administrative process; applications; conducting a public hearing; creating the administrative record; and making appropriate findings and conclusions to support decisions.

2:00-2:10 p.m.

Break

2:10-2:40 p.m.

Environmental Interventions
Atty. Janet P. Brooks, East Berlin
Interventions under Conn. Gen. Stat. Section 22a-19 for the purpose of raising environmental issues: What they are, what they do, what you have to do when you get one.

SAVE THE DATE!!!

How Planning and Zoning Impacts Connecticut Agriculture

**Connecticut Farm Bureau Association
2nd Annual Statewide Conference**

Topics to include: Creating agriculturally friendly zoning regulations, incorporating agriculture in municipal plans of conservation and development, examination of state statutes that affect CT agriculture, how to adopt optional municipal tax reduction programs, formation and function of local agriculture commissions, Right to Farm ordinances and more!

Thursday, March 31st, 2011

8:00AM – 4:00PM

Maneeley's, 65 Rye Street, South Windsor, CT

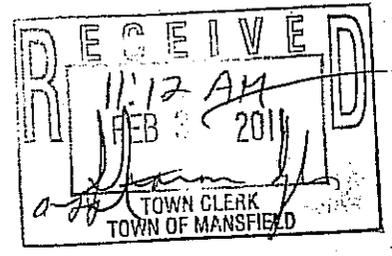
For additional information visit www.cfba.org or call Joan Nichols 860 768-1105 joann@cfba.org

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Notice of Certain Planning and Zoning Matters in Neighboring Municipalities



DATE: 1-31-11

TO: Town Clerks of: Mansfield

FROM: Planning and/or Zoning Commission Zoning Board of Appeals Inland Wetland Commission

Town of Coventry

Pursuant to P.A. 87-307 which requires zoning, planning, and inland wetland commissions and zoning boards of appeals to notify the clerk of any adjoining municipality of the pendency of an application, petition, request, or plan concerning any project on any site in which:

- 1) Any portion of the property affected by a decision of such board is within five hundred feet of the boundary of the adjoining municipality;
- 2) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
- 3) A significant portion of the sewer or water drainage from the project on site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
- 4) Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice is to be made by registered mail and mailed within seven days of the date of receipt of the application, petition, request, or plan.

No hearing may be conducted unless the adjoining municipality has received notice required by P.A. 87-307. A representative may appear and be heard at any such hearing.

This letter is to inform you of the pendency of such a project described as follows:

Description of application and location #11-012 Application of Erik & Alyssa Williams, variance to Sec. 4.04.01 (front yard) requesting 22.5' front yard variance for in-ground pool, 12 Boston Pke.

Scheduled hearing: Date: 2/15/11
Time: 7:00 pm
Place: Annex Building
1712 Main St
Coventry, Ct 06230

TOWN OF COVENTRY
LEGAL NOTICE
ZONING BOARD OF APPEALS

The Board will hold a Public Hearing on February 15, 2011 at 7:00 p.m. in Town Hall Conference Room B, 1712 Main Street, Coventry, CT to hear the following:

1. #11-01Z - Application of Erik and Alyssa Williams, owners, a variance to Section 4.04.01 (Front Yard) of the Zoning Regulations requesting a 22.5-foot front yard to allow for an in-ground pool at 12 Boston Turnpike (Assessor's Map 12 Block 30 Lot 3A) in the River Aquifer Zone.

Application information may be found on file in the Land Use Office. Interested persons may appear and written communication received prior to the closing of the hearing.

Dated this 31st of January, 2011.

To be published on Thursday February 3, 2011 and Thursday, February 10, 2011
Willimantic Chronicle

COVENTRY ZONING BOARD OF APPEALS RECEIVED

Applications must be received the last day of the month prior to the next public hearing date. Check with the Land Use office for meeting date schedules.

PLANNING & ZONING

Office Use Application # 11-012

DATE FILED 1-28-11 FEE PAID 1-28-11 DATE OF HEARING 2/15/11

PLEASE PRINT OR TYPE

1. 12 BOSTON Tpk.

PROPERTY LOCATION	MAP	BLOCK	LOT	ZONE
(As Shown on Assessor's Card)				
<u>Erik + Alyssa Williams</u>	<u>12 BOSTON Tpk.</u>	<u>06238</u>	<u>860805-3243</u>	
OWNER OF PROPERTY (As Shown on Deed)	ADDRESS	ZIP	PHONE#	
<u>Erik Williams</u>			<u>860805-3243</u>	
APPLICANT	ADDRESS	ZIP	PHONE#	
LEGAL REPRESENTATIVE (If Any)	ADDRESS	ZIP	PHONE#	

2. TYPE OF APPLICATION (Check appropriate box):

- A variance in the application of the zoning regulations is requested *(Please refer to #5).
- There is an error in an order, requirement, or decision made by the zoning enforcement officer (appeal).
- Special Exception.
- Section 14.54 of the Connecticut General Statutes for location approval for motor vehicle dealer/repair.

3. Briefly describe the proposed project and/or activity:

Install pool and accompanying pool house

4. State appropriate section(s) of the zoning regulations for which your application applies:

Section 4.04.01 - Seeking a 27.5' sideyard / front yard variance, actual yard will be 22.5 feet

5. Is an unnecessary hardship claimed with variance request? yes

If yes, state the specific hardship with respect to the zoning regulations. Please see the attached excerpt from "What's Legally Required" and Section 8-6 of the Connecticut General Statutes for guidance on what is a "hardship". Please attach a separate sheet if necessary.

see attached

The following must be submitted with each petition:

1. A class A-2 survey may be required which indicates the location of all existing/proposed buildings, and the size of same to scale. (In some cases a class C-1 survey will be acceptable).
2. When petition concerns building set-back lines, submit survey showing distance from front sides and rear lines to nearest point of each building or proposed building.
3. When petition concerns building areas - submit a typical floor plan.
4. Submit a copy of property deed, including property description.
5. Notify all adjacent land owners (by certified mail) and post required sign for every 200' of frontage on street. (See attached form)
6. A one hundred thirty dollar fee (\$100.00 application fee and \$30.00 State fee) plus a three (\$3.00) fee for each sign to be paid when application is submitted.

I hereby certify that all information in relation to this application to be true and accurate to the best of my knowledge.

The applicant and owner grants permission to the Coventry Zoning Board of Appeals, its members, and Agent to enter upon the property for the purpose of inspection and to perform any tests which are necessary.

1/27/11
DATE
1/27/11
DATE

[Signature]
APPLICANT'S SIGNATURE
[Signature]
OWNER'S SIGNATURE

Erik A. Williams
12 Boston Turnpike

January 24, 2011

Hardship -

We are seeking to install an in-ground swimming pool and accompanying pool house in our yard. Our home and property are unique to both our immediate neighborhood and community in general. The property ("Brigham Tavern" or "The Brighams") is on the National Register of Historic Properties and the Connecticut Register of Historic Properties. The original structure dates to 1689 in its current location and the majority of the remaining main structure dates to 1725, both predating any zoning and, in fact predating the the United States and Coventry in its present legal form. The home was a stop on George Washington's Inaugural tour, where he 'breakfasted,' as mentioned in his personal diary. The Brigham Tavern was also a stop on the Underground Railroad and Harriet Tubman references this in multiple writings. Other historical events have happened on this property and it has played an important role in Coventry.

Though this information is only minimally relevant to the legal charge of this Board, it is mentioned to convey the fact that the entire property is 'unique' and that its characteristics are 'unique' as well, a key part of this Board's considerations. This information is also given to show the deep commitment the applicant has to maintaining the character and integrity of the property and making sure any additions or improvements we make to the property are in line with proper stewardship of a home like ours. We do not take this improvement lightly and would not even undertake it if we had not seen many references in newspaper articles, magazines, books, other publications and reports written referencing the fact that the home has been "expanded and refurbished from time to time."

Hardships unique to 12 Boston Turnpike, Coventry.

- 1) **Existing non-conforming lot due to the current historic structures being built prior to current regulations or any regulations at all.** The home structure is currently* 13 feet from the front yard line (Rt. 44) and virtually the entire home falls within the (Rt. 44) front yard setback. *"Currently" is used herein as the location of Rt. 44/ Boston Turnpike has changed over the past 286 years. Further, the property predates the existence of Brigham Tavern Road, which forms one side of the property line, thus creating the lot as a corner lot, thereby creating the need for two front yard setbacks.
- 2) **Unique topography of the land.** The property is made up of various levels, with the main structure and proposed swimming pool and pool house existing on the uppermost level. This is the 'living level' where all doors to and from the home originate. It is the only location where common sense would dictate the proposed structures go. However, we also considered other locations throughout our property. The topographical challenge is the steep slope on the rear of the property. Further,

we have chosen the shape of the pool to best fit within the space created by the well and septic setbacks with minimal encroachment into the sideyard setback.

- 3) **Location of well and septic system.** The location of the main well for the home, an ancillary artesian well (for outdoor uses only), the septic system and leaching field prohibit the location of the proposed pool and pool house on other locations on the property.

All other choices, apart from being impractical, were rejected due to similar side, front and/or rear yard setbacks and the remaining legally suitable locations have topographical challenges and/or encroach in the septic system, leaching field or well setbacks.

Additional Notes:

Cohesion with neighborhood aesthetics and keeping historical similarity. The abutting property at 10 Brigham Tavern Rd. was once a part of 12 Boston Turnpike and the structure located thereon is very old and served as the "corn crib" to 12 Boston Turnpike. We have taken great effort to design the project in such a way so that the edge of the proposed pool is in line with the front edge of the 10 Brigham Tavern building, which is itself an existing non-conforming structure. Further, it is our intention to make the roof lines and aesthetics of the pool house similar to the main structure and/or the 10 Brigham Tavern structure.

Offsetting proposed pool house structure. To offset the addition of a new structure on the property, we will be taking down a greenhouse that abuts our barn. The proposed structure is 10x12 for a total of 120 square feet and the structure to be removed is 8x20 for a total of 160 square feet.