

**AGENDA**  
**MANSFIELD PLANNING AND ZONING COMMISSION**  
Regular Meeting, Monday, June 20 2011, 7:00 p.m.  
Council Chambers, Audrey P. Beck Municipal Building

**Minutes**

6/6/11; 6/15/11 Field Trip

**Scheduled Business**

**Zoning Agent's Report**

- A. Enforcement Update
- B. Other

**7:15 p.m. Public Hearing**

**Gravel Permit Renewals**

- A. **Banis property on Pleasant Valley Road File #1164**
- B. **Hall property on Old Mansfield Hollow Road File #910-2**
- C. **Green Property, 1090 Stafford Road PZC File #1258**  
Memos from Zoning Agent, Assistant Town Engineer

**7:30 p.m.**

**Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**

Memos from Director of Planning and Development, Deputy Fire Marshal

**Old Business**

- 1. **Application to amend the Zoning Regulation to add Place of Assembly-Banquet Hall as a permitted use in the Neighborhood Business 2 Zone, M. Healy, applicant, PZC File #1301**
- 2. **4/14/11 Draft revisions to the Zoning Regulations Re: Agricultural Uses, PZC File #907-36**
- 3. **3/30/11 Draft revisions to numerous sections of the Zoning Regulations, PZC File #907-35**
- 4. **4-Lot Subdivision Application, (3 New Lots) Wormwood Hill & Gurleyville Roads, S. Plimpton o/a, PZC File #1298**  
(to be tabled pending 7/5/11 continued Public Hearing)
- 5. **Request to stop collecting bond escrow funds for Freedom Green Phase 4C, PZC File # 636-4**  
(to be tabled-awaiting information from applicant)
- 6. **Other**

**New Business**

- 1. **New Special Permit, Restaurant Use, 82-86 Storrs Rd, College Mart o/a, PZC File #483-5**
- 2. **Consideration of Appointing Director of Planning and Development as Deputy Zoning Agent**  
Memo from Director of Planning and Development

**Reports from Officers and Committees**

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

### **Communications and Bills**

1. WINCOG Referral Re: Multiple Changes to Town of Windham Zoning Regulations
2. WINCOG Referral Re: Changes to Town of Willington Zoning Regulations pertaining to Riding Academies & Dog Kennels
3. Coventry Referral Re: Proposed Changes to Subdivision Regulations
4. Coventry Referral Re: Comprehensive Changes to Zoning Regulations
5. 6/8/11 ZBA Decision Notice
6. Storrs Center Groundbreaking Ceremony 6/29/11 @ 5:00p.m.
7. CT Farmland Trust- Guide
8. Other

**DRAFT MINUTES**  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, June 6, 2011  
Council Chamber, Audrey P. Beck Municipal Building

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

Chairman Favretti called the meeting to order at 7:55 p.m. He appointed alternates Ward, Rawn and Loxsom to act in members' absence.

**Minutes:**

05-16-11- Hall MOVED, Ward seconded, to approve the 5/16/11 minutes as written. MOTION PASSED with all in favor except Loxsom who disqualified himself.

**Zoning Agent's Report:**

Noted.

**Public Hearing:**

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

Chairman Favretti opened the Public Hearing at 7:57 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Ryan and alternates Loxsom, Rawn, Ward. Favretti appointed alternates Loxsom, Rawn and Ward to act. Gregory Padick, Director of Planning, read the legal notice as it appeared in the Chronicle on 5/21/11 and 6/1/11, and noted a 6/2/10 memo from C. Hirsch, Zoning Agent.

**Banis Property:** Steven Banis addressed the complaint that work was being conducted on Sunday which is against the conditions of the permit. He explained that no work in conjunction with the gravel operation has occurred on Sundays, but noted that the noise heard may have been from him cutting hay with the tractor in Area 2. He also noted that a nearby parcel is being logged and field stone is being removed and the noise coming from that operation might be confused with noise from his property. Banis stated that there has been no change in equipment or plans, and he is still working in Area 3.

**Hall Property:** Ed Hall requested a modification to his existing permit, noting that he is almost finished excavating in the section now being worked. He is requesting the Special Permit for the Eric Hall site be discontinued. He would like to relocate onto the work/farm road, using a small section of the northeastern portion of his newly acquired property. He said that there will be no visual impact on the neighbors and submitted a letter from property abutter S. Dunstan who has no objections to the request.

**Green Property:** Hirsch noted that there has been no activity or change at this site and suggested excluding this site from the Field Trip.

**Public Comment on Banis:**

Marty Schwartz, 69 Pleasant Valley Road, expressed concern about: the noise directly behind his house, run-off to the wetlands possibly containing pesticides, blasting, and he wondered how much longer the disturbance will continue.

Richard Woodworth, 60 Woods Road, expressed concern regarding the noise of metal scraping on rocks and from blasting. He noted that this is a residential area and it is not peaceful when a commercial operation is running 6 days a week. The noise and disturbance have gone on for many years, and it is time to stop.

R. Hall questioned notification regarding blasting. Hirsch noted that it is an approval condition and the State regulates blasting, but he would check with Fire Marshal for notification requirements.

Favretti noted no further comments from the Public or Commission. Hall MOVED, Rawn seconded, to continue the Public Hearing on 6/20/11 and add Banis and Hall to the Field Trip agenda on 6/15/11. MOTION PASSED UNANIMOUSLY.

**Public Hearing:**

**Application to amend the Zoning Regulation to add Place of Assembly-Banquet Hall as a permitted use in the Neighborhood Business 2 Zone, M. Healy, applicant, PZC File #1301**

Chairman Favretti opened the Public Hearing at 8:15 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Ryan and alternates Loxsom, Rawn, Ward. Favretti appointed alternates Loxsom, Rawn and Ward to act. Gregory Padick, Director of Planning, read the legal notice as it appeared in the Chronicle on 5/21/11 and 6/1/11 and noted a 6/1/10 report from G. Padick, Director of Planning.

Michael Healy, owner/applicant, reviewed the proposal to add "Place of Assembly-Banquet Hall" as a permitted use in the Neighborhood Business 2 Zone. He depicted on a map the other locations this change could affect and noted that any application would still be subject to Special Permit criteria and approval processes.

Goodwin asked Healy how many people the barn on his property could potentially accommodate. Healy indicated approximately 200 people. Holt then asked about parking, and the response was that some parking would be accommodated on-site, and some on neighboring sites using a shuttle service for the more distant locations. Goodwin asked Padick if there were current regulations about limiting building size and footprint in this Neighborhood Business 2 Zone.

Favretti noted no further comments from the Public or Commission. Beal MOVED, Holt seconded, to close the Public Hearing at 8:30 p.m. MOTION PASSED UNANIMOUSLY.

**Public Hearing:**

**4-Lot Subdivision Application, (3 New Lots) Wormwood Hill & Gurleyville Roads, S. Plimpton o/a, PZC File #1298**

Chairman Favretti opened the continued Public Hearing at 8:41 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Ryan and alternates Loxsom, Rawn and Ward, who were all appointed to act. Padick noted in addition to revised plans dated 5/25/11, the following communications were received and distributed to the Commission: a 6/2/11 report from the Director of Planning and a 6/1/11 report from the Assistant Town Engineer.

Douglas Bonoff, Land Surveyor; Paul Biscutti, Engineer; and Kim Bradley, Ecologist, were present representing the applicant. Bonoff agreed that the testimony presented at the IWA Hearing will be entered into the record of the Planning and Zoning Commission Public Hearing.

Members raised concerns regarding: the yield plan; height of retaining wall on the east side of a portion of the driveway to Lots 1 and 2 off of Gurleyville Road; and if a guardrail might be necessary. Members also questioned the grade levels for the driveway leading to Lot 4, and the grade difference between the road surface and the tops of the banks on each side of the driveway, which appear to create a cavernous effect for some distance. The need for snow shelves was also mentioned.

C. Gottman, 580 Gurleyville Road, questioned if any consideration had been given for the removal of snow on the common driveway for Lots 2 & 3.

Noting no further questions or comments, Hall MOVED, Holt seconded, to continue the public hearing until 7/5/11. MOTION PASSED UNANIMOUSLY. Bonoff stated that on behalf of Mr. Plimpton, he grants a 35-day extension and will request Mr. Plimpton to do so in writing as soon as possible.

**Old Business:**

1. **Special Permit Application, Proposed Veterinary Hospital, 266 Stafford Rd, W. Ernst-applicant/ Y. Desiato-owner, PZC File #1300 (M.A.D. 7/20/11)**

Hall MOVED, Holt seconded, to approve with conditions the special permit application (File #1300) of Wendy Ernst for a veterinary hospital at 266 Stafford Road, as described in a statement of use, as shown on site plans dated March 17, 2011 as prepared by Datum Engineering and Surveying, LLC, an undated floor plan, a building elevation plan dated 4/9/11, as prepared by Pelletier Builders, Inc., and as presented at a Public Hearing on 5/16/11. This approval is granted because the application as approved is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval authorizes the proposed veterinary hospital and related site work. It does not approve a boarding kennel. Any significant change in the use or site improvements as described in application submissions and at the Public Hearing shall require further PZC review and approval. Any questions regarding what constitutes a significant change shall be reviewed with the Zoning Agent and, as deemed necessary, the PZC.
2. No driveway work within the Route 32 right-of-way shall begin until an encroachment permit is issued by the State Department of Transportation.
3. No Zoning Permit shall be issued until a landscape management plan that addresses the requirements of Article VI, Section B.4.m.6 is submitted and approved by the Director of Planning and Development.
4. Final plans, which shall be signed and sealed by all responsible professionals, shall be revised to include: A) The proposed trees north of the fenced outside keeping areas, and, B) Six (6) foot high fencing to screen the dumpster area.
5. Unless included with final site plans, new signage and lighting improvements shall require subsequent Zoning Permit approval and compliance with all applicable Zoning Regulations. All lighting shall be downward directed and be the minimum necessary to address safety and security needs.
6. If the currently proposed seven (7) parking spaces is subsequently determined to be inadequate by the Zoning Agent, the applicant shall construct the four spaces designated "proposed future parking" on the map. If additional spaces subsequently are determined by the Zoning Agent to be needed, the applicant shall add more parking on site.
7. An additional accessible parking space shall be added if the one planned accessible space is determined by the Zoning Agent to be inadequate for staff and customer needs.
8. If noise issues arise, the Commission reserves the right to impose conditions regarding the use of all outside areas used in association with the approved veterinary hospital.
9. This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records.

MOTION PASSED UNANIMOUSLY.

2. **4//14/11 Draft revisions to the Zoning Regulations Re: Agricultural Uses, PZC File #907-36**  
Padick summarized the 6/2/11 draft and noted that because he and the Town Attorney felt there were no significant changes, no new public hearing is needed. Goodwin felt the setbacks are too restrictive. Beal volunteered to work with staff on a motion.
3. **3/30/11 Draft revisions to numerous sections of the Zoning Regulations, PZC File #907-35**  
Padick summarized the 6/2/11 draft and noted that he and the Town Attorney determined that the minor changes did not necessitate presenting them at a new public hearing. The consensus of the Commission was to accept the minor changes to the draft, and Beal volunteered to work with staff on a motion.
4. **Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**  
Padick distributed revised plans and copies of previously approved plans for comparison. Padick noted that copies have been sent to neighbors notifying them of discussion at the 6/20/11 meeting.
5. **Request to stop collecting bond escrow funds for Freedom Green Phase 4C, File # 636-4**  
Tabled-awaiting information from applicant.
6. **Request to review and revise Plan of Conservation and Development regarding Hunting Lodge Road area**  
Beal MOVED, Hall seconded, to support the recommendation of the Regulatory Review Committee and therefore not consider further the March 16, 2011 request to revise Mansfield's Plan of Conservation and Development regarding the medium to high density residential classification in the Hunting Lodge Road area. The considerations and reasons, cited in the attached May 26, 2011 report from the Chairman of the Regulatory Review Committee, are supported by the Commission.

Furthermore, the Director of Planning and Development is requested to propose processing guidelines, a fee schedule and application submission requirements that will formalize the process for submitting and acting upon requests to revise the Plan of Conservation and Development. MOTION PASSED UNANIMOUSLY.

**Reports from Officers and Committees:**

Chairman Favretti reminded members of the Field Trip on Wednesday, June 15, 2011 at 1:00 p.m.

**Communications:**

Communications listed on the agenda were noted.

**Adjournment:**

Chairman Favretti declared the meeting adjourned at 9:47 p.m.

Respectfully submitted,

Katherine Holt, Secretary

**DRAFT MINUTES**

MANSFIELD INLAND WETLAND AGENCY/PLANNING AND ZONING COMMISSION

FIELD TRIP

Special Meeting

Wednesday, June 15, 2011

Members present: R. Favretti, M. Beal, J. Goodwin, K. Holt, K. Rawn, B. Ryan,  
V. Ward

Staff present: G. Meitzler, Wetlands Agent, Assistant Town Engineer  
L. Painter, Director of Planning and Development  
C. Hirsch, Zoning Agent

The field trip began at 1:00 p.m.

1. BEMONT PROPERTY, NEW GARAGE & CONNECTOR TO HOUSE BETWEEN EXISTING GARAGE, 787 Stafford Rd, (IWA FILE #W1479  
Members were met on site by owner S. Bemont. Members observed the site noting the existing conditions and areas of proposed work. No decisions were made.
2. BANIS PROPERTY, GRAVEL RENEWAL REQUEST, North side of Pleasant Valley Road, PZC FILE #1164  
Members were met on site by owner S. Banis. Members observed the site noting the existing conditions. No decisions were made.
3. HALL PROPERTY, GRAVEL RENEWAL REQUEST, 35 Mansfield Hollow Road, PZC FILE #910-2  
Members were met on site by owner E. Hall. Members observed the site noting the existing conditions and areas of proposed future work. No decisions were made.
4. ST. MARTIN, NEW HOUSE, Storrs Road, IWA FILE #1480  
Members were met on site by owner W. St. Martin. Members observed the site noting the existing conditions and areas of proposed house & driveway development. No decisions were made.

The field trip ended at approximately 2:30 p.m.

Respectfully submitted,

K. Holt, Secretary

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To: Town Council/Planning & Zoning Commission  
 From: Curt Hirsch, Zoning Agent  
 Date: June 9, 2011



Re: ***Monthly Report of Zoning Enforcement Activity***  
*For the month of May, 2011*

Activity	This month	Last month	Same month last year	This fiscal year to date	Last fiscal year to date
Zoning Permits issued	12	7	17	90	121
Certificates of Compliance issued	10	2	11	92	98
Site inspections	43	25	45	373	463
Complaints received from the Public	3	5	3	41	36
Complaints requiring inspection	3	5	3	34	28
Potential/Actual violations found	2	2	2	27	46
Enforcement letters	6	9	11	99	119
Notices to issue ZBA forms	1	1	2	3	9
Notices of Zoning Violations issued	2	1	0	15	34
Zoning Citations issued	0	0	0	39	47

Zoning permits issued this month for single family homes = 0, 2-fm = 0, multi-fm = 0  
 2010/2011 fiscal year total: s-fm = 3, 2-fm = 1, multi-fm = 8

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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

To: Planning & Zoning Commission  
From: Curt Hirsch, Zoning Agent  
Date: June 15, 2011

Re: Special Permit Renewal of Gravel Permits, 2011-2012 (Article X, Section H)  
1) Steven Banis, Pleasant Valley Rd., PZC #1164  
2) Edward Hall, Old Mansfield Hollow Rd., PZC #910-2  
3) Karen Green, Stafford Rd., PZC #1258

This memo is an update of my 6/2/11 memo to the PZC. Since the previous report seven Commission members have visited the sites on a 6/15/11 field trip to the Banis and Hall permit sites. Additional information has also been submitted as noted below. The Commission likely will not be ready to take any action on either of these applications at the 6/20/11 meeting. Since the permits expire on 7/1/11 it will be necessary to take action to extend the existing permit period. I suggest an extension until July 19, 2011 to accommodate a thorough discussion and preparation of PZC actions. Action could be taken on the Green renewal as there are no changes.

Banis: I have prepared a plan as requested at the 6/6/11 PZC meeting, which shows the Banis property in relationship to the two neighbors who spoke at the 6/6 public hearing. The plan depicts the scaled distance between the active removal area on the Banis site and the house on each of the neighbors' properties. Mr Banis has also submitted a 6/14/11 letter to address some of the concerns that were expressed by the neighbors at the hearing. Please also review my 6/2/11 memo which also addresses public comments from the 6/6 hearing. Public safety and neighborhood impact are issues that the Commission must address and public hearing comments should be considered. I don't want to minimize the neighbors concerns but this is a very small operation and can only move at a pace determined by the demand for the operators' product. There is a reason that the regulations permit excavation operations in all of our zoning districts. You need to go where the material exists. The Commission needs to balance these conflicting issues in a fair manner.

Hall: Mr Hall has submitted a statement from an abutting property owner stating that he 'does not have an issue with the continuance of this permit'. On the 6/15/11 field trip members did observe the new area that Mr. Hall wishes to excavate and the new driveway route out of the site. Mr. Hall's renewal request is also asking for closure of the Phase One permit area and the removal of the 50-foot buffer along the southern boundary of what is now his son's property and outside of the specific permit area. This buffer was required specifically to address neighbors concerns and in my opinion those property owners should be notified of the request prior to

taking action to remove it. I believe that the matter of placing such a condition upon property not subject to the special permit should be directed to the Town Attorney for comment prior to any Commission action on this specific request. *(As a separate but very pertinent aside, a conditional Certificate of Compliance issued on the adjacent Eric Hall property which is subject to the special permit buffer requirement also requires the maintenance of the same 50-foot buffer. That permit condition will not be removed until the adjacent site is fully restored according to the approved restoration plan for that site.)* With respect to closing out Phase One, this should not be approved until substantial grading is done along the southern and eastern limits of the area per the approved closure plan for this phase. As stated in my 6/2/11 memo, I believe that the request to move into an area north of the current limits of excavation can be approved as a modification due to the lessening impact on the neighborhood.

If the Commission is leaning toward the removal of the southern buffer area I suggest that the public hearing be continued until 7/5/11 to allow for contacting the abutters and the admission of any new information. A referral to the Town Attorney about the question of the buffer condition on land outside of the permit premises could be received as technical information and the hearing can be closed. If our Town Attorney advises that the restriction cannot be continued, notifying the neighbors becomes a mute issue.

Memorandum:

June 16, 2011

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

Hall - Old Mansfield Hollow Rd

There has been very little activity here apparently due to the continuing slow economy during the past year. Much of the active area has grown to brush and small trees. The owner has indicated an intention to modify the operation somewhat with excavation shifted to the north side of the active work site.

Access in and out of this revised work area will be via an existing dirt road that has been in position for many years - I think before the gravel operation was started on the site. The distance from the work area is approximately 350 feet. The outlet end is at Bassetts Bridge Rd and is located approximately 100 feet west of Mansfield Hollow Rd Extension.

On the field trip Mr. Hall described his intended continuation of the operation, and the modified work area along the north side of the existing gravel operation was staked in the field. Some time ago I walked the area of the proposed new work limit with Mr. Hall and see no problem with the modification.

Mr. Hall described the intended completion of the older work areas with the indication that the finished depth of the deepest areas of the excavation will be at a higher elevation than had previously been approved.

I saw no problems with this site.

Banis - Pleasant Valley Rd

Work has continued as outlined earlier. From observations made on the field trip, work has been limited to the same area as last year. The present work area is well away from the site wetlands. The active work area is contained and I saw no sign of sediment moving from the work area into adjacent areas. The continued excavation toward the easterly land added earlier has been done with high wall at the edge of the excavation that will prevent any material moving into adjacent wooded areas.

I saw no problems with this site.

Green - Stafford Rd

Northerly Area:

This is the area nearer Ravine Rd. Areas that were lightly grown to grass were apparent last year at this time. The hillside slopes and excavation area itself were hydroseeded last year. With this year's

rains grass growth appears to be much better. Excavation in this part of the permit area was completed last year.

Southerly Area:

No work has started yet on this area.

I saw no problems with this site.

Steven D. Banis

29 Norwich Rd

Salem, Ct 06420

June 14, 2011

Town of Mansfield

P&Z Commission

Audrey P. Beck Building

4 South Eagleville Rd

Storrs, Ct 06268

Dear P&Z Commission I Steve Banis would like to give some examples of my recent activities on my permit. Currently I have been the soul worker for 10 months I have had to let all my help go because of the slow pace of the economy. I am 100% responsible for the removal of material. I drive the truck and load. When I am there, I do not stay on site all day, because of driving time of removal and only blasted one time this year of 2011 an area of 40x20 ft and the past years about two times per year. I would also like to state that I am very conscientious of all the residence in the area and do everything possible to keep any noise or disturbance to an absolute minimum.

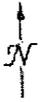
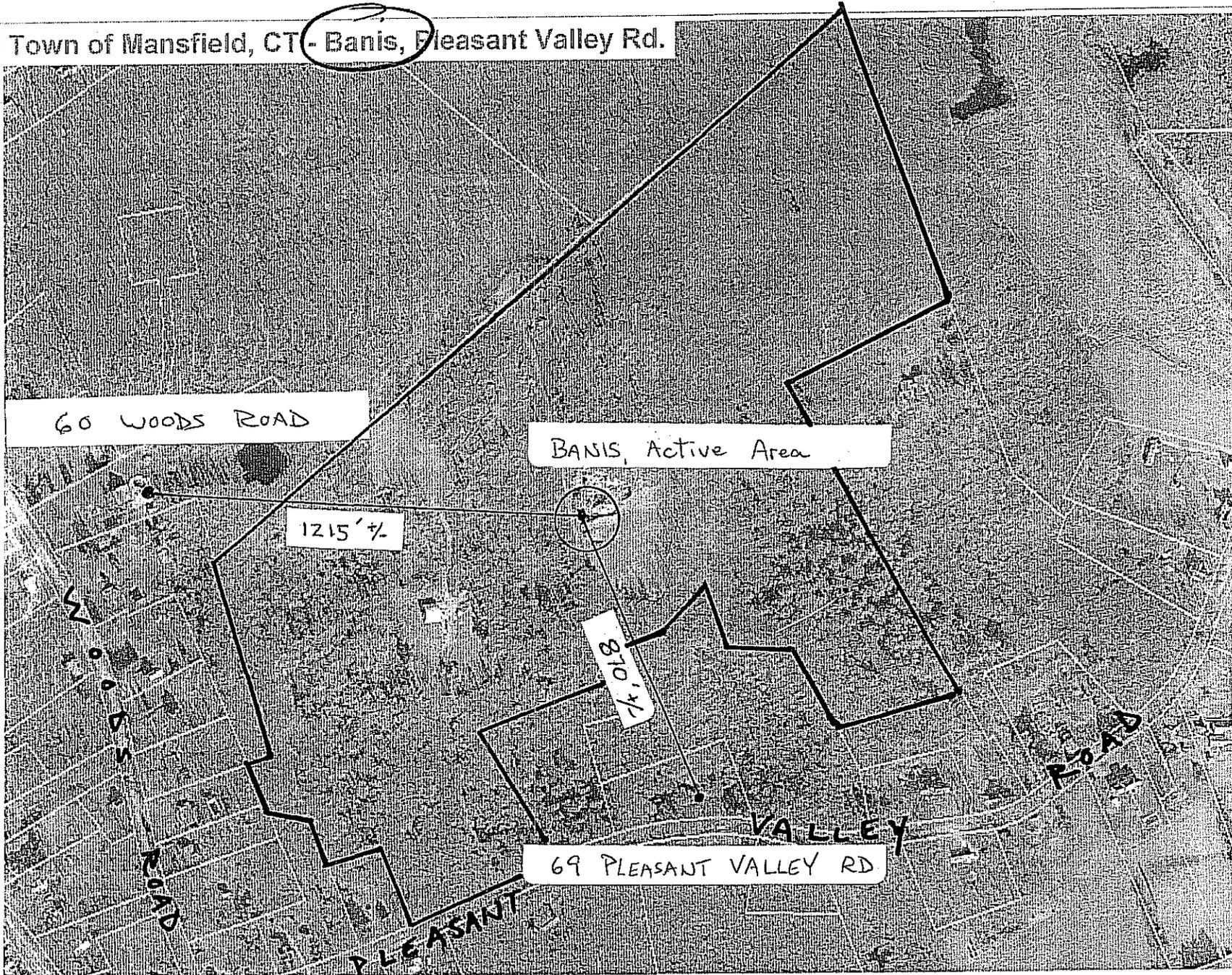
Sincerely Yours,

Steven D Banis

Town of Mansfield, CT - Banis, Pleasant Valley Rd.



- N MapGrid
- N towns
- A Dimensions
- A Address
- A ParcelID
- A Area
- A Streets
- A Parcels
- powerlines
- water
- wetlands
- Town
- roads
- highways



1 in = 399.9 ft

Printed:  
6/7/2011

MainStreetGIS  
www.mainstreetgis.com

Re: Hall Gravel Permit

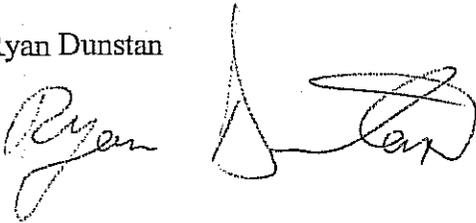
June 5, 2011

To Whom It May Concern,

I am writing this letter in regards to Ed Hall who has petitioned for a continuance to remove materials from his property at Mansfield Hollow Road for his business.

As his neighbor for 15 years at Mansfield Hollow Road Extension and having adjoining property lines, I do not have an issue with Mr. Hall being approved to continue his current business and removal of materials from his property.

Ryan Dunstan

A handwritten signature in cursive script, appearing to read "Ryan Dunstan". The signature is written in dark ink and is positioned to the right of the printed name.

(29 Mansfield Hollow Rd. Extension)

received  
5-11

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**TOWN OF MANSFIELD  
DEPARTMENT OF PLANNING AND DEVELOPMENT**



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LINDA M. PAINTER, AICP, DIRECTOR

**Memo to:** Mansfield Planning and Zoning Commission (PZC)  
**From:** Linda M. Painter, AICP, Director of Planning and Development *LMP*  
**Date:** June 15, 2011  
**Subject:** Paideia Request to Construct Exhibit Area and Upper Plaza of Amphitheatre Project at 28 Dog Lane, PZC File # 1049-7

**Project Background**

**2002-2006** ▪ The Paideia Amphitheatre/Exhibit Hall Project at 28 Dog Lane was granted Special Permit approval on 1/22/02; however, construction was not authorized until 2006.

**2007** ▪ The project was stopped due to unauthorized changes in the approved plans.

**March 3, 2008** ▪ The PZC authorized a number of modifications and work on some elements of the theatre project was allowed to continue. Paideia was not authorized to do any other additional work until architectural plans for the altered exhibit area were approved by the PZC.

**September 8, 2009** ▪ Paideia was allowed to complete work on the stage.

**June 1, 2010** ▪ Communications were received from neighboring property owners who raised concern about the timing of the project and the lack of landscaping work.

**March 15, 2011** ▪ Ilias Tomazos, President of Hellenic Society Paideia, Inc., submitted a floor plan for the exhibit area and an elevation plan depicting exterior walls of the exhibit area. The revised plans now include an upper plaza above the exhibit area. The originally approved plans included this upper plaza but subsequently, the revised plan approved in 2008 eliminated the plaza. The original plans for the upper plaza included a stairway connection to the lower plaza which is not included in the current plans.

Gregory Padick, Director of Planning, provided the following comments regarding the proposed modifications to the PZC prior to the April 19, 2011 meeting:

1. The current footprint for the exhibit area has not changed from the plans approved in 2008.
2. The current exterior elevation plan includes a 42 inch high patterned railing around the upper plaza. This railing which is mounted above the exhibit area walls was not included on previously approved plans. While the wall height has not increased, the railing will alter the visual appearance. No information has been submitted regarding the color or material that will be used for this railing. This change should be reviewed with the applicant.

3. As currently proposed, the only access to the upper plaza will be from the front parking lot near Dog Lane. The previous plans included a stairway to the lower plaza. The applicant has been instructed to review this access issue with the Fire Marshal and Building Official.
4. The current plans include Doric Greek Columns and a glass wall segment for the exhibit area. These changes will enhance the project.
5. The applicant has requested permission to work on landscaping improvements. No timetable has been provided. This issue is of particular importance due to the slow progress on the construction. Neighborhood concerns have been communicated regarding roadside aesthetics and any approval action should include some specific timing requirements for landscaping work.
6. A concern has been expressed regarding the stage construction and the nature of wall construction along Dog Lane and whether the originally approved plans have been followed. No changes in material and wall facing have been approved by the Commission. This issue should be addressed by the applicant.
7. Property owners neighboring the Paideia site have been notified that this issue will be on the April 19<sup>th</sup> meeting agenda. Mr. Tomazos, representing the applicant is expected to be present to address questions and issues raised.

**April 19, 2011** ▪ The PZC requested that the applicant submit additional information regarding access to the upper plaza, details on the proposed upper plaza railing and a specific timetable for implementing the approved landscape plan.

**June 3, 2011** ▪ Mr. Tomazos submitted revised plans, which were distributed to the Commission. Property owners neighboring the site were notified on June 8, 2011 that this item would be on the June 20, 2011 meeting agenda. The revised plans include the following details:

- Railing detail for upper plaza (in response to review comment 2)
- Landscaping plan (In response to review comment 5)
- Perspective views of proposed exhibit hall, landscaping and stairway from upper plaza

### **Review Comments**

The following comments are offered for the PZC's consideration regarding the new details provided by the applicant:

- **Railing Detail (Update to comment 2).** A new railing detail has been submitted for a 3' 6" ornamental iron fence with ¾" pickets spaced at 3 15/16". As depicted in the perspective views, the fence would be used on the perimeter of the upper plaza.
- **Stairway from Upper Plaza (Update to comment 3).** Both the landscape plan and perspective views propose a stairway from the north side of the upper plaza to the lower level. However, the plans did not provide sufficient detail for the Fire Marshall to determine whether the proposed egress is sufficient (see Memo dated June 15, 2011 from Deputy Fire Marshal Fran Raiola). The applicant will need to work with the Fire Marshall and Building Official to ensure that the proposed stairway meets all building and fire code requirements. The perspective views indicate a stair railing that appears to be similar in height/design to the upper plaza fence/railing. These details should be addressed by the applicant.
- **Landscaping (Update to comment 5).** Article VI, Section B(4)(q) contains the requirements for landscaping and buffering. Buffers are required to be attractively landscaped and designed to achieve the following objectives:
  - Protect and preserve property values
  - Provide privacy from visual intrusion, light, dirt and noise
  - Prevent erosion of soil
  - Provide water recharge areas
  - Promote pedestrian and vehicular safety
  - Enhance the environmental quality and attractiveness of Mansfield

- Minimize auditory impacts
- Protect and enhance historic structures, cemeteries and environmentally sensitive features

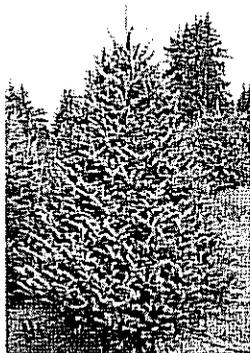
Buffer designs are required to take into consideration vegetated earthen berms, multiple rows of staggered evergreens, selective plantings, walls, fencing, existing vegetation and other landscape measures.

The applicant is proposing a variety of evergreen and deciduous trees to screen the amphitheater and exhibit building/plaza from Dog Lane. Due to neighborhood concerns, the applicant has proposed that some of the planting areas be installed in 2011. The work limits of these areas are outlined on the landscape plan and are described below. As noted in the previous memo, any approval action should include a timeframe for installing plantings within the 2011 work limits. Additionally, the boundaries of the work limits should be discussed with the applicant to determine if inclusion of all proposed street trees along Dog Lane is possible.



**White Pine**

White Pines would be planted along the northern property line, between the service drive and adjoining property. These trees are included in the work limits proposed for 2011.



**Fraser Fir**

Fraser Firs are proposed along the northwestern side of the amphitheater, between the service drive and Dog Lane.



**Sugar Maple**

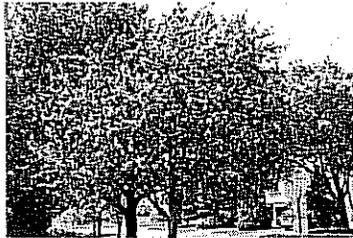
The applicant is proposing to use Sugar Maples as the street trees along Dog Lane. The trees located to the north of the service drive would be included in the 2011 work limits.

The proposed Sugar Maples located to the south of the service drive are not included within the proposed 2011 work limits. The potential expansion of the work limit boundaries to include the Sugar Maples south of the service drive should be addressed by the applicant.



#### **Red Cedar**

A stand of Red Cedars is proposed along the northern and western edge of the new stair access to the upper plaza. These trees are included in the 2011 work limits.



#### **Crab Apple**

Crab Apples alternating with shrub roses are proposed to extend along the perimeter of the amphitheater. These plantings are not included in the 2011 work limits.



#### **Black Gum**

Black Gums are proposed along the northern side of the service drop area, between the service drive and adjoining property to the north.

- **Stage/Dog Lane Wall Construction (Update to comment 6).** The landscape plan indicates that sections of the wall along Dog Lane will be repaired or rebuilt/extended. No other details were provided. As noted in the previous memo, no changes in material and wall facing have been approved by the Commission. This issue should be addressed by the applicant.
- **Emergency Vehicle Access.** The Fire Marshall has indicated a concern with emergency vehicle access. The applicant needs to address this issue with the Fire Marshal.



# Town of Mansfield Office of the Fire Marshal

**To:** Planning and Zoning Commission  
**From:** Fran Raiola, Assistant Chief / Deputy Fire Marshal   
**Date:** June 15, 2011  
**Re:** PAIDEIA – Center for Hellenic Studies PZC file # 1049-7

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After reviewing the submitted drawings for use of the roof deck area of the proposed building, located at 28 Dog Lane, submitted by Hellenic Society Paideia Inc., I have the following comments:

- The plans do not provide sufficient detail or clarity to determine egress from the roof deck area.
- The proposed drawings do meet the requirements for emergency vehicle access as required by the Fire Lane Ordinance.
- The applicant is required to submit the revised plans and specifications to the Building Department and the Office of the Fire Marshal, prior to a Building Permit from the Building Department being issued.

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**Proposed Revisions to Mansfield's Zoning Regulations Associated with Agricultural Uses**

(New provisions are underlined or otherwise indicated)

(Deletions are [bracketed] or otherwise indicated)

*(Explanatory Notes are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning and subdivision revisions.)*

1. In Article IV- Delete existing subsections B.3 (definition of animal unit) and B.4 (definition of avocational livestock)
2. In Article VII. Section G- Delete existing subsections 13, 14, 15 and 16 and add a new subsection 13 to read as follows:
  13. Agricultural Uses as per the provisions of Article X. Section T. Certain Agricultural uses and structures require special permit approval in accordance with Article V. Section B and/or Zoning Permit approval in accordance with Article XI. Section C.

3. In Article VIII Section B.1.b replace the existing provisions with the following:

[ b. **Stable, barn or manure pit** - No stable, barn or manure pit shall be located within 100 feet of any lot line.]

b. **Agricultural structures/Manure pits** Article X Section T includes special setback provisions for agricultural uses and structures.

4. In Article X Section C.4.h.3 replace the existing provisions with the following:

[ 3.**Agricultural/horticultural sales** sites authorized by the permitted use provisions of these regulations may have one non-illuminated sign not exceeding sixteen (16) square feet in area, provided the sign is located at the stand site, and provided it is utilized only when products are available for sale. In addition, up to three (3) offsite directional signs, provided each of said signs does not exceed two (2) square feet in area and provided the signs comply with the locational provisions of Section C.7 of this Article.]

3. See Article X Section T. 6 for agricultural sign provisions

5. In Article X, add a new subsection T to read as follows:

**T. Agricultural Uses**

1. **Statement of Purpose**

The purpose of these regulations is to preserve existing agriculture uses, encourage new agriculture uses, and to maintain and promote a healthy and sustainable environment for people, livestock, plants and wildlife in the Town of Mansfield through the use of appropriate standards and permit processes. Agriculture in Mansfield has its roots in the New England tradition of the small farm, the fruit orchard, and the dairy. It has continually evolved to include other farming enterprises such as silk worms, poultry, horses and ornamental horticulture. These numerous types of farms and farming enterprises have contributed to Mansfield's economy, scenic character and environmental resources. The Town's farmlands offer an inviting atmosphere and local source of fresh foods, ornamental plants and recreation. Grazing livestock, the scent of

new mown hay and experiencing the ever changing farmland scenery are treasures these regulations seek to preserve.

For the purposes of these regulations, agriculture is considered as the growing of crops, the raising of livestock and the storing, processing and sale of livestock and horticultural products and commodities, including those defined in Connecticut General Statutes Section 1-1q, as incidental to agricultural operations.

2. **Agricultural uses such as field crops and orchards are permitted by right provided the following standards are met (special provisions apply to the on site display and sales of agricultural products):**
  - a. All State and Federal requirements, including pest control and provisions for the storage and use of fertilizers, pesticides, fungicides and other chemicals, shall be met. Each property owner shall be responsible for maintaining records and data required by State or Federal agencies that pertain to the subject agricultural or horticultural use, including information on fertilizers, pesticides, fungicides and chemical uses onsite. All agricultural uses are encouraged to utilize practices recommended by the USDA National Resources Conservation Service, the USDA National Organic Program Standards, the State Department of Agriculture, the University of Connecticut Cooperative Extension Service, the University of Connecticut Animal Science and Plant Science Departments, the Connecticut Agricultural Experiment Station and/or the Connecticut Department of Environmental Protection;
  - b. All other applicable sections of Mansfield's Zoning Regulations, including the Performance Standards cited in Article VI, Section B shall be met;
  - c. All agricultural uses involving onsite display and sales of products, including seasonal retail outlets, pick-your-own operations or permanent retail sales outlets shall comply with the standards listed below. It is the intent of these standards to allow the on-site retailing of agricultural products primarily grown or produced on the subject property or other land owned, leased or used by the subject property owner and a limited amount of related products. Furthermore, these standards are designed to prevent retail operations where a significant portion of the products displayed and sold are grown or produced on sites that are not owned, leased or used by the subject property owner, as this type of retail operation is more appropriately located in one of the Town's commercial zones.

It is recognized that for certain periods each year, due to seasonal or weather related issues or cooperative arrangements between agricultural property owners that the display and sale of products grown on land not owned, leased or used by the subject property owner may exceed a limited amount and may be considered significant. Any questions regarding whether the display and sale of agricultural products is in compliance with the intent of these regulations or the provisions listed below shall be resolved by the Planning and Zoning Commission.

1. The on-site display and sales of products shall be limited to agricultural products grown on the premises or on other land owned, leased or used by the property owner, a limited amount of agricultural products grown off-site on land not owned, leased or used by the property owner, and a limited amount of products that are accessory and associated with the agricultural products sold on the subject site. Examples of accessory products include but are not limited to: wreaths or tree stands associated with a Christmas tree farm; jams,

jellies, herb vinegars or cider associated with a fruit or vegetable farm; maple syrup associated with a sugar bush; and seeds, fertilizers, peat moss and other soil amendments;

2. To address traffic safety concerns, adequate off-street parking shall be provided so that customers and employees do not park on the travel portion of town or state roads. A minimum of one off street parking space for each five feet of stand or building length shall be provided pursuant to Article X, Section D. Except for authorized seasonal retail outlets, all parking spaces shall meet the setbacks contained in the Schedule of Dimensional requirements cited in Article VIII, Section A, or be 100 feet from existing dwelling units on adjacent properties, whichever setback is greater, unless these setbacks are waived by the Commission after a referral to the Agriculture Committee and consideration of potential neighborhood impacts and safety problems;
3. All driveway and parking areas shall be designed and constructed to promote vehicular and pedestrian safety and the proper discharge of storm water runoff. Safe and adequate sightlines shall be provided at access drive intersections with Town or State streets. As required, a driveway permit shall be obtained from the Mansfield Public Works Department or the State Department of Transportation;
4. In situations where sales or pick-your-own operations, parking areas, or access driveways are within one hundred (100) feet of an adjacent lot containing an existing residence, buffering by the use of fencing, berming or vegetative screening shall be considered, where appropriate, to help minimize neighborhood impacts;
5. All signs shall comply with the provisions of Article X, Section T.6;
6. Seasonal retail outlets consisting of display tables, shelving carts and/or structures less than 300 sq. ft. in area, that are only utilized during periods when agricultural or horticultural products are harvested onsite or on other land owned, leased or used by the property owner and "pick-your-own" operations are permitted by right, provided the following criteria are met:
  - a. The seasonal retail outlet is on the same site as the agricultural or horticultural use;
  - b. Applicable provisions of subsection c.1 through c.5 above are met;
  - c. Any structures shall be at least fifteen (15) feet from front lines and thirty (30) feet from other lot lines, unless these setback provisions are specifically reduced or waived by the concurrence of the Chairman of the Planning and Zoning Commission and the Zoning Agent. Any waiver or reduction shall be based on specific site characteristics and a determination that the structure's location is not expected to result in neighborhood or environmental impact, traffic safety or parking problems. (Any questions regarding this provision and the appropriateness of a setback reduction or waiver shall be referred to the Agriculture Committee and resolved by the Planning and Zoning Commission);
7. Other retail sales outlets (any fixture or structure other than one authorized in Subsection c.6 above) that is utilized for retail purposes either seasonally or for longer periods of time) are permitted, provided Special Permit approval is obtained in accordance with Article V, Section B and provided the following additional criteria are met:
  - a. The retail use is on the same site as the agricultural or horticultural use;

b. The provisions of subsection c.1 through c.5, above, are met

3. **Keeping of Farm Animals**

The following provisions establish four (4) separate permitted use categories that authorize the keeping of animals. Section 3.a. Principal Farm Use, Section 3.b. Accessory/Secondary use and Section 3.c. 4H.FFA or other Student Project use authorize the keeping of farm animals by right provided applicable standards are met. Section 3.d authorizes, subject to special permit approval of the Planning and Zoning Commission, additional Accessory/Secondary uses where the number of animals per lot exceeds the number of animals per lot authorized by right in section 3.b

a. **Principal Farm Use Permitted by Right**

The keeping, breeding, or raising of beef or dairy cows, sheep, poultry, swine, goats, horses, and other animals for either commercial or non-commercial purposes, and accessory buildings and facilities, are permitted by right, provided the following standards and recommendations are addressed:

1. The subject lot is a minimum of five (5) acres in size exclusive of non-farmable wetlands and watercourses. (Any questions regarding non-farmable wetlands and watercourses shall be referred to the Agriculture Committee and resolved by the Planning and Zoning Commission)
2. The animals shall be provided with safe and adequate shelter and shall be kept in a manner that conforms to all applicable regulations of the Connecticut Department of Environmental Protection, the Connecticut Department of Agriculture and the Connecticut Department of Public Health and with all applicable provisions of the State Statutes.
3. Zoning Permits, pursuant to Article XI, Section C, shall be required for all buildings and structures and all applicable zoning setback requirements shall be met.
4. It is recommended that all property owners keeping animals prepare a farm management plan that addresses the particular shelter, outdoor keeping areas, pasture and manure management needs related to the specific animals being kept on the property and any associated drainage or neighborhood impact issues. Information available from the CT Department of Agriculture, the University of Connecticut Cooperative Extension Service, the Connecticut Farm Bureau and/or the USDA Natural Resources Conservation Service should be utilized in preparing a site specific farm management plan. Agriculture practices contained in the Connecticut Department of Environmental Protection's manual of Best Management Practices for Agriculture should be followed.
5. Agriculture practices recommended by one of the agencies listed above in Section 3 a. 4 shall be utilized for all manure piles. Surface water flows shall be diverted away from manure piles, stables, barns and outside keeping areas such as corrals or pens. Unless these setbacks are specifically waived or reduced by the concurrence of the Planning and Zoning Commission Chairman and Zoning Agent, manure piles, stables, barns, and outside animal keeping areas (such as corrals or pens but excluding fenced pastures, portable small animal enclosures that are regularly moved to maintain ground cover and animal shelters less than two hundred (200) square feet in area) shall be a minimum of sixty (60) feet from front property lines, one hundred (100) feet from side or rear property lines and a minimum of seventy-five (75) feet from any well. Standard setbacks as per Article VIII shall be met for animal shelters less than two hundred (200) square feet in

area. There are no setback requirements for pastures or portable small animal enclosures that are regularly moved to maintain ground cover.

Any waiver or reduction shall be based on site and neighborhood characteristics and a determination that a waiver or reduction in setbacks would not be expected to result in environmental or neighborhood impacts. Waivers or reductions in setbacks are most appropriate where abutter consent has been granted; where properties abut existing agricultural uses or land without human occupied buildings; and/or where human occupied buildings and associated yards or other residentially used areas are a minimum of one hundred (100) feet from the subject property line. (Any questions regarding this provision and the appropriateness of a setback waiver or reduction shall be referred to the Agriculture Committee and resolved by the Planning and Zoning Commission)

6. In order to maintain and improve animal health and water quality, all pasture land shall be managed to maintain healthy grass cover and it is recommended that pastures be a minimum of thirty-five (35) feet from rivers, streams and other watercourses. Additionally, it is recommended that all stables, barns, outside animal keeping areas, such as corrals or pens, and manure/compost piles be located a minimum of one-hundred (100) feet from rivers, streams and other watercourse areas. Greater setback buffers are recommended wherever slopes exceed fifteen (15) percent between watercourse channels and stable barns, outside keeping areas and manure/compost piles. It is further recommended that any necessary livestock watercourse crossings be confined to a short length of the watercourse and that culverts or bridges be used at crossings when feasible.
7. All manure stored on an agricultural site shall be composted or removed from the site on a regular basis pursuant to agricultural practices recommended by the CT Department of Agriculture, the University of Connecticut Cooperative Extension Service, the Connecticut Farm Bureau, the USDA Natural Resources Conservation Service and/or the CT Department of Environmental Protection.

**b. Keeping of Farm Animals-Accessory/Secondary Uses Permitted by Right**

The keeping, breeding, or raising of beef or dairy cows, sheep, poultry, swine, goats, horses and other animals for accessory and primarily, non-commercial purposes, and accessory buildings and facilities, on lots not meeting the lot size provisions of Article X, Section T.3.a. above are permitted by right, provided the following standards and recommendations are addressed. These standards and recommendations are designed to help ensure that each qualifying site is physically capable of safely supporting the proposed keeping of farm animals and that authorized animals are kept in a safe manner without inappropriate impact on the environment or neighboring land uses.

1. The provisions of Article X, Section T.3.a 1. through 7. shall be met.
2. Unless special permit approval is granted pursuant to the provisions of Article X, Section T.3.d, the square footage requirements contained in the following chart shall be met for each animal category. These square footage requirements exclude non-farmable wetlands and watercourses but include areas used for residential structures and accessory site improvements.

<b>FARM ANIMALS: ACCESSORY/SECONDARY USE CHART FOR RESIDENTIAL LOTS</b>	
<u>ANIMAL CATEGORY</u>	<u>SQUARE FOOTAGE</u> <u>(Excludes non-farmable wetlands and watercourses but includes areas used for residential structures and accessory site improvements)*</u>
Large animals including: Beef or Dairy Cows, Horses, Ponies, Mules, Buffalo, Donkeys and similar sized animals **	One (1) animal per 40,000 sq. ft.
Swine	Two (2) breeding sows plus litter (3 months or less) per 40,000 sq. ft
Medium animals including: Sheep, Goats, Ostriches, Alpacas, Llamas and similar sized animals	Five (5) animals per 40,000 sq. ft.
Small poultry including: Chickens and Ducks***	Sixteen (16) birds per 40,000 sq. ft.
Large poultry including: Geese and Turkeys	Eight (8) birds per 40,000 sq. ft.
Rabbits	Twenty-five (25) animals per 40,000 sq.ft.
Other Animals	As determined by the Zoning Agent consistent with this chart
* Combinations consistent with this chart are permitted as determined by the Zoning Agent. Livestock offspring shall not apply to the animal unit calculation until after weaning. Special provisions also may be approved by the Zoning Agent for dwarf animal breeds and for young animals who have not reached adult size. Any questions regarding non-farmable wetlands shall be reviewed with the Planning and Zoning Commission.	
** Male animals in this category shall be neutered on or before one (1) year of age. Non-neutered males over the age of one (1) are not authorized by this use provision.	
***Due to potential noise and neighborhood impact problems, it is recommended that guinea fowl not be kept pursuant to this permitted use provision.	

**c. 4H, FFA or other Student Projects Permitted by Right**

Student projects involving the temporary keeping of farm animals are authorized by right provided a Statement of Use and animal management plan (see Article X, Section T.3.a.3) that comprehensively describes the proposed project, including shelter provisions, outside keeping areas and manure management, is prepared and found acceptable with respect to animal welfare and potential environmental and neighborhood impacts by the 4H Club Agent of the Cooperative Extension Service or a qualified school instructor or project manager.

**d. Keeping of Farm Animals-Accessory/Secondary Uses-Permitted subject to Special Permit Approval**

It is recognized that on a case by case basis, it may be appropriate to authorize a greater number of animals than is allowed by right pursuant to Article X, Section T.3.b. Therefore, subject to obtaining special permit approval in accordance with Article V, Section B, property owners may seek approval for more animals that would otherwise be permitted pursuant to Article X, Section T.3.b and the associated Farm Animals: Accessory/Secondary Use Chart For Residential Lots. To help address potential animal safety issues and potential environmental and neighborhood impact issues, applications shall include a specific animal management plan that demonstrates compliance with the standards of Article X, Section T.3.a.1 through 7 and all special permit approval criteria of Article V, Section B.5. Article X, Section T.3.a.4 provides potential sources of information that should be considered in preparing an animal management plan. Special Permit applications submitted pursuant to this provision shall be referred to Mansfield's Agriculture Committee for review and comment.

4. Other Commercial Agricultural Uses (Special Permit Approval Required)

Any other agricultural use that is not specially authorized by subsections T.2. and T.3. above or other provisions of these Regulations may be permitted provided special permit approval is obtained in accordance with Article V. Section B.

5. Manure/Compost

Any excess manure and/or compost produced on an agricultural site may be sold for off-site use. However, compost that is primarily from materials not generated on the subject site shall not be sold for off-site use unless special permit approval is obtained in accordance with Article V, Section B. (Any questions regarding this provision shall be referred to the Agriculture Committee and resolved by reviewed with the Planning and Zoning Commission)

6. Agricultural Signage

The following agricultural signs are authorized in Mansfield:

- a. Identity Sign: One unlighted agricultural identity sign per site is authorized by right provided the sign does not exceed sixteen (16) square feet in area and it complies with the location, height, sign area and construction and design standards of Article X Sections C 7 through 10.
- b. Product Identification Signs: Up to three (3) unlighted product identification signs per site are authorized by right on sites with onsite retail sales outlets provided the cumulative square footage of the sign(s) does not exceed thirty-two (32) square feet in area and the sign complies with the location, height and sign area standards of Article X Sections C7 through C9. Product identification signs shall be removed during seasonal periods when products are not available for sale.
- c. Directional Signs: Up to four(4) unlighted off site directional signs are authorized by right for sites with onsite retail sales outlets provided each sign does not exceed a size of four (4) two (2) square feet and provided the signs comply with the locational provisions of section C.7. for seasonal retail outlets, off site directional signs shall be removed during seasonal periods when products are not available for sale. In addition, for agricultural sites that qualify for a State Department of Agriculture authorized permanent directional sign, one additional sign complying with state requirements is authorized provided the locational provisions of Article X Section C.7 are met.

7. Agriculture Committee

The Planning and Zoning Commission shall refer Special Permit applications pursuant to this section to the Town of Mansfield's Agriculture Committee for their advice and comment.

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## June 9, 2011 Draft

### Proposed Zoning Regulation Revisions Re: Planned Business-3 Area (Four Corners)

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(*Explanatory Notes* are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revisions.)

1. In Article VII, Section N; revise the title of this section to insert "Four Corners" between "44" and "Area"

N. Uses Permitted In The Planned Business 3 Zone (Route 195/Route 44 Four Corners Area)

2. Add a new Section N.1. to read as follows:

1. Intent

The Planned Business-3 zone is situated in the "Four Corners" area of Town at or near the intersection of State Routes 44 and 195. This historically important crossroads area has provided in part commercial services to Mansfield residents and visitors for over 200 years. Due in part to the lack of public sewer and water services, many properties in this area have deteriorated over the past few decades and a number of businesses have closed. Consistent with Mansfield's Plan of Conservation and Development, it is the Town's objective to revitalize the Four Corners area and Town officials are working to address existing infrastructure needs.

Due to current infrastructure deficiencies, the current listing of permitted uses in the Planned Business zone is limited. However, upon approval of commitments to provide public sewer and water services to this area, it is the intent of the Planning and Zoning Commission to review and, as appropriate, modify zone classifications and zone boundaries; the listing of permitted uses, maximum height and coverage requirements and all other associated land use regulations. In the interim, the Commission has established in Article X, Section A, initial design criteria that will help establish a design framework for the planned revitalization and growth of this area.

3. Renumber Article VII Section N.1. as N.2 and revised and reformat existing provisions to read as follows:

2. General

The uses listed or referenced below in Section N.2 in separate categories and associated site improvements are permitted in the Planned Business 3 zones provided:

- a. Any special requirements associated with a particular use are met;
- b. [provided] Applicable provisions of Article X, Section A are met; and
- c. [provided] Special Permit approval is obtained in accordance with the provisions of Article V, Section B for any of the activities delineated in Article VII, Section A.2.

Article VII, Sections A.3, A.4 and A.5 also include or reference provisions authorizing the Zoning Agent to approve changes in the use of existing structures or lots and authorizing the PZC Chairman and Zoning Agent to approve minor modifications of existing or approved site improvements.

4. Add a new Article X, Section A.11 to read as follows:

11. Special Provisions for the Planned Business-3 Zone (Four Corners Area-Route 195/44)

**Four Corners Design Criteria**

To facilitate the coordinated development or redevelopment of properties in the Four Corners area, the following design criteria have been established. In addition to addressing the Architectural and Design standards contained in Article X, Section R, all proposed development in the Four Corners area shall comply with the following design criteria:

- a. Developments along Routes 44 and 195 and along North Hillside Road shall incorporate a prominent pedestrian oriented and extensively landscaped streetscape. The streetscape area shall include a walkway/bikeway, street trees and other landscape enhancements and, as deemed appropriate by the Commission, pedestrian sitting areas, bicycle racks, bus stops and bus shelters. The required streetscape area shall be a minimum width of fifty (50) feet (from edge of street) unless specifically reduced by the Commission based on site characteristics and the site specific development plan.
- b. To enhance vehicular and pedestrian safety, site layouts shall be designed with the primary goals of minimizing curb cuts along public roadways and providing or facilitating interior connections between adjacent properties.
- c. Except where specifically waived by the Commission based on site characteristics and the site specific development plan, new buildings and associated landscape areas shall be located immediately adjacent to streetscape areas to further enhance roadside aesthetics and a significant pedestrian orientation.
- d. Except where specifically waived by the Commission based on site characteristics and the site specific development plan, parking, loading, waste disposal and storage areas shall be located to the rear or side of buildings and screened from adjacent roadways and walkway/bikeways.
- e. All parking areas shall be designed to provide clearly defined pedestrian pathways within the parking area and to and from building entries.
- f. New buildings shall be designed to minimize mass by utilizing smaller visual components through the use of projections, recesses, varied façade treatments, varied roof lines and pitches, and where appropriate, variations in building materials and colors;
- g. Site specific landscape and lighting plans shall be designed by qualified professionals and implemented to reduce visual impact, minimize light spill (undesirable light that falls outside the area of intended illumination) and promote compatibility with neighboring agricultural and residential uses.
- h. Developments consisting of more than one structure shall exhibit a high degree of coordination in site planning, architectural design, site design and site detailing. All physical components shall be designed to complement an overall plan.
- i. Building materials are a significant factor in defining the appearance of a building and coordinating development within an area. Traditional high quality building materials, such as brick and wood siding, that reflect Mansfield's architectural tradition shall be used in the Four Corners area. Modern materials, such as fiber cement siding that have the same visual characteristics as wood, may be used but the following materials are examples of materials that

are not considered acceptable in the Four Corners area: highly reflective metal or plastic siding or panels, brushed aluminum, bronzed glass, concrete siding, unfinished concrete block and corrugated fiberglass.

- j. National franchise uses shall utilize building designs and building materials that reflect Mansfield's architectural traditions in their form, detailing and material.

*Explanatory Note:*

*The proposed revisions incorporate a new intent section for the PB-3 zone (Four Corners Area) and a number of specific design standards that would apply to new development in this zone. The proposed design criteria include provisions that address streetscape improvements, vehicular and pedestrian improvements, interconnections between adjacent properties, building locations, landscaping, lighting, building designs and building materials.*

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## June 9, 2011 Draft

### Proposed Zoning Regulation Revisions Re: Historic Preservation criteria/Historic Village Areas

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(*Explanatory Notes* are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revisions.)

- 1) In Article V, Section A.3.d.15 incorporate the following revisions:

Existing and proposed fencing, walls, screening, buffer and landscaped areas, including the location, size and type of significant existing vegetation and unique or special landscape elements; historic features including but not limited to old foundations, dams, sluiceways, mill races, rip-rapping, wells and other utility features, walks, paths, hitching posts and former gardens, arbors or enclosed areas; and the location, size and type of proposed trees and/or shrubs. Plants identified in the current State Department of Environmental Protection Agency listing of invasive species shall not be used. Native species or species appropriate to the historic period should be considered. [Areas to remain as natural or undisturbed and areas to be protected through the use of conservation easements shall be identified on the site plan.]

- 2) In Article V, Section A.5.d incorporate the following revisions:

- d. The proposal has made safe and suitable provisions for water supply, waste disposal, flood control, fire and police protection, the protection of the natural environment, including air quality and surface and groundwater quality and the protection of existing aquifers and existing and potential public water supplies, cemeteries, historic structures and other features of historic value[;].

For all properties within one of the ten (10) historic village areas identified in Article X, Section J, the special historic village area review criteria contained in Article X, Section J.2 also shall be complied with;

- 3) In Article V, Section A.5.j add “or other historic features” after “stonewalls” and replace “specimen” with “significant”.
- 4) In Article VIII, Section A, (Schedule of Dimensional Requirements Chart), add a new footnote 21 for the minimum front, side and rear setback line columns. The new footnote 21 shall read as follows:

21. The Planning and Zoning Commission shall have the authority to reduce or increase front, side and/or rear setback line requirements for properties within one of the ten (10) historic village areas identified in Article X, Section J. Setback reductions or increases shall only be approved or required where the reduction or increase in setback is considered necessary to address the special historic village area review criteria contained in Article X, Section J.2.

5) In Article X, delete existing Section J (Special Provisions for multi-family housing without sewers) in its entirety and replace it with a new Article X, Section J to read as follows:

J. Special Provisions for Plan of Conservation and Development designated Historic Village Areas

1. Intent

Mansfield's Plan of Conservation and Development emphasizes the importance of preserving historic structures, historic neighborhoods and other historic and/or archaeological resources. Although seventeen (17) separate historic village areas are identified in Mansfield's Master Plan, ten (10) of these areas have retained common characteristics that warrant special protective measures. To help preserve and enhance the character of these remaining village areas, the following special provisions have been adopted. These provisions shall apply to the following historic village areas as specifically identified on Map 5 of Mansfield's Plan of Conservation and Development: Eagleville, Gurleyville, Hanks Hill, Mansfield Center, Mansfield Depot, Mansfield Four Corners, Mansfield Hollow, Mount Hope, Spring Hill and Wormwood Hill.

2. Special Historic Village Area Review Criteria

All exterior construction within the ten (10) historic village areas noted above in Section 1, including but not limited to new primary or accessory structures, building additions, swimming pools, signs and site work or site improvements, that require site plan or special permit approval pursuant to Article V, Sections A or B of these regulations and/or Zoning Permit approval pursuant to Article XI, Section C of these regulations shall comply with the following provisions:

- a. New buildings and site improvements shall be designed to fit the individual characteristics of their particular site and village neighborhood. Careful consideration shall be given to promoting compatibility in building size architectural form, massing, detail and materials. This includes façade mass, façade projections or recesses, windows, doors, roof mass and profile, as well as other architectural features. Compatible designs do not require uniformity in building styles.
- b. All structural elements shall be in scale with and proportionate to adjacent buildings and other visual structures.
- c. Overall spacing between roadside structures within the village area shall be maintained.
- d. Setbacks from roadways and property lines shall be consistent with neighboring structures within the village areas.
- e. The height of new building shall be consistent with neighboring structures within the village area. One and one-half to two and one-half story structures are typical in Mansfield's historic village areas. Through the use of variations in building height, roof line and grade definition, the perceived high of buildings can be influenced.
- f. Building and site improvements shall be designed to avoid impacts on significant trees, stone walls, scenic views and vistas and other features that contribute to a historic village area.
- g. Traditional building materials, such as wood siding and brick that reflect Mansfield's architectural tradition shall be used. Modern materials, such as fiber cement siding, that have the same visual characteristics as wood are considered acceptable.

6) In Article X, Section R.2.b. add the following to the end of the existing section:

(see Article X, Section J. 2 for special historic village area review criteria)

7) In Article XI, Section C.1 (Zoning Permit Applicability) add a new section C.1.a.7. to read as follows:

7. The erection, placement or enlargement of any structure, sign, fence, wall or similar site improvement for properties within one of the ten (10) historic village areas identified in Article X, Section J.

8) In Article XI, Section C.3 (Approval Considerations for Zoning Permits) add a new Section C.3.j. to read as follows:

j. For all properties within one of Mansfield's designated "Historic Districts" and/or one of the ten (10) historic village areas identified in Article X, Section J, no zoning permit shall be issued until:

1. Any required "Certificate of Appropriateness" has been granted by Mansfield's Historic District Commission;
2. The Planning and Zoning Commission has reviewed the proposed development and determined compliance with the special historic village area review criteria contained in Article X, Section J.2.

Explanatory Note:

*The proposed revisions clarify and strengthen existing application submission requirements and approval criteria regarding the protection of historic features. The draft revisions propose new zoning permit, site plan and special permit approval criteria and special setback provisions that would apply to new exterior construction, including signs, on properties within ten (10) of Mansfield's historic village areas as identified in the Town's Plan of Conservation and Development. The ten (10) historic village areas identified in the draft regulation have retained common characteristics that warrant special protective measures.*

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## June 9, 2011 Draft

### Proposed Zoning Regulation Revisions Re: Architectural and Design Standards

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(*Explanatory Notes* are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revisions.)

1. Revise Article V, Section A.1 to incorporate the following revision:

As required in other sections of these Zoning Regulations, the approval of a site plan [application] may be necessary for new construction, including expansion; site modifications; new uses and changes in use. The following site plan requirements are designed to ensure the appropriate and orderly use and development of land within Mansfield's assorted Zoning Districts; to minimize any detrimental effects on neighborhood character, the natural environment and property values; and to protect and promote Mansfield's health, welfare and safety.

For all projects involving new construction, the Architectural and Design Standards contained in Article X, Section R shall be utilized as determinants to organize a site layout and to develop the composition and character of new buildings and site improvements. The use of these standards will facilitate Mansfield's application review and approval processes.

2. Revise Article V, Section B.1 to incorporate the following revision:

It is recognized that there are certain uses that would only be appropriate in Town if controlled as to area, location, or relation to the neighborhood so as to promote the public health, safety and general welfare. As provided for elsewhere in these regulations, such uses shall be treated as special permit uses and provided procedures, standards and conditions set forth or referenced herein are complied with, these uses may be permitted in their respective zoning districts. All such uses are considered to have special characteristics and accordingly each application must be carefully reviewed on a case-by-case basis.

For all projects involving new construction, the Architectural and Design Standards contained in Article X, Section R shall be utilized as determinants to organize a site layout and to develop the composition and character of new buildings and site improvements. The use of these standards will facilitate Mansfield's application review and approval processes.

3. Revise Article X, Section R (Architectural and Design Standards) to incorporate the following revisions:

A. Revise Section 2.f. to read as follows:

- f. Vehicular and pedestrian safety and accessibility shall be addressed in a comprehensive and intermodal manner. Design site entrances and, where appropriate, building entrances, to be clearly visible and identifiable from public accessways or any other primary vantage points. [Vehicular and pedestrian safety issues need to be addressed.] Provide safe and attractive walkway/bikeways and, where appropriate, public transit amenities and interconnected

development that promotes walking and cycling to, and within, the area and enhanced public transit opportunity.

B. Revise Section 3.g. to read as follows:

- g. [Consider n]Natural materials, or modern materials with the same visual characteristics, in their traditional applications (e.g., wood, stone, brick, glass, metal, etc.) should be used as primary building materials. [Limit t]The number of different materials on the exterior building elevation should be limited and attention shall be given to detail at corners, trim, openings and wherever there are abutting materials. Long term maintenance shall be an important consideration in the selection of building materials.

C. Add a new Section 3.h. to read as follows:

- h. National franchise uses shall utilize building designs and building materials that reflect Mansfield's architectural traditions in their form, materials and details.

D. Add a new Section 3.i. to read as follows:

- i. Secondary rear or side building facades that are visible from public spaces or adjacent properties shall be designed to complement the architectural treatment of primary facades.

E. Add a new Section 3.j. to read as follows:

- j. The design of signage, lighting fixtures, accessory structures, fences, storage enclosures, bicycle racks, benches, trash baskets and other site improvements shall be coordinated with primary buildings in form, materials and details.

F. Add a new Section 3.k. to read as follows:

- k. Buildings shall be sited and designed to promote energy conservation. Consideration should be given to solar orientation, insulation, lighting, plumbing, landscaping and other energy efficient design elements.

G. Revise Section 4.c. to read as follows:

- c. Utilize landscape buffers, berms, fencing, etc to screen parking areas and waste storage areas from adjacent streets, walkways, bikeways, other public spaces, and, as appropriate, neighboring properties.

Explanatory Note:

*The proposed revisions provide more specific site plan and special permit references to the Architectural and Design Standards contained in Article X, Section R and incorporate new and revised standards regarding vehicular and pedestrian traffic and public transit opportunities, building designs, building materials and accessory improvements.*

## June 9, 2011 Draft

### Proposed Zoning Regulation Revisions Re: Setbacks for Outdoor Recreational Facilities

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(*Explanatory Notes* are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revisions.)

- A. In Article VIII, Section A, revise the heading of the Schedule of Dimensional Requirements Chart to read as follows:

Unless specific exceptions are noted in other sections of these regulations, (particularly Article VIII, Section B, Article VII and Article X), this schedule of dimensional requirements shall apply to all lots, buildings, structures and site improvements, including parking, loading, outdoor recreational facilities such as tennis, volleyball or basketball courts that are distinct from driveway /parking areas or lawns, and outside storage areas. See other side of this page for notes included in this Schedule.

- B. In Article VIII, revise Section A to read as follows:

Unless specific exceptions are noted in other sections of these regulations, all lots, buildings, structures and site improvements, including parking, loading outdoor recreational facilities such as tennis, volleyball or basketball courts that are distinct from driveway /parking areas or lawns, and outside storage areas erected or altered after the enactment of these Zoning Regulations, shall conform to the dimensional requirements for the subject zone in which the building, lot, structure or improvement is located as specified in the Schedule of Dimensional Requirements which is included in these Regulations.

*Explanatory Note:*

*The proposed revisions would require outdoor recreational improvements, including certain tennis, volleyball and basketball courts, to meet standard setback requirements. Current provisions do not require these improvements to be setback from property lines.*

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## June 9, 2011 Draft

### Proposed Zoning Regulation Revisions

#### Re: Lighting Requirements

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(*Explanatory Notes* are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revisions.)

A. In Article V, Section A.3.d.17 incorporate the following revisions:

Existing and proposed outdoor illumination, including method and intensity of proposed lighting and manufacturer's installation charts. Comprehensive lighting plans with foot candle details can be required as determined by the Commission.

B. In Article V, Section A.5.g. incorporate the following revisions:

The proposal has adequately considered all potential nuisances such as noise and outdoor lighting. Except where specifically authorized by these Regulations, all lighting shall be the minimum necessary to address safety and security needs taking into account manufacturer's installation charts and spacing recommendations for the proposed lighting. All lighting fixtures shall be designed to prevent undesirable illumination or glare above the site or beyond the site's property lines. All lighting fixtures shall be shielded and aimed downward unless it can be demonstrated that alternative designs will not result in spill light (undesirable light that falls outside the area of intended illumination).

#### Explanatory Note:

*The proposed regulations provide more specific lighting submission requirements for site plan and special permit applications and refine lighting approval criteria.*

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## June 9, 2011 Draft

### Proposed Zoning Regulation Revisions Re: Recreational and Pedestrian Improvements

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(*Explanatory Notes* are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revisions.)

- A. In Article V, Section A.3.d.13, replace “pedestrian ways” with “sidewalks, bikeways, paths and trails”.
- B. In Article V, Section A.3.d.18 incorporate the following revisions:

Location of existing and proposed recreational facilities including appropriate construction details for trails, ball fields, playgrounds, swimming pools, tennis, volleyball or basketball courts or other recreational improvements.

- C. In Article V, Section A.5.e. incorporate the following revisions:

Vehicular and pedestrian access to the property and egress from the property and internal vehicular and pedestrian traffic patterns are safe and suitable and have been designed to maximize safety and avoid hazards and congestion. Adequate provisions have been made to address accessibility problems of handicapped individuals. All curb cuts shall have adequate sightlines and adjacent streets shall have adequate capacity to safely accommodate the traffic flows associated with the proposed use(s). As deemed necessary, offsite road and drainage improvements may be required by the Commission;

Sidewalks, bikeways, trails and/or other improvements designed to encourage and enhance safe pedestrian and bicycle use shall be required, unless specifically waived by a three-quarter (3/4) vote of the entire Commission (7 votes), for all sites within or proximate to Plan of Conservation and Development designated “Planned Development Areas”; proximate to schools, playgrounds, parks and other public facilities; or proximate to existing or planned walkway, bicycle or trail routes. In evaluating any waiver request, the Commission shall consider the size and the location of the proposed development, its relationship to existing or planned development, school sites, playground areas and other public areas and the location and nature of existing or planned sidewalk, bikeway or trail improvements.

#### Explanatory Note:

*The proposed revisions clarify site plan and special permit submission provisions for pedestrian and recreational improvements. In addition, the draft regulations specify that pedestrian/bicycle improvements are required for all site plan and special permit uses on sites within Plan of Conservation and Development designated “Planned Development Areas” or on sites proximate to schools, parks and other public facilities unless waived by a ¾ vote of the Commission.*

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## June 9, 2011 Draft

### Proposed Zoning Regulation Revisions Re: a. Notification Requirements, b. Refuse Areas, c. Other

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(*Explanatory Notes* are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revisions.)

#### A. Notification Requirements

1. In Article V, Section A.3.c. delete “return receipt” in line 6;
2. In Article V, Section B.3.c. insert “and” between “owners” and “a listing” in line 9 and delete “and return receipts from certified mailings” in lines 9 and 10.

#### B. Refuse Areas:

1. In Article V, Section A.3.d.14. incorporate the following revisions:

Existing and proposed off-street parking and loading areas, fire access lanes, outside storage and refuse areas, and underground and aboveground fuel and chemical storage tanks. All required parking spaces, loading areas, fire lanes, etc. shall be clearly delineated with pavement markings or other suitable measures. All refuse areas shall be adequately sized for both refuse and materials to be recycled and shall be screened to minimize visual impact.

#### C. Other:

1. In Article V, Sections A.2 and A.3 replace “Town Planner” with “Director of Planning”

#### Explanatory Note:

*The proposed revisions incorporate current statutory requirements for notifications, clarify refuse area requirements and update a staff reference.*

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RECEIPT OF APPLICATION FOR SPECIAL PERMIT, SITE PLAN, (RE)SUBDIVISION:

\_\_\_\_\_, move and \_\_\_\_\_ seconds to receive the SITE PLAN,

SPECIAL PERMIT (re)SUBDIVISION application (file # 483-5)

submitted by U.S. Properties, Inc,

for a restaurant use

(if subdivision, give title) \_\_\_\_\_,

on property located at 82-86 Storrs Road,

owned by College Mart + U.S. Properties, Inc,

as shown on plans dated 3/10/11, revised through \_\_\_\_\_,

and as described in other application submissions, and to refer said application to the staff, Design Review Panel, Committee on the Needs of Persons with Disabilities.

\_\_\_\_\_  
\_\_\_\_\_

(other)  
for review and comments, and to set a Public Hearing (if applicable) for July 18, 2011

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**SPECIAL PERMIT APPLICATION**

(see Article V. Section B of the Zoning Regulations)

Mansfield Planning and Zoning Commission

File # 483-5  
Date 6-16-11

1. Name of development (where applicable) STAPLES CENTER

2. Proposed use of the property is End store to be a restaurant dba Farmers Cow Calfe  
in accordance with Sec.(s) \_\_\_\_\_ of Article VII (Permitted Use provisions) of the Zoning  
Regulations. *SEE ATTACHED DESCRIPTION.*

3. Address/location of subject property 82-86 STORRS RD  
Assessors Map 38 Block 109 Lot(s) 39 Vol. 303 Page 116

4. Zone of subject property PB-1 Acreage of subject property 10.14 AC

5. Acreage of adjacent land in same ownership (if any) NA

6. APPLICANT DAVID MILLS, AGENT FOR OWNER *David Mills*  
(please PRINT) Signature  
Street Address 5 SHAW'S COVE Telephone 860-437-7788  
Town NEW LONDON Zip Code 06320

Interest in property: Owner \_\_\_\_\_ Optionee \_\_\_\_\_ Lessee \_\_\_\_\_ Other X

(If "Other", please explain) MANAGING AGENT

7. OWNER OF RECORD: COLLEGE MART *William J. Kuth*  
(please PRINT) Signature  
(OR attach Purchase Contract \_\_\_\_\_ OR attach letter consenting to application \_\_\_\_\_)  
Street Address \_\_\_\_\_ Telephone \_\_\_\_\_  
Town \_\_\_\_\_ Zip Code \_\_\_\_\_

8. AGENTS (if any) representing the applicant who may be directly contacted regarding this  
application:  
Name DAVID MILLS c/o U.S. Properties, Inc. Telephone 860-437-7788  
Address 5 SHAW'S COVE, New London, CT Zip Code 06320  
Involvement (legal, engineering, surveying, etc.) \_\_\_\_\_  
Name \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_  
Involvement (legal, engineering, surveying, etc.) \_\_\_\_\_

9. The following items have been submitted as part of this application:

- Application fee in the amount of \$360.00
- Statement of Use further describing the nature and intensity of the proposed use, the extent of proposed site improvements and other important aspects of the proposal. To assist the Commission with its review, applicants are encouraged to be as detailed as possible and to include information justifying the proposed special permit with respect to the approval criteria contained or referenced in Article V. Section 8.5.
- Site plan (6 copies) as per Article V. Section Bid
- N.A. Site plan checklist including any waiver requests
- N.A. Sanitation report as per Article V, Section B.3.e
- N.A. Acknowledgement that certified notice will be sent to neighboring property-owners, as per the provisions of Article V. Section B.3.c (use Neighborhood Notification Form).
- N.A. As applicable for projects within the watershed of the Willimantic Reservoir, acknowledgement that certified notice will be sent to the Windham Water Works, as per the provisions of Article III, Section I.
- N.A. As applicable for projects within State designated aquifer protection areas, acknowledgment that the Commissioner of Public Health will be notified as per the provisions of Article III. Section I. The State Department of Public Health's online form ([www.dph.state.ct.us/BRS/Water/Source Protection/PA0653.htm](http://www.dph.state.ct.us/BRS/Water/Source%20Protection/PA0653.htm)) shall be used with a copy of the submittal delivered to the Planning Office.
- Other information (see Article V. Section B.3.g). Please list items submitted (if any):

10. **ALL APPLICATIONS, INCLUDING MAPS AND OTHER SUBMISSIONS, MUST COMPLY WITH ALL APPLICABLE SECTIONS OF THE ZONING REGULATIONS, INCLUDING, BUT NOT LIMITED TO:**

- Art. X, Sec. E, Flood Hazard Areas, Areas Subject to Flooding
- Art. V Sec. B, Special Permit Requirements (includes procedure, application requirements, approval criteria, additional conditions and safeguards, conditions of approval, violations of approval, and revisions)
- Art. VI, Sec. A, Prohibited Uses
- Art. VI, Sec. B, Performance Standards
- Art. VI, Sec. C, Bonding
- Art. VII, Permitted Uses
- Art. VIII, Dimensional Requirements/Floor Area Requirements
- Art. X, Sec. A, Special Regulations for Designed Development Districts
- Art. X, Sec. C, Signs
- Art. X, Sec. D, Parking and Loading
- Art. X, Sec. H, Regulations regarding filling and removal of materials
- Art. X. Sec. S. Architectural and Design Standards

June 15, 2011

## 2. DESCRIPTION FOR SPECIAL PERMIT APPLICATION

### FARMER'S COW CALFE

The application for the Special Permit is to allow the end cap, 1,404 S.F., of the Staples Center to be used for a restaurant. The other retail tenants in the shopping center are The Hoot, Staples and soon-to-open in October 2011, Petco.

The proposed restaurant is unique in that it will be called the Farmer's Cow Calfe. The concept of the restaurant is to promote and primarily sell Farmer's Cow products such as ice cream, milk and cream. Other items that will be sold is shown on the attached menu. No cooking will be done in the restaurant.

The restaurant will occupy the existing 1,404 S.F. and the building will not be expanded. Modifications to the outside will consist of a patio in the front and along the side of the building as shown in the attached site plan. The outside space will be landscaped and during months when the temperature is appropriate, it could be used for a select seating. The outside of the building will be painted and two colorful awnings added as shown in the attached rendering. A sign on the façade will be mounted and graphics added in a separate application.

The interior of the space will be modified as shown in the attached plan and contains seating for 28 chairs.

## The Farmer's Cow Restaurant Menu 5-9-11

### Ice Cream—served in cups, cones and sundaes

- Whipped cream
- Sundaes with pre-made toppings fudge, butterscotch, maple syrup etc.
- Nut toppings
- Root beer floats and variations with other types of soda
- Milk shakes with milk, flavorings and ice cream
- Pre-made ice cream cookie sandwiches

### Beverages

- Flavored milks self-served in dispenser
- Single-serve bottled soda
- Single-serve The Farmer's Cow Farmer's Daughters beverages including lemonades iced teas, apple cider (in season)
- Hot coffee and tea
- Bottled water

### Breakfast

- Pre-baked muffins, breads, croissants
- Yogurt with fruit
- Oatmeal

### Lunch and Dinner

- Pre-made soups
- • Sandwiches, including grilled cheeses utilizing cheeses from local producers such as Bush Meadow Farm goat cheese, Cabot cheddar, Cato Corner cow cheeses, Beltane Farm goat cheese, plus deli meats, and produce like lettuce, tomato, onions
- Condiments- mustards, mayonnaises, relishes, pickles etc

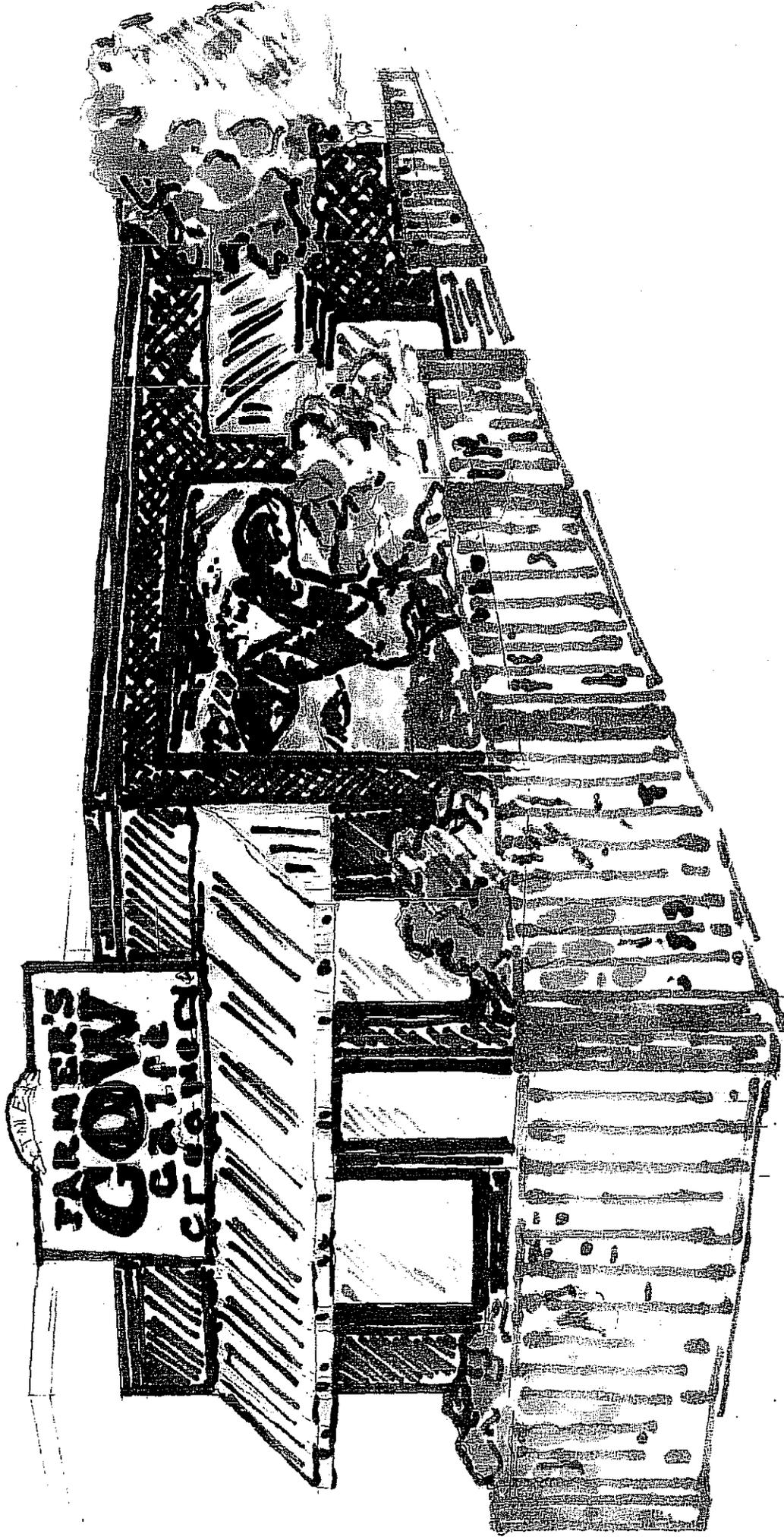
### Bakery items

- Cookies
- Brownies

### Other Considerations

- All-paper service—plates, ice cream cups, drink cups
- Disposable forks, knives, spoons
- Order at counter, service of food to tables on trays
- Cooler for take-home purchase of The Farmer's Cow ice cream pints and tubs, milk, eggs, drinks
- Hand-packed ice cream for those flavors not available pre-packaged









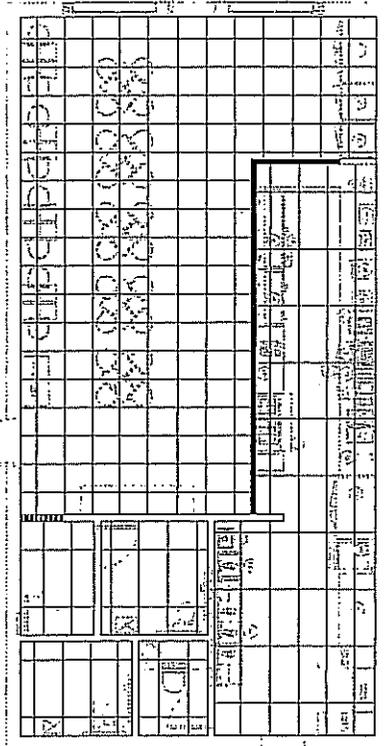
PELLETIER BUILDERS, Inc.  
COMMERCIAL & INDUSTRIAL CONTRACTORS  
150 EAST STREET, COVENTRY, CT 06238  
TEL: (860) 426-0000 FAX: (860) 426-0001  
WWW.PELLETIERBUILDERS.COM

THE FARMER'S COW  
HAYFIELD, CT  
R.C.P. & EQUIPMENT PLAN

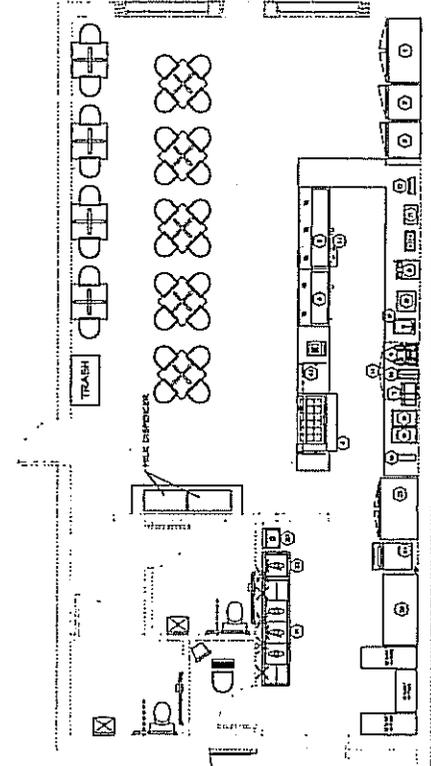
DATE:	10/10/2017
PROJECT:	THE FARMER'S COW
DESIGNER:	ED. KASSA
DRAWN BY:	ED. KASSA
CHECKED BY:	ED. KASSA
SCALE:	AS SHOWN
REVISIONS:	

NO.	DESCRIPTION
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REFLECTED CEILING PLAN  
SCALE: 1/8" = 1'-0"



EQUIPMENT PLAN  
SCALE: 1/8" = 1'-0"







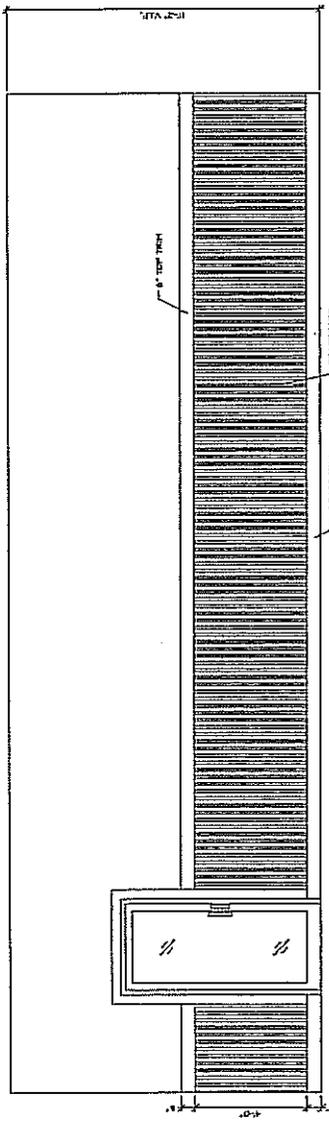
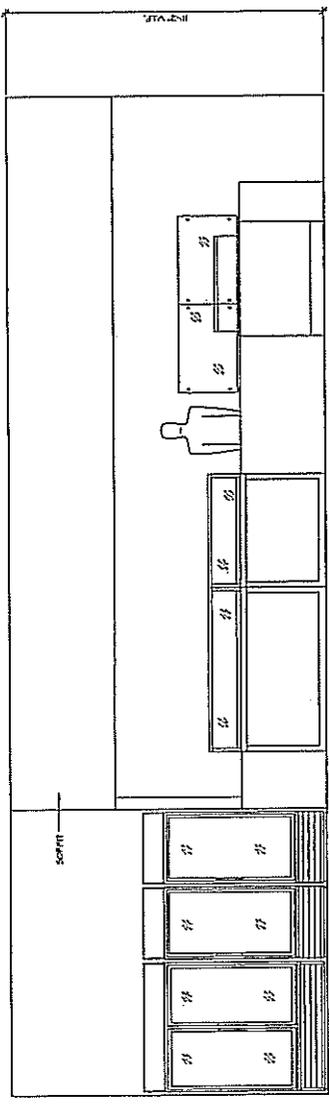
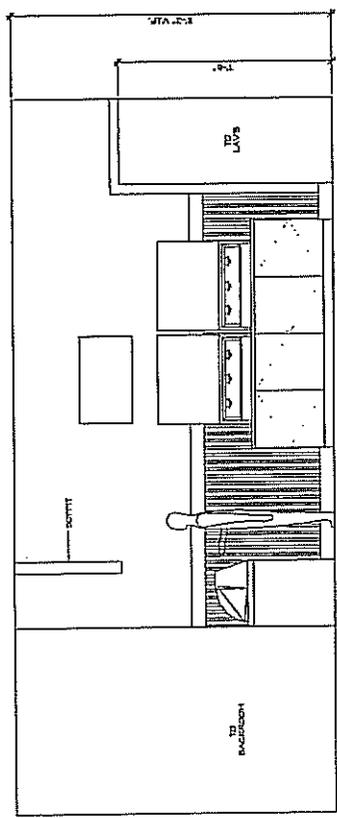
THE FARMER'S COW  
 HARTFIELD, CT  
 INTERIOR ELEVATIONS

PELLETIER BUILDERS, Inc.  
 COMMERCIAL & INDUSTRIAL CONTRACTORS  
 20 HAZARD STREET - GROTON, CT 06340  
 TEL: 860-339-1234 FAX: 860-339-1235  
 WWW.PELLETIERBUILDERS.COM

DATE: 05/11/2011  
 DRAWN BY: J. PELLETIER  
 CHECKED BY: J. PELLETIER  
 PROJECT NO: 11-0001  
 SHEET NO: A1.2



A1.2



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

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LINDA M. PAINTER, AICP, DIRECTOR

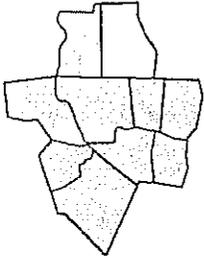
Memo to: Mansfield Planning and Zoning Commission  
From: Linda M. Painter, AICP, Director of Planning and Development   
Date: Thursday, June 16, 2011  
Re: Appointment of Director of Planning and Development as Deputy Zoning Agent

In the case of extended absences of the Zoning Agent due to illness or vacation it is important to keep the review and approval of Zoning Permits and Building Permits in motion to allow projects to begin and/or continue. Historically, the Director of Planning has acted during these absences as the Deputy Zoning Agent to facilitate this process. Approval of the motion below would authorize Linda Painter, Director of Planning and Development, to review, approve/deny and sign any necessary permits in the absence of Curt Hirsch, Zoning Agent, or when the Zoning Agent has a conflict of interest.

The following motion has been drafted for the PZC's consideration:

**That the Planning and Zoning Commission appoint Linda M. Painter, Director of Planning and Development as the duly authorized Deputy Zoning Agent.**

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# WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

## REGIONAL PLANNING COMMISSION

Date: June 1, 2011  
Referral #: 11-05-20-WM  
Report on: **Zoning**

**WINDHAM**

**Multiple Changes**

To: Town of Windham Planning and Zoning Commission  
C/o: James Finger, Town Planner

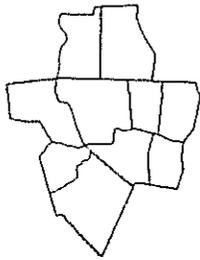
Commissioners;

This referral involves: A proposal to make various, extensive changes to the zoning regulations.

Receipt is hereby acknowledged of the above referral. Notice of the proposed changes to the Zoning Regulations were transmitted to the Windham Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**Comments for Inclusion in the Public Record:** The Regional Planning Commission reviewed the proposed amendments to the zoning 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 extensive proposed zone text and boundary changes are directly consistent with the goals and policies of the Windham Region Land Use Plan. The Regional Planning Commission applauds the considerable efforts of the Windham Planning and Zoning Commission in striving to implement zoning regulations in accordance with regional and municipal plans of conservation and development. In particular, the new performance standards are an outstanding application of the regional goal to implement zoning regulations that focus on excellence in site design, landscaping and architecture.
- One matter of concern is the regulations prohibiting religious uses in certain zones. The Windham Planning and Zoning Commission is advised to consult with the town attorney concerning the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), a federal law concerning land use regulations that may infringe on religious freedom.
- The changes to the parking regulations are another welcome addition, especially those that reduce the parking requirements for large commercial uses. The Windham Planning and Zoning Commission may wish to consider specifying that for single family residences, parking spaces may be stacked in the driveway, and shall be exclusive of the garage space.
- The Windham Planning and Zoning Commission may wish to better define the distinction between a residential and non-residential subdivision because there is no distinction in the authorizing statutes. Any piece of land subdivided for a commercial purpose could eventually be converted to a residential use provided it is allowed in the zone.
- The proposal is not anticipated to create negative intermunicipal impacts.



# WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbin Coventry Hampton Lebanon Mansfield Scotland Willington Windham

## REGIONAL PLANNING COMMISSION

Date: June 1, 2011  
Referral #: 11-05-18-WN  
Report on: **Zoning**

**WILLINGTON**  
Riding Academies &  
Dog Kennels

To: Town of Willington Planning & Zoning Commission  
C/o: Susan Yorgensen, Town Planner

Commissioners;

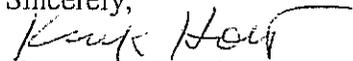
This referral involves: A proposal to allow riding academies on lots of 20 acres or more and to revise the regulations concerning dog kennels.

Receipt is hereby acknowledged of the above referral. Notice of the proposed changes to the Zoning Regulations were transmitted to the Windham Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

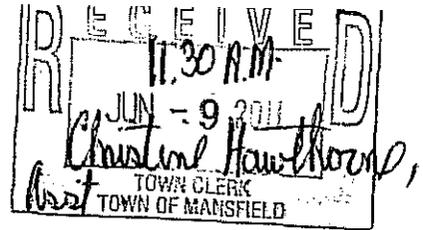
**Comments for Inclusion in the Public Record:** The Regional Planning Commission reviewed the proposed amendments to the zoning and subdivision regulations. The commission offers recommendations on how proposals can better meet the goals and vision of the Windham Region Land Use Plan, WINCOG's regional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

- The proposal concerning riding academies is not anticipated to create negative intermunicipal impacts.
- The proposal concerning dog kennels could have intermunicipal impacts depending on the the location. The Willington Planning and Zoning Commission is encouraged to take neighboring municipalities into consideration during the Special Permit review.

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

Sincerely,  
  
Katherine Holt, Chair  
WINCOG RPC

Notice of Certain  
Planning and Zoning Matters  
in Neighboring Municipalities



DATE: June 3, 2011

TO: Town Clerks of: Andover Vernon Mansfield  
Tolland Columbia  
Bottom Willington Windham

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 Subdivision Regulations,  
Please see attached "draft".

Scheduled hearing: Date: July 11, 2011  
Time: 7:00pm  
Place: Annex Building  
1712 Main St.  
Coventry, CT

PAGE  
BREAK

Date: MAY 23, 2011

Application #: 11-095R

**COVENTRY PLANNING AND ZONING COMMISSION**

**APPLICATION FOR:**

SUBDIVISION

**PETITION FOR CHANGE OF THE ZONING REGULATIONS**

The undersigned hereby petitions that the Zoning Regulations of the Town of Coventry be Changed as Described Below:

(PLEASE SEE ATTACHED)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please attach additional information if necessary)

A fee of \$150.00 and a State fee of \$60.00 is herewith included.

AMOUNT RECEIVED: NA

DATE RECEIVED: 5-23-11

AGENT: EMT

APPLICANT: COVENTRY PFC

ADDRESS: 1712 MAIN ST  
COVENTRY

ADDRESS: SAME

PHONE: 792-9062

PHONE: SAME

SIGNATURE: [Signature]

SIGNATURE: [Signature]

DATE: 5-23-11

DATE: 5-23-11

July 28, 2010

Subject: Stone Walls

With clear guidance given in the Plan of Conservation & Development, Town of Coventry, dated 2010, in the matter of safeguarding the town's rural character, the following amendments are recommended to Subdivision Regulation 12-14-98 pertaining to stone walls.

1. Chapter IV Section #2 "C" should remain the same.
2. Chapter XII Section 7 Amend as follows, remove Stone Walls from this section.
3. Chapter XII Add Section 8 Standards for protection of Stone Walls.
  - a. Subdivisions shall be designed to preserve all existing stone walls, and such preservation shall be considered with all other relevant open space subdivision requirements.
  - b. All existing stone walls that need to be removed shall be rebuilt elsewhere on the property, such as on lot lines, or the stones shall be used to enhance other existing walls on the property. Information regarding proposed stone wall rebuilding or improvements shall be included on the subdivision plans and the Planning & Zoning Commission shall have the right to require stone wall work to be the responsibility of the subdivider.
  - c. A deed restriction or a conservation easement must be added to the deed to protect stone walls on all new subdivisions.

~~REVISED DRAFT NOVEMBER 6 DRAFT~~  
DECEMBER 4, 2009

CHAPTER IV - SPECIFICATIONS FOR PRELIMINARY REVIEW AND LAYOUTS, AND  
FOR FORMAL SUBDIVISION PLANS AND PLAN PROFILES

SECTION 1. PRELIMINARY REVIEW

a) Preliminary Review Option

The Commission hereby establishes an optional, preliminary subdivision review process, ~~under which to be called "Preliminary Review" in these Regulations. In a Preliminary Review,~~ a prospective future subdivision application may be submitted to the Commission for informal, non-binding review and comment. In order to commence the Preliminary Review process, the prospective applicant must submit to the Commission a letter requesting such review, together with a Preliminary Layout, as described in Section 2, below. The Commission's preliminary review of a subdivision plan and any comments that may be made by any members of the Commission during such review-Preliminary Review shall be for informal guidance purposes only and shall not be binding with respect to any aspect of the plan during any later, formal subdivision application.

b) Purpose and Goals of Preliminary Review

In establishing a ~~preliminary review-~~Preliminary Review process, the Commission seeks to enhance the opportunity for an open and creative dialogue with the applicant, to better understand the applicant's development vision and objectives, and to increase the opportunity for coordination with other reviewing agencies and officials. As a result of this process, the Commission may have the ability to reduce the formal requirements for final subdivision review, thereby reducing the costs and burdens on the applicant, and to better manage and reduce the time required for processing a final subdivision application.

i. Enhanced Dialogue and Coordination. A formal (final) subdivision application requires the Commission to consider the Town's interest in protecting the public's health and safety; the provision of adequate facilities for water, sewerage and drainage; the need for a harmonious, adequate and convenient system of streets, open spaces, parks and playgrounds; and other interests as set forth in Section 8-25 of the Connecticut General Statutes and other applicable provisions of state law. In addressing these varied issues, the Commission may have a substantially different view from a subdivision applicant of the optimal manner in which a parcel of land should be divided and public facilities provided. ~~The preliminary subdivision review-~~Preliminary Review process allows a prospective applicant and the Commission an opportunity to share their respective goals and visions at an early stage, before the applicant has invested heavily in detailed plans. The Commission believes this process will lead to better subdivision design, and will reduce the likelihood of a contentious or unnecessarily protracted, formal subdivision process, with its inherent costs and delays.

ii. Reduction of Formal Application Requirements. In order to properly address these many interests and concerns, the Commission must ordinarily require the applicant to provide a wide variety of information and data. Because of the relatively short statutory deadlines for processing a formal subdivision application, the applicant may be forced to choose between (1) providing expensive, but ultimately unnecessary, information to the Commission, or (2) failing to provide sufficient information for the Commission to approve the application. The ~~preliminary subdivision review~~ Preliminary Review process is a means for the applicant and the Commission to discuss the types and range of information the Commission is likely to need for a formal subdivision application. During a ~~preliminary process~~ Preliminary Review, the Commission may be able to determine that it would not need certain types of information for final review, thereby minimizing the chances that the applicant will incur unnecessary costs or delays in the final review process.

## SECTION 2. PRELIMINARY LAYOUT

### a) Required Information.

A Preliminary Review, as described in Section 1, above, shall require the submission of a Preliminary Layout. Preliminary Layouts submitted to the Commission shall be drawings or prints of drawings at a scale of one inch equals forty feet (1" = 40) or one hundred (1" = 100') feet on sheets either eighteen by twenty-four (18" x 24"), or twenty-four by thirty-six inches (24" x 36") in size, and shall contain the following information:

- 1) Names of owner(s) and applicant(s), proposed subdivision name and identifying title, location of subdivision, approximate north arrow and scale and date of drawing.
- 2) Location and approximate dimensions of all existing property lines of the subdivision including assessor's block and parcel numbers.
- 3) All physical features, such as existing structures, easements, wetlands, watercourses, and wooded areas, properly labeled.
- 4) Approximate contours of the existing surface of land, with intervals adequate to indicate drainage and grades.
- 5) Proposed lot lines with approximate dimensions and area of all proposed lots.
- 6) Location and approximate dimensions and area of all land and facilities proposed to be set aside or otherwise provided for open space, playground, park or other public use.
- 7) A reference map to the scale of one inch equals one thousand feet (1" = 1000) showing the proposed subdivision and tie-in to the nearest street intersection.
- 8) If the application submitted covers only a part of the applicant's holdings, a map (which may appear on the same sheet), drawn on a scale in which one inch equals

two hundred feet (1" = 200'), showing an outline of the plotted area with its proposed road system and an indication of a proposed future road system and lot layout for the remaining portion of the tract.

9) Where the subdivider anticipates that the subdivision will be developed in phases, such phases should be delineated on the Preliminary Layout.

10) Schematic storm drainage system layout.

b) Additional Information.

Depending upon the scope and complexity of the proposed subdivision, the Commission may request that the applicant provide additional information to help the Commission evaluate the proposal. Such information may include soils data, environmental evaluations, historical or archaeological survey reports, engineering reports, and other data the Commission finds relevant to the criteria for subdivision approval. The Commission particularly encourages applicants to consider using the services of a licensed professional landscape architect to help design subdivision layouts. See Section 3(a)(1), below.

SECTION 3. FORMAL SUBDIVISION PLAN

a) Plan Requirements

The Formal Subdivision Plan submitted to the Commission for approval shall be a clear and legible print at a scale of one inch equals forty feet (1" = 40') feet on sheets twenty-four by thirty-six inches (24" x 36") or eighteen by twenty-four inches (18" x 24"). The Plan, which may be composed of multiple sheets or sets of sheets, shall show the following information:

1) Names and addresses of applicant and owner, proposed subdivision name and identifying title and location, scale of drawing, with north arrow, date of drawing and name, license number-(s) and seal-(s) of land surveyor, ~~professional landscape architect, and~~ and/or professional civil engineer, as appropriate. The Commission also encourages applicants to have their plans reviewed by a professional landscape architect, in which case the license number and seal of such professional should also be placed on the plans. In reviewing any Formal Subdivision Plan, the Commission may seek input from its own staff and consultants, including, but not limited to, a licensed professional landscape architect.

2) Location and dimensions of all existing property lines of the subdivision with reference to monuments, pipes, drill holes, foundations or other points of reference of a fixed or semi-permanent nature; Assessor's map, block and parcel numbers; utility poles and numbers.

3) All relevant features, such as existing structures, stone walls, fences, easements of record, wetlands, watercourses, wooded areas, and area of all land to be set

aside for community wells (if any), recreation, park, open space, or other public or community use.

4) Names and addresses of present record owners of abutting properties, as indicated in the current records of the Town Assessor and names and approval dates of abutting subdivisions.

5) Lines of proposed and existing roads, lots, easements and areas to be dedicated to public use; lengths and bearings of all straight lines; adequate data for all curves.

6) Area of all proposed lots in square feet and acres. Each lot shall be numbered and its dimensions on all sides given. If a side is a curved line, a single dimension shall, nevertheless, be given in addition to any subordinate dimensions.

7) Proposed road names, which shall not duplicate or be readily confused with already existing names.

8) Any additional data necessary, together with the aforesaid data, to enable a licensed surveyor to determine readily the location of every street line, lot line, and boundary line, and to reproduce such lines upon the ground, to the A-2 standard of horizontal accuracy or an equivalent standard.

9) All lots shall have street numbers assigned in accordance with applicable Town ordinances. In the event such ordinances do not provide or require a different system, the following system of numbering shall be used: The left side of the road shall have odd numbers assigned, while the right side shall have the even numbers; numbering shall increase from major thoroughfares, north to south or east to west; one number shall be allowed for every 20 linear feet on each side of the street; numbers shall not be assigned to undeveloped land or lots, but allowance shall be made for future development.

10) Certification by seal of (i) a Connecticut licensed professional engineer as to the adequacy of proposed public improvements, and (ii) a Connecticut licensed land surveyor that the final Subdivision Map has been prepared pursuant to (a) the currently applicable state regulations regarding minimum standards of accuracy, content and certification for surveys and maps, which, as of the date of enactment of these Subdivision Regulations, were Sections 20-300b-1 through 20-300b-20 of the Regulations of Connecticut State Agencies, and (b) the "Minimum Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. The Commission may accept a certification of compliance with standards other than the "Minimum Standards for Surveys and Maps in the State of Connecticut" if the applicant demonstrates that such other standards are currently generally accepted by professional surveyors and engineers in Connecticut.

11) A reference map to the scale of one inch equals one thousand feet (1" = 1000') showing the proposed subdivision and tie-in to the nearest street intersection; and also an index map of the subdivision at a scale of one inch equals two hundred feet

(1" = 200'). If the application submitted covers only a part of the applicant's holdings, the Commission may require a map which may appear on the same sheet, drawn on a scale in which one inch equals two hundred feet (1" = 200') showing an outline of the plotted area with its proposed road system and an indication of a proposed future road system and lot layout for the remaining portion of the tract.

12) Where the subdivisions are proposed to be developed in phases, such phases shall be clearly delineated on the Formal Subdivision Plan.

13) The boundaries of all soil types on the property, as mapped in the field by a professional soil scientist, using soil types identified in accordance with the soil designations used in Tolland County by the U.S. Department of Agriculture, Natural Resources Conservation Service; Flood Zones, in accordance with the most current Federal Flood Insurance Rate Map; existing wells, public water supply watersheds, and other public or private water supplies; existing and proposed contours at intervals of five (5) feet, or less where the topography of the site and the area around it cannot be otherwise accurately and fairly represented.

14) The application of passive solar energy techniques, as set forth in Section 6 hereafter.

15) The location of any subdivision identification or entrance signs as per the zoning regulations.

16) The location of any proposed highway right-of-way, as on file in the Office of the Town Clerk.

17) The approximate location and outfall of any footing or curtain drains, where required.

18) A printed signature box as follows:

APPROVED	
COVENTRY PLANNING & ZONING COMMISSION	
Chairman/Secretary _____	Date _____
This approval will expire on _____	
See Commission minutes of _____ for specific terms and conditions of approval	

19) The location of all septic system primary and reserve leaching fields; the location of deep observation hole and percolation tests located in each such field; the results of all such tests, in tabular form; and the designation of any lot for which an engineered system is required pursuant to these Regulations.

The plans shall conform to all requirements for filing with the Town Clerk as part of the Land Records of the Town.

b) Report Requirements

In addition to the foregoing requirements, the applicant shall also provide at the time of the subdivision application:

1) A survey report prepared by one or more qualified professionals, indicating that they have field-surveyed the entire site to determine whether any plant or animal species listed as rare or endangered or species of special concern are present, listing any such species that were found, and recommending any measures that may be needed to protect or preserve such species.

2) A survey report prepared by one or more qualified professionals, indicating that they have field-surveyed the entire site to determine whether any structures, landmarks or artifacts of historic or archaeological significance are present, listing any such structures, landmarks or artifacts that were found, and recommending any measures that may be needed to protect or preserve such structures, landmarks or artifacts. For purposes of this regulation, the term "structures, landmarks or artifacts of historic or archaeological significance" shall be deemed to include any historic structure or landmark, as defined in Conn. Gen. Stat. Section 22a-19a, and any human artifacts made before the year 1800.

c) Additional Requirements

1) When the proposed subdivision covers only a part of an existing tract or only a part of the subdivider's holding, the Commission may require a sketch of a prospective future street system for the remainder of the holding or tract in order to determine whether the current proposal would hinder or be inconsistent with future traffic planning or patterns in the area. In reviewing the proposed subdivision, the Commission shall consider the relationship between the proposed subdivision and the remainder of the tract.

2) For the purpose of enhancement of property values and for erosion control, the preservation and protection of shade trees throughout the subdivision shall be encouraged, except where they interfere with roads and utilities.

3) Approval of a subdivision by the Commission shall not constitute approval of the removal of top soil or other excavated material from the premises other than that necessary to construct the improvements, and then only to the depths shown on the approved plan.

4) The land located within a subdivision shall be properly graded and left in a condition that will be free of rubble and debris, and properly stabilized to eliminate erosion. Stumps may be buried on-site in locations designated on the approved subdivision plan, or the approved individual lot site plan, in compliance with all applicable Town and State laws and regulations. Logs, construction materials, and other debris shall not be buried on-site. Such materials shall be removed from the site and disposed of in a lawful manner.

## CHAPTER XIII – NATURAL RESOURCE - OPEN SPACE DESIGN SUBDIVISION REGULATIONS

### SECTION 1. PURPOSE

The purpose of this Chapter is to (1) maintain and enhance the conservation of natural or scenic resources, (2) protect natural streams and water supplies, (3) promote conservation of soils, wetlands, and other significant natural features and landmarks, (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open spaces, (5) enhance public recreation opportunities, (6) preserve historic sites, and (7) promote orderly urban or suburban development. These regulations are intended to provide for increased flexibility, balanced by increased control, in the development of land so as to facilitate the preservation of open space, natural resources, recreational uses, and community character.

### SECTION 2. DEFINITIONS

The following terms, as used in this Chapter XIII, shall have the meanings set forth thereafter:

**ACTIVE RECREATION:** Recreational activities that require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land.

**CONVENTIONAL SUBDIVISION:** A subdivision design in which all lots would meet the requirements of Table 4.04A of the Coventry Zoning Regulations.

**OPEN SPACE SUBDIVISION:** A cluster development, as defined by Section 8-18 of the Connecticut General Statutes, in which one or more lots would not meet the minimum dimensional requirements of Table 4.04A of the Coventry Zoning Regulations, but which would satisfy the dimensional and open-space requirements, and all other applicable criteria, of Section 4.12 of the Coventry Zoning Regulations.

**PASSIVE RECREATION:** Recreational activities that do not require either (1) the use of a playing field or playground; (2) the installation of buildings or other structures; or (3) the substantial modification or grading of a tract of land. The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself,

cause the activity to be classified as "active" if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

### SECTION 3. USE OF OPEN SPACE SUBDIVISION DESIGN

a) General Requirement: Except as otherwise provided in Chapter X, every applicant proposing to subdivide a parcel of land must submit an open space subdivision plan that meets the requirements of this Chapter XIII and the other relevant provisions of these Regulations and the Coventry Zoning Regulations.

b) Waiver of Requirement. If the applicant wishes to have the Commission consider a conventional subdivision plan as an alternative to an open space subdivision plan, the applicant must request a waiver of the open space subdivision requirement pursuant to Chapter X. In such situations, the applicant must submit both an open space subdivision plan and the proposed, alternative, conventional subdivision plan so that the Commission may compare and contrast the two in light of the open space preservation policies set forth in these Regulations. The alternative conventional subdivision plan must conform to all other requirements contained in these Regulations and the Coventry Zoning Regulations. In determining whether to allow the submission of a conventional subdivision plan in lieu of an open space subdivision plan, the Commission shall consider whether an open-space subdivision plan may better protect the Town's interests in health and public safety; water, sewerage and drainage; a harmonious, adequate and convenient system of streets; open spaces, parks and playgrounds; and other interests as set forth in Section 8-25 of the Connecticut General Statutes and other applicable provisions of state law.

c) Pre-Application-Preliminary Review. In order to facilitate the Commission's consideration of the best form of subdivision for any parcel, the Commission recommends that ~~the applicant initiate a pre-application conference with the Commission in accordance with~~ utilize the Preliminary Review option set forth in Chapter IV, Section 1 of these Regulations.

### SECTION 4. GENERAL DENSITY LIMITATIONS

Except as otherwise provided in these Regulations, the maximum number of lots for an open space subdivision shall be determined, at the applicant's option, by either the Formula Method or the Yield Plan Method.

a) Formula Method. If the applicant chooses the Formula Method, the maximum number of lots shall not exceed the number resulting from dividing the total area of the parcel, subject to the exclusions stated hereafter, by the minimum lot size that would be permitted for a conventional subdivision in the applicable zoning district. The total area of the parcel, as measured for purposes of this section, shall exclude the following: (i) land

that is not "buildable land," as defined in Section 2.02 of the Zoning Regulations, and (ii) existing and proposed streets and highways, easements and rights-of-way for vehicular access and utilities.

b) Yield Plan Method. If the applicant chooses the Yield Plan Method, the applicant must provide a preliminary conceptual subdivision plan consisting of lot and street layouts conforming to the Zoning and Subdivision Regulations governing conventional subdivision lots. Although such yield plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in a conventional subdivision layout. Consequently, yield plans must identify physical and other features that would limit or restrict the use of the parcel for development, including, but not limited to, topographic contours, at a contour interval of no more than ten (10) feet; wetlands and watercourses; 100-year floodplains (Flood Zones A, as shown on FEMA maps); slopes exceeding twenty-five percent (25%); rock outcrops; and easements and rights-of-way affecting the parcel.

On lots that would not be served by public sewerage or a centralized private sewage treatment facility, soil suitability for individual septic systems must be demonstrated. The Commission may select a small percentage of lots (10 to 15%) to be tested, in areas considered to be marginal. If all tests on the sample lots meet applicable Public Health Code requirements, the applicant's other lots shall also be deemed suitable for septic systems, for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others (of the Commission's choosing) shall be tested, until all the lots in a given sample pass.

## SECTION 5. DENSITY BONUSES

In accordance with Section 4.12.03 of the Zoning Regulations, the maximum number of lots allowed under Chapter XIII, Section 4 of these Subdivision Regulations may be increased in one of the following ways:

a) Open Space Maintenance Fund. The Commission may allow a density bonus to generate additional income to the applicant for the express and sole purpose of endowing a permanent fund to offset continuing open space maintenance costs. The density bonus granted under this subsection shall be limited to fifteen percent (15%) of the total number of lots that would otherwise be allowed under Section 4 of this Chapter XIII. Any such density bonus shall be conditioned upon the provision by the owner of the parcel to be subdivided of an agreement to pay a fee into an open space maintenance fund to be established and maintained by either (i) the Town of Coventry or (ii) the organization to be charged with the maintenance of the open space provided in the applicable subdivision plan. The amount of the fee shall be set by the following formula:  $[(CFMV/N) \times (0.5 XL)]$ , where CFMV is the cumulative fair market value of all of the buildable lots or parts resulting from the subdivision, N is the total number of buildable lots or parts resulting from the subdivision, and XL is the number of additional lots allowed by the density bonus. The value of CFMV shall, at the option of the applicant, be (i) the 100% value of all of the buildable lots or parts as determined by the Town Assessor for tax purposes as of the effective date of the subdivision approval, or (ii)

determined by a licensed Connecticut real estate appraiser chosen jointly by the applicant and the Commission, in which case the applicant shall be responsible for any appraisal fees.

b) Other Open Space Dedications. A density bonus may be granted for the provision of excess open space, meaning the amount of any open space acreage that is greater than the minimum amount that would be required under this Chapter XIII. The additional open space may be within the parcel to be subdivided or elsewhere within the Town of Coventry. For each five acres of excess open space accepted by the Commission, one additional building lot shall be allowed, up to a maximum of fifteen-percent (15%) of the total number of lots that would otherwise be allowed under Section 4 of this Chapter XI I I. The decision whether to accept an applicant's offer to dedicate excess open space shall be at the discretion of the Commission, which shall be guided by the recommendations contained in the Town's Plan of Conservation and Development and its determination as to the value of the excess land for any of the purposes described in Section 1 of this Chapter XIII.

c) Encouraging Affordable Housing. A density bonus shall be allowed for open space subdivisions, that provide affordable housing, as defined in Section 8-30g of the Connecticut General Statutes. For each affordable housing unit provided under this section, one additional lot shall be permitted, up to a maximum of fifteen percent (15%) of the total number of lots that would otherwise be allowed under Section 4 of this Chapter XI I I. Affordable housing is herein defined as units to 'be sold or rented to families earning 70-120 percent of the county median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.

## SECTION 6. OPEN SPACE PERCENTAGE AND USE LIMITATIONS

a) Minimum Percentage of Open Space. The minimum percentage of land that shall be designated as permanent open space shall be as required under Section 4.12 of the Coventry Zoning Regulations.

b) Use of Open Space Areas. At least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable portion of natural areas on the site. The purposes for which open space areas are proposed shall be documented by the applicant. The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, provided that no portion of such systems protrudes above grade. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utility lines. However, land within the rights-of way of overhead power lines or other surface utility lines shall not be included in the minimum required open space. In determining whether the proposed locations and uses of open-space areas are acceptable, the Commission shall consider the potential impacts on nearby properties and on the neighborhood.

## SECTION 7. DESIGN STANDARDS FOR OPEN SPACE SUBDIVISION

The dimensional requirements for lots in an open space subdivision shall be as specified in Section 4.12.05 of the Coventry Zoning Regulations. In designing an open space subdivision, the applicant should consider the purposes set forth in Section 1 of this Chapter XIII, the provisions and standards set forth in Chapter VIII of these Regulations, and the following factors (as set forth in Section 4.12.05 of the Zoning Regulations):

- a) Dwelling units shall be grouped allowing a portion of the parcel to remain open.
- b) The open space in any open space subdivision shall be located entirely within the subdivision and shall be in one contiguous piece, unless the Commission finds that the purposes of Section 4.12.01 of the Zoning Regulations would be more effectively served by separated parcels. The open space shall have suitable shape, dimension, character and location to promote the purposes specified in Section 4.12.01 of the Zoning Regulations.
- c) When designing an open space subdivision the applicant must refer to the Town's Open Space Plan and plan the development in relation to the open space by first (1) locating the proposed open space; second, locating houses; third, locating roads; and, fourth, laying out lot configurations.
- d) ~~Lots shall be laid out to~~ To the greatest extent feasible, lots shall be laid out to achieve the following objectives (listed below in order of priority, as it is recognized that some may conflict with others on any given site):
  - 1) To place septic systems on the most suitable soils for subsurface wastewater disposal (in unsewered areas only);
  - 2) Within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
  - 3) In locations least likely to block or interrupt scenic vistas, as seen from the public roadway(s);
  - 4) On the least fertile soils for agricultural uses, and in a manner that maximizes the usable area remaining for such agricultural use;
  - 5) In locations where the greatest number of units could be designed to take maximum advantage of solar heating opportunities.
- e) Wherever possible, wetlands should be adjacent, contiguous or included in the Open Space.

f) ~~¶) Along any part of the parcel perimeter where down-sized lots abut normal-sized lots, a fifty-foot~~ the Commission may require a buffer zone up to fifty feet in width, thickly planted with fast-growing native shrubs and trees, shall be required, or an already forested strip or or may require in such buffer zone the maintenance of existing natural vegetation may be accepted at the discretion of the Commission.

g) ~~g)~~ Unless prevented by ledge or other natural restraints, underground utilities shall be required in open space subdivisions.

h) Proposed lots and improvements should be designed and situated to minimize alteration of the natural site features to be preserved.

i) Proposed open space areas should include irreplaceable natural features located in the tract (such as, but not limited to stream beds, prime farmland agricultural soils, significant stands of trees, individual trees of significant size, and rock outcroppings).

j) Open space intended for recreation or other active public use should be easily accessible to pedestrians, including, to the extent feasible, the handicapped and elderly.

k) Individual lots should be arranged and situated to relate to surrounding properties, to improve the view from and the view of prospective home sites, and to minimize the area devoted to motor vehicle access and travel.

The Commission may modify any application so as to designate open space in locations other than those proposed, if it determines that such modified location(s) will better serve the purposes and satisfy the applicable criteria and standards of these Regulations and the Zoning Regulations.

## SECTION 8. DEDICATION OF OPEN SPACE

a) Method of Dedication. The Commission shall determine the most appropriate method of disposition after considering, among other things, the relationship of the subject area(s) and its specific characteristics to the Plan of Conservation and Development and the objectives cited in Chapter VIII, Section 1 of these Regulations; the desirability and suitability of public access and use; and the scope of the subdivision proposal. The following disposition options may ~~be~~ utilized by the Commission:

1) Perpetual dedication to the Town.

2) Perpetual dedication to the State of Connecticut for open space or recreational purposes.

3) Perpetual dedication to a land trust (at the option of the subdivider), as long as the land trust has agreed to accept the dedication.

4) Dedication to a homeowners' association for open space or recreational purposes.

5) Utilization of conservation easement(s), with or without public access.

- 6) Utilization of a recreation easement, to the Town, State, or a private non-profit entity.
- 7) Utilization of an agricultural use restriction easement, to the Town, State, or a private, non-profit entity.
- 8) Private ownership for open space purposes with the appropriate taking of development rights.
- 9) Any combination of the above or any suitable alternative approved by the Commission.

Any conservation easements or other open space covenants or restrictions shall be subject to the approval of the Commission in form and content.

b) Agreement to Accept Ownership and Responsibility. If open space is to be owned by a private, not-for-profit conservation trust or corporation, the State of Connecticut, the Town of Coventry, or another entity, the application shall contain written evidence from the proposed entity satisfactory to the Commission, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the open space. Regardless of the manner of ownership of the open space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:

- 1) The continued use of such land for the intended purposes;
- 2) The continuity of proper maintenance for those portions of the open space requiring maintenance;
- 3) When appropriate, the availability of funds required for such maintenance;
- 4) Adequate insurance protection; and
- 5) Recovery for loss sustained by casualty, condemnation or otherwise.

c) Boundary Markings. The boundary lines of all open space shall be set in the field and marked by permanent, readily-visible markers where such lines intersect any lot line, road or perimeter line within the proposed open space subdivision and at such other points as may be required by the Commission to insure identification in the field.

d) Recording of Documents. At the time the approved open space subdivision plan is filed, the applicant shall record on the Coventry Land Records all legal documents required to ensure the aforesaid guarantees.

e) Right to Enforce. A right to enforce the Development Restriction shall be conveyed to:

- 1) The Town of Coventry, the State of Connecticut, or a private, not-for-profit conservation trust or corporation dedicated to conservation or preservation purposes in cases where the open space is dedicated to an association or corporation of lot owners, or a private or governmental entity; or
- 2) To the association or corporation of lot owners in cases where open space is dedicated to the Town of Coventry, the State of Connecticut, or a private, not-for-profit conservation trust or corporation.

Any deed of conveyance shall contain language providing the holder of the Development Restriction with the right to obtain reimbursement for all costs it reasonably incurs, including attorney's fees, in any action to enforce the Development Restriction, in which it is the prevailing party.

f) Association/Corporation Requirements. If the open space is proposed to be dedicated to an association or corporation of lot owners, then the Commission shall consider the following additional issues in determining whether to approve such proposal:

- 1) The increase in the burden imposed by the proposed open space subdivision on existing and proposed areas of open space.
- 2) Any relevant recommendations of the Town Council, the Inland Wetlands Agency, the Parks and Recreation Commission, the Conservation Commission, the Board of Finance, or any other public or private agencies or authorities regarding the most appropriate disposition and management of the open space.
- 3) The level of access to the areas of open space proposed to be afforded to members of the general public.
- 4) The manner in which the association would manage the open space, and the extent to which proper management would be assured;

In approving any proposed dedication of open space to an association or corporation, the Commission may set additional requirements to assure the proper and continuing management and oversight of the open space, including, but not limited to, the following:

- 1) Creation of the association or corporation prior to the sale of any lot;
- 2) Mandatory membership in the association or corporation by all original lot owners and any subsequent owner; and

3) Requiring the association or corporation to have the power to assess and collect from each lot owner a specified share of, and, where necessary, provide reserves for the costs associated with maintenance, repair, upkeep and insurance of the open space.

## CHAPTER X - WAIVER OF REGULATIONS

### SECTION 1. PURPOSE OF WAIVERS

#### a) ~~\_\_\_\_\_~~ Purpose of Waivers

The Commission recognizes that each parcel of property is unique in location, dimensions, orientation, topography, etc., and the various factors in the design of subdivisions are variable with relation to each other and to the above characteristics of the property. Therefore, in accordance with Connecticut General Statutes Section 8-26, the Commission may modify or waive, subject to appropriate conditions, such requirements as, in its judgment of the special circumstances and conditions, are not requisite to the interest of public health, safety and general welfare.

#### b) ~~Procedures for Waivers~~ SECTION 2. PROCEDURE FOR WAIVERS

a) Requests for waivers under this Chapter must be submitted in writing before the submission of any formal subdivision application. The Commission shall not grant any waiver with respect to a proposed subdivision after a formal application has been submitted for such subdivision.

b) Any request for a waiver under this Chapter shall be submitted in writing to the Commission, with a sufficient set of plans or other information to allow the Commission to determine whether such waiver should be granted. Any materials submitted by the applicant for purposes of requesting a waiver with respect to any subdivision shall be deemed to be part of the record for any later, formal application for such subdivision.

c) The Commission shall act upon any written request for a waiver by the earlier of (a1) the date of the Commission's first regularly scheduled meeting after the day of submission of such request; or (b2) 35 days after such submission. The applicant may grant extensions of time for the Commission to act upon such request. If the Commission fails to act upon such request within the time set forth herein, or within the period of any extension granted by the applicant, the request shall be deemed to have been denied.

d) The Commission shall not grant any waiver for any subdivision plan for which there has been no preliminary review Preliminary Review pursuant to Chapter IV, Sections 1 and 2, of these Regulations.

#### e) ~~Standards for Waivers~~ SECTION 3. STANDARDS FOR WAIVERS

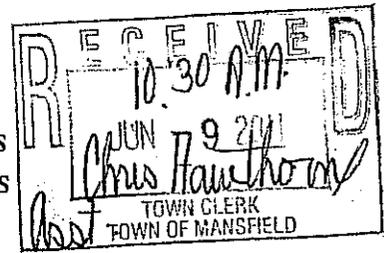
In considering a request to waive or modify any requirement for ~~providing information-~~

providing  
information under Chapter IV, Section 3, subsections A-(a) or B(b), of these Regulations,

the Commission may approve a waiver if it determines that it will not require such information to evaluate the application under the applicable standards of these Regulations. In considering a request to waive or modify any other requirement of these Regulations, the Commission shall only approve such waiver or modification upon a finding that all of the following conditions are met:

- 1) Conditions exist on the subject property which are not generally applicable to other land in the Town;
- 2) Said conditions would render the subject property, or some significant portion thereof, unusable for any viable use permitted in the subject zone if these Regulations were strictly applied;
- 3) Said conditions were not created by the property owner nor by his/her predecessor(s) in title;
- 4) The granting of the modification or waiver would be in harmony with the purpose and intent of these Regulations;
- 5) The granting of the modification or waiver would not have a significant adverse impact on adjacent properties' values, or the public health, safety, and welfare, and would not be in violation of the recommendations of the Plan of Conservation and Development, as the same may be amended from time to time.

Notice of Certain  
Planning and Zoning Matters  
in Neighboring Municipalities



DATE: June 3, 2011

TO: Town Clerks of: Andover Vernon Mansfield  
Tolland Columbia Windham  
Barton Willington

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 See attached  
Comprehensive Changes.

Scheduled hearing: Date: July 11, 2011  
Time: 7:00 am  
Place: 1712 Main St.  
Annex Building  
Coventry, CT 06238

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Date: MAY 23, 2011

Application #: 11-107R

**COVENTRY PLANNING AND ZONING COMMISSION**

**APPLICATION FOR:**

**PETITION FOR CHANGE OF THE ZONING REGULATIONS**

The undersigned hereby petitions that the Zoning Regulations of the Town of Coventry be Changed as Described Below:

(PLEASE SEE ATTACHED)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please attach additional information if necessary)

A fee of \$150.00 and a State fee of \$60.00 is herewith included.

AMOUNT RECEIVED: N/A

DATE RECEIVED: 5.23.11

AGENT: EMT

APPLICANT: COVENTRY PZC

ADDRESS: 1712 MAIN ST

ADDRESS: SAME

COVENTRY

PHONE: 792-4002

PHONE: SAME

SIGNATURE: [Signature]

SIGNATURE: [Signature]

DATE: 5.17.11

DATE: 5.17.11

Section 2.02

Impervious: Not capable of being penetrated by water. See "Lot Coverage".

Lot Coverage: The percentage of the total lot area occupied by buildings, surface structures (i.e., any structure that does not lie entirely below the surface of the ground), and paved parking lots and other impervious surfaces. Decks that allow for the passage of water shall not be counted in the calculation of lot coverage.

Structure: Anything constructed, erected, or assembled that requires a location on or within the ground, or attachment to something having a location on or within the ground. The term "structure" includes, but is not limited to, any building, manufactured home, paved area, storage tank, sign, wall (retaining or otherwise), swimming pool, fence, satellite dish, ham radio antenna, cellular or radio transmission tower, or other man-made utility and infrastructure. The term "structure" excludes public utilities, water-supply wells, poles, flagpoles, transmission lines, generators, utility transformers, propane tanks, television antennas used to improve reception on the lots on which they are located, highway and railroad bridges, landscape furniture and decorations, dog houses, playscapes, mailboxes, lamp posts, and seasonal decorations. Where the phrase "building or structure" appears in these Regulations, it shall be deemed to mean "building or other structure."

Section 4.02.01.a.iii.

**Section 4.02.01 Use of Existing Nonconforming Lots**

a. The lot area, frontage and width requirements of these Regulations shall not prevent the establishment of a permitted principal use, building or structure on any lawfully established nonconforming lot, provided (i) that such lot has an area of at least 30,000 square feet and a lot width of at least 75 feet, and has not previously been deemed to have merged with an adjoining lot pursuant to the current provisions, or any previously applicable provisions, of the Coventry Zoning Regulations; (ii) that such lot has frontage on, or legal access to, a public highway; and (iii) that the landowner demonstrates access to public sewer and approval of the WPCA or, in the event public sewer is not available, the availability of both a suitable sewage-disposal facility and an adequate potable water supply by obtaining written confirmation of the availability and adequacy of such facilities from the Director of Health or other qualified public official.

Section 4.03.03.b.

b. The accessway must be at least twenty-five (25) feet in width, and the applicant must demonstrate, to the Commission's satisfaction, that a driveway could be feasibly designed and constructed in the accessway. When the construction of such

a driveway would require one or more activities regulated by the Coventry Inland Wetlands and Watercourses Agency, the applicant must submit an application to that Agency before submitting an application to the Commission for approval or use of the rear lot. Any person wishing to reserve the right to subdivide or resubdivide a rear lot must provide an accessway at least fifty (50) feet in width in order to assure that sufficient land is available to create a highway right-of-way to provide access to the additional lots. Any applicant proposing to create or use a new rear lot having an accessway less than fifty (50) feet in width must submit a written waiver signed by both the applicant and the owner of the affected property containing the following language:

#### **Section 4.06.05 Agricultural Accessory Uses**

Agricultural activities are permitted on property on which one or more dwellings are located provided such activities are clearly accessory in nature to the residential use; i.e., the activities must be subordinate or incidental to the residential use. In no event shall the conduct of agricultural activities on a contiguous land area of 80,000 square feet~~two acres~~ or more be deemed to be a residential accessory use unless the Commission, upon application, expressly finds that such activities are accessory in nature. The foregoing reference to a contiguous land area of 80,000 square feet~~two acres~~ or more means the area being actively used for agriculture and not the size of the lot; for example, agricultural activities that occur on only one acre of a five-acre residential lot may be deemed to be accessory without an express finding by the Commission. However, nothing in this Section 4.06.05 shall be deemed to prohibit the Zoning Agent or the Commission from finding, in appropriate circumstances, that agricultural activities occurring on areas smaller than 80,000 square feet~~two (2) acres~~ are principal, rather than accessory, uses. The Commission may grant a special permit for the raising or sheltering of livestock on lots that are less than 80,000 square feet~~two (2) acres~~, but no less than 40,000 square feet~~one (1) acre~~, in size. The raising or sheltering of livestock on lots that are less than 40,000 square feet~~one (1) acre~~ in size shall not be permitted as an accessory use.

#### **Section 4.11.c.**

c. The yard requirements of these Regulations shall not apply to driveways, walls, or fences, generators, utility transformers, propane tanks, playscapes and dog houses. However, in any residential zone, no wall or fence shall exceed eight (8) feet in height, measured above the natural grade. See Section 7.08 of these Regulations as to when a permit is required for erection of a wall or fence.

#### **Section 4.12.05.b.6**

6. Along any part of the parcel perimeter where down-sized lots abut normal-sized lots a fifty-foot buffer zone, thickly planted with fast-growing native shrubs and trees may shall be required, or an already forested strip or natural vegetation may be accepted at the discretion of the Commission.

#### Section 4.12.06.f

f. Association Requirements. If the open space is to be dedicated to an association or corporation of lot owners, then the Commission shall consider the following additional issues in determining whether to approve such proposal:

1. The increase in the burden imposed by the proposed open space subdivision on existing and proposed areas of open space.

2. Any relevant recommendations of the Town Council, the Inland Wetlands Agency, the Parks and Recreation Commission, the Board of Finance, the Conservation Commission, or any other public or private agencies or authorities regarding the most appropriate disposition and management of the open space.

3. The level of access to the areas of open space proposed to be afforded to members of the general public.

4. The manner in which the association would manage the open space, and the extent to which proper management would be assured.

In approving any proposed dedication of open space to an association or corporation, the Commission may set additional requirements to assure the proper and continuing management and oversight of the open space, including, but not limited to, the following:

1. Creation of the association or corporation prior to the sale of any lot;

2. Mandatory membership in the association or corporation by all original lot owners and any subsequent owner; and

3. Requiring the association or corporation ~~shall~~ to have the power to assess and collect from each lot owner a specified share of, and, where necessary, provide reserves for the costs associated with maintenance, repair, upkeep and insurance of the open space.

#### Section 4.14.02.b

##### b. Driveway Surfaces

Individual driveways for single-family homes need not be paved but shall have a compact, non-erosive surface. For all other types of residential uses, including two-

family dwellings and common driveways for two or more single-family homes, driveways and driveway aprons shall have paved surfaces consisting of a minimum of two (2) inches, after compaction, of Class II bituminous concrete placed on a minimum of eight (8) inches, after compaction, of processed aggregate base or eight (8) inches of bank run gravel and four (4) inches of processed gravel, unless the Commission expressly allows the use of alternative materials. Class II "Bituminous Concrete" and "Processed Aggregate Base" materials shall conform to the State of Connecticut Standard Specifications Sections M.04.01, M.04.03, and M.05.01 respectively. The Commission may also, upon request, approve the use of alternative driveway surfaces, which shall consist of a non-erodible, all-weather surface including, but not necessarily limited to, bituminous concrete pavement; concrete pavement; brick, concrete or stone pavers; penetration macadam or chip seal; and porous paving systems using concrete or plastic grid structures.

#### **Section 5.01.03 Signs that Do Not Require a Permit.**

The following signs do not require a sign permit, provided that they comply with the applicable provisions of these Regulations:

...

e. Signs regarding Property for Sale or Rent. One (1) sign, not exceeding four (4) square feet in area, may be placed on residential property that is for sale or rent. One (1) sign, not exceeding twenty (20) square feet in area, may be placed on a condominium, commercial and industrial property that is for sale or rent. In addition to the foregoing signs, one additional sign shall be allowed off-site for each parcel to be sold or rented, provided such signs (i) are used solely for directional purposes and/or for advertisement of the property for sale or rental; (ii) are located at intersections; (iii) are not located on Town or State property or rights-of-way; (iv) do not interfere with sight lines; and (v) do not exceed four (4) square feet in area.

...

#### **Section 5.04.02 Activities Requiring a Soil Erosion and Sediment Control Plan**

A soil erosion and sediment control plan shall be submitted (i) whenever any proposed or planned use or uses on a lot or parcel would create, cause or result in a cumulative disturbed area of more than one-half acre; however, the Zoning Enforcement Officer may determine that erosion control measures are warranted based upon the nature of the site, proximity of wetlands, or topography and not require a full erosion control plan to ensure that the site will not create an erosion control hazard, and (ii) whenever any other provision within these Regulations specifically requires the submission of such a plan.

#### **Section 5.04.03 Exemptions**

A single-family residence constructed on a lot that is not part of a subdivision of land shall be exempt from the provisions of Section 5.04, except as these Regulations may specifically provide otherwise.

### Section 5.05.01 Standards

....  
a. Low Impact Home Occupations (LIHOs)

...

LIHOs include, but are not limited to, the production (but not the on-site sale) of arts, crafts, home preserves, and knitted, sewn or baked goods; as well as the offices of plumbers, house painters, electricians, and other persons whose services are not performed on the residential parcel. LIHOs are not required to provide additional off-street parking spaces for visitors, as required for MIHOs and HIHOs. Each LIHO may place one free-standing identification sign, not to exceed ~~four~~ one (1) square ~~feet~~ in total sign area, on a mailbox and/or a light post at the site of the home occupation; plus one identification sign, not to exceed ~~two~~ one (1) square ~~feet~~ in total sign area, on or near the entrance to the building in which the home occupation is conducted; ~~and one freestanding identification sign, not to exceed two (2) square feet in total sign area, elsewhere on the property.~~ LIHOs shall be deemed to be accessory uses to a primary residential use.

...

b. Moderate Impact Home Occupations (MIHOs)

...

Each MIHO shall be allowed the same type and number of signs as permitted for LIHOs pursuant to subsection a, above, ~~except that the freestanding sign may be up to three (3) square feet in area.~~ MIHOs shall be deemed to be accessory uses to a primary residential use.

c. High Impact Home Occupations (HIHOs)

...

~~Each HIHO may place one identification sign, not to exceed one (1) square foot in total sign area, on a mailbox and/or light post at the site of the home occupation; plus one identification sign, not to exceed one (1) square foot in total sign area, on or near the entrance to the building in which the home occupation is conducted; and one freestanding identification sign, not to exceed six (6) square feet in total sign~~

### EACH MIHO

area, elsewhere on the property shall be allowed the same type and number of signs as permitted for LIHOs and MIHOs pursuant to subsections a. and b. above.

#### Section 6.03.01 Generally Permitted Uses (Amended - Effective 09/27/10)

##### a. Uses Not Requiring Site Plan Review By the Commission

The following uses are permitted in the General Residential Zones upon the issuance of a zoning permit by the Zoning Agent:

...

9. Nurseries that do not sell products at retail on site and which are accessory to a primary residential use.

10. Greenhouses that do not sell products at retail on site and which are accessory to a primary residential use.

#### Section 7.02.01 Applications

Applications for zoning permits shall be filed with the Commission or its authorized agent on a form provided by the Commission. If the applicant is not the owner of the property on which the activity is proposed, the relationship of the applicant to the owner shall be described on the application form. The original and one copy of each application shall be submitted. If the application involves the construction of a new structure, the exterior alteration of an existing structure (not including painting, siding, or similar cosmetic changes to the surface of a structure), the alteration (grading, excavation, or filling) of any land, the application shall be accompanied by two (2) ~~four (4)~~ copies of a site plan, containing the requirements described in Section 7.02.02 of these Regulations. The Zoning Agent may also require the submission of a site plan in any situation in which he or she determines that a site plan would be helpful in determining the conformity of an existing or proposed building, structure or use to these Regulations.

#### Section 7.02.03 Additional Application Requirements

The Commission or its designated agent may require the applicant to submit additional information if it finds that such information is necessary or would be helpful in determining whether the proposed building, structure, or use conforms to these Regulations. Such additional information may include, but is not limited to, the following:

...

i. Existing topographic contour lines of the premises and proposed final contour lines resulting from intended excavation, removal or filling, shown on a map drawn to scale of not more than forty (40) feet to the inch, and with contour intervals no greater than five (5) feet. Where feasible, contour lines must be shown for all areas within the site and on any adjacent properties within fifty (50) feet of the site of the proposed excavation, removal or filling.

#### **Section 7.04 Certificate of Use or Occupancy**

No permanent (i.e., unconditional) certificate of use or occupancy shall be issued for a building, structure, or use subject to these Regulations until the Commission or its authorized agent issues a certificate of zoning compliance stating that the building, structure, or use is in conformity with these Regulations and with any required zoning permit, special permit and/or final site plan, or is a valid nonconforming use under these Regulations. Before issuing such permanent certificate, the Commission or its authorized agent shall require an updated "as-built" site plan demonstrating that the building, structure, or use as developed or established fully conforms to the provisions of any zoning permit, special permit, or final site plan. An "as-built" site plan shall be required for any new single family, two-family or multifamily residential dwelling or structure and shall also be required if the Zoning Enforcement Officer has determined that one is necessary in order to adequately determine compliance with the applicable zoning regulations.

...

ZONING BOARD OF APPEALS

DECISION NOTICE

On June 8, 2011, the Mansfield Zoning board of Appeals took the following action:

Approved the application of Jon Knowlton for a Variance of Art VIII, Sec A to construct a single-family residence with single story, stick construction detached garage which will replace a former non-conforming residence, requiring an approx front-yard variance of 22.5' where 60' is required and an approx side-yard variance of 15' where 35' is required at 523 Woodland Rd, as shown on submitted plan.

In favor of approving application: Clauson, Gotch, Katz, Pellegrine, Singer-Bansal

Reasons for approving application:

- location of existing septic system, well & driveway
- topography
- improvement to property

Application was approved.

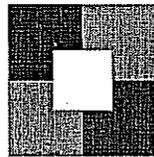
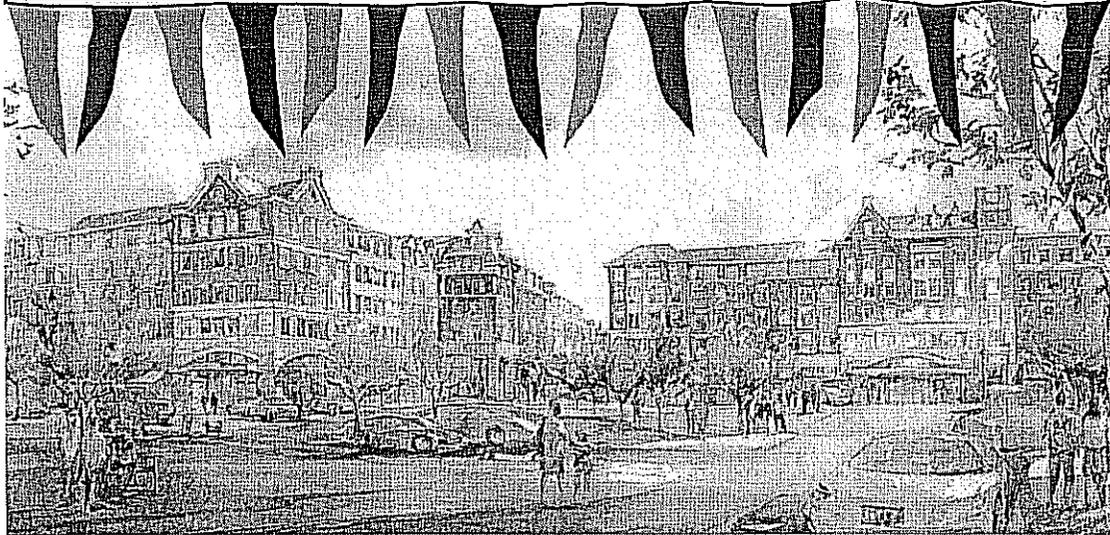
Additional information is available in the Town Clerk's Office.

Dated June 9, 2011

***Carol Pellegrine***  
***Chairman***

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**YOU ARE CORDIALLY INVITED  
TO A MOMENTOUS CELEBRATION**



**STORRS**  
RETHINK MAIN STREET  
**CENTER**

## **CEREMONIAL GROUNDBREAKING**

WEDNESDAY, JUNE 29, 2011

5:00 PM

1266 STORRS ROAD, STORRS, CT  
(Intersection of Storrs Road and Dog Lane)

Parking will be available at E.O. Smith High School at 1235 Storrs Road

*R.S.V.P. by June 22 to the Mansfield Downtown Partnership 860-429-2740 or [mdp@mansfieldct.org](mailto:mdp@mansfieldct.org)*



**STORRS CENTER  
ALLIANCE**  
A LeylandAlliance Company



PAGE  
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# CONSERVATION OPTIONS FOR CONNECTICUT FARMLAND

A Guide for Landowners, Land Trusts & Municipalities



# WORKING TOGETHER FOR FARMLAND PRESERVATION IN CONNECTICUT

Connecticut is home to several organizations that work collaboratively on farmland preservation. Each of these public agencies and organizations plays a vital role in saving Connecticut's valuable and vanishing farmland.

Connecticut Department of Agriculture  
[www.ct.gov/DOAG](http://www.ct.gov/DOAG)

The Connecticut Department of Agriculture's Farmland Preservation Program was established in 1978. Its expert staff works hard to protect the best farmland soils in the state to maintain and preserve agricultural land for the future. As of December 2009, the CT Farmland Preservation Program had preserved over 35,570 acres on 265 farms, the majority of protected farmland in the state.



USDA Natural Resources  
 Conservation Service (NRCS)  
[www.ct.nrcs.usda.gov](http://www.ct.nrcs.usda.gov)



NRCS is the primary federal agency working to protect natural resources on privately owned land by providing technical and financial assistance to plan and implement conservation stewardship practices. NRCS also administers the Farm and Ranch Lands Protection Program (FRPP), which provides funding to purchase conservation easements on farmland. The agency provides information about soils and other natural resources to communities for land use planning.

Connecticut Farmland Trust (CFT)  
[www.CTFarmland.org](http://www.CTFarmland.org)

The mission of CFT is to permanently protect Connecticut's working farmland; it is the only private statewide land trust dedicated to protecting Connecticut's farmland. CFT's experienced staff provides technical assistance and outreach to agricultural landowners interested in farmland preservation. CFT is equipped to negotiate and hold agricultural conservation easements and provide innovative, flexible and timely solutions to farm owners across the state. Through partnerships with towns, local land trusts, conservation organizations, individual donors, and state and federal agencies, CFT is able to leverage public and private funds and to provide landowners with conservation options that might not otherwise exist. As of February 2010, CFT held conservation easements on 20 farms totaling 1,766 acres in Connecticut.



American Farmland Trust (AFT)  
[www.farmland.org](http://www.farmland.org)

AFT is the only national non-profit membership organization dedicated to helping America's farmers and ranchers protect their land and produce a healthier environment. Founded in 1980, AFT is the nation's leading advocate for healthy farms, healthy food and a healthy environment. Its work has helped save more than three million acres of farm and ranch land from development and has encouraged thousands of communities around the country to plan proactively for agriculture, helping to sustain local farms and the food and benefits they provide. CFT and AFT are not affiliated, although the two organizations work closely together.



Working Lands Alliance (WLA)  
[www.WorkingLandsAlliance.org](http://www.WorkingLandsAlliance.org)

A project of AFT, the WLA is a coalition of Connecticut organizations, citizens and businesses working to raise awareness of the need to save Connecticut's valuable and vanishing farmland. WLA members reflect the diversity of people who share a concern about farmland preservation in Connecticut—farmers, planners, conservationists, anti-hunger advocates, historic preservationists, chefs and food retailers. WLA encourages anyone who cares about the future of Connecticut's family farms to join its efforts to educate policy leaders about the importance and benefits of farmland protection. WLA is *your* voice for farmland preservation in Connecticut. Sign up online to receive updates and alerts about farmland preservation policy in Connecticut.



Working Lands Alliance  
 A Project of American Farmland Trust

Funding for *Conservation Options for Connecticut Farmland* was provided by the Connecticut Department of Agriculture.

Thanks also to the following individuals who contributed revisions to this publication: Joseph Bonelli, Bonnie Burr, Phil Chester, Joseph Dippel, John Guskowski, Eric Hammerling, Kip Kolesinskas, Elisabeth Moore, Joan Nichols, Steve Reviczky, Henry Talmage and Amy Zeiner. The following AFT staff assisted in the guide's writing, editing and design: Ben Bowell, Cris Coffin, Jiff Martin and Doris Mittasch.

To obtain copies of this publication, contact the Connecticut field office of American Farmland Trust at (860) 683-4230 or visit [www.farmland.org/connecticut](http://www.farmland.org/connecticut).

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## Frequently Asked Questions About Agricultural Conservation Easements

The following answers to frequently asked questions about easements should help landowners understand some of the legal, financial and practical implications of placing an easement on their property.

What is an agricultural conservation easement?

An agricultural conservation easement is a deed restriction or deed covenant that landowners donate or are paid to place on their property.

Typically, an easement permanently restricts residential, industrial and non-agricultural commercial development of the property. The landowner retains ownership of the land, and the easement is held by the entity to which the easement has been donated or sold. The entity that holds the easement is responsible for ensuring that the terms of the easement are upheld. Most easements are perpetual; those that are not are generally referred to as "term" easements.

Why should a landowner donate or sell an agricultural conservation easement?

For many farmers and landowners who own farmland, their land is their primary asset. The sale of development rights provides landowners with a significant source of capital to improve or diversify a farm operation, purchase additional land, pay off debt, offer an inheritance to non-farming children or meet family financial needs without having to sell some or all of their land. For some landowners, donating an easement—or selling an easement at less than its appraised value—provides certain tax advantages, since the donated value of the easement can be taken as a charitable deduction from federal income taxes.

What land qualifies?

Eligibility depends on whether a landowner is donating or selling an easement, and to whom.

Most land trusts have criteria they use to decide whether or not to accept the donation of a conservation easement on farmland.

Typically, these criteria consider the type and extent of a property's agricultural and other natural resources. Most land trusts do not require a minimum acreage or that the property be in active agricultural use.

To qualify for the CT Farmland Preservation Program, the property must be actively farmed, include at least 30 acres of cropland and have a high percentage of prime or important agricultural soils.

The Connecticut Open Space and Watershed Land Acquisition Grant Program, which can be used by towns and land trusts to help finance the purchase of farmland and agricultural conservation easements, has no minimum acreage requirements but gives preference to land with a diversity of natural resources.

Landowners generally negotiate with the land trust or government program over how their application will be configured and how much of their land to place under easement. While easements can be written to exclude farm residences and buildings entirely, most easements include the farm's existing houses and farm buildings. Wetlands and forested land that are part of a farm can be included in the easement but may be excluded based on the negotiation and their contributing attributes to the farm.

Will an easement require a change in how the land is farmed?

Probably not. Most agricultural conservation easements are designed to be flexible to allow farmers to farm as they have been, and to change their farm operation as they see fit, provided there is minimal impact to the protected soils.

For example, easements for the CT Farmland Preservation Program usually allow landowners to install agriculture-related improvements such as fencing, irrigation systems and manure storage facilities. Most improvements require prior approval and are limited to certain areas of the farm. Farmers may also plant or raise any type of agricultural commodity, provided the soils are protected. Similarly, the federal Farm and Ranch Lands Protection Program (FRPP) requires landowners to develop and implement farm conservation plans; other easements may require landowners to farm according to best agricultural management practices.

Because it limits the construction of agricultural-related structures, the CT Open Space and Watershed Land Acquisition Grant Program is more restrictive in its easements than the state Farmland Preservation or federal FRPP programs.

What improvements can be made to the property?

Easements limit subdivision, residential and non-agricultural commercial development, and other uses that would adversely affect the property's agricultural resources.

## Frequently Asked Questions (continued)

Most easements permit limited development related to the farm operation and allow construction of farm buildings and retail farm stands. Some easements may limit new construction to a designated "farmstead area" or limit the total amount of new construction.

Existing houses and buildings may be included in an easement and most easements generally allow for improvements to or reconstruction of those buildings. Some easements may also allow a landowner to reserve one or more future residential building lots. When an easement provides for a future house lot, the location of the lot(s) is usually designated at the time the easement is drafted and building size and other restrictions may apply.

Is public access required?

Most agricultural conservation easements do not require public access.

The exception is the CT Open Space and Watershed Land Acquisition Grant Program, which requires some public access on land protected through its program. Access may be restricted to portions of the property that are not actively farmed. Most easements do not either require or prohibit such non-commercial recreational uses of the property as hunting, fishing and horseback riding. The landowner retains the right to allow or restrict those uses.

Can the property be sold to anyone?

Yes. Landowners can transfer or sell their property to anyone they choose.

However, all future owners of the property are required to abide by the terms of the easement. A small number of easements require that landowners who sell their property give a right of first refusal to

the entity that holds the easement. Most require the property to be sold in its entirety.

Who pays the property taxes?

The landowner remains responsible for all property taxes and must still apply to the local tax assessor to be eligible for Public Act 490, Connecticut's use value assessment law.

However, once enrolled in Public Act 490, land protected with a permanent conservation easement is not subject to a tax penalty when sold or transferred [see inset on page 17].

What if the landowner can no longer farm the land?

An agricultural conservation easement generally does not require that the land subject to the easement be actively farmed.

An easement can only ensure that the land is protected from incompatible uses, so it will always remain available for agricultural use.

Will a conservation easement affect a landowner's mortgage?

It may, because an easement limits the future uses of the property and typically reduces its value.

Depending on the amount of the mortgage or other monetary lien on the property, the mortgage or lien will need to be discharged prior to the easement or subordinated to the easement.

What if a landowner can't wait or doesn't qualify for a state program?

Other options may exist. Many local and statewide land trusts work with landowners. Groups such as CT Farmland Trust often assist landowners in finding interim financing or other funding sources.



Patrick McMahon photo

## Estate Planning and Farm Transfer

Proper estate planning can provide the framework for a smooth transition of farm ownership and management. It can address the needs of all family members, even those who leave the operation. It can help reduce high inheritance taxes on land made more valuable by inflation and non-farm development pressure. In addition, estate planning is important to help facilitate the transfer of land from one generation to the next. Without estate planning, families may find themselves after the death of a loved one in the position of having to sell land or other farm assets in order to pay taxes or to settle an estate.

A good estate plan should accomplish at least four goals:

- Transfer ownership and management of the agricultural operation, land and other assets
- Avoid unnecessary income, gift and estate taxes
- Ensure financial security and peace of mind for all generations
- Develop the next generation's management capacity

**Inventory** A first step in the estate planning process is to take an inventory of assets, understand who owns what and how titles to all property are held. Families should consider all aspects of the farm business including land, machinery and equipment, farm buildings and structures, and livestock and how to appropriately value these assets. It is also important to consider liquid assets—cash and cash equivalents—that can play an important role in dividing farm estates.

**Define Goals** The next important element of estate planning is to set goals and then to revisit them over time as families, finances, priorities and laws change.

Many farm families do not have formal goals. It is important to identify goals both individually and collectively, write them down, and discuss them with family members to reconcile potential conflicts. Retiring farmers may

or may not be interested in remaining involved in the farm business. Members of the next generation may wish to maintain or change direction of the farm business while others may not be interested in any aspect of farm management.

The estate planning and farm transfer process is also a good time for landowners to evaluate their business structure and decide whether it meets their current needs and helps achieve their goals. They should choose the most appropriate form of business organization, whether it is a sole proprietorship, limited liability company (LLC), partnership or corporation.

**Available Tools** Some of the tools available include:

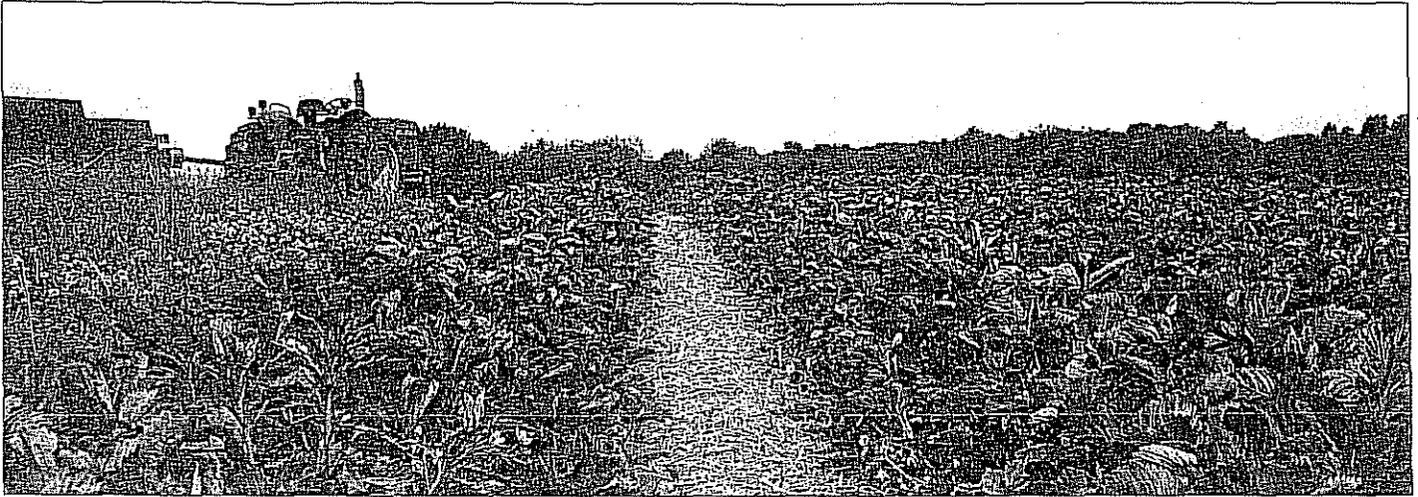
- A will is an important part of the plan because it names beneficiaries, nominates an executor and appoints guardians for dependents; but a will alone cannot guarantee a secure future for the farm family, land or business.
- Purchase of agricultural conservation easements programs—further discussed in this guide—protect farmland, can reduce taxes and provide cash for retirement and estate planning needs.
- Annual gifting can help transfer the business and reduce taxes.
- Life insurance can provide liquid assets that may be used to pay debt, establish trusts, provide for non-farming heirs and offset the donation of an easement or pay estate taxes.
- Limited Partnerships, LLCs and corporations can allow for separation of management and ownership of the business, if desired, while allowing a business to continue its existence beyond the period of its owners.
- Long-term care insurance can be expensive but can also protect family assets from being used to pay for nursing home costs.
- Trusts can provide financial security for surviving spouses, children and grandchildren, while also giving direction to the beneficiaries.

Farmers should pay close attention to both state and federal regulations as they relate to estate planning and should contact their legal, financial and tax advisors to determine how best to use these tools.

American Farmland Trust has published *Your Land is Your Legacy: A Guide to Planning for the Future of Your Farm*, which provides additional guidance on estate planning and farm transfer; order by calling (800) 370-4879.



Connecticut Farmland Trust photo



Jones Family Farms photo

## Tax Considerations

**Donating** The donation of an agricultural conservation easement generally qualifies as a tax-deductible charitable gift. This means a landowner can claim the value of the easement as a federal income tax deduction.

The value of an agricultural conservation easement is the difference between the property's fair market value (the "before" value) and its value as restricted by the easement (the "after" value), as determined by a qualified appraiser.

Many land trusts in Connecticut accept donations of easements on farmland, including Connecticut Farmland Trust (CFT). Landowners may also donate an easement to a municipality, or to the state through the CT Farmland Preservation Program, provided the land qualifies for the program.

**Bargain Sales** Landowners seeking to sell an agricultural conservation easement may choose, or be asked, to sell the easement at less than the easement's appraised value. This is referred to as a bargain sale. Landowners may claim a federal tax deduction for the donated portion of the sale—the difference between the easement's appraised value and its actual sales price.

**Federal Tax Code** While the entire value of a donated easement, or, in the case of a bargain sale, the value of the donation, is deductible, federal tax law limits the amount of deduction a landowner can claim in any given year. Changes made to the federal tax code in 2006 now allow landowners to claim a deduction of up to 50 percent of their adjusted gross income in any given year and to spread those deductions over a period of 16 years. For qualified farmers—taxpayers whose gross income from farming is greater than 50 percent of their gross income for the taxable year—a larger annual deduction is allowed; under the 2006 tax code changes, farmers can now deduct the value of their easement up to 100 percent of their adjusted gross income in any given year.

The 2006 changes to the federal tax code were extended for an additional two years—through the end of 2009. At the time of this publication, it is not clear if and when this benefit will be extended, although Congress will likely address the issue in 2010. To check on the latest status, visit the Land Trust Alliance Web site at [www.landtrustalliance.org](http://www.landtrustalliance.org).

Landowners considering a bargain sale or donation of an easement that occurs after 2010 should consult with a tax advisor regarding what federal rules may be in effect at that time. In general, because federal and state tax laws change frequently, landowners considering a donation or bargain sale should consult with a tax advisor regarding current applicable federal and state conservation tax provisions.

### Special Use Valuation Section 2032A

IRC Section 2032A allows the executor of certain estates in which the real and personal property included in a farm or other business comprises a substantial portion of the decedent's assets to elect to have the farm assets valued based on the income that the farm can generate as an agricultural operation (as opposed to its development potential).

There are many eligibility criteria for this special use valuation including: the heir or a member of his family must have been using the property for a qualified use at the time of his death, 25 percent of the value of the estate must be farm real estate, and a member of the decedent's family must agree to operate the farm, ranch or closely held business for at least 10 years after the decedent's death without selling or otherwise transferring title to any of the specially valued property.

**Corporate landowners** For landowners who are an S corporation for federal income tax purposes, a state business tax credit is available for the donation or bargain sale of a conservation easement or land for conservation purposes. Corporations that donate a qualifying gift of land or conservation easement can take a tax credit equal to 50 percent of the value of the donation and may carry forward any unused credit for 10 years.

When an S corporation sells land or an easement at any price to the state, a town or a nonprofit land conservation organization for conservation purposes, the amount of capital gain from the sale is exempt from that company's taxable income under the state corporate business tax.

**Stewardship fund** Most land trusts request that a landowner who donates a conservation easement also make a tax deductible cash contribution to offset the land trust's cost of stewardship. Land trusts seek this type of donation because the land trust is obligated to monitor and enforce the terms of the easement in perpetuity. While the landowner who has donated the easement is likely to understand and abide by the easement's terms, issues may

arise when the property is sold to a landowner who was not involved in the easement negotiation and may not understand or may choose to ignore its terms. Dedicated stewardship funds make it possible for land trusts to ensure that the easement's terms can be monitored and enforced in perpetuity.

**Selling** Selling a farm's development rights can provide landowners with an important source of capital to expand or diversify a farm operation, provide for retirement, buy out non-farming members of the family or address other financial needs while ensuring that the farm is protected for future generations.

The proceeds from a sale of development rights are recognized by the IRS as a sale of an interest in real estate and are subject to federal and state capital gains taxes. Depending on the source of the funding, landowners may be able to spread out the capital gain over a period of years by taking the proceeds from the sale in installments. Some landowners may find it advantageous to do a bargain sale and/or a like-kind exchange to reduce their capital gains exposure [see Mapleleaf Farm case study].

## Mapleleaf Farm: Using Like-Kind Exchanges

Farming since the mid 1700s, the Ellis family occupied several sites until Ned Ellis' great grandfather purchased its current farm in the Gilead section of Hebron in 1903. In 1999, Ned and his wife, Renée, approached the state to sell the development rights on 240 acres of their farmland. As part of this deal, the Ellises made use of both a bargain sale and an innovative like-kind exchange.

**Bargain Sale** Ned and Renée had their land appraised for the sale of development rights in 1999, but the land appreciated in value significantly before the state completed the purchase. The family chose to take a charitable tax deduction equal to the difference in price from the time the property was appraised to the time the development rights were sold. The CT Farmland Preservation Program encourages, though does not require, the use of bargain sales.

**Like-Kind Exchange** The Ellis family also made use of a like-kind exchange—essentially a tax-free swap of similar or “like-kind” property—by using some of the proceeds of the sale of their development rights to purchase 170 acres of farmland that they had been leasing. By “swapping” property rather than receiving cash from the sale, the Ellis family avoided paying capital gains tax on the sale (though, should they ever sell the land they received in the swap, they may be required to pay capital gains tax on it).

**Expansion** The Ellis family also invested a portion of the development right proceeds to expand a cattle barn and upgrade the farm's manure management system.

Regarding the sale of development rights, Ned says: “It's something my father always wanted us to do. God meant us to be good stewards of the land; I don't think He meant for the land to be used for houses.”



American Farmland Trust photo

“Once it's gone, it's gone! The land can never be replaced,” says Ned Ellis of Mapleleaf Farm, who successfully participated in a unique project to protect 400 acres of farmland in the Town of Hebron.

## Farmland Protection Programs in Connecticut

The following programs in Connecticut are sources of funding for the purchase of development rights on farmland. The amount of money available in each of these programs fluctuates every year, depending on how much the state legislature or Congress, in the case of the federal program, allocates to the programs.

Demand for these state and federal programs typically exceeds available funds resulting in a process that can be slow and frustrating. Towns and land trusts have emerged as active partners in farmland protection projects, mounting successful fundraising campaigns and contributing a greater percentage of project costs [see Simsbury Land Trust, page 13].

To find out how much money is currently available in any program, it is best to contact the program directly. Eligibility requirements, selection criteria and application information for each of the programs can be found on page 9.

### **Connecticut Farmland Preservation Program** *CT Department of Agriculture*

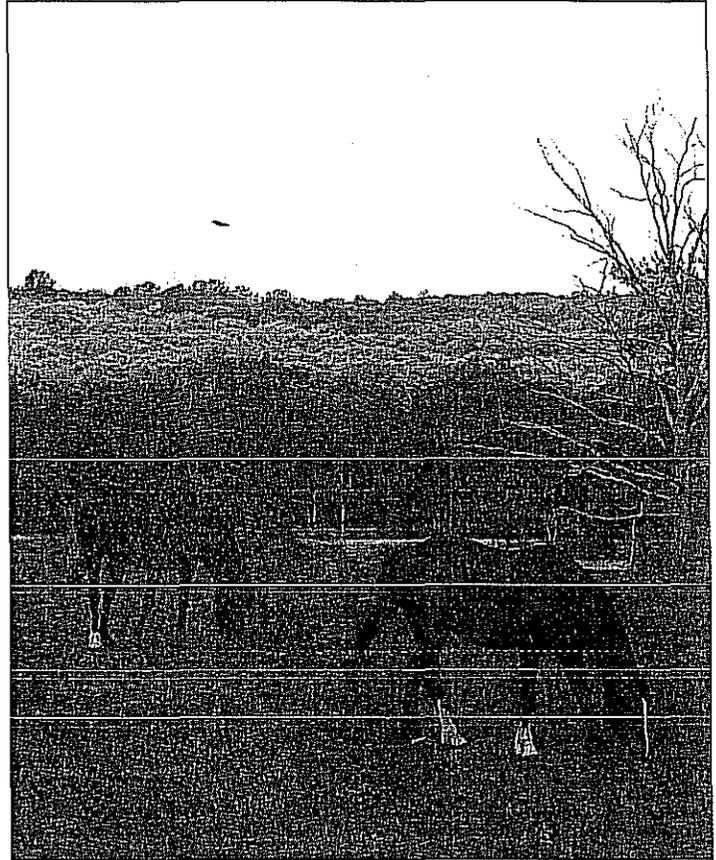
The CT Farmland Preservation Program, established in 1978, is working toward its goal of protecting 130,000 acres of Connecticut's most productive farmland.

As of December 2009, the program had protected 35,570 acres on 265 farms.

Only landowners are eligible for the program and apply to the CT Department of Agriculture. Applications are evaluated according to scoring criteria, including quality of soils, amount of cropland, threat of development and proximity to other protected lands.

The CT Farmland Preservation Program may pay up to 100 percent of the appraised value of the development rights. Current state law gives the Commissioner of Agriculture the ability to pay up to \$20,000 per acre, subject to appraisal. However, from 2007 through 2009, the average price paid by the state toward the purchase of development rights (not including any town or private contribution) was \$5,800 per acre. To maximize farmland preservation funding, the State of Connecticut places a high priority on protecting clusters of farmland that are in close proximity to other active farmland and preserved landscapes.

In recent years, many of the farms protected by the CT Farmland Preservation Program have made use of bargain sales (acquisition at less than appraised value); in the past few years, 50 percent of the 40 farms protected were acquired using a bargain sale of at least 25 percent of the appraised value.



Connecticut Farmland Trust photo

A 2006 study by American Farmland Trust found that three out of four farmers who participated in the CT Farmland Preservation Program were satisfied with their experience, despite some frustrations with the time involved and various administrative issues.

### **Joint State-Town Farmland Preservation Program** *CT Department of Agriculture*

In 1986, the Connecticut Legislature established the Joint State-Town Farmland Preservation Program to encourage towns to create local farmland preservation programs. Administered in conjunction with the CT Farmland Preservation Program, this program provides for the joint purchase of development rights by the state and a town having a policy in support of farmland and an agricultural land preservation fund [see more on page 9].

Eligible towns may solicit applications to the CT Farmland Preservation Program from willing landowners; once a landowner applies, the state and town work together to purchase the property's development rights jointly. More towns are taking advantage of this program, and the opportunity to protect farmland by leveraging local funds with state funds can raise the criteria score for a farmer/landowner applicant.

Federal Farm and Ranch Lands Protection Program  
U.S. Department of Agriculture/Natural Resources  
Conservation Service (NRCS)

The Farm and Ranch Lands Protection Program (FRPP) is a federal cost-share program that helps fund the purchase of development rights on productive farmland.

Landowners cannot apply directly to the program, but must work with a sponsoring entity, which can be the state of Connecticut, a municipality or a land conservation organization.

FRPP provides matching funds for up to 50 percent of a project's cost. Between 1996 and 2008, FRPP has helped protect 85 farms and about 8,000 acres in Connecticut. Since the program requires partnership, it has been very effective at leveraging federal funds with state, private and local funds. FRPP provides technical assistance to create a conservation plan as required by the program, and farms protected under FRPP get preferential access to other NRCS conservation programs.

Connecticut Open Space and Watershed  
Land Acquisition Grants Program  
CT Department of Environmental Protection

This grant program was established in 1998 to help towns, nonprofit conservation organizations and water companies permanently protect important community lands, including farmland. It can be used to fund the purchase of farmland outright or the purchase of development rights on farmland.

Landowners cannot apply directly to the program but must work with a sponsoring town, water company or land conservation organization. The program provides a maximum of 65 percent of a project's cost (up to 75 percent for projects in "distressed municipalities or targeted investment communities"). Applications to the program are only accepted during specific grant rounds; typically, the CT Department of Environmental Protection holds one grant round per year for this program.

Additional Programs

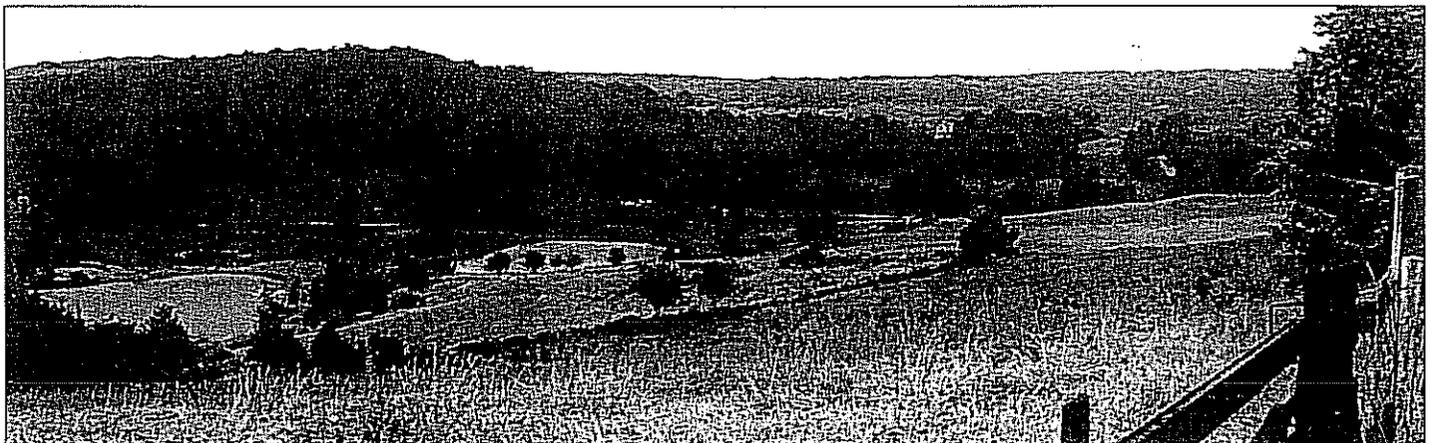
Although not the primary tools for farmland preservation in Connecticut, other programs may provide funding for land conservation. Look for this symbol  in the "Additional Funding Available" section on page 14.

**Important Partnerships  
to Protect Connecticut's Farmland**

The majority of the farms protected by the CT Department of Agriculture's Farmland Preservation Program have been transactions between landowners and the state. Since 2006 many projects have been able to leverage funding from the federal Farm and Ranch Lands Protection Program (FRPP). Recently there has been a higher frequency of projects with additional partners—municipalities and land trusts. These partnerships will continue to be a vital way to leverage additional resources in a state with the third highest farm real estate values in the nation.

Farmed since the 1950s, the Wisneske Farm is now part of a cluster of over 800 acres of preserved farmland. This project also represents the first joint acquisition by the CT Department of Agriculture, the Connecticut Farmland Trust and the USDA Natural Resources Conservation Service (NRCS). The two parcels that comprise the 181-acre farm lie along a scenic ridge above the city of Norwich. The farm contains 100 acres of cropland with approximately 63 acres of prime and statewide important farmland soils. Eugene Wisneske grows hay and leases a portion of the cropland and pasture to a local dairy farmer.

To purchase the development rights on the Wisneske Farm, the state contributed just under \$707,500. The Connecticut Farmland Trust contributed \$50,000 through private fundraising efforts. Miscellaneous acquisition costs, such as appraisals and survey, were paid for through dedicated funding for agriculture preservation made possible by the Community Investment Act [see page 17]. The state received reimbursement for 47 percent of the cost through FRPP.



CT Department of Agriculture photo

# FARMLAND PROTECTION PROGRAMS IN CONNECTICUT

	CT Farmland Preservation Program <i>CT Department of Agriculture</i>	Joint State –Town Farmland Preservation Program <i>CT Department of Agriculture</i>	Open Space & Watershed Land Acquisition Grant Program <i>CT Department of Environmental Protection</i>	Farm & Ranch Lands Protection Program <i>USDA/Natural Resources Conservation Service</i>
<b>Who may apply?</b>	Landowners	Municipalities, Landowners	Municipalities, Water companies, Nonprofit conservation organizations	Municipalities, States, Nonprofit conservation organizations
<b>Eligibility Requirements</b>	<p>Property must:</p> <ul style="list-style-type: none"> <li>- Be an active farm operation</li> <li>- Include a minimum of 30 acres of cropland or be adjacent to a larger parcel</li> <li>- Meet minimum program criteria that include: amount of prime and important soils, amount of cropland, proximity to other active farms, viability of agriculture business, proximity to agricultural support services, and surrounding land use</li> <li>- Meet FRPP requirements if federal funding will be used as part of sale</li> </ul>	<p>Municipality must:</p> <ul style="list-style-type: none"> <li>- Have a policy in support of farmland preservation</li> <li>- Have a farmland preservation plan developed and approved by local policymakers</li> <li>- Have a fund established for the purpose of purchasing development rights</li> <li>- Have a willing applicant who has voluntarily offered to sell development rights</li> <li>- Meet FRPP requirements if federal funding will be used as part of sale</li> </ul> <p>Property must:</p> <ul style="list-style-type: none"> <li>- Be an active farm with 30 acres of prime or important farmland soils</li> <li>- Have minimum gross annual agricultural production of \$10,000.</li> </ul>	<p>Program can be used to purchase development rights on farmland or farmland in fee. No minimum acreage or prime agricultural soils required.</p>	<p>Property must:</p> <ul style="list-style-type: none"> <li>- Be part of active farm operation</li> <li>- Have prime or important agricultural soils or have historic or archeological resources</li> <li>- Meet minimum program criteria for amounts (or percentages) of prime and important farmland soils and agricultural land use</li> <li>- Be privately owned (non-governmental)</li> <li>- Have pending written offer with landowner</li> </ul>
<b>Selection Criteria</b>	<p>Priority given to:</p> <ul style="list-style-type: none"> <li>- Land with high % of prime and important agricultural soils and cropland</li> <li>- Land in proximity to other active farmland, protected lands and farm services.</li> </ul>	<p>Priority given to:</p> <ul style="list-style-type: none"> <li>- Land with high % of prime and important agricultural soils and cropland</li> <li>- Projects that comply with local and/or regional open space plans or plans of conservation and development</li> </ul>	<p>Priority given to:</p> <ul style="list-style-type: none"> <li>- Land vulnerable to development</li> <li>- Projects that comply with local and/or regional open space plans or plans of conservation and development</li> <li>- Land with diverse categories of natural resources</li> <li>- Projects with pending written offer with landowners</li> </ul>	<p>Priority given to:</p> <ul style="list-style-type: none"> <li>- Land vulnerable to development; land with high % of prime and important agricultural soils</li> <li>- Projects with high % of non-federal matching funds</li> <li>- Projects must have non-federal matching funds in hand</li> </ul>
<b>Cost-share Requirements</b>	State may accept a gift or pay up to 100% of value of development rights.	State may accept a gift or pay from 10–75% of value of development rights depending on quantity of active agricultural land within 3-mile radius of the subject farm.	State pays up to 65% (up to 75% for projects in “distressed municipalities or targeted investment communities”) of either fair market value of development rights or purchase price, whichever is less.	FRPP pays up to 50% of fair market value of development rights. Applicant provides cash match of either 25% of development rights value or 50% of purchase price. Landowner donations of up to 25% of development rights value may be considered part of applicant’s match.
<b>Easement Requirements</b>	Only agricultural and compatible uses permitted. Property may never be subdivided or converted to non-agricultural use. No public access required. State easement language required. Subject to federal requirements if FRPP funding is used.	Only agricultural and compatible uses permitted. Property may never be subdivided or converted to non-agricultural use. No public access required. State easement language required. Subject to federal requirements if FRPP funding is used.	Public access required. Limited agriculture-related structures permitted on protected land. State easement language required.	NRCS farm conservation plan is required. NRCS easement language required. No public access required.
<b>Application Period</b>	Applications accepted continuously. Acquisitions must be approved by State Properties Review Board and the Attorney General. If the application is approved by the state, landowners should anticipate a period of 15 months or longer to complete negotiations, survey, and title work before the final closing.	Applications accepted continuously. Acquisitions must be approved by State Properties Review Board and the Attorney General. If the application is approved by the state, landowners should anticipate a period of 15 months or longer to complete negotiations, survey, and title work before the final closing.	Applications accepted and evaluated during designated grant rounds; typically, the CT Department of Environmental Protection holds one grant round per year.	Applications accepted during an annual sign up period. Applicants awarded FRPP funding must sign a cooperative agreement with NRCS stipulating certain easement provisions and agreeing to purchase easement(s) within two years.

## Can I Protect My Forestland Too?

**Connecticut's Forests** Woodlands provide significant value to many Connecticut farms—producing maple syrup, Christmas trees, firewood, lumber and other wood products. In addition they provide many important benefits, such as clean air and water, fish and wildlife habitat, passive recreation, carbon sequestration, scenic beauty and buffers from adjacent land uses. According to the 2007 Census of Agriculture, over 30 percent of the state's total land in farms is woodland. Woodlands cannot be easily separated from the total farm unit. Some of the state's most productive woodlands are being lost or fragmented by sprawling development, limiting their ability to provide social, economic and environmental benefits.

**Permanent Protection of Forestland** Forestland owners may protect their land through many of the same tools and programs available to farmland owners. Forestland may be included as part of an agricultural conservation easement; there are also other programs that allow for protection of just forest resources. Forestland may be eligible for the following programs [see basic criteria in chart on page 9]:

✓ **CT Farmland Preservation Program** Forest lands are considered a component of a typical Connecticut farm, and thus may be included in an application to the program. While there is no cap on the amount of forest land that can be enrolled through the program, the amount of non-cropland acreage is considered in the application evaluation. In general, the average farm protected through the program has 35 percent of its acreage in woodland, scrub or wetlands.

✓ **Farm & Ranch Lands Protection Program** Farm parcels with up to 66 percent of total acreage in woodland are eligible.



CT NRCS photo

- ✓ **Connecticut Open Space and Watershed Land Acquisition Grants Program** Properties with farm and/or forestland are eligible; no requirements on percentage of forestland.
- ✓ **Forest Legacy Program** The Division of Forestry in the CT Department of Environmental Protection administers this USDA Forest Service program. The Forest Legacy Program pays eligible landowners for the purchase of conservation easements on working forestland that is threatened by development. Forest Legacy requires a minimum of 75 percent forestland; the remainder may be farmland. The program funds up to 75 percent of the cost of purchasing the development rights, and participating landowners must prepare a multiple resource management plan. Applications are taken at any time.  
[www.fs.fed.us/spf/coop/programs/loa/flp](http://www.fs.fed.us/spf/coop/programs/loa/flp)

**Forest Management** While some programs may require a Forest Management or Forest Stewardship Plan, such a plan is valuable for all forestland owners. Forest management plans can help landowners and operators achieve a wide variety of both short- and long-term objectives, such as: controlling invasive species, harvesting saw timber or producing biofuel, improving fish and wildlife habitat, protecting water quality, or simply providing a buffer from adjacent land uses. Such plans should be viewed as an active tool and should be updated whenever new practices are implemented or objectives change. Forest management plans in Connecticut developed in partnership with a certified forester will include: a species inventory and map, identification of goals and objectives, and a recommended schedule of activities and conservation practices. Technical assistance and funding may be available from local, state or federal sources to help prepare and implement the plan.

### Tax Tips

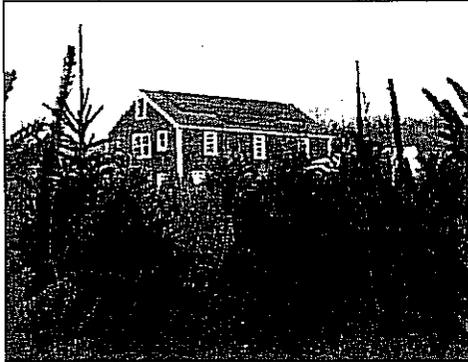
If you are a forestland owner, there may be several federal tax incentives to help maintain your forestland. For example, if you hold your forestland as an investment or for use in a business, you can deduct ordinary and necessary management expenses, such as fees paid to a professional forester or the cost of brush control, thinning and protecting your timber from fire, insects or disease.

This tax tip and others are available in the USDA Forest Service's "Tax Tips for Forest Landowners for the 2009 Tax Year," available online at:  
[www.fs.fed.us/spf/coop/library/taxtips09.pdf](http://www.fs.fed.us/spf/coop/library/taxtips09.pdf).

## Peaceful Hill Farm: Forest Management

Peter Bergan, owner of Peaceful Hill Farm, was named 2009 Connecticut Tree Farmer of the Year by the state's Tree Farm System in recognition of his forest management and conservation efforts.

In 2005, Bergan protected 36 acres of his land through the USDA's Forest Legacy Program, which is designed to protect working forests and preclude future development. Peaceful Hill Farm adjoins the 9,000-acre Meshomasic State Forest, keeping intact a significant forest block needed to maintain healthy wildlife populations.



Peaceful Hill Farm photo

Most of Peaceful Hill Farm is a managed hardwood forest—red, white and chestnut oak, black and yellow birch, sugar maple, hickory and some white pine—planted to rejuvenate a scrubby hillside. The land was heavily logged in the 1960s and Bergan has done only one limited harvest of lumber-grade mature trees since he's owned it. He removes about eight to 10 cords of diseased, dying or crowded trees every year, and uses all the wood himself to fuel the outdoor furnace that heats his home and barns, all of which he built himself. The farm also produces Christmas trees on 7 acres. On weekends before the holidays, as many as 200 cars visit his farm each day.



Peaceful Hill Farm photo

## Role for Municipalities and Communities

Municipalities and local officials play an important role in protecting farmland and creating a supportive environment for local farm businesses. Towns may want to consider creating a Farmland Protection Committee or local Agricultural Commission devoted specifically to this purpose [see New Milford case study, page 12] and/or pursue some of the steps below.

**Planning for Farmland Protection** A good first step toward community action on farmland protection is to conduct an inventory of a municipality's farms and farmland. An inventory can identify the number and types of farms in town, the acres farmed and the general land use needs of local farms. Also consider developing a prioritization process to identify farms that the community thinks are most important to keep in production in the future. This process should involve all stakeholders, including farmland owners, municipal officials, members of land use commissions and land trusts, and non-farm residents. Prioritization criteria might include quality of soils, current land use, threat of development, proximity to other farmland (protected and not protected), proximity to growth areas (e.g., sewer lines and housing) and scenic contribution.

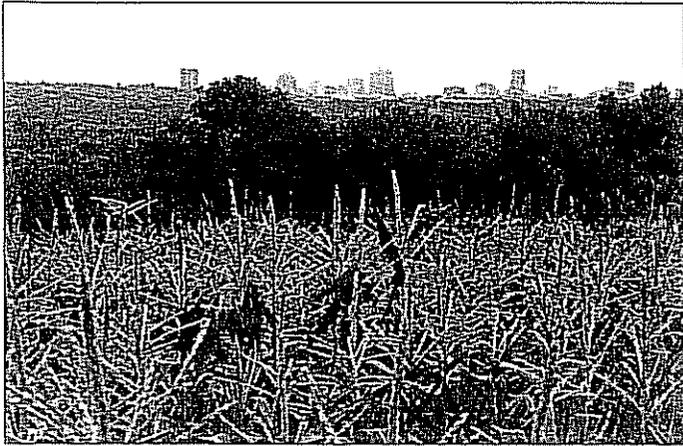
It is important to reach out to local landowners. This can be done by members of a town agricultural commission, a board of selectmen, planning commission or conservation

commission, or in conjunction with a local land trust. The designated board or commission should develop a strategy for communicating to local landowners the town's desire to protect farmland. The town must clearly communicate that it is simply exploring land protection strategies so that landowners are aware of the opportunity without feeling pressured.

An ability to leverage federal, state and private farmland protection funds is key to successfully protecting farmland at the municipal level. Towns that have a local source of



Jones Family Farms photo



CT NRCS photo

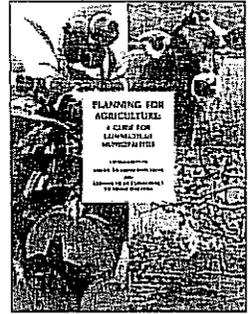
funding for farmland protection to match state and/or federal funding often have an advantage when competing for limited public funds. Some towns have established dedicated funds for land protection, while others have raised money on a case-by-case basis. Strategically, towns should consider the use of many funding sources for a successful farmland preservation program—combining municipal funds, state, and/or federal program funds, as well as funds raised by land trusts or local campaigns. For example, in 2007 Southbury allocated \$240,000 as the town’s contribution to an easement on 43 acres of farmland; a local land trust and FRPP also contributed funds.

**Pro-Active Support for Farm Viability** Municipal officials can help foster the supportive business environment, critical to the long-term sustainability of the local farms and the land they steward. A first step for officials might be to

form an agricultural commission both to provide farmer input into town policies that impact local agriculture and to help develop initiatives that will keep farming viable. Towns may also consider enacting a local right-to-farm ordinance that mirrors the state’s right-to-farm law. Such ordinances help maintain a supportive environment for farmers by reducing farmer/non-farmer neighbor conflicts.

*Planning for Agriculture:  
A Guide for Connecticut  
Municipalities*

A joint publication of AFT and the CT Conference of Municipalities, *Planning for Agriculture* outlines a broad range of tools and resources available to help local governments plan for the future of agriculture in Connecticut. The guide includes case studies and information about agricultural commissions, right-to-farm ordinances, zoning regulations and much more.



Visit [www.ctplanningforagriculture.com](http://www.ctplanningforagriculture.com) to download the guide and find examples of recent efforts to support farming in communities across the state. Printed copies of the guide may also be obtained while supplies last. Contact AFT’s CT office at (860) 683-4230.

**Laying the Groundwork for Farmland Preservation in New Milford**

Preservation of the town’s remaining farmland became an official town priority in 2006 when New Milford Mayor Pat Murphy established the New Milford Farmland Preservation Committee, charging it with assisting the town in identifying and implementing strategies for acquiring and protecting farmland.

The Farmland Preservation Committee’s first task was to identify and map the farmland within the town. Farmland was identified through tax records, interviews with farmers, aerial photography and insight from the Committee’s active farmers. Once the mapping was complete, the Committee prioritized a series of farms on the Ridge Road area of town that comprise over 1,200 acres.

The Committee then developed a Strategic Action Plan that covers many topics including the importance of preserving farmland and the agricultural history of New Milford. The Plan also lays out strategies for preserving farmland, such as increasing residents’ awareness of the economic importance of preserving farmland, supporting the town’s farmers market, and identifying and implementing ways to access state and federal dollars for farmland preservation.

In 2007 the Committee created a brochure to educate residents about many of the topics covered in the Plan and steps that residents can take to support the community’s farms and the proposed Farmland Preservation Fund.

The town took another important step in 2008 when it requested the USDA Natural Resources Conservation Service to help identify and designate “locally important” farmland soils in New Milford. This designation is helpful in improving eligibility for farmland protection funding under the federal Farm and Ranch Lands Protection Program (FRPP). In 2009, the town, in conjunction with one of the Ridge Road farmers, submitted its first application to the CT Farmland Preservation and FRPP programs.

## Role for Land Trusts

Land trusts play an important role in farmland protection efforts. They help landowners navigate the rules and procedures of applying to a public program. They coordinate campaigns to raise funds and public support for preserving properties. Land Trusts also work with municipalities and regional planning agencies to set land preservation priorities.

Over 125 land trusts and conservation organizations serve the communities of Connecticut. These groups run the spectrum from small, all-volunteer outfits to large organizations with professional staff. Some have a strictly local or regional focus, others work statewide on specific areas of natural resource protection.

### **Simsbury Land Trust: Working to Protect Farmland**

Simsbury Land Trust (SLT) is a model example of how a land trust can mobilize community resources to protect farmland. SLT's efforts to protect farmland began with a comprehensive look at the town, examining its history of land use as well as current town objectives and priorities.

SLT then developed its own objectives to complement the town's open space goals. It decided to focus on properties that include ridgelines, farms or fields, and wetlands. It also placed a high priority on lands adjacent to other protected lands, working towards creating a critical mass of protected landscapes and intact wildlife corridors.



Simsbury Land Trust photo

As part of its "Campaign for Simsbury," SLT raised over \$5 million to purchase the development rights on two farms—110 acres on Rosedale Farms and 187 acres on Tulmeadow Farm:

- \$2,435,000 from the Federal Farm and Ranch Lands Protection Program
- \$1,200,000 from state grants (including the Open Space and Watershed Land Acquisition Grant Program)
- \$1,200,000 from individual donations
- Additional funds from the Town of Simsbury and private foundations

SLT's success can be attributed to its strong collaboration with both town officials and farmers. Dick Davis, SLT Trustee, explains: "Farmland preservation projects are very time consuming; not just because there are numerous issues to address, but because it's very important to have a strong commitment on the part of all of the parties—and you don't get that from a quick deal. Land is special, and it takes time for farm families to get used to the idea of giving up their property rights and feeling comfortable with the folks working with them on farmland protection goals. So we feel it is important to have an awful lot of discussion, raise all the questions early on, and try to minimize problems down the road."

Ten years ago there were seven farms left in Simsbury; five have been permanently protected through the joint efforts of the town and SLT.

"I feel very lucky that our family was in a position and had the time to work this out with Simsbury Land Trust," said Don Tuller, one of the owners of Tulmeadow Farm. "We talked with them for several years before proceeding with this project, and now we're hopeful that as we move on to additional land protection phases on our property that their good work will continue."

For more information go to [www.simsburylandtrust.org](http://www.simsburylandtrust.org) or call (860) 651-8773.

## Additional Funding Available To Support Farm and Forest Viability, Land Conservation and Stewardship

Many Connecticut landowners, including towns and land trusts, are unaware of the variety of programs available to help them improve or expand a farm business, address environmental concerns or implement conservation practices on their land.

For example, landowners can get help developing a forest management plan for a woodlot, and then financial assistance to help carry out the plan. Funding is available to defray the cost of fencing to keep livestock out of streams, and to manage farmland for wildlife habitat. There is funding for on-farm energy efficiency projects and for renewable energy systems. Funding also is available to farmers interested in diversifying into new markets or new products, and to help municipalities develop and implement local farmland protection initiatives.

The following are programs available in Connecticut that can be used to foster farm profitability, land conservation and stewardship efforts.



This symbol denotes programs that have been particularly reliable serving the needs of agriculture and farmland preservation and have been consistently funded in recent years.



This symbol denotes programs that offer funding for easements.

### Agricultural Management Assistance (AMA) USDA/NRCS

[www.nrcs.usda.gov/programs/ama](http://www.nrcs.usda.gov/programs/ama)

This program, available only in states where participation in the Federal Crop Insurance Program has been low, is designed to help farmers reduce crop risk. The program funds up to 75 percent of the cost of conservation practices that help increase operation diversification (such as transition to organic production) or improve water management (such as conversion to drip irrigation) or water quality (such as manure storage structures). Applications are taken at any time. Land trusts and farmers (including those with a long-term lease) may apply.



Agriculture Viability Grants—Farm Viability Program  
CT Department of Agriculture  
[www.state.ct.us/doag](http://www.state.ct.us/doag)

This state grants program, authorized and funded through the Community Investment Act [see page 17], funds local initiatives that foster farm viability and farmland protection. Municipalities, regional planning agencies, associations of municipalities, and nonprofit organizations can apply for matching grants up to \$50,000 to plan and implement local farmland preservation strategies, institute agriculture-friendly land use regulations or develop marketing initiatives to support local farm businesses. Municipalities can

also use the grants to invest in small agriculture-related capital projects, such as farmers' markets and community kitchens (but not for land acquisition).



Agriculture Viability Grants—Farm Transition Program  
CT Department of Agriculture  
[www.state.ct.us/doag](http://www.state.ct.us/doag)

This state program, also authorized and funded through the Community Investment Act [see page 17], is available to producers and agricultural cooperatives for projects that will increase profits through market or product development, diversification or expansion. Eligible expenses include equipment and machinery as well as promotional activities. Grants of up to \$50,000 are available, and must be matched 1:1 by the applying entity. Farmers (leasing farmers included) and agricultural cooperatives may apply.

### Business and Industry Loan Guarantee Program (B&I) USDA/Rural Development (RD)

[www.rurdev.usda.gov/rbs/buspb/b&i\\_gar.htm](http://www.rurdev.usda.gov/rbs/buspb/b&i_gar.htm)

This program is available to all businesses (not limited to farm businesses) located in rural areas only (typically outside of cities or towns of more than 50,000 people; contact Rural Development for clarification on eligibility). The program operates as a loan guarantee program, offering businesses an opportunity to work with commercial lenders who might not otherwise extend credit. Loans may be used to expand or convert businesses, purchase land, or purchase machinery or equipment. There is no minimum loan size, but loans cannot exceed \$10 million. Farmers (leasing farmers included), land trusts and municipalities may apply.

### Conservation Loan & Loan Guarantee Program USDA/Farm Service Agency (FSA)

[www.fsa.usda.gov](http://www.fsa.usda.gov)

This new program provides direct or guaranteed loans to finance qualifying conservation projects. Loans may also be used to finance the borrower's share of a USDA Environmental Quality Incentives Program (EQIP) contract. Qualifying projects are those identified through an NRCS conservation plan. Direct loans may not be more than \$300,000 and guaranteed loans not more than \$700,000. Farmers (leasing farmers included) may apply.

### Conservation Reserve Program (CRP) USDA/Farm Services Agency (FSA)

[www.nrcs.usda.gov/programs/crp](http://www.nrcs.usda.gov/programs/crp)

CRP encourages farmers to convert highly erodible cropland and other environmentally sensitive land to vegetative cover such as tame or native grasses, wildlife plantings, trees, filter strips or riparian buffers. Participating farmers receive annual rental payments for the term of their multi-year contracts. Cost-share funding is provided for the establishment of the vegetative cover practices. Landowners

also may receive funding to fence streams to exclude live-stock or build grass waterways. Applications are taken during announced sign-up periods. Farmers (leasing farmers not included), land trusts and municipalities partnered with a farmer may apply.

**Conservation Stewardship Program (CSP)**  
USDA/NRCS

[www.nrcs.usda.gov/programs/new\\_csp/csp.html](http://www.nrcs.usda.gov/programs/new_csp/csp.html)  
Substantially revised in the 2008 Farm Bill, CSP encourages owners of farm and forest land to address natural resource concerns comprehensively by maintaining existing conservation practices as well as undertaking new ones. Landowners may receive annual payments for five years based on the stewardship level and improvements. Supplemental payments may be available for additional conservation activities. The sign-up period varies annually. Farmers (including farmers leasing land for the length of the CSP contract) and land trusts may apply.

**CT Farm Link**  
CT Department of Agriculture  
[www.farmlink.uconn.edu/](http://www.farmlink.uconn.edu/)

This program, authorized and funded through the Community Investment Act [see page 17], is designed to help match people seeking farmland with available land—whether owned by individuals, land trusts, or municipalities. The program is intended for farmers looking to lease land as well as individuals interested in purchasing land for farming. The CT Department of Agriculture accepts applications from both farmland owners and farmland seekers. Farmers (leasing farmers included), farmland owners, land trusts and municipalities may apply.

**Debt for Nature**  
USDA/Farm Services Agency (FSA)  
[www.fsa.usda.gov](http://www.fsa.usda.gov)

The Debt for Nature Program is available to landowners with FSA loans secured by real estate. The program reduces a borrower's debt in exchange for a conservation contract with a term of 10, 30 or 50 years. The contract restricts development of the property for the life of the contract. Eligible lands include marginal cropland or other environmentally sensitive land that must be taken out of production for the life of the contract. Farmers (leasing farmers not included) and farmland owners with FSA loans secured by real estate may apply.

**Environmental Assistance Program (EAP)**  
CT Department of Agriculture  
[www.state.ct.us/doag](http://www.state.ct.us/doag)

This program reimburses farmers for part of the costs of implementing an agricultural waste management plan, which is required by the state of Connecticut and NRCS. Grants under this program must be used for capital improvements and are typically awarded in coordination with the Environmental Quality Incentive Program (EQIP).

Funding from EAP and EQIP together can provide no more than 90 percent of the project cost. Farmers (leasing farmers included) may apply.

**Environmental Quality Incentive Program (EQIP)**  
USDA/NRCS

[www.nrcs.usda.gov/programs/eqip](http://www.nrcs.usda.gov/programs/eqip)

This conservation cost-share assistance program provides up to 75 percent (90 percent for limited resource and new farmers) of the cost to implement certain structural and management practices on eligible agricultural land. Technical and financial assistance is available to plan, design and install erosion control measures and agricultural waste management facilities or to establish conservation practices such as nutrient management, integrated pest management, manure management, and irrigation management. The 2008 Farm Bill expanded eligibility to conservation practices directly related to organic production and transition. Applications are accepted during annual sign-up periods. Farmers (including those with a long-term lease), land trusts and municipalities partnered with a farmer may apply.



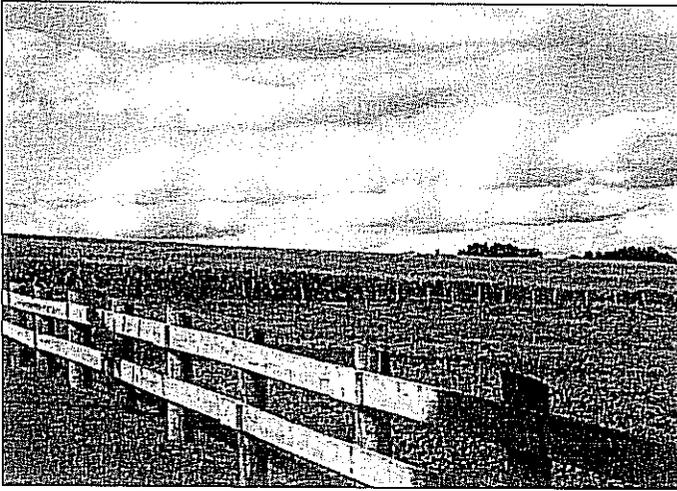
**Farm Reinvestment Grants Program**  
CT Department of Agriculture  
[www.state.ct.us/doag](http://www.state.ct.us/doag)

Farm Reinvestment grants are available to registered farm businesses that have operated for at least three years. Grants are intended for expansion of existing agricultural facilities, site improvements or expansion into new areas of production. Grants of up to \$40,000 are available and must be matched on a 1:1 basis; grant funds can only be used for capital fixed assets that have a life expectancy of 10 years or more. Farmers (leasing farmers included) may apply.



**Grassland Reserve Program (GRP)**  
USDA/NRCS and USDA/Farm Services Agency (FSA)  
[www.nrcs.usda.gov/programs/grp](http://www.nrcs.usda.gov/programs/grp)

The GRP is designed to protect and restore grasslands through the use of permanent easements and term rental agreements. Eligible parcels are generally greater than 40 acres and dominated by grasses used for haying and grazing. Landowners with eligible property can choose to sell a permanent easement or enter into a 10-, 15- or 20-year contract and receive annual rental payments. Cost-share payments for eligible restoration practices are also available. Enrolled land may be hayed or grazed; some management restrictions may apply. The program will pay up to 100 percent of the purchase price of an easement. Applications are accepted continuously. Farmers (including farmers leasing land for the length of the GRP contract) and land trusts (provided the land is not already under an easement) may apply. Land trusts may also partner with NRCS to purchase easements.



Connecticut Farmland Trust photo



### Healthy Forests Reserve Program (HFRP) USDA/NRCS

[www.nrcs.usda.gov/programs/HFRP/ProgInfo](http://www.nrcs.usda.gov/programs/HFRP/ProgInfo)

This program is intended to restore and enhance forest ecosystems by promoting the recovery of threatened and endangered species, improving biodiversity, and enhancing carbon sequestration. The program offers two enrollment options—a 30-year agreement or permanent easements—and provides cost-sharing for restoration of threatened or endangered species habitat. Landowners and land trusts (provided the land is not already under an easement) may apply.

Joint Venture Grants Program  
CT Department of Agriculture  
[www.state.ct.us/doag](http://www.state.ct.us/doag)

This small grants program (less than \$5,000 matching) is intended to promote Connecticut agricultural products through the use of the “Connecticut Grown” logo. Funds have been used in the past for brochures, announcements, farmers market promotion and signage. Farmers (leasing farmers included) may apply.

Renewable Energy Systems and  
Energy Efficiency Improvement Program  
USDA/Rural Development  
[www.rurdev.usda.gov](http://www.rurdev.usda.gov)

This program provides grants and guaranteed loans to farmers and rural small businesses to purchase renewable energy systems and make energy efficiency improvements to their operations. Renewable energy grants can range from \$2,500 to \$500,000; energy efficiency grants can range from \$1,500 to \$250,000. Grants may be used to pay up to 25 percent of an eligible project's costs. Loan guarantees can be for up to 50 percent of total eligible project costs. Eligible projects include those that derive energy from a wind, solar, biomass or geothermal source; or hydrogen derived from biomass or water using wind, solar or geothermal energy sources. Farmers (leasing farmers included) may apply.



### Scenic Byways Program

U.S. Department of Transportation in cooperation  
with CT Department of Transportation  
[www.ct.gov/dot](http://www.ct.gov/dot)

Administered by the CT Department of Transportation, this federal program is a potential source of funding for the purchase of easements on farmland along designated scenic roads in Connecticut. Grant applications are submitted to the CT Department of Transportation, which prioritizes applications and forwards them to the Federal Highway Administration. A list of designated scenic roads is available from the state Scenic Highways Coordinator at the CT Department of Transportation. Farmland owners may apply.

Value-Added Producer Grants Program  
USDA/Rural Development  
[www.rurdev.usda.gov](http://www.rurdev.usda.gov)

This federal program provides grants to producers, producer groups and farmer cooperatives for both the development of feasibility studies and business and marketing plans, and for working capital to market value-added agricultural products and farm-based renewable energy. Applicants are eligible to apply for only one of the two types of grants each grant cycle. The maximum grant award is \$300,000; smaller grants receive priority; a 1:1 match is required. Farmers (leasing farmers included) may apply.



### Wetlands Reserve Program (WRP) USDA/NRCS

[www.nrcs.usda.gov/PROGRAMS/wrp/](http://www.nrcs.usda.gov/PROGRAMS/wrp/)

This federal program provides technical and financial assistance to landowners to restore, protect and enhance wetlands in exchange for retiring eligible land from agriculture. WRP offers three enrollment options: a permanent conservation easement, a 30-year term easement and restoration cost-share assistance without an easement. Farmland owners and land trusts (provided the land is not already under an easement) may apply.

### Wildlife Habitat Incentives Program (WHIP) USDA/NRCS

[www.nrcs.usda.gov/programs/whip](http://www.nrcs.usda.gov/programs/whip)

WHIP offers technical and financial assistance to landowners to maintain, restore or enhance habitat for fish and wildlife. Participating landowners work with NRCS to develop conservation plans, and NRCS provides up to 75 percent in cost-share assistance to implement the plans. Applications are taken during annual sign-up periods. Farmers (leasing farmers not included) and land trusts may apply.

## State Policies for Farmland Preservation & Farm Viability

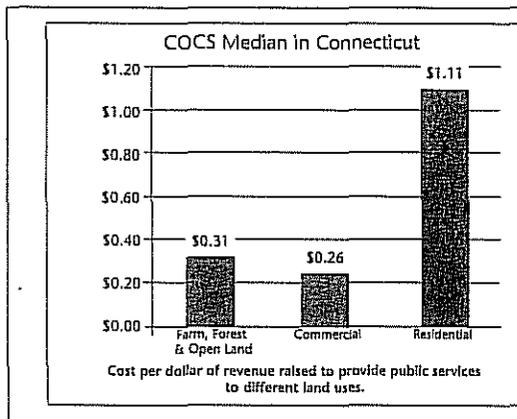
**Public Act 490** In Connecticut, Public Act 490 is helping to keep working farm and forest lands part of the state's landscape. By allowing farm and forest land to be assessed at its current use value rather than its "highest and best use" value for purposes of local property taxes, it reduces the sizeable tax burden that many farmers and owners of working lands would otherwise face. Without use value assessment, most landowners would be unable to afford the property taxes on their farms and forest land.

Use value assessment is not a subsidy for farmers and large landowners, since farm and forest land require far less in municipal services than does land devoted to residential use. In fact, even when taxed at its current use value, farmland generates a fiscal surplus that towns use to offset the high costs of residential services.

A Cost of Community Services study done for Lebanon, Conn., in 2007 found that working and open lands cost the town \$0.17 in services for every tax dollar generated, while residential properties cost \$1.12.

To qualify for Public Act 490, landowners must apply to the local tax assessor. Once land has been classified as eligible, it remains eligible until the use of the land changes or the land is transferred. If land enrolled in Public Act 490 is sold or taken out of agricultural production within the first 10 years of ownership, landowners may face a tax penalty.

The Connecticut Farm Bureau Association is currently updating an extensive guide on Public Act 490 that will be available in early 2010 at [www.cfba.org/](http://www.cfba.org/).



### Cost of Community Services Studies

Cost of Community Services (COCS) studies conducted by American Farmland Trust and others around the county have analyzed local revenues and expenditures by land use to determine the impacts of residential, commercial, and farm, forest and open land on local budgets. More than eight COCS studies completed in Connecticut have consistently shown that farm, forest and open lands generate more tax revenues than they receive in public services, compared with residences that typically require more in public services than they pay in taxes.

**Community Investment Act (CIA)** In 2005 the state's Farmland Preservation Program was dramatically strengthened thanks to enactment of the Community Investment Act (CIA). The CIA has generated more than \$11 million for statewide farmland protection activities since its inception. Unlike state bond funds, which can be used only for purchasing development rights on farmland, CIA funds can also be used for program staff, appraisals and boundary surveys.

The CIA was hailed by Governor Jodi Rell as "landmark legislation" and received broad bipartisan support among state policymakers.

The CIA requires town clerks to collect a fee on all documents filed on municipal land records. A portion of the fee is used to pay for municipal town clerk record management and local capital improvements, and the remainder is then remitted to a dedicated fund that is divided equally among four state agencies to be used for open space protection, affordable housing, historic preservation, agricultural viability and farmland preservation.

In addition to farmland preservation, the CIA provides funding to several key agriculture programs that support farm viability. The Department of Agriculture is required to distribute CIA funds as follows: \$100,000 for the "Connecticut Grown" program to help brand and promote local agricultural products, \$75,000 for the CT Farm Link program to help match farmland seekers with farmland owners and \$1 million for the Agriculture Viability Grants Programs. The highly successful Agriculture Viability Grants Program provides matching grants to farmers, non-profit organizations and municipalities to help develop new markets for farm products, build facilities to support direct marketing and encourage town policies that support agriculture and farmland preservation.

(Note: In 2009, the CIA was amended to provide needed assistance to dairy farmers facing a collapse in milk prices. As a result of this change, CIA funding for the state Farmland Preservation Program has been suspended for two years, although CIA funds continue to cover the cost of administering the program. This amendment to the CIA is set to expire in 2011.)

# CONTACT INFORMATION & RESOURCES

## FEDERAL AGENCIES

USDA/Farm Services Agency  
344 Merrow Road, Suite B  
Tolland, CT 06084  
(860) 871-2944 [www.fsa.usda.gov](http://www.fsa.usda.gov)

USDA/Natural Resources Conservation Service  
344 Merrow Road, Suite A  
Tolland, CT 06084-3917  
(860) 871-4011 [www.ct.nrcs.usda.gov](http://www.ct.nrcs.usda.gov)

USDA/Rural Development  
Southern New England Office  
451 West Street, Suite 2  
Amherst, MA 01002  
(413) 253-4300 [www.rurdev.usda.gov](http://www.rurdev.usda.gov)

## STATE AGENCIES

CT Department of Agriculture  
165 Capitol Avenue  
Hartford, CT 06106  
[www.state.ct.us/doag](http://www.state.ct.us/doag)  
Agriculture Grants: (860) 713-2550  
CT Farm-Link: (860) 713-2588  
Farmland Preservation: (860) 713-2511

CT Department of Environmental Protection  
79 Elm Street  
Hartford, CT 06106  
[www.dep.state.ct.us](http://www.dep.state.ct.us)  
Division of Forestry: (860) 424-3630  
Open Space and Watershed Land Acquisition  
Grants: (860) 424-3081

CT Department of Transportation  
1107 Cromwell Avenue  
Rocky Hill, CT 06067  
[www.ct.gov/dot](http://www.ct.gov/dot)  
Scenic Highways Coordinator: (860) 258-4516

University of Connecticut Cooperative Extension System  
Farm Risk Management & Crop Insurance  
New London County Extension Center  
562 New London Turnpike  
Norwich, CT 06360  
(860) 887-1608 [www.canr.uconn.edu/ces/frm](http://www.canr.uconn.edu/ces/frm)  
Through workshops and trainings, the UConn Farm Risk Management Team helps farmers address farm management issues, including farm business planning, farm transfer and estate planning, as well as farmland preservation and land use issues.

## NON-PROFIT ORGANIZATIONS

American Farmland Trust  
775 Bloomfield Avenue  
Windsor, CT 06095  
(860) 683-4230 [www.farmland.org](http://www.farmland.org)

A national organization working to stop the loss of productive farmland and to promote farming practices that lead to a healthy environment at the federal, state, and local level.

Connecticut Farm Bureau  
775 Bloomfield Avenue  
Windsor, CT 06095  
(860) 768-1100 [www.cfba.org](http://www.cfba.org)

A non-governmental, voluntary organization of farm families united to find solutions for concerns facing production agriculture in Connecticut.

Connecticut Farmland Trust  
77 Buckingham Street  
Hartford, CT 06106  
(860) 247-0202 [www.CTFarmland.org](http://www.CTFarmland.org)  
A statewide land trust dedicated to farmland protection, CFT accepts donations of agricultural conservation easements and assists landowners with the sale of their development rights.

Connecticut Land Conservation Council  
55 Church Street, Floor 3  
New Haven, CT 06510  
(203) 568-6293 [www.ctconservation.org](http://www.ctconservation.org)  
The Council's mission is to advocate for land preservation, stewardship, and funding, and ensure the long term strength and viability of the land conservation community.

Trust for Public Land  
Connecticut Office  
101 Whitney Avenue  
New Haven, CT 06510  
(203) 777-7367 [www.tpl.org](http://www.tpl.org)  
A national land conservation organization with a commitment to protecting land for people to enjoy, including farms and forests that support land-based livelihoods; TPL helps communities define a conservation vision, raise funds, and negotiate conservation transactions.

Working Lands Alliance  
775 Bloomfield Avenue  
Windsor, CT 06095  
(860) 683-4230 [www.WorkingLandsAlliance.org](http://www.WorkingLandsAlliance.org)  
A statewide coalition of farmers, planners, conservationists, anti-hunger advocates, historic preservationists, chefs, and food retailers working together to increase the state's commitment to farmland preservation.

PAGE  
BREAK