

AGENDA
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting, Tuesday, September 6th 2011, 7:15 p.m.
Or upon completion of Inland Wetlands Meeting
Council Chambers, Audrey P. Beck Municipal Building

Minutes

8/1/11

Scheduled Business

Zoning Agent's Report

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

7:30 p.m. Public Hearing

Special Permit Application, convenience store and gas station, 643 Middle Tpk/1660 Storrs Rd, Cumberland Farms Inc., applicant, PZC File #1303

Memo from Director of Planning and Development (application withdrawn)

7:35 p.m. Continued Public Hearing

Special Permit, Restaurant Use, 82-86 Storrs Rd, College Mart o/a, PZC File #483-5

(Memo from Director of Planning and Development expected Tuesday)

7:45 p.m. Public Hearing

New Special Permit Application for wedding venue, 552 Bassetts Bridge Road, J. & J. Bell o/a, PZC File #1217-2

Memo from Director of Planning and Development

8:00 p.m. Public Hearing

2-Lot Re-Subdivision Application (1 new lot), 98 Fern Road, Koautly o/a, PZC File #1304

Memos from Director of Planning and Development, Assistant Town Engineer, EHHD

Old Business

1. **Special Permit, Restaurant Use, 82-86 Storrs Rd, College Mart o/a, PZC File #483-5**
2. **Special Permit Application for proposed office building, North Frontage Road, K. Tubridy owner, United Services applicant, PZC File #1302**
3. **Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**
(to be tabled-awaiting information from the applicant)
4. **Request to stop collecting bond escrow funds for Freedom Green Phase 4C, PZC File # 636-4**
(to be tabled-awaiting information from the applicant)
5. **Other**

New Business

1. **Request for Modification, Red Rock Restaurant, 591 Middle Turnpike, PZC File # 221-4**
Memo from Zoning Agent
2. **Request for Scenic Road Designation, Gurleyville Road (from Route 195 to Codfish Falls Rd) PZC File # 1010-8**
3. **Request for Special Permit Extension, Gibbs Gas Station, 9 Stafford Rd, PZC File # 404-3**
Memo from Zoning Agent
4. **Other**

Reports from Officers and Committees

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

Communications and Bills

1. 8/17/11 ZBA Decision Notice
2. 9/14/11 ZBA Public Hearing Legal Notice
3. 8/22/11 Memo to Hirsch Re: Storrs Center Post Office and Post Office Road
4. Notice of 9/14/11 CL&P Open House Re: Interstate Reliability Project (Mansfield Community Center- 6pm-8pm)
5. Summer 2011 Planning Commissioners Journal
6. Summer 2011 CFPZA Newsletter
7. Other

DRAFT MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, August 1, 2011
Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, P. Plante, B. Pociask, B. Ryan
Members absent: G. Lewis
Alternates present: F. Loxsom, K. Rawn, V. Ward
Staff Present: Linda M. Painter, Director of Planning and Development

Chairman Favretti called the meeting to order at 7:48 p.m. He appointed alternate Ward to act in Lewis' absence.

Minutes:

07-18-11- Holt MOVED, Ward seconded, to approve the 7/18/11 minutes as corrected. MOTION PASSED UNANIMOUSLY. Pociask noted that he had listened to the recording of the meeting.

07-26-11 Field Trip-Holt MOVED, Ryan seconded, to approve the 7-26-11 field trip minutes as corrected. MOTION PASSED with Favretti, Beal, Goodwin, Rawn, Holt, Ryan and Ward in favor and all others disqualified.

Zoning Agent's Report:

Noted. It was agreed that Hirsch, together with the Director of Planning and Development and the Assistant Town Engineer/Wetlands Agent, should investigate the Paideia site regarding discussion about the large amount of fill and boulders recently brought into the site.

Continued Public Hearing:

Special Permit, Restaurant Use, 82-86 Storrs Rd, College Mart o/a, PZC File #483-5

Favretti opened the continued public hearing at 7:51 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Plante, Pociask, Ryan and alternates Loxsom, Rawn and Ward. Ward was appointed to act in Lewis' absence. Linda Painter, Director of Planning and Development, noted the following communications received and distributed to the Commission: a 7/27/11 revised set of plans from Towne Engineering; a 7/27/11 memo from the Director of Planning and Development; a 7/28/11 memo from the Assistant Town Engineer; a 7/13/11 memo from the Fire Marshal; and a 8/1/11 Sanitary Report from M. Maynard, Towne Engineering.

Joseph Boucher, Towne Engineering, reviewed the site and pointed out an area for future parking if deemed necessary, noting the design as presented is ten parking spaces short of what is required. This issue requires a waiver by the Planning and Zoning Commission.

Lincoln Chesmer, representing Farmer's Cow, was present and discussed the operation of the store, noting that it will be similar to an ice-cream shop that has a limited sandwich menu. All food will be served on disposable products. He stated that the hours of operation will be from 8 a.m. to 9 p.m., therefore there will be no need for extra lighting outside.

Members expressed the need for more details regarding the sign; a report from the EHHD since the test holes were dug; and barrier protection from vehicles for patrons utilizing the patio.

Plante MOVED, Pociask seconded, to continue the public hearing until 9/6/11. MOTION PASSED UNANIMOUSLY.

Public Hearing:

Special Permit Application for proposed office building, North Frontage Road, K. Tubridy owner, United Services applicant, PZC File #1302

Favretti opened the public hearing at 8:08 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Plante, Pociask, Ryan and alternates Loxsom, Rawn and Ward. Ward was appointed to act in Lewis' absence. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in the Chronicle on July 19 and July 27, 2011, and noted the following communications received and distributed to the Commission: a 7/28/11 report from the Director of Planning and Development; a 7/26/11 report from G. Havens, Sanitarian, EHHD; a 7/28/11 memo from the Assistant Town Engineer; a 7/19/11 memo from the Fire Marshal; a 7/8/11 memo from J. DeCastro, CT D.O.T.; 7/26/11 Draft Minutes from the Traffic Authority; a 6/14/11 letter to BL Companies from James Hooper, Superintendent, Windham Water Works; and a 6/20/11 letter with email attachments from Grant Meitzler re: Windham Sewer Department.

John Everett, architect with New England Design, reviewed the building design and layout, including exterior building materials.

Diane Manning, Executive Director, United Services, discussed how the new building will help the organization better fit the growing needs of the region.

Geoff Fitzgerald, BL Companies, reviewed the site plan, the parking layout, the stormwater management plan, and the traffic and turning lanes.

Curt Beck, 11 September Road, spoke in favor of the application and submitted an 8/1/11 statement which he also read into the record.

Kate Hastings-Kort, 28 Jude Lane, spoke in favor of the application.

Pociask asked if the parking was adequate to accommodate all the staff and visitors. Manning noted that many of the staff work off-site with clients, and many of the visitors and clients come via public transportation. He also asked for verification that the turning radius for bus and emergency vehicles was adequate.

Favretti questioned Fitzgerald regarding the layout of the parking area and if consideration had been given to giving the building a better setting than the proposed parking lot surround, or could it be improved by adding more landscaping within the parking area.

Noting no further comments or questions, Beal MOVED, Hall seconded, to close the public hearing at 8:58 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

1. **Special Permit, Restaurant Use, 82-86 Storrs Rd, College Mart o/a, PZC File #483-5**

Discussion tabled. Public Hearing continued to the 9/6/11 meeting.

2. **4-Lot Subdivision Application, (3 New Lots) Wormwood Hill & Gurleyville Roads, S. Plimpton o/a, PZC File #1298**

Plante MOVED, Hall seconded, to approve with conditions the subdivision application (File #1298), of Scott Plimpton, for four lots, on property owned by the applicant, located on Gurleyville Road and Wormwood Hill Road, in an RAR-90 zone, as submitted to the Commission and shown on a twenty-one page set of plans dated 2/9/11 as revised to 7/12/11, as described in other application submissions, and as presented at public hearings held on May 2, June 6, July 5, and July 18, 2011.

This approval is granted because the application, as hereby approved, is considered to be in compliance with the Mansfield Subdivision Regulations. Approval is granted with the following conditions:

1. Final plans shall be signed and sealed by the responsible surveyor, engineer, landscape architect and soil scientist.

2. Pursuant to subdivision regulations, particularly Sections 7.5 and 7.6, this action specifically approves, subject to revisions noted below in condition 7, the depicted Building Area and Development Area Envelopes, setback waivers and frontage waivers for Lots 2, 3 and 4. Unless the Commission specifically authorizes revisions, the approved envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be specifically noticed on the Land Records and the deeds for the subject lots. This condition also shall be incorporated onto the final plans replacing Notes 7 and 19 on Sheet #C2.
3. The approved plans include specific notes regarding stone wall and tree preservation. Pursuant to Section 7.7 of the Mansfield Subdivision Regulations, no existing stone walls shall be altered except for site work depicted on the approved plans. No stones from existing walls shall be removed from the site. Furthermore, a number of specimen trees on Lots 2 and 3 have been identified to be saved. No Zoning Permits shall be issued on these lots until a protective barrier has been placed around the specimen trees identified to be saved and the barrier has been found acceptable by the Zoning Agent. In conjunction with the filing of final maps, notice of this condition shall be filed on the Land Records and referenced in the deeds of the subject lots.
4. This approval accepts the applicant's proposed dedication of conservation easements as appropriate to address the open space dedication requirements of Section 13 for the subject 4-lot subdivision subject to revisions in condition 7(b), below. Conservation easements based on the Town's model format shall be approved by the Director of Planning and Town Attorney and filed on the Land Records. Easements shall be incorporated into notes on the final plan, noticed in the Land Records and referenced in the deeds for the subject lots.
5. This approval authorizes the proposed common driveway for Lots 2 and 3 in accordance with Section 7.10(a) of the Mansfield Subdivision Regulations. A common driveway easement that addresses maintenance and liability issues, including the maintenance of depicted driveway sightlines, shall be submitted to the Planning Office for approval by the PZC Chairman, with staff assistance, and the Town Attorney. This easement shall be depicted on the final subdivision plan, incorporated into notes on the final plan, referenced in the deeds of the subject lots and filed on the Land Records. Pursuant to Section 7.10(j) of the Mansfield Subdivision Regulations, the common driveway work shall be completed or bonded in an amount and form acceptable to the PZC Chairman, with staff assistance, before the filing of the subdivision plan. This condition shall be noted on the final plan.
6. In accordance with Section 7.9 of the Mansfield Subdivision Regulations, the driveway on Lot 4 shall be completed or bonded in an amount and form acceptable to the PZC chairman, with staff assistance, before the filing of the subdivision plan. This condition shall be noted on the final plan.
7. In addition to final plan notes referenced in conditions 2 through 6, the following map revisions shall be incorporated onto final plans to facilitate identification and enforcement of easement and envelope boundaries:
 - A. The Development Area Envelope on Lot 2 shall be extended to the Lot 4 property line.
 - B. The Conservation Easement on Lot 3 shall be extended to share a common boundary with the Development Area Envelope.
8. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety (90) or one hundred and eighty (180) day filing extension has been granted):
 - A. All final maps, including submittal in digital format, right-of-way deeds for land along Wormwood Hill Road and Gurleyville Road, a common driveway easement for Lots 2 and 3, conservation easements, drainage easement for Lots 1 and 4, and a Notice on the Land Records to address

conditions 2, and 3 (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;

- B. All monumentation (including delineation of the conservation easement with Town markers every 50 to 100 feet on perimeter trees or on cedar posts) with Surveyor's Certificate, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

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

3. **New Special Permit Application for wedding venue, 552 Bassetts Bridge Road, J. & J. Bell o/a, PZC File #1217-2**
Item tabled pending 9/6/11 Public Hearing.
4. **Special Permit Application, convenience store and gas station, 643 Middle Tpk/1660 Storrs Rd, Cumberland Farms Inc., applicant, PZC File #1303**
Item tabled pending 9/6/11 Public Hearing.
5. **2-Lot Re-Subdivision Application (1 new lot), 98 Fern Road, Koautly o/a, PZC File #1304**
Item tabled pending 9/6/11 Public Hearing.
6. **Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**
Item tabled-awaiting information from the applicant.
7. **Request to stop collecting bond escrow funds for Freedom Green Phase 4C, PZC File # 636-4**
Item tabled-awaiting information from the applicant.

New Business:

1. **Consideration of Re-Appointment of Design Review Panel Members**
Plante MOVED, Holt seconded, that the PZC reappoint, for two year terms ending August 1, 2013, Isabelle Atwood, Peter Miniutti, Robert Gillard and John Lenard as members of the Mansfield Design Review Panel. MOTION PASSED UNANIMOUSLY.
2. **Request for Filing Extension, Listro Subdivision, Candide Lane and Stearns Road, File #1296**
Holt MOVED, Ryan seconded, that the Planning and Zoning Commission, pursuant to Section 6.15 of the Subdivision Regulations, grant a second ninety-day extension, expiring on October 27, 2011, for filing final subdivision plans for the Listro Subdivision (File #1296). MOTION PASSED UNANIMOUSLY.

Reports from Officers and Committees:

Favretti noted that an executive session is necessary at the next meeting. The consensus of the Commission was to hold a Special Meeting at 6:00 p.m. in order to have the executive session.

Goodwin suggested that in the interest of saving paper, postage, etc., that the Commission experiment with receiving all extraneous communications listed on the agenda via email. Should a topic be of particular importance or interest, the office will print the communication on request. The Commission agreed that this approach should be tried at least for the next meeting.

Communications:

Noted.

Adjournment:

Chairman Favretti declared the meeting adjourned at 9:25 p.m.

Respectfully submitted,

Katherine Holt, Secretary



Town of Mansfield



CURT B. HIRSCH
ZONING AGENT
HIRSCHCB@MANSFIELDCT.ORG

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

Memo to: Planning and Zoning Commission
From: Curt Hirsch, Zoning Agent
Date: August 31, 2011

MONTHLY ACTIVITY for August, 2011

ZONING PERMITS

<u>Name</u>	<u>Address</u>	<u>Purpose</u>
Silliman	244 Woodland Rd.	16 x 20 deck
Mathews	409 S. Eagleville Rd.	10 x 26 sunroom
Town of Mansfield	Storrs Center	garage & intermodal center
Rosalie	98 Bassett's Bridge Rd.	lot line revision
Jensen's Inc.	536 Middle Tpke.	addition to clubhouse
Storrs Ctr. Alliance	Post Office Rd.	site and road work for post office
Weidner / Nianu	265 Hanks Hill Rd.	second floor addition

CERTIFICATES OF COMPLIANCE

Silliman	244 Woodland Rd.	deck
Dunnack	715 Mansfield City Rd.	shed
Walker	65 Riverview Rd.	photovoltaic array
Martin	265 Storrs Rd.	garage addition
Horizon Realty	76 Browns Rd.	1 fm dw
Kegler	252 Mansfield City Rd.	lot merger
Nielson	16 Wildwood Rd.	lot merger
Wally's Chicken Coop	134 N. Eagleville Rd.	food service use
Stanton	29 Browns Rd.	garage
Coyote Flaco	50 Higgins Hwy.	roof over deck
Simonsen	43 Chatham Dr.	deck
O'Brien	293 Stearns Rd.	deck

PAGE
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TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Mansfield Planning and Zoning Commission
From: Linda M. Painter, AICP, Director of Planning and Development - *LMP*
Date: 8/31/11
Re: Cumberland Farms, PZC File #1303

The attached letter from Joseph P. Williams, Esq. of Shipman & Goodwin, withdraws the Special Permit application submitted by Cumberland Farms Inc. Based on past practice the following motion is recommended:

The Planning and Zoning Commission accepts the withdrawal of the Cumberland Farms Inc., Special Permit application for a convenience store and gas station located at 643 Middle Turnpike and 1660 Storrs Road.



SHIPMAN & GOODWIN LLP[®]
COUNSELORS AT LAW

Joseph P. Williams
Phone: (860) 251-5127
Fax: (860) 251-5318
jwilliams@goodwin.com

August 30, 2011

Ms. Linda Painter
Director of Planning and Development
Planning Department
Town of Mansfield
4 South Eagleville Road
Mansfield, CT 06268

RE: Special Permit Application of Cumberland Farms, Inc.,
Routes 44, 195 and 320, Mansfield, CT

Dear Ms. Painter:

I am writing to withdraw the above-referenced application. Unfortunately, after Cumberland Farms completed its due diligence, it became clear that the development costs for this property exceeded the company's initial estimates and a business decision was made to terminate the contract to purchase the property. We are therefore withdrawing our application at this time without prejudice to re-filing it at a later date should these issues resolve.

We are grateful to you and your staff for the responsiveness and assistance that you provided us on this application. Thank you for all of the professional courtesies that you have shown us.

Very Truly Yours,

Joseph P. Williams

Cc: Kathleen Sousa
John Marth
Kevin Thatcher

2014650v1

TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Planning and Zoning Commission
From: Linda M. Painter, AICP, Director of Planning and Development 
Date: August 31, 2011
Subject: Continuation of Public Hearing to October 3, 2011
The Gardens at Bassetts Bridge
Special Permit Request to allow Wedding Venue
PZC File Number 1217-2

The public hearing scheduled to start on September 6, 2011 for the above referenced special permit needs to be continued to October 6, 2011 for the following reasons:

- **Plan Revisions.** The plans submitted with the application were insufficient to review the special permit request. The applicant is working on revised plans, but as of today the plans had not been received in the Planning Office.
- **Sanitary System.** The Eastern Highlands Health District identified several issues in their memo that need to be addressed by the applicant.

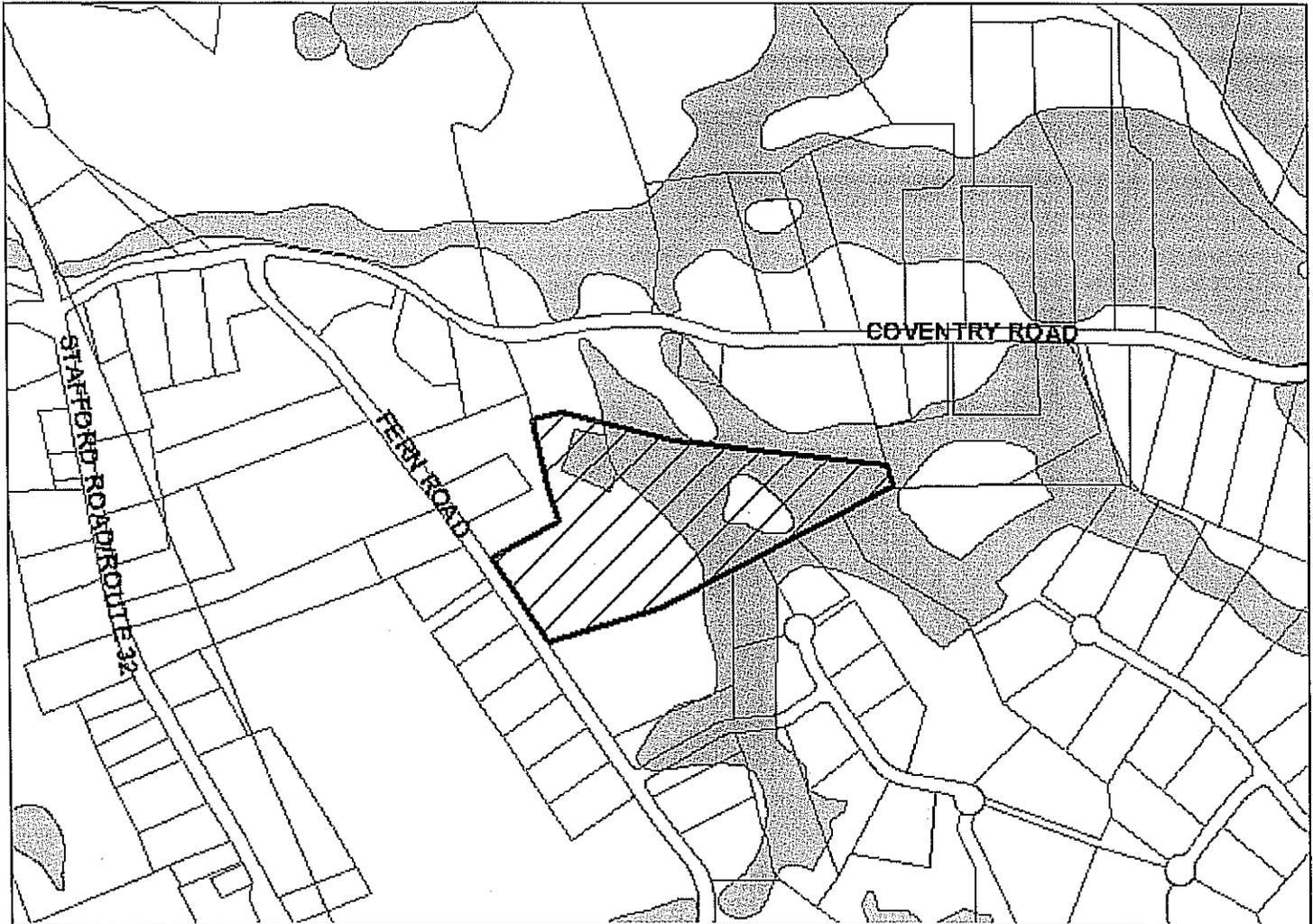
Due to the need to continue the hearing, the formal presentation of the proposal by the applicant and the staff review of the application will be presented on October 6, 2011. The hearing will be opened on September 6, 2011, any communications received noted for the record, and any members of the public present to speak on the proposal will be heard before the hearing is continued.

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Mansfield Planning and Zoning Commission

File 1304: Kouatly Re-Subdivision

Report from Director of Planning and Development ▪ September 1, 2011



Legend

- Subject Property: 98 Fern Road
- Wetlands_Town
- water



PROJECT OVERVIEW

PZC File Number: 1304
Applicant: M. Youssef I. and Ann M. Kouatly
Property Location: 98 Fern Road
Zoning: RAR-90
Property Size 14.62 acres

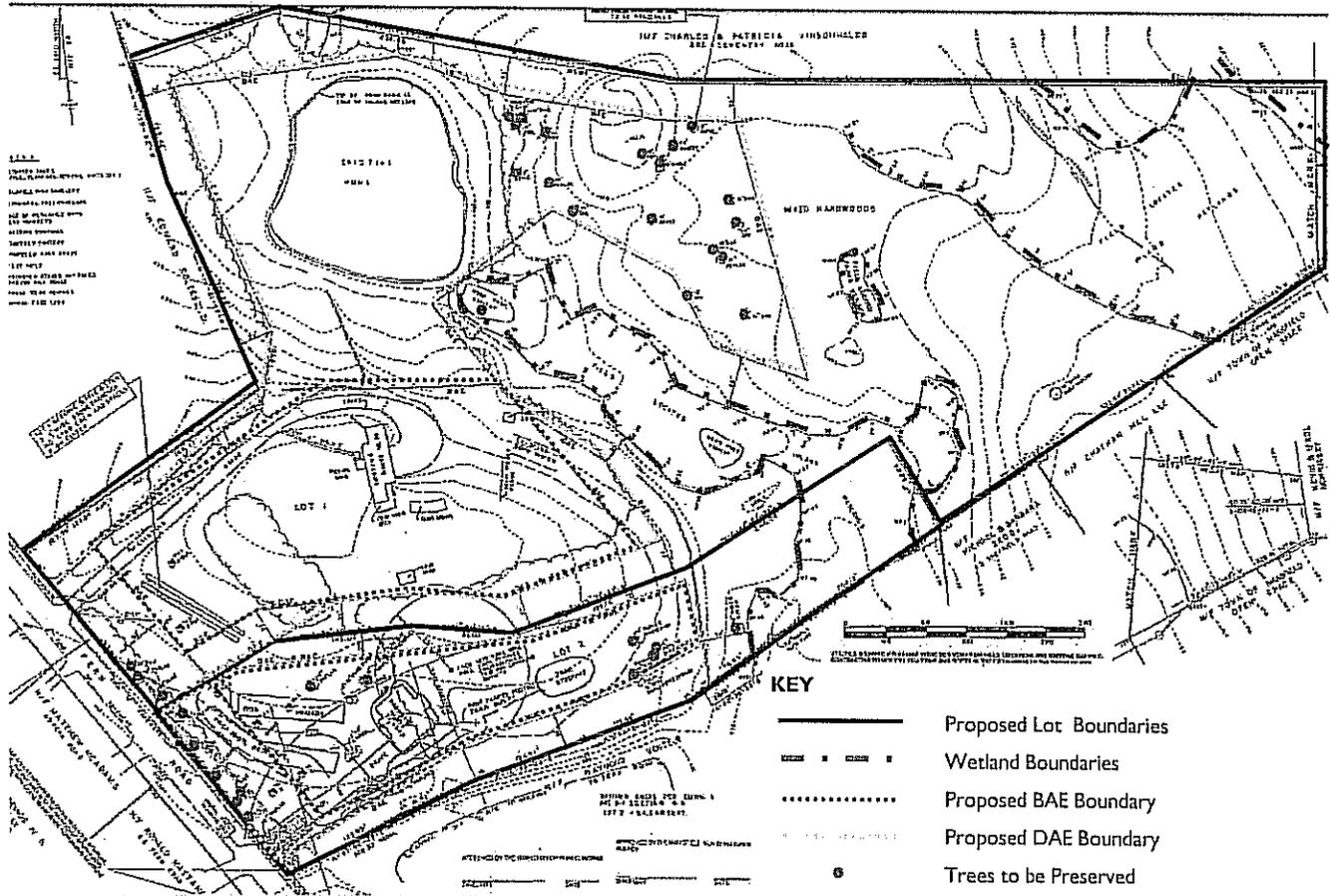
Project Description: The applicant is requesting approval to create a new lot on Fern Road to allow construction of a new single-family home. Lot 1 of the proposed subdivision would contain the existing home on 12.24 acres. Lot 2, containing 2.38 acres, would be the site of a new 4-bedroom house. Lot 2 will be transferred to the applicants' son for no

PROJECT BACKGROUND & DESCRIPTION

The applicants are requesting approval of a re-subdivision to create a new 2.38 acre parcel (proposed Lot 2) along the south property line of the existing 14.62 acre parcel. The new lot will be transferred to their son for development of a new 4-bedroom home.

Setback Waivers Requested

As part of the requested subdivision, the applicants are requesting a waiver of side building setback requirements on Lot 2 along the common boundary.



Above: Proposed Lot Layout, including Development Area Envelopes, Building Area Envelopes and Wetland Boundaries

Left: Aerial Photograph of subject property

ANALYSIS

The proposed re-subdivision has been reviewed for conformance to the Mansfield Subdivision and Zoning Regulations.

Dimensional Requirements

The table at the bottom of the page identifies the dimensional requirements for lots in the RAR-90 zone pursuant to Article VIII of the Zoning Regulations and Sections 7.3 through 7.6 of the Subdivision Regulations. As proposed, the applicants are requesting a reduction in required side yard setback on Lot 2 along the common boundary line.

Section 7.6 allows the Commission to waive or reduce building setback lines subject to the following criteria:

- *The Commission determines that a reduction or waiver will help protect significant and manmade features, including aquifer areas, agricultural lands, hilltops or ridges, expanses of valley floors and features along existing roadways and/or scenic views and vistas;*

Lot 2 has been designed to be located as far from the existing buildings on the existing parcel as possible. The resulting lot configuration is slightly irregular, allowing for a significant portion of the wooded area that extends from west to east on the southern portion of the subject property to be located on Lot 1, outside of the proposed DAE. The resulting lot boundary results in increasing narrowness of the lot, and limited building areas on Lot 2, leading to the request to reduce the side setback along the common boundary line.

- *The reduction or waiver does not result in more lots than could be developed under standard frontage or setback requirements for the subject zone classification.*

The proposed reduction will not result in the creation of additional lots than could be developed under standard requirements.

- *The reductions or waivers reflect the approved building area envelope depicted on subdivision plans.*

Any reduction granted will be consistent with the BAE depicted on the final approved subdivision plan.

- *Any authorized reduction or waiver of lot frontage or building setbacks shall be clearly and prominently noted on approved subdivision plans and shall be specifically noted on the deeds of the affected and abutting lots.*

Any reduction granted will be clearly and prominently noted on the final approved plans and specifically noted on the deeds for the affected and abutting lots.

- *No reductions or waivers shall be approved along the side or rear boundary lines of the subdivision unless the abutting property is owned by the applicant.*

The proposed setback reductions on Lot 2 are along the common boundary line, not along boundaries of the subject property that abut other owners.

	Minimum Required	Lot 1	Lot 2	Reduction Needed
Lot Area	90,000 sq. ft./ 2.07	12.24 acres	2.38 acres	No
Developable Area	40,000 sq. ft.		54,640 sq. ft.	No
Lot Frontage	200 ft.	202.38 ft.	202.41 ft.	No
Front Setback	60 ft.	60 ft.	60 ft.	No
Side Setback-Common	35 ft.	35 ft.	0 ft.	Yes-Lot 2
Side Setback-Other	35 ft.	35 ft.	35 ft.	No
Rear Setback	50 ft.	500+ ft.	240+ ft.	No

ANALYSIS (CONTINUED)

Subdivision Design Objectives

Section 5.0 of the Mansfield Subdivision Regulations identifies the following specific design objectives to ensure that new subdivisions are designed to protect the public's health and safety, promote the goals and objectives of the Plan of Conservation and Development, and comply with all applicable regulations.

- a. *The protection and enhancement of vehicular and pedestrian safety through the appropriate siting of streets, driveways, walkways, bikeways and trails;*

The proposed subdivision will not require the construction of any new streets; however, the boundary survey prepared did indicate that additional right-of-way on Lot 2 was needed to provide the required 50-foot right-of-way for Fern Road. In accordance with the requirements of Section 8.3 of the Mansfield Subdivision Regulations, the applicant has identified the area on Lot 2 that will be dedicated to the Town and has included a draft warranty deed with the application.

The proposed driveway on Lot 2 is less than 300 feet in length and has been located to ensure that proper sight distance is maintained.

- b. *The protection and enhancement of existing and potential public water supply wells and groundwater and surface water quality through appropriate design and installation of sanitary systems, roadways, drainage facilities, house sites and other site improvements.*

As part of the proposed subdivision, the applicants will be constructing a new septic reserve area to serve the existing house on Lot 1; a new primary and reserve septic system will be constructed to serve the new house on Lot 2. A new well will also be drilled to serve Lot 2. Pursuant to the email from the Eastern Highlands Health District dated August 24, 2011, the proposed well and septic systems have addressed all State Health Code requirements.

- c. *The protection and enhancement of natural and manmade features, including wetlands, watercourses, aquifer areas, agricultural lands, hilltops or ridges, historic sites and features, expanses of valley floors, interior forests, significant trees and scenic views and vistas on and adjacent to the subdivision site. Wherever appropriate, site features shall be protected through a clustering of streets and house sites and the identification and preservation of significant open space areas including agricultural lands, interior forests and other land without physical limitations.*
- *Flood Hazards/Aquifer Protection.* The subject property is not located in a flood hazard area or area of stratified drift aquifer.

- *Wetlands.* There are significant wetlands located on both of the proposed lots. The proposed DAE on Lot 2 is located 50 feet from the wetland boundary. On Lot 1, the DAE setback is located less than 50 feet from the wetland in some places. The area with the smallest DAE setback is between the man-made pond and the wetland. Additionally, there are wetlands located on the property to the south of the site. The applicant has requested approval of the proposed subdivision from the Inland Wetlands Agency concurrent with this application. The wetlands are also identified on Map 21 of the POCD, Existing and Potential Conservation Areas; the Commission should determine whether a conservation easement for the wetland areas is warranted.
- *Wooded Areas.* As shown in the aerial photograph and lot layout on page 2, a significant portion of the property is currently wooded. Most of the wooded areas are located outside of the proposed DAE/BAE boundaries, with the following exceptions:
 - Lot 1: The DAE east of the pond extends significantly into the wooded area; the DAE north of the existing driveway appears to cut into the wooded area along the north property line slightly; the DAE and BAE along the south property line of Lot 1 abutting Lot 2 also extend into the existing wooded area.
 - Lot 2: The proposed BAE/DAE extend to the existing stone wall located approximately 450 feet from the front lot line.

The applicant has identified existing significant trees within the proposed DAE boundaries to be preserved.

- *Street Trees.* To accommodate the construction of the driveway for Lot 2, the applicants will be removing a 10-inch poplar and a 10-inch hickory. The removal of these trees requires authorization of the Commission in accordance with Section 7.8 of the Subdivision Regulations.
- *Stone Walls.* With the exception of the area of the proposed driveway on Lot 2, all of the existing stone walls are being retained. Note 7 indicates that the portion of stone wall removed shall be rebuilt elsewhere on the property or the stones shall be used to enhance other stone walls on the property.
- *Open Space.* Pursuant to Section 8-25 of Connecticut General Statutes and Section 13.1.8 of the Subdivision Regulations, the proposed subdivision is exempt from open space dedication requirements because the

ANALYSIS (CONTINUED)

transfer of the proposed Lot 2 is to the applicants' son for no consideration.

- *Archaeologically Sensitive Areas.* The applicant has consulted the State Archaeologist and he has indicated that there are no significant archaeological features on the subject property (letter forthcoming).

- d. *The utilization of a site's natural terrain, avoiding unnecessary re-grading, filling and removal activities.*

Pursuant to Article X, Section H(2) of the Zoning Regulations, the proposed fill quantities to allow for development of the septic systems on Lots 1 (200 cubic yards) and 2 (150 cubic yards) and for development of the new home on Lot 2 (400 cubic yards including septic system) both meet the maximum fill allowed without special permit approval. (350 cubic yards for septic systems; no more than 500 cubic yards per lot).

- e. *The promotion of energy efficient patterns of development and land use, energy conservation and the use of solar and renewable forms of energy through the appropriate siting of streets, driveways and house sites and, whenever appropriate, bikeway and walkway/trail connections to neighboring streets and neighborhoods; existing and planned commercial areas; schools, parks and other public facilities and town designated walkway or bikeway routes.*

Note 12 on Sheet 2 states "The owner of Lot 2 is encouraged to make use of solar gain and energy efficient design in house construction."

General Notes/Other

- Map Corrections/Notes:
 - Change Legend on Sheet 2 to correctly refer to BAE as Building Area Envelope and DAE as Development Area Envelope
 - The BAE and DAE boundaries shall be added to sheet one (Boundary Plan) along with the accompanying notes.
 - The detail of the right-of-way dedication shall be fully delineated on Lot 2 on Sheets 1 and 2 so that it is clear whether the stone wall on Lot 2 will now be in the right-of-way. Additionally, the BAE shall be revised to be set back 60 feet from the new front lot line.
 - Notes shall be added indicating the area contained within the BAE and DAE for both Lots 1 and 2
 - Sheet 2 should be renamed: Re-Subdivision Plan
 - Sheet 2 plan revision date of 8/31/2011 needs to be added
- Utility easements must be depicted on the plans based on approvals from the utility companies prior to final plan approval.

SUMMARY/RECOMMENDATION

Based on the information available at the time this report was written, I find no significant land use issues with the proposed subdivision. The following issues/conditions should be addressed in any approval motion.

- Determination on requested side setback reduction on Lot 2 along the common property line, including proposed BAE location coincident with property line at the front of the lot
- Incorporation of mapping revisions included in this report
- Details on tree protection measures for trees to be preserved on Lot 2 in area of driveway and home construction.

NOTES

- The analysis and recommendations contained in this report are based on the following information submitted by the applicant:
 - Application submitted July 14, 2011, including:
 - Letter from Holmes & Henry Associates LLC to the IWA/PZC dated July 12, 2011
 - Letter from Youssef and Ann Koatly dated July 11, 2011 confirming that the new lot will be transferred for no consideration
 - Warranty Deed for the subject property dated 9/29/1976
 - Proposed Warranty Deed for right-of-way along Fern Road to be given to town as part of the subdivision
 - Three-page set of subdivision plans from Holmes & Henry Associates dated 7/12/2011; revised sheet 2 submitted 8/31/2011
 - Memo from John Alexopoulos to Peter Henry dated 8/26/2011
- Correspondence regarding the proposed development has been received from the following:
 - Letter from Charles Vinsonhaler (205 Coventry Road)
 - Memo from Grant Meitzler, Assistant Town Engineer, dated September 1, 2011
 - Email from Geoffrey Havens, Eastern Highlands Health District, dated August 24, 2011
- Neighborhood Notification Forms were sent to property owners within 500 feet of the subject property in accordance with Article V, Section B(3)(c) of the Mansfield Zoning Regulations. A copy of the notice and certified mail receipts have been provided to the Department of Planning and Development.
- Before rendering a decision, the Planning and Zoning Commission must consider other referral reports and Public Hearing testimony. A decision must be made within 65 days of the close of the Public Hearing unless the applicant grants a written extension.
- No PZC action should be taken until the IWA has acted on the proposal

Memorandum:

September 1, 2011

To: Planning & Zoning Commission
From: Grant Meitzler, Assistant Town Engineer
Re: Kouatly - 98 Fern Rd - 2 lot resubdivision

plan reference: latest revision date 8.30.2011

This resubdivision is to split a single new 2.38 acre lot from an existing 14.62 acre lot at 98 Fern Rd. No work is proposed in wetlands. No new work is indicated on Lot 1, the existing house lot.

Traffic:

Traffic is very, very light on Fern Rd. This is a road that carries local traffic almost exclusively.

With the noted grading and brush cutting at each side of the new driveway sight distances are excellent on both directions. Required sight distance is 250 feet and the plan notes that 300' is available in both directions. There is a note on the plan indicating a field review with Public Works to finalize tree cutting at the time of construction.

Street Dedication:

The appropriate street dedication of 50 feet has been shown on the plan.

Sediment & Erosion:

For the new lot 2, silt fence/hay bale protection has been indicated downhill of the new construction areas and stockpile area. A standard tracking pad for the new drive entrance has also been indicated.

Linda M. Painter

From: Geoffrey W. Havens
Sent: Wednesday, August 24, 2011 10:31 AM
To: Linda M. Painter
Subject: RE: PZC Memos

Linda,

Kouatly Subdivision, 98 Fern Rd, subject to B100a review as well as subdivision, both approved, memo will follow.

Cumberland Farms (Four Corners) – on 7/27 I informed the developer that a B100a review would be needed, sent cc of application form, etc. Got a 'thank you' for the email, but nothing has come in since then.

Garden at Bassetts Bridge – have received revised septic plan – to be reviewed.

Geoff Havens

From: Linda M. Painter
Sent: Wednesday, August 24, 2011 8:56 AM
To: Robert L. Miller; John E. Jackman; Grant Meitzler; Geoffrey W. Havens
Subject: PZC Memos

I am working on PZC reports this week for the following projects and would appreciate any comments you can provide in advance of your official memos (if they are not yet complete). If they are complete, please email a copy to me (with Jessie out for the last few weeks things are a bit confused right now).

- o Kouatly Subdivision (98 Fern Road)
- o Cumberland Farms (Four Corners)

With regard to the Gardens at Bassetts Bridge (Wedding venue), we are still waiting for revised site plans from the applicant. I am going to check on the status to see whether they when they will be getting us the plans this week. If we do not receive soon, I will probably recommend to the applicant that the public hearing be continued to the September 19th meeting to allow us sufficient time to review the plans.

Also, please be advised that the Farmers Cow Calfe at the Staples Center (aka CollegeMart) has decided to pursue a sewer connection instead of the new septic area, so we no longer need EHHD comments on the suitability of their test pits for septic. (This would be true of PetCo as well)

I appreciate your cooperation, I am trying to get these reports done as well as complete a grant application for HUD in the next two weeks, so the more I can get done with PZC this week, the more time I will have to focus on the grant application next week.

John Alexopoulos • Landscape Architect • 16 Storrs Heights Road • Storrs, CT 06268
Phone & FAX: 860-429-5558 • johnalexopoulos@sbcglobal.net

August 26, 2011

To: Peter Henry
Holmes & Henry Associates
Coventry, CT

From: John Alexopoulos
Landscape Architect
CT Lic. No. 550

Subject: Kouatly Subdivision, Fern Road, Mansfield, CT – Landscape Assessment

Additional detail required pursuant to Section 6.5:

- (g) Existing structures, wells, septic systems, fences, trails, etc. on site or on adjacent land within 150 feet of proposed lots
- (j)(1): The site is within an area designated as archaeologically sensitive by the State Archaeologist; as such, the State Archaeologist should be consulted
- (j)(3): The plan shall identify significant trees that fall within the BAE/DAE and identify whether they are to be preserved
- (j)(4): Scenic views or vistas within, into or out of the property

(g) There is a stone wall at the rear of the property.

This wall is outside of the proposed DAE.

There is a stone wall on the southern boundary and is mostly on the actual boundary line.

(j3) Significant trees within the DAE

On the proposed lot there is a 24" elm that is on the DAE line and is to remain. In addition, nearby within the DAE and not involved with any re-grading, is a 14" poplar. Trees along the ROW are to remain except for a 10" poplar that will be removed for the new driveway.

There is an area of re-growth at the rear of the proposed property within the proposed DAE and BAE that consists of small trees, mostly 4 to 6" dbh. A portion of will be removed for re-grading. There are 3 large poplar trees at the rear of this property that should be preserved. There is a dense growth of mainly evergreen trees along the southern boundary of about 35' in depth and which serves as a buffer to the adjacent property. This buffer is outside of the proposed DAE. There is an 18" Paper Birch outside of the DAE within the proposed property and close to the wetland edge.

(j4) There are no significant views, either into or out from the property.

July 17, 2011

Planning Office
Town of Mansfield
4 South Eagleville Road
Storrs, CT 06268

RE: Kouatly-Resubdivision-98 Fern Road

As an abutting landowner, I am writing to verify that we have no objections to the proposed resubdivision at 98 Fern Road.

Youssef and Ann Kouatly are good neighbors concerned with protecting the environment, and our new neighbors, Omar and Suzanne Kouatly, promise to be equally so.

Sincerely,

A handwritten signature in cursive script that reads "Charles Vinsonhaler".

Charles (and Patricia) Vinsonhaler

draft
Town of Mansfield Traffic Authority
Minutes of the Meeting – July 26, 2011

Present: Hart, Hultgren, Painter, Meitzler, Painter, Baruzzi (Mansfield Schools), Schreier (Mansfield Downtown Partnership).

The minutes of 6/28 and 7/7/11 were reviewed and no corrections made.

72 Mansfield City Road – Meitzler will discuss the proposed guardrail along the corner property with the owner of this parcel.

Pending traffic data (counts and speeds) – the Town's traffic classifier is now operable and the following locations are on the list to be classified: Hillyndale Road; Baxter Road; Hanks Hill Road; Pleasant Valley Road.

Ravine Road – the survey responses from the property owners along Ravine Road were reviewed and discussed. Noting that closure of the road was objected to by at least two of the residents, closure (either temporary or permanent) was not favored by members of the Authority. Hultgren will continue to work with UConn and the DOT to put signs on Route 32 instructing drivers as to the preferred route to UConn. If a permit for these signs is not obtainable from DOT, Green will be contacted to locate the signs off the DOT's right of way.

PZC Referrals:

1. Wedding & Garden Center, 552 Bassetts Bridge Road – Reviewed favorably with one suggestion that the entrance be appropriately signed during events to warn people using the road.
2. Four Corners gas station and convenience store – Reviewed with the following comments: 1) Walkways should extend to the property lines. 2) Internal walkways should be relocated to facilitate convenient use from the 195/44 signalized intersection through the property to the store. 3) The left turn out of the property onto 195 could be problematic. If it is to remain, traffic data showing the ease/difficulty of this movement should be provided.
- ★ 3. Office building on the North Frontage Road – Reviewed favorably with one suggestion that the shared-use path to the west of the proposed sidewalk be connected to and that the existing connection from the road shoulder to the existing shared-use path be preserved.

Celebrate Mansfield parade route 195 closure – Approved with the usual conditions (coordination with Resident State Trooper and appropriate notifications)

Signal replacement – Route 195 at North Eagleville Road – for information only.

Request for pedestrian push-button at the 195/Moulton Road intersection – referred to the DOT.

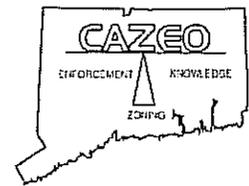
Respectfully submitted,

Lon Hultgren
Director of Public Works

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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: August 24, 2011

Re: Request for Modification, *Red Rock Restaurant*
591 Middle Turnpike, PZC # 221-4

We have received a Request for Site/Building Modifications application from Argirios (OJ) and Melissa Kaitis, owners/operators of the Red Rock Restaurant in the Storrs Shopping Plaza on Middle Turnpike. The application requests approval of a new awning, sixty feet in length, across the front facade of their restaurant with identity signage incorporated onto it. A picture of how the awning/signage would appear along with a letter from the property owners, Cornerstone Properties, LLC, authorizing the awning has also been submitted. Initially, I received a Zoning Permit – Sign application for this activity but after discussing it with the PZC Chairman we felt that this request should be reviewed by the full Commission as previous applications for awnings have. The requested awning would be the first awning to be installed at the shopping mall. The signage depicted upon the awning is in compliance with the dimensional requirements and also, in my opinion, the Sign Design Guidelines of Appendix B in the Regulations.

Mansfield's Zoning Regulations with regard to building identity signage seek compatibility in scale, design, color and construction with the architecture of the building and other signs on the building. This development was built in the mid-1960's. At that time there was not much attention given to a unified sign plan and as a result each of the existing eight tenants on the subject site has significantly different sign types and colors. The proposed awning would add still another varying sign type.

I contacted Cornerstone Properties and specifically asked whether they had any plans to upgrade the building façade of the plaza. They do not. Without a unified plan by the property owners and the tenants to coordinate signage form, I don't believe that we should now decide that a specific aesthetic standard must be met. It appears from my research of the PZC files that the development of the East Brook Mall in 1973/74 was the first instance of the PZC approving specific types and limits on signage as part of an overall site development plan having multiple tenants. Only in 2002 when the University Plaza went through a major façade improvement did the PZC review and approve a unified sign design for that 1970 development. I believe that our regulations provide a necessary control over the coordinated display of signage on a single site but in the case of existing, older developments I don't endorse the idea of picking a point in time and requiring compliance with some unspecified criteria. At such time as the property owner undertakes some significant activity to the building itself, such activity would trigger a PZC review, and thus open the door to a review of signage. I recommend that **the PZC approve the Request for Site/Building Modifications at 591 Middle Turnpike, to authorize the erection of an awning and associated signage across the front façade of the Red Rock Restaurant as described and depicted in the submitted application.**

REQUEST FOR SITE/BUILDING MODIFICATIONS
(see Article XI, Section D of the Mansfield Zoning Regulations)

APPLICANT/OWNER SECTION

1. Owner(s) Argirios Kaitis Telephone (860) 429-5905
(please PRINT)
Address 12 Greenfield Lane Town Mansfield Zip 06268

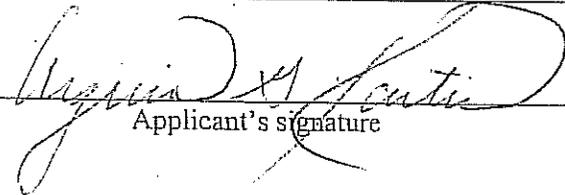
2. Applicant(s) Melissa Kaitis Telephone (860) 429-5905
(please PRINT)
Address 12 Greenfield Lane Town Mansfield Zip 06268

3. Site Location 591 Middle Turnpike Road

4. Reference any approved map(s) that would be superseded if this request is approved:
Not applicable

5. Reference any new map(s) submitted as part of this request:
Not applicable

6. Itemize and describe the modification(s) being requested, using separate sheet where necessary. The description must be adequate to determine compliance with all applicable land-use regulations:-
See Attached 8-23-11 letter.

X 7. 
Applicant's signature

date Aug. 23, 2011

Red Rock Café

Restaurant

Red Rock Café Restaurant
591 Middle Turnpike
Storrs, CT 06268
Phone: (860)429-1366
rrcaferestaurant@yahoo.com

August 23, 2011

Town of Mansfield
C/o Curt Hirsch, Zoning Agent
4 South Eagleville Road
Mansfield, CT 06268
Attn: Rudy Favretti, PZC Chairman

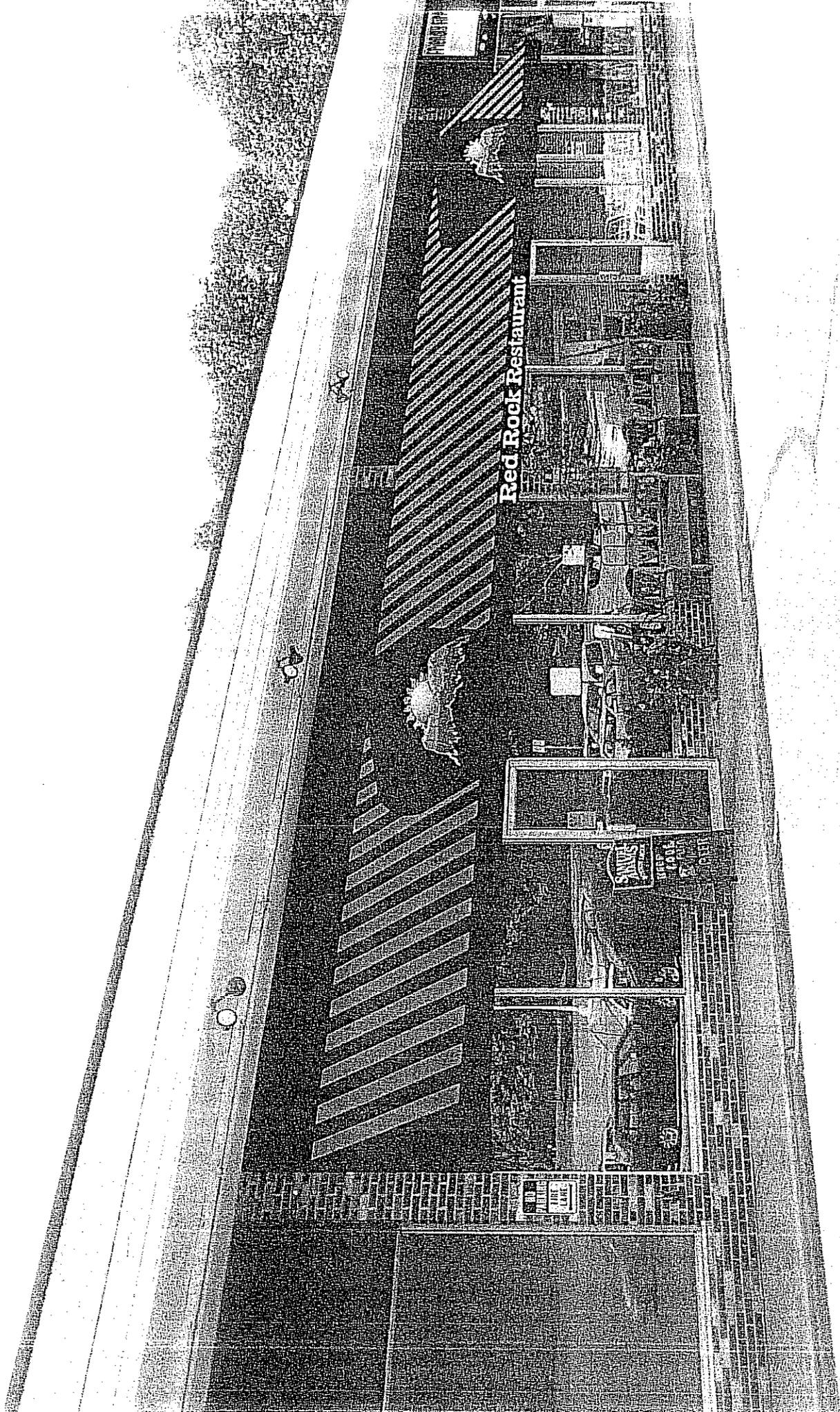
Re: Request for Building Modifications

Red Rock Café Restaurant is requesting approval to install an awning to the property located at 591 Middle Turnpike. Currently, we have a lighted sign that is very unattractive and outdated. The current sign was installed almost ten years ago when Red Rock Café Restaurant was more of a pizza house. This sign will be removed from the storefront and the awning with our name will replace the current sign. Since, Red Rock Café Restaurant just underwent a complete facelift to the interior of the restaurant; we feel it necessary to enhance the look of the outside storefront. We hope to accomplish this with the installation of this beautiful and contemporary awning. We feel it would represent the kind of establishment patrons will find inside the doors. This is currently not the case. We have received written permission from the property owner, Cornerstone and would like to move forward with the awning installation.

Bob Beaulieu owner of the Awning Place has designed and will install the purposed awning. He has furnished a drawing of the new awning to Curt Hirsch.

Sincerely,

Argirios and Melissa Kaitis
Owners, Red Rock Café Restaurant



Red Rock Restaurant

SAVING
THE PLAN
FOR THE

THE
LAND

10. Construction/Design

- a. Signs shall be constructed of weatherproof material, firmly supported and maintained in good condition and repair by the owner or lessee of the subject property. All provisions of the State Building Code shall be met.
- b. To enhance sign visibility and legibility, and therefore promote traffic safety, all free standing identity signs defined in Article X, Section C.2 and as may be authorized in Sections C.5 and C.6 shall meet the following letter height provisions:
 1. All sign wording shall utilize lettering with a minimum height of three (3) inches, except for wording for a site's common name (addressed below) and minor accessory wording or symbols ("and," "+" or "&", etc.), which may have smaller-sized lettering.
 2. Where site uses are collectively identified with a common name, the sign wording for the name shall utilize lettering with a minimum height of seven (7) inches.

These letter height provisions may be reduced by the Planning and Zoning Commission where a smaller size lettering would promote neighborhood compatibility and site character, and not detrimentally affect traffic safety.
- c. All signs shall be compatible in scale, design, color and construction with the architectural character of the building(s) or premises to which they refer and with the neighborhood within which they are located. The structural portions of signs (columns, crossbeams, braces, etc.) shall be proportional to the sign panel they are supporting. All proposed signs should consider Mansfield's sign design guidelines (see Appendix B of Mansfield's Zoning Regulations).
- d. Where more than one attached sign is located upon a building facade, the subject signs shall be compatible in scale, design, color and construction with respect to the architecture of the building and other signs on the site. Any questions regarding sign compatibility shall be reviewed and resolved with the Planning and Zoning Commission. Signs utilizing Federally registered trademark specifications shall be considered in compliance with this provision.
- e. Sign colors and letter fonts shall take into account the need to read or interpret the sign in daylight and, as appropriate, nighttime periods. Color and font choices are particularly important for directional signs, public signs, including traffic control signs, and identity signs.

11. Lighting

All lighting of signs shall be low-intensity, non-intermittent, and shielded so that the source of illumination is not visible from any street or any adjacent lot. All sign lighting shall be designed to illuminate the sign face and, as appropriate, associated basal plantings, and not adjacent areas. Externally mounted light fixtures shall be mounted on the top of the sign structure and aimed downward unless it can be demonstrated that alternative designs will not result in light spillover. Except in all business and industrial zone classifications, illuminated signs shall be lighted only during the hours open for business. In all business and industrial zone classifications, illuminated signs associated with a permitted use may be lighted during the hours open for business or until 11:00 p.m., whichever time is later.

12. Landscaping

Freestanding signs shall meet the ground in an attractive manner. The use of appropriate plantings with year-round attractiveness, mulched with a fine stone



CORNERSTONE

August 9, 2011

Mr. Curt Hirsch, Zoning Agent
Audrey P. Beck, Municipal Building
4 South Eagleville Road
Mansfield, CT 06268

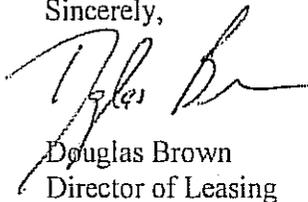
Re: Installation of Awning
Red Rock Café
591 Middle Turnpike Road
Mansfield, CT 06268

Dear Mr. Hirsch:

Cornerstone Mansfield, LLC has reviewed the awning that Red Rock Café wishes to install at the above referenced location and is hereby authorizing the installation of the awning provided the awning meets all local town codes and approvals.

Should you have any questions please contact me.

Sincerely,



Douglas Brown
Director of Leasing

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RECEIPT OF APPLICATION FOR SCENIC ROAD DESIGNATION:

_____, move and _____ seconds to receive the

Scenic Road Designation Application (file # 1010-8)

submitted by

Benjamin Sachs

to designate

Gurleyville Road (from Storrs Road to Codfish Falls) as a Scenic Road

and to set a

Public Hearing for 10-3-11.

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APPLICATION FOR SCENIC ROAD DESIGNATION
(see Scenic Road Ordinance adopted by Town Council)
(A separate application is required for each proposed Scenic Road.)

8/19/2011

file 1010-
date filed 8/8/2011

Applicant Benjamin Sachs | *B. Sachs*

Address 304 Gurleyville Road Phone (860) 429-6838

Other persons who may be directly contacted regarding this application (if any):

Name _____ Phone _____
(please PRINT)

Address _____

Road (or portion thereof) to be considered for designation as a Scenic Road: _____

Gurleyville Road, from just east of UConn's Commissary Building to Codfish Falls Road

The following information shall be submitted as part of this application:

A. Statement of Justification addressing criteria contained in Sections 2 and 3 of the Mansfield Scenic Road Ordinance. This statement shall also include information documenting that the majority frontage requirement of Section 4 of the Scenic Road Ordinance has been met.

B. Applicable portions of the Assessor's aerial maps (available in Town Clerk's Office) depicting the proposed Scenic Road (or portion thereof) and including property lines, as per the Assessor's current records, for lots with frontage on the proposed length of Scenic Road. The names of each current property-owner with frontage on the proposed length of Scenic Road shall be included on these maps.

C. A separate listing of the names and addresses of all property-owners (based on the Assessor's current records) who have frontage on the proposed length of Scenic Road, with information on the length of frontage of each abutting property, and including space for each abutting property-owner's signature, to indicate clearly their approval of the proposed length of Scenic Road. A Public Hearing to consider a Scenic Road designation shall not be held unless the owners of a majority of the frontage abutting the designated portion of road have indicated by their signatures their approval of the Scenic Road designation. **Signatures shall be obtained from all record owners of a subject parcel for the parcel to qualify as part of the majority frontage requirement.**

D. Photographs of the proposed length of Scenic Road, to help address criteria contained in Secs. 2 and 3 of the Mansfield Scenic Road Ordinance.

The following additional information (if any) is submitted as part of this application:

I'd originally intended to submit this application for all of Gurleyville Rd from Storrs Rd (CT 195) to its end at Wormwood Hill Rd. Due to limits on my time and energy, this application pertains only to the more westerly portion starting (at UConn's request; enclosed) just east of UConn's Commissary Building and ending in beautiful, downtown Gurleyville. I believe that the full length of the road is deserving of scenic-road status, and I hope that others will eventually seek it for the more easterly portion of the road.

4A. Statement of Justification for Designating
GURLEYVILLE ROAD
as a Scenic Mansfield Road

Gurleyville Road starts at Storrs Road on the UConn campus and runs easterly from there. Though it has moderate auto traffic at some hours, many walkers, joggers, bicyclists, and even horseback riders use and enjoy the beauty of Gurleyville Rd. throughout the week and at all hours of the day.

At its start, the road is flanked by UConn horse pastures. The one on the left, once a marsh, is divided by Roberts Brook, which still often floods in the spring and is bordered by wetlands, a significant part of a public water supply watershed. The slope to the north of the brook, bordered by Horsebarn Hill Rd., is a popular sledding hill in winter.

The stone walls on each side of this part of Gurleyville Rd. are a continuing and recurrent feature on both sides of the road. The one bordering the pasture on the left is substantial, measuring nearly ten feet in width in some places. It was built by students in the early years of the Connecticut Agricultural College.

This portion of the road is rather level, but soon after its intersection with Bundy Lane, Gurleyville Rd. heads downhill rather steeply through forest alongside a now-cascading Roberts Brook toward the Fenton River. At the Fenton are the ruins of a historic silk mill, the crossing of the much-used Nipmuck Trail, and the historic Gurleyville Cemetery, where generations of Gurleys, Chaffees, Conants, and other notable Mansfield families are buried.

Just past the cemetery is the former Button Box antique shop, in earlier times a mother-of-pearl button factory, now an art gallery and school. From there an avenue of tall pines leads into Gurleyville, one of Mansfield's designated historic villages, where its former town hall (#310), tavern (#309), stagecoach horse barn (#304), and general stores (673 Chaffeeville Rd. and 1 Codfish Falls Rd) still stand largely as they were. This portion of Gurleyville Rd. ends at Codfish Falls Road, already one of Mansfield's Scenic Roads.

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2008
Mansfield/Covntry
Street Index Listing

Parcel Number	Owner's Name	Property Address	List #	Land Value	Imp Value	Tot Value
008/0023/3-089	TRAPP THOMAS G & EVA M	49 GRANDVIEW CR	R04680		16380	16380
008/0023/3-71A	SCHMEISKE WALTER F &	50 GRANDVIEW CR	R04081		20930	20930
008/0023/3-090	FORTIER ANN MARIE	51 GRANDVIEW CR	R01455		25690	25690
008/0023/3-091	ANDRINI DONNA L	53 GRANDVIEW CR	R00092		18970	18970
008/0023/3-092	REYNOLDS ELIZABETH S	55 GRANDVIEW CR	R03809		29960	29960
008/0023/3-92A	SAUNDERS DOLORES R	57 GRANDVIEW CR	R04057		19180	19180
008/0023/3-093	MOZZICATO GIOVANNI J	58 GRANDVIEW CR	R03270		28560	28560
008/0023/3-93A	SPRUELL ANNA D	60 GRANDVIEW CR	R04382		24430	24430
002/0008/56-5	FERRIGNO PASQUALE A & DONNA J	GREENFIELD LA	R01389	83160		83160
002/0008/56-0S	GREENFIELD HILL HOMEOWNERS	GREENFIELD LA	R01762	1120		1120
002/0008/56-9	FERRIGNO PASQUALE A & DONNA J	GREENFIELD LA	R01388	82110		82110
002/0008/56-1	HUSSEIN MOHAMED E &	6 GREENFIELD LA	R02104	77980	214620	292600
002/0008/56-2	KAITIS ARGHIROS & MELISSA B	12 GREENFIELD LA	R02261	77980	220500	298480
002/0008/56-8	CHHEDA PRADEEP & NAYNA	19 GREENFIELD LA	R00741	77910	364910	442820
002/0008/56-3	NAIR SURESH K &	22 GREENFIELD LA	R03307	78190	266980	345170
002/0008/56-7	MADRASWALLA AYAZ T &	27 GREENFIELD LA	R02807	78050	299040	377090
002/0008/56-4	FERRIGNO PASQUALE A & DONNA J	28 GREENFIELD LA	R01387	78750	320670	399420
002/0008/56-6	COULTER KEITH S & ROBIN A	33 GREENFIELD LA	R00919	78820	251020	329840
017/0065/037-1	MANSFIELD TOWN OF	GRIST MILL RD	R07213	4620		4620
003/0025/0010	CONNECTICUT STATE OF	GURLEYVILLE RD	00000	767410		767410
016/0038/0013-1	COSENZA BENJAMIN & ANNE	GURLEYVILLE RD	R00902	1330		1330
011/0049/009-1	ELLISON IRENE K &	GURLEYVILLE RD	R01294	18690		18690
011/0048/002-1	VARGA MARION L	GURLEYVILLE RD	R04763	490		490
011/0048/0006	VARGA MARION L	GURLEYVILLE RD	R04764	1330		1330
010/0047/0008	✓ MOSKOWITZ ROBERT I	GURLEYVILLE RD	R03248	68670		68670
010/0047/0007	✓ MOSKOWITZ ROBERT	GURLEYVILLE RD	R03239	42840		42840
010/0045/0017	SGRO JONATHAN B &	GURLEYVILLE RD	R04137	420	1610	2030
010/0043/035-1	MANSFIELD TOWN OF	GURLEYVILLE RD	R07145	90580		90580
010/0043/0006	MANSFIELD TOWN OF	GURLEYVILLE RD	R07142	2520		2520
010/0042/0004	MANFIELD TOWN OF	GURLEYVILLE RD	R07141	102480		102480
016/0038/01-1	LODEWICK PHILIP H & CHRISTINE	88 GURLEYVILLE RD	R02728	96180	549500	645680
016/0038/0009	MARTINSON JURI &	96 GURLEYVILLE RD	R02941	93730	215250	308980
010/0037/0001	KOCHENBURGER PETER R &	97 GURLEYVILLE RD	R02431	84700	111090	195790
016/0038/0014	✓ NEWMYER R KENT	✓98 GURLEYVILLE RD	R03350	75950	93940	169890
016/0038/0015	EVANS-ABBOTT SANDRA L	102 GURLEYVILLE RD	R01339	70560	51450	122010
010/0037/0002	FLYNN IDANA M	105 GURLEYVILLE RD	R01442	82110	112770	194880
016/0038/0016	COSENZA BENJAMIN & ANNA C	112 GURLEYVILLE RD	R00901	83860	102270	186130
016/0038/0013	MAYNARD MATTHEW D	114 GURLEYVILLE RD	R02971	91770	87290	179060
010/0037/0003	✓ GARDINER ANDREW & KRISTIN	✓115 GURLEYVILLE RD	R01545	80990	108010	189000
010/0038/01-3	✓HART IAN C & LINDSAY M FLETCHER, DANIEL	✓118 GURLEYVILLE RD	R01907	79520	208950	288470

2008
Mansfld/Covntry
Street Index Listing

Parcel Number	Owner's Name	Property Address	List #	Land Value	Imp Value	Tot Value
010/0037/0004	✓ BECKERT KARL L	✓ 121 GURLEYVILLE RD	R00291	75460	124040	199500
010/0038/01-2	WELSH STEPHANIE L &	122 GURLEYVILLE RD	R04899	77910	101640	179550
010/0037/0005	✓ FAZZINA SCOTT M &	✓ 127 GURLEYVILLE RD	R01365	67480	135030	202510
010/0038/001-1	✓ ZWICK FREDERICK & SHARI	✓ 130 GURLEYVILLE RD	R05095	81830	214900	296730
010/0037/0006	JOHN MARTHA S	131 GURLEYVILLE RD	R02192	67480	137690	205170
010/0037/0007	CATALANO JEFFREY T	141 GURLEYVILLE RD	R04774	76300	174860	251160
010/0043/0008	MILLER RICHARD A & BONITA M	208 GURLEYVILLE RD	R03148	83160	84210	167370
010/0043/0011	✓ COLLINS HELEN J	✓ 216 GURLEYVILLE RD	R00843	77140	57260	134400
010/0037/0010	✓ BALOCKI WILLIAM C SR & JUNE P	✓ 217 GURLEYVILLE RD	R00173	73080	111650	184730
010/0037/0009	✓ COLLINS MICHAEL F &	✓ 223 GURLEYVILLE RD	R00845	84700	177450	262150
010/0042/0002	JACOBSEN DANIEL LUKE &	227 GURLEYVILLE RD	R02145	158760	72660	231420
010/0042/0001	MARTIN FOTINI	227A GURLEYVILLE RD	R02929	46060	128520	174580
010/0043/0035	✓ GILLARD ROBERT O & JANE W	✓ 234 GURLEYVILLE RD	R01604	91980	205870	297850
010/0043/0034	✓ PELTO PERTTI J	✓ 266 GURLEYVILLE RD	R03567	94990	150990	245980
010/0042/0005	✓ MOSKOWITZ ROBERT	✓ 287 GURLEYVILLE RD	R03237	98490	46690	145180
010/0042/0006	VON DUNTZ FRANCIS J JR &	293 - 293A GURLEYVILLE RD	R04797	70630	226520	297150
010/0043/0033	FERRERI C JOHN & SUSAN F	296 GURLEYVILLE RD	R01379	82950	131880	214830
010/0042/0007	✓ HEINIGE-RITA EST-OF <i>B1665</i>	✓ 301 GURLEYVILLE RD	R01959	70630	91280	161910
010/0043/0032	✓ SACHS BENJAMIN D & JACQUELINE	✓ 304 GURLEYVILLE RD	R04001	41790	137340	179130
010/0042/0008	✓ CAZEL FRED A JR	✓ 305 GURLEYVILLE RD	R00659	61040	71470	132510
010/0042/0009	✓ CAZEL FRED A JR	✓ 309 GURLEYVILLE RD	R00658	64260	120050	184310
010/0043/0031	✓ COYNE MICHAEL D &	✓ 310 GURLEYVILLE RD	R00934	65870	137340	203210
010/0047/0006	MANN EUGENE L	326 - 326A GURLEYVILLE RD	R02860	46060	152390	198450
010/0045/0015	JURKOVICS HELEN	339 GURLEYVILLE RD	R02252	59080	72030	131110
010/0045/0015	JURKOVICS HELEN	339 GURLEYVILLE RD	R02253	3570		3570
010/0045/0016	SGRO JONATHAN B &	345 GURLEYVILLE RD	R04136	49630	56420	106050
010/0045/0018	WASIELE LARRY SCOTT	351 GURLEYVILLE RD	R04855	70140	35630	105770
010/0045/0019	WASIELE LARRY SCOTT	357 GURLEYVILLE RD	R04854	47250	62650	109900
011/0047/0001	CROSSGROVE ROGER L	362 GURLEYVILLE RD	R00955	48300	113750	162050
011/0047/001-1	CROSSGROVE CHRISTOPHER &	370 GURLEYVILLE RD	R00954	49980	122500	172480
010/0045/0020	✓ FEATHERS MARY V & KENNETH R	371 GURLEYVILLE RD	R01366	73150	244580	317730
011/0047/0002	CLESS ROBERT S	374 GURLEYVILLE RD	R00818	61180	137970	199150
011/0047/003-1	✓ ROMANOW JAMES S AND	386 GURLEYVILLE RD	R03904	52290	83370	135660
010/0045/0022	ZARTUN KATHERINE	391 GURLEYVILLE RD	R05063	49980	78190	128170
011/0047/0003	✓ HANNAFIN ROBERT D &	398 GURLEYVILLE RD	R03732	53970	161350	215320
011/0047/0004	BRAND MARINA D	410 GURLEYVILLE RD	R00467	56980	180390	237370
011/0045/0001	CZAJA DOUGLAS N &	411 GURLEYVILLE RD	R00982	65800	139860	205660
011/0047/0006	KOLLET ELAINE W	418 GURLEYVILLE RD	R02442	58170	165970	224140
011/0045/0002	RUDDY MICHAEL P & NIKOLE	423 GURLEYVILLE RD	R03977	69020	95060	164080
011/0047/0007	MARSHALL BRUCE T & KATHLEEN T	424 GURLEYVILLE RD	R02917	57120	145180	202300



University of Connecticut
*Office of the Vice President and
Chief Operating Officer*

Office of University Planning

Alexandria Roe
Director

08/01/2011

Alexandria Roe

Office of University Planning

31 LeDoyt Rd

Storrs, CT 06269

To whom it may concern:

On behalf of the University of Connecticut, whose land abuts portions of Gurleyville Road, the University concurs with the petition to declare Gurleyville Road as scenic. The University recommends that this designation commence after the University's Commissary Building located at Gurleyville Road.

Sincerely,

Alexandria Roe

Director

Office of University Planning

An Equal Opportunity Employer

31 LeDoyt Road Unit 3143
Storrs, Connecticut 06269-3143

Telephone: (860) 486-4418
e-mail: alexandria.roe@uconn.edu

CHAPTER 155 SCENIC ROADS

[HISTORY: Adopted by the Town Council of the Town of Mansfield 4-10-1995, effective 5-19-1995. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation areas — See Ch. 137.

Streets and sidewalks — See Ch. 166.

Park rules and regulations — See Ch. A194.

Road permit engineering standards and specifications — See Ch. A195.

§ 155-1 Title.

This chapter shall be known and may be cited as the "Town of Mansfield Scenic Roads Ordinance."

§ 155-2 Legislative authority; criteria.

Pursuant to the provisions of Section 7-149a of the Connecticut General Statutes, the Town of Mansfield shall provide for the designation of town roads ("highways") or portions thereof as scenic roads and shall maintain the scenic nature of highways or portions thereof so designated. To be considered as a scenic road, the highway or portion of the highway to be designated a scenic road shall be free of existing or potential (based on the Mansfield Plan of Development designations for commercial and industrial land uses) intensive commercial development, shall be free of intensive vehicular traffic and shall meet at least one of the following criteria:

A.
It is unpaved.

B.
It is bordered by mature trees or stone walls along a majority of its length.

C.
The traveled portion is no more than twenty (20) feet wide along a majority of its length.

D.
It offers scenic views or vistas such that persons other than residents living on the road routinely walk, drive or ride on this road to experience said views.

E.
It blends naturally into the unique or scenic surrounding terrain, such as ledge outcrops, steep hills, protected forests, wetland areas, etc.

F.
It parallels or crosses over brooks, streams, lakes or ponds that are regarded as scenic as in Subsection D above.

§ 155-3 Designation authority; additional considerations.

The authority to designate a town road ("highway") or any portion of any town road ("highway") as a scenic road pursuant to Section 7-149a of the Connecticut General Statutes is hereby delegated to the Planning and Zoning Commission of the Town of Mansfield. In addition to the criteria cited in § 155-2, the Planning and Zoning Commission shall consider the nature of vehicular and pedestrian traffic and accident history on the subject road and other roads in the vicinity, the Plan of Development roadway classifications for the subject road and other roads in the vicinity and the overall protection of the public's health and safety. Roads designated as collector or local streets in the Plan of Development are eligible for the scenic road designation. All proposed scenic roads shall be referred to the Mansfield Traffic Authority for a report to be received prior to the public hearing provided

for in § 155-5A.

§ 155-4 Application requirements.

Where a town highway or portion thereof is to be considered for designation as a scenic road, a completed application form (to be available in the Planning Office) and applicable portions of the Assessor's maps showing the proposed length of the scenic road and all abutting property owners shall be submitted to the Planning and Zoning Commission. Said application shall include a statement justifying the proposed scenic road designation, a list of the names and addresses of all property owners (based on the current Assessor's records) with frontage abutting the proposed length of scenic road and an area for the abutting property owners to sign the application indicating their approval of the proposed length of scenic road. A public hearing to consider a scenic road designation shall not be held unless the owners of a majority of the frontage abutting the designated portion of the highway have indicated their approval of the scenic road designation.

§ 155-5 Public hearing; voting; appeals.

A.
Where a town highway or portion thereof is to be considered for designation as a scenic road, the Planning and Zoning Commission shall hold a public hearing on the proposal. Hearing notices and deadlines shall be in accordance with the provisions of Section 8-7d of the Connecticut General Statutes. The Planning and Zoning Commission shall have the right to designate an annual deadline or deadlines for the submission of new scenic roads proposals and the right to conduct joint hearings on scenic road proposals. Notification of the public hearing shall be sent by the Planning and Zoning Commission to the Town Council and the owners of lot frontage abutting the portion of the highway which is proposed to be designated as a scenic road.

B.
Following the public hearing, the Planning and Zoning Commission shall vote on the proposed designation pursuant to the procedures set out in Section 8-7d of the Connecticut General Statutes. The designation shall become effective upon such date as the Planning and Zoning Commission shall establish. Any or all of the proposed length of highway may be designated as a scenic road, except that no highway or portion thereof may be so designated as a scenic road unless, in accordance with Section 7-149a of the Connecticut General Statutes, the owners of a majority of the frontage abutting that designated portion of the highway agree to the designation by filing a written statement of approval with the Town Clerk of the Town of Mansfield on or before the date on which the designation is to become effective.

C.
The scenic road designation may be rescinded by the Planning and Zoning Commission using these procedures; also necessary is the written concurrence of the owners of a majority of the road frontage abutting the portion of the highway whose designation as a scenic road is to be rescinded.

D.
Any person aggrieved by a designation of or refusal to designate a highway or portion of a highway as a scenic road by the Planning and Zoning Commission pursuant to this chapter may appeal such designation in the manner and utilizing the same standards of review provided for appeals from the decisions of the Planning and Zoning Commission under Section 8-8 of the Connecticut General Statutes.

§ 155-6 Alterations or improvements.

A.
Except as provided in Subsections C, D and E hereof; any person, corporation and/or town agency may petition the Planning and Zoning Commission to alter or improve a scenic road designated under this chapter, and the Planning and Zoning Commission shall, after public hearing in accordance with § 155-5A above, forward the same with its recommendation thereon to the Town Council for action pursuant to Subsection B hereof. This review process shall constitute compliance with the referral requirements of Section 8-24 of the Connecticut General Statutes.

B.

Any highway which has been designated as a scenic road under this chapter may be altered or improved, including but not limited to widening of the right-of-way or traveled portion of the highway, paving, changing the grade, straightening, removing of stone walls or removing of mature trees, only upon approval by the Town Council by a simple majority if recommended by the Planning and Zoning Commission under Subsection A above or by a two-thirds (2/3) vote if not so recommended. The Council shall record in its minutes the reasons for such approval or denial.

C.

Emergency, routine and minor maintenance on any highway which has been designated as a scenic road under this chapter shall be continued by the town without the necessity of Council vote, review by the Planning and Zoning Commission or public hearing. Such work shall include the removal of dead, diseased, damaged or dangerous trees and branches of trees; trimming of the tree branches that encroach on the traveled portion of the highway below the height needed to allow school buses, emergency vehicles and town road maintenance vehicles to pass; trimming or removal of brush and removal of boulders or other obstacles that encroach on the traveled portion of the road; necessary trimming for utility lines; trimming of brush to enhance and protect scenic views, stone walls and mature trees; correction of drainage problems; striping, graveling, filling, retreatment, including but not limited to overlay paving and chipsealing and repair of existing roadway surfaces; grading; snowplowing; sanding; and emergency repairs to said road in the case of a natural disaster making it impassable or unsafe for public travel.

D.

Alterations or improvements.

(1)

Any highway which has been designated as a scenic road under this chapter may be altered or improved, including but not limited to widening of the right-of-way or traveled portion of the highway, paving, changing the grade, removal of the stone walls, ledge or boulders, installation of drainage facilities, straightening or removal of vegetation, including mature trees, provided that the Planning and Zoning Commission determines that said alterations or improvements are necessary to protect and promote public safety in conjunction with the approval of a new driveway, a new highway or a new subdivision or other land use development that is accessed by the subject scenic road and is under the Planning and Zoning Commission's regulatory jurisdiction. Any alteration or improvement to a scenic road shall not be approved unless a public hearing has been held on the subject project.

(2)

Any alterations or improvements authorized by this section shall be the minimum necessary to address safety issues associated with the new driveway, highway or land use development, and any approved alteration or improvement shall be designed to minimize impacts on the scenic characteristics of the subject scenic road. No alteration or improvement shall be approved by the Planning and Zoning Commission until potential alternative solutions have been considered thoroughly. Stone wall relocations and reconstructions, the planting of new trees, shrubs or flowers, the installation of underground utilities and other mitigating measures may be required by the Planning and Zoning Commission in conjunction with its authorization of alterations or improvements to scenic roads.

E.

Scenic highway designations shall in no way interfere with normal agricultural operations as determined by the Connecticut Commissioner of Agriculture.

§ 155-7 Review of alterations.

Any alterations and improvements of a designated scenic road shall be carried out so as to preserve to the highest degree possible the scenic characteristics of the highway. Any proposed alteration to a scenic road shall be reviewed with due regard to the following parameters:

A.

A thorough review of alternative solutions to minimize impacts on scenic characteristics.

B.

Speed limits. Scenic values often are correlated with lower speeds. Speed limits on scenic roads shall be posted and enforced.

C.

Curves. Scenic values often are correlated with the existence of curves which allow a constant unfolding of new and changing views. Curves shall not be eliminated unless necessary for traffic safety.

D.

Grades. Hills and valleys often are correlated with scenic values. They shall not be destroyed by cuts and fills unless necessary for traffic safety.

E.

Widths. A narrow road often is correlated with scenic beauty. Designated highways should not be widened unless necessary for traffic safety.

F.

Side slopes. Existing steepness of side slopes often is preferable to reduction of gradient by extensive removal of soil and rock. This is especially true where the slope is fully stabilized and where it is rich with existing ground cover, shrubs and trees.

G.

Vistas. vistas of distant landscapes shall be preserved by suitable vegetation management techniques.

H.

Utility lines. Wherever possible, utility lines should be put underground. Where they are overhead, the utility corporations should be encouraged to cooperate by implementing suitable vegetation management techniques which preserve the wildflowers and the shrubs.

I.

Vegetation. Vegetation on the side of the road shall be managed in such a way as to preserve wildflowers, shrubs of ornamental wildlife values and trees. Overarching isolated trees and the canopy of a closed forest can have extremely high scenic value.

J.

Billboards, sand, gravel and salt piles, refuse disposal and other unsightly structures or situations shall be forbidden. Where possible, scenic and preservation easements should be acquired from adjacent owners to ensure the continuance of natural relief, desirable features and scenic and historic values in the public interest.

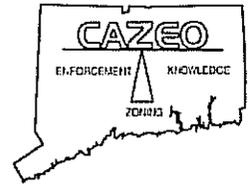
§ 155-8 Enforcement; penalties for offenses.

Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

This chapter shall be enforced by the Planning and Zoning Commission, acting through its designated enforcement officials. A violation of this chapter shall be an infraction for each day that such violation continues, and such other legal remedies as may be available to the Planning and Zoning Commission. If enforcement is sought through the courts and judgment is rendered for the town, the court, in the event of a willful violation, shall award to the town, as costs, a reasonable attorney's fee.



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: September 1, 2011
Re: Gibbs Expansion Project, 9 Stafford Rd, PZC File #404-3

On March 17, 2007 the PZC approved with conditions, an expansion of the Gibbs gasoline station and convenience store located at 9 Stafford Road. The Special Permit was filed on the Land Records in October 2007. Subsequently, both a Zoning Permit and a Building Permit for the subject project were issued.

Article V Section B.7.e specifies that work should begin within 1 year of the effective approval unless an extension has been granted by the PZC. Last year the PZC granted a third, one year extension and in the attached 9/1/11 letter an additional one year extension has been requested. Staff has no objection to approving this request as regulatory provisions have not changed. Accordingly, the following motion is recommended:

That the Planning and Zoning Commission approve a forth extension of the period of time to begin construction of the Gibbs Expansion Project on property located at 9 Stafford Road. The new date to begin construction is October 1, 2012 unless an additional extension is requested and approved.

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BRANSE, WILLIS & KNAPP, LLC

148 EASTERN BOULEVARD
GLASTONBURY, CONNECTICUT 06033
TELEPHONE: (860) 659-3735
FAX: (860) 659-9368

MARK K. BRANSE
MATTHEW J. WILLIS *
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VIA FACSIMILE ONLY: (860) 429-6863

September 1, 2011

Curt Hirsch, Zoning Enforcement Officer
Town of Mansfield
Audrey P. Beck Building
Four South Eagleville Road
Storrs, CT 06268

RE: Gibbs Oil Company re 9 Stafford Road, Mansfield, CT
FILE NO: 3252/02-161

Dear Curt:

We represent Gibbs Oil Company relative to the Special Permit #404-3 that was approved for a new retail convenience store and gas station at 9 Stafford Road in Mansfield.

As you are aware, Gibbs secured a zoning permit for this site and anticipated commencing construction by October 1 of 2008, but the building plans had to be revised, which pushed this schedule back. The Commission granted an extension to October 1, 2009, by which time the economy had collapsed, and the Commission granted additional extensions of time through October 1, 2011. As the Commission is aware, the economy continues to be sluggish and loans are difficult to obtain, despite low interest rates. These factors prompted the General Assembly this year to adopt Public 11-5, extending all site plan, subdivision, and wetlands permits to 9 years, with extensions of up to 5 additional years. Clearly, Gibbs is not alone in being unable to commence work on approved permits.

To prevent the zoning permit from expiring, Gibbs is seeking an extension of time on the commencement of construction from October 1, 2011 to October 1, 2012. We hope that this will permit Gibbs to weather the current economic conditions. Please let me know if

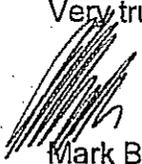
Curt Hirsch, Zoning Enforcement Officer
September 1, 2011
Page 2

you require any additional information and if a representative should attend the next Commission meeting.

Thank you for your assistance.

As always, if you have any questions, please do not hesitate to contact me.

Very truly yours,



Mark Branse

MB:arh

cc: Mr. Andrew S. Beland - 781-338-1755
Al Micale, P.E. - 401-724-1110

G:\Gibbs Oil\Request for Extension of Time.ltr 9-1-11.wpd

ZONING BOARD OF APPEALS

DECISION NOTICE

On August 17, 2011, the Mansfield Zoning board of Appeals took the following action:

Approved the application of Curtis & Joan Chase for a Variance of Art IX, Sec C.2.b (Note) to construct a 24' x 24' addition to a non-conforming garage approximately 18' from side property line where 35' is required and approximately 30' from rear property line where 50' is required at 67 Mountain Rd, as shown on submitted plan.

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

Reasons for approving application:

- Non-conforming lot
- Topography
- Will not have a negative affect on neighborhood

Opposed to approving application: Fraenkel

Reasons for opposing application:

- No demonstrated hardship

Application was approved.

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

Dated August 19, 2011

Carol Pellegrine
Chairman

Legal Notice:

The Mansfield Zoning Board of Appeals will hold a public hearing on September 14, 2011 at 7:00 p.m. in the Council Chamber of the Audrey P. Beck Municipal Building, 4 South Eagleville Road, to hear comments on the following application:

7:00 P.M. – James Suave for a Variance of Art VIII, Sec A to divide an existing parcel into 2 lots, one which will have 47' of frontage where 200' is required at 29 North Windham Rd.

At this public hearing, interested parties may appear and written communications may be received. No information shall be received after the close of the public hearing. Additional information is available in the Mansfield Town Clerk's Office. Dated August 25, 2011.

Carol Pellegrine

TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Curt Hirsch, Mansfield Zoning Agent
From: Linda M. Painter, AICP, Director 
Date: August 22, 2011
Re: Zoning Permit Application
Storrs Center: Post Office and Post Office Road
File 1246-9

Pursuant to the provisions of Article X, Section 5 of the Zoning Regulations, I have completed my review of the 6/23/11 Zoning Permit application of Storrs Center Alliance LLC/Education Realty Trust and have determined that, subject to the attached conditions of approval, the Zoning Permit is in compliance with all applicable Zoning requirements. Accordingly, you are authorized to issue a Zoning Permits for the subject Post Office Site Improvements subject to incorporation of conditions which do not involve immediate map revisions.

In the process of making this compliance determination, I note the following findings:

- The applicant's submission includes a site and architectural plans with original submission dates of 6/23/2011 as revised through 7/28/11, street light specifications received on 8/9/11, sample photometrics for Dog Lane received 8/12/11 and a comprehensive application packet dated 6/23/11 which contains a Statement of Use; statements of consistency with the PZC approved Preliminary Master Plan, Master Parking Study, Master Traffic Study, Master Stormwater Drainage Study, and the Storrs Center Design Guidelines. The Design Review Checklist and signed Design Certification was not required as the site falls outside of the five areas for which the Design Guidelines include area-specific requirements. This information appropriately meets the submission requirements of Article X, Section 5.5.c.
- Pursuant to the provisions of Article X, Section 5.6.b.(ii), the Mansfield Downtown Partnership has conducted a public hearing and provided an appropriate opportunity for the submittal of public comment. On 7/13/11, the Mansfield Downtown Partnership determined that the Zoning Permit application for the parking garage and intermodal center complies with the requirements of the Storrs Center Special Design District regulations and the Storrs Center Design Guidelines. This action was taken after consideration of public comments and a report from its Planning and Design Committee. The Director of Planning and Development attended the Downtown Partnership Public Hearing and the Partnership Board meeting at which the application was discussed.
- The Inland Wetlands Agent determined that the work proposed for the Post Office was consistent with the Inland Wetlands Agency 10/1/07 License approval for the Storrs Center Project.
- All approval criteria contained or referenced in Article X, Section 5.6.d, including Article V, Section A.5 and Article XI, Section C.3. have been addressed or will be addressed by conditions included in this Zoning Permit authorization.

Article X, Section 5.6.e. authorizes the Director of Planning and Development to add conditions deemed necessary to ensure compliance with all applicable regulatory requirements. The following conditions, except for those that require immediate map revisions, shall be incorporated into the Zoning Permit approval for the Storrs Center parking garage and intermodal center.

1. **Future revisions.** Pursuant to Article X, Section 5.6.g. of the Zoning Regulations, any proposed revisions to the submitted plans and associated application narratives and/or the proposed uses hereby granted Zoning Permit approval shall be submitted to the Director of Planning and Development for review and approval. It is recognized that plans for the Village Street are not yet finalized and accordingly, plan revisions may be appropriate.
2. **Property ownership.** No construction shall start on the Post Office site until title to the parcel is conveyed to the Storrs Center Alliance unless written permission is provided by the property owner.
3. **Disposal of materials.** All material removed from the project area shall be disposed of in an appropriate location that has been approved for such disposal.
4. **Erosion and Sedimentation Control.** During periods of construction, bi-weekly erosion and sediment control monitoring reports shall be submitted to the Zoning Agent and Inland Wetland Agent until disturbed areas are stabilized.
5. **Construction Traffic Management.** Due to the nature of proposed site work and delivery activities, it is essential that construction access and traffic be fully coordinated with other Storrs Center projects, including improvements to the portion of Post Office Road west of the Post Office site, Storrs Road and the Village Street. Construction scheduling for the work on Post Office Road shall be coordinated with E.O. Smith High School to ensure that adequate access to their athletic fields is maintained during periods of heavy use. Access to the Courtyard Condominiums shall be maintained at all times.
6. **Lighting.** Pursuant to the lighting specifications provided, the new fixtures installed both on-site and as part of the Village Street shall meet the following conditions to reduce light spillage:
 - a. Maximum height of free-standing fixtures installed on-site and as part of the Village improvements shall be 14 feet, 7.5 inches.
 - b. Fixtures shall be designed for full cut-off and shall use LED technology.
 - c. The cut-off reflectors shall be oriented to reduce light spill on the south side of Post Office Road.
 - d. On-site fixtures shall include the capability for dimming overnight.
7. **Screening of rear service area.** Due to site constraints for the subject parcel including a significant grade change between the sidewalk and the rear service area, installation of a landscape buffer on site to screen the rear service area is not possible. As such, screening of the rear parking lot/service shall be addressed as part of the Village Street streetscape. The forthcoming application for Zoning Permit approval for the Village Street shall include specifications on street trees as well as details for an ornamental iron fence to be placed on top of the retaining wall. It is recommended that a tighter tree spacing (35-40 feet) be used in this area of the Village Street; tree species that are downward branching such as the Pin Oak should also be considered for this section of the Village Street. The fence should be of a color and style consistent with the overall theme of development.
8. **Signs.** Any changes to site signage shall require approval of the Director of Planning and Development.

9. **Bicycle parking.** Bicycle rack specifications that will be used for the entire Storrs Center development are due to be submitted with the forthcoming Village Street application. Upon approval of a bicycle rack specification, the applicant shall submit a modification to the site plan for the post office site identifying location and number of on-site bicycle racks for approval of the Director of Planning and Development.
10. **Trash disposal/recycling.** The submitted site plan does not provide any area for trash disposal or recycling; however, there is an existing dumpster on the property on the west side of the rear service area. The plan shall be revised to indicate the proposed trash/recycling pad as well as screening from the visitor parking lots/Post Office Road pursuant to the requirements of Section 4.5 of the Storrs Center Design Guidelines.

Please let me know if you have any questions regarding this report and the listing of approval conditions. If additional information is received regarding the subject conditions or it is determined that wording revisions are necessary to clarify requirements, I will reconsider the conditions.

Cc: Lon Hultgren, Mansfield Director of Public Works; Matthew W. Hart, Mansfield Town Manager; Mansfield Downtown Partnership Inc.; Mansfield Planning and Zoning Commission/Inland Wetland Agency; Mansfield Town Council; Barry Feldman, UConn Vice President and Chief Operating Officer; Storrs Center Alliance, LLC; Education Realty Trust, Inc.; Region 19 School District; E.O. Smith High School

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Open House

You are invited!



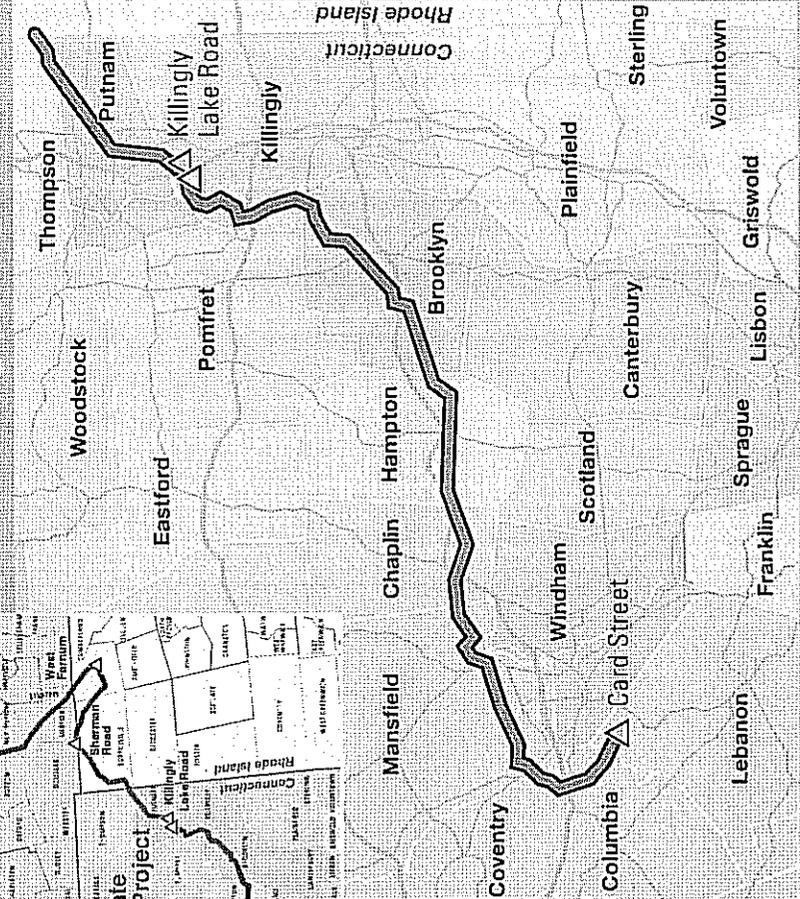
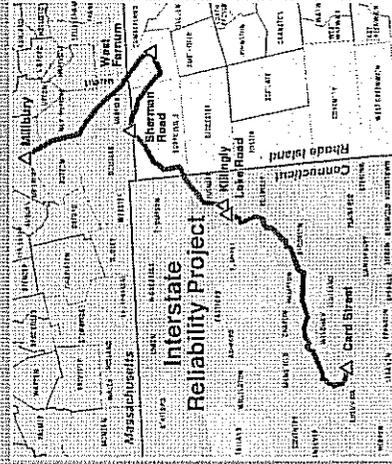
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Danielson, CT 06239

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6:00 p.m. – 8:00 p.m.

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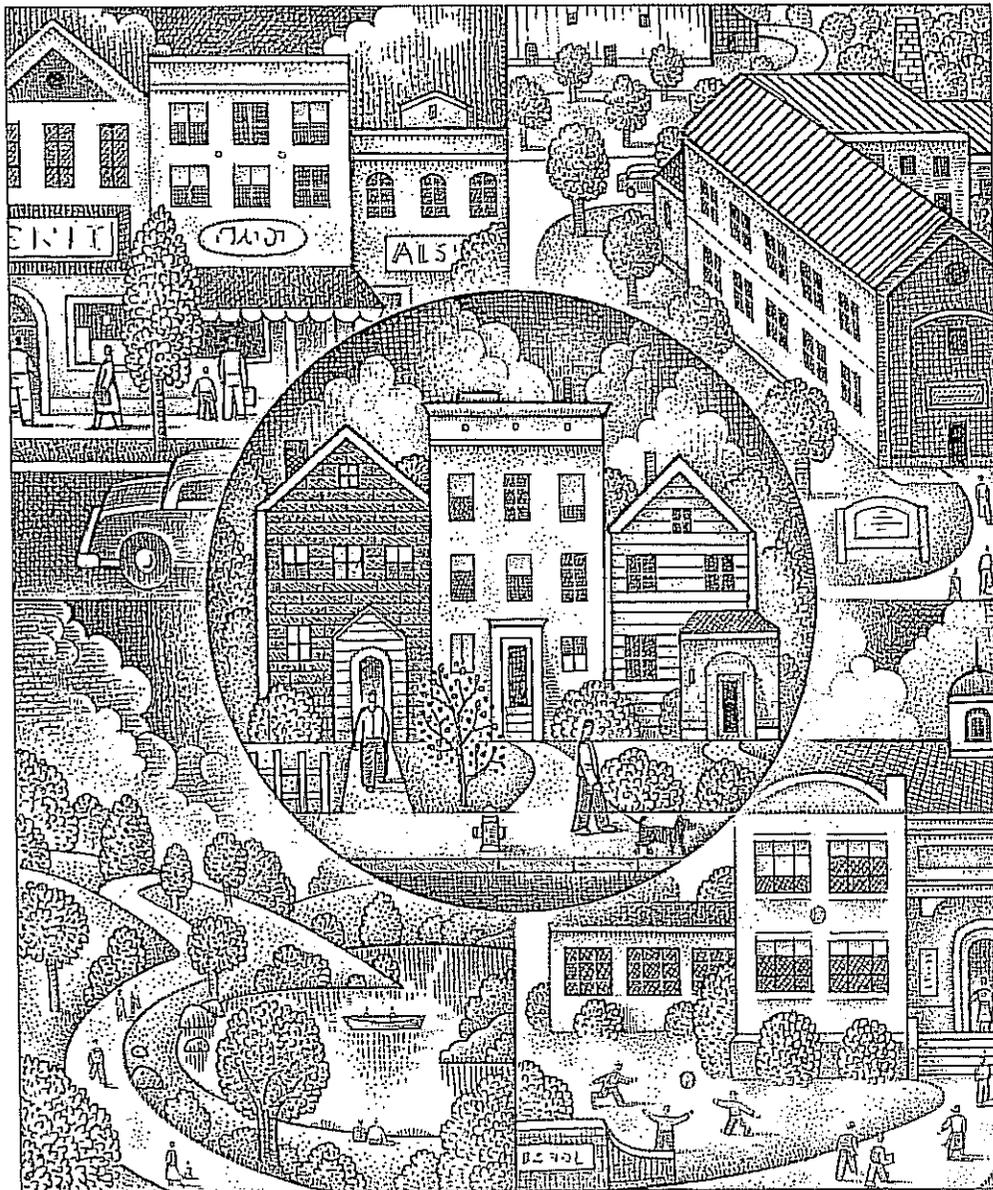
PLANNING
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Journal

NEWS & INFORMATION FOR CITIZEN PLANNERS

Affordable Housing Matters

TO PEOPLE & TO COMMUNITIES



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Planning & Local Economic Development

You may have noticed that over the past few years we've increasingly focused on the relationship between planning and economic development.

We've run a variety of articles and columns touching on topics as diverse as:

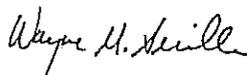
- tourism that fits with local community character.
- identifying local economic assets.
- strategies for strengthening downtowns and main streets.
- the link between education and economic development.

We've also added two contributing writers, Gwendolyn Hallsmith and Della Rucker, who regularly look at how local planning can support local economic development.

I used the word "local" in the preceding sentence twice. That's because the point-of-view Hallsmith and Rucker bring to the table stresses that cities and towns need to first identify and then draw on their inherent strengths. That's where planning commissioners can play an especially valuable role, as they're often individuals with deep knowledge of the community. What's more, most have a wide range of local interests (in addition to land use planning).

To bring together the best articles on planning and economic development that we've published – and provide you with a resource you can use and share – we're making available a reprint set titled (not surprisingly) *Planning & Local Economic Development*. While it primarily includes articles from the past few years, you'll also find a terrific series of short articles by the late Jack McCall that we published in the mid-1990s. McCall was a long-time Missouri planner and educator who focused on small town economic and community development. Even if you live in a bigger

"burg," I think you'll find McCall's articles of real value. ♦



Wayne M. Senville,
Editor

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Why Comprehensive Plans Gather Dust

by Della Rucher, AICP, CEcD

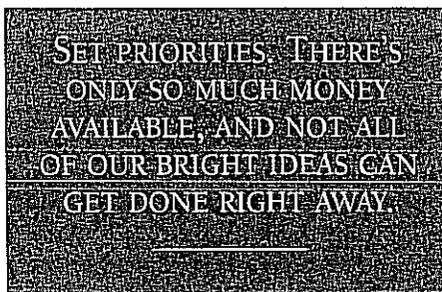
In my last column (PCJ #82, Spring 2011), I welcomed you to the “tightrope act.” I noted that planning commissioners often find themselves at center ring, trying to balance the community’s economy with its physical and functional needs. Since a comprehensive plan is one of your basic tools for keeping that balance, let’s look at some of the issues that prevent them from being useful, and what we can do to make them better.

I regularly encounter clients who avoid comprehensive planning, or try to hybridize it with something more “practical.” Some tell me that the money spent on comprehensive plans should be used instead to “make something happen.”

While planning commissioners know better than anyone else how important comprehensive plans are, we have all seen plans that sit on the proverbial shelf, gathering the proverbial dust. The dust-gatherers typically fit four categories:

- **The Encyclopedia.** This plan covers *everything*, whether it matters or not. By volume, these documents are at least 75 percent a catalog of existing conditions. The actual “plan” – that is, the portion that establishes strategies for the future – is relegated to a few vague pages in the last chapter.
- **The Kum Ba Yah.** This plan’s development is dominated by public meetings, focus groups, surveys, etc. Of course, the problem isn’t that the plan lacked public feedback, but that it simply repeated the public comments. A Kum Ba Yah plan creates a wish list that ignores real-world constraints, like funding. The wish list becomes The Plan.
- **The Laundry List.** This plan presents such a disorganized stream of recommendations that no one knows where to start, or what to do if the first or twentieth recommendation becomes impossible. Result: Welcome to the shelf.

- **The Pretty Picture, or If You Draw It, It Will Come.** This plan features renderings of a Beautiful Place, often preceded by a market analysis that was ignored by the designers and followed by an outline of the zoning that will allow the castle to materialize out of the air. How the Beautiful Place can be constructed in the private market isn’t addressed.



Each of these plans takes one piece of what a comprehensive plan should contain, and blows it out of proportion. Each fails to account for the complicated nature of the real world, simplifying either the planning process or the act of making recommendations. Adoption of one of these plans indicates that those in charge sidestepped the hard part: the group management, critical thinking, communication, and collaboration needed to help people figure out the best path from a complex present into an unknown future.

Writing an encyclopedia is easy. Getting people to say what they want is easy. Making a laundry list is easy. Drawing a pretty picture is easy. The hard part is balancing a realistic understanding of existing and potential future conditions with the need and the desire for an improved future – and helping the people who have the most at stake to be part of figuring out that future.

To have a successful plan, there are four essential tasks planners and planning commissioners need to accomplish:

1. Use data to reach a clear understanding of the most impactful issues facing the community. You don’t need to know everything. You do need to understand fully and think critically about the issues that are likely to have the biggest impact on the future.

2. Have meaningful public participation. You need to do more than let the public spout. Give them real-world challenges to grapple with, so that the feedback you get has meaning.

3. Set priorities. There’s only so much money available, and not all of our bright ideas can get done right away. Why pretend otherwise? You need to decide what’s most important – and what can wait if it has to.

4. Address what’s necessary for the plan to become reality. If you propose some Grand New Thing, you must also answer *why hasn’t it happened already?* and *what evidence is there to suggest that it can happen in the future?* That doesn’t mean you can’t be ambitious. It does mean you need to plan for it to get done.

By halfway through a project, most of the communities I work with can parrot one of my favorite lines: *if it were easy, you would have done it already.* Preparing an effective, useful comprehensive plan takes wisdom and bravery. But it can be done! ♦

Della Rucher is the Principal of Wise Economy Workshop, a consulting firm that assists local governments and nonprofit organizations with the information and processes for making wise planning and economic development decisions.



Editor’s Note: I asked Rucher some follow-up questions about her article in an interview posted on our PlannersWeb site: www.plannersweb.com/rucher83.html.

Inviting Them In:

USING STORY AS A PLANNING TOOL

by Lisa Hollingsworth-Segedy, AICP

In previous columns, Jim and I have included numerous applications of story in your job as Planning Commissioner. From debriefing meetings, to building cohesion among your members, to helping interpret the implications of your comprehensive plan's data, story is a powerful but underutilized planning tool. This column is an abridged version of a session I presented at the 2011 Nebraska Planning and Zoning Association Conference.

In the early '90s, I was working with an urban-rural fringe community that was in the path of growth. The community recognized their need for a new zoning ordinance that would promote their small-town identity while still accommodating new development.

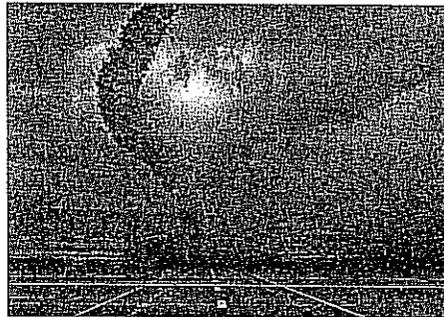
I had reviewed all the data, analyzed land use patterns, and calculated various ratios of land use categories to create development scenarios. I provided neat handouts and colorful maps. But the project was, frustratingly, going nowhere. Despite all the facts, analyses, and carefully-drawn scenarios, we were all at loggerheads. The project deadline was looming, the budget was growing thin, and from all appearances, we were still a long way from the new ordinance.

The data simply weren't telling the story the community needed to hear.

The facts DON'T speak for themselves. Planners are trained as scientists, taught to emphasize statistics, inventories, trends, analyses, and projections. Our job is to help ensure that community decisions are rational, and the link between current conditions and future solutions is logically defensible. But the facts *alone* don't provide what planning staff and planning commissioners need to do their jobs effectively – to compellingly communicate the issues to the public, and to draw citizens into meaningful involvement that translates into dynamic results.

More often than not, we put the facts out there and then become frustrated when the converts don't flock to our camp. In doing so, we have overlooked our most powerful communication tool: story.

Story is the universal human language. We think in story. We form our attitudes about the world around us in story. We use the stories we tell ourselves to justify our opinions. And before we can influence others' opinions about an issue or propel them to action, we need to tell compelling stories that make the facts accessible to them.



When you are considering how to move a new comprehensive plan or a new zoning ordinance from inception to completion, you may be thinking, "We don't have time to tell stories. We already have too many meetings and they always last too long." Taking the time to tell and hear stories is the key for effective information-gathering, consensus-building, and community-strengthening.

Story can directly contribute to streamlined meetings and making your planning commission more effective as an advisory body. Story is also a highly effective approach for community plan organization and presentation.

Story = teller + listener. My grandmother used to tell me, "We have two ears and one mouth because listening is

twice as important as talking." As representatives of local government, this is particularly important to remember. The act of listening to someone's story allows them to listen to it as well – this is empowerment at the most basic level. It also builds the community's trust in you as a planning commissioner, empowering you as a community advocate for sound and equitable decisions.

Stories we should hear. A few years ago, Jim was working with a rural Midwestern community to develop a new comprehensive plan. The interviews with elected and appointed officials had gone well, and the public meetings were well attended, but the actual usable community input was sparse. So in an infrastructure focus group, I asked, "What was the most exciting day in your town?"

Right away several folks talked about the tornado that had hit a few years before. From their stories of the storm striking with no warning, residents suddenly realized that a storm warning siren network was an important infrastructure and public safety need they had overlooked when writing their new plan.

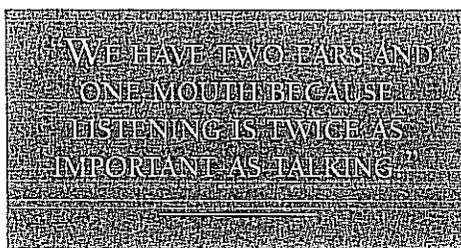
Though my approach was informal, it is an example of a "story circle" – a facilitator-led, small group telling short stories on a specific subject of common interest. Story circle is a technique that can not only help you gather information that is not accessible through other means, but also strengthen community bonds by bringing shared concerns, experiences, and goals to light.

In a story circle, speakers are each allowed three minutes to tell their story, after which the group takes a short time to reflect, share, and reach consensus on community goals or actions. The end result: citizens and community groups that have a heartfelt personal stake in the plan and support consistent plan-driven projects and decision-making. To learn

more about storytelling approaches in community planning, check out the Orton Foundation's web site: www.orton.org.

Stories our plans should tell. Our comprehensive plans are more than demographic data, future land use maps, or collections of goals. Our plans are our community story.

- They should relate the outstanding, noteworthy, and important, as well as the ordinary and mundane.
- They should convey what is special about the place and the people who have lived there.
- They should celebrate history and anticipate the future.



• They should fearlessly explore both negative and positive aspects of the community, recognizing that negative situations or conditions frequently provide the greatest opportunities for positive outcomes. Elements of community challenge, such as recovering after a disaster, are important elements of a community's story and frequently help it redefine itself. In addition, your plan should tell "what happens next."

Every new plan or plan update is an opportunity to tell the next chapter in your community's collective story. If you prepare the plan as your community's story and not simply as a collection of data with some broad goals, you will increase the chances of it becoming a reference manual rather than an end product that sits unused on a shelf. ♦

Lisa Hollingsworth-Sgedy is a certified planner and a professional storyteller. She believes that the shortest distance between two people is a story, and that story is the most powerful tool available to community planners and planning commissioners.



Stories We Should Tell

by Lisa Hollingsworth-Sgedy

My favorite reference on applied storytelling is *The Story Factor* by Annette Simmons. In it, Simmons explores various types of stories to tell if we hope to inspire, persuade, or influence others.

"Who I Am" and "Why I Am Here" stories build your trustworthiness with your audience; they establish your "believability index."

To understand the importance of these kinds of stories, rewind to the beginning of the column. When I began working with the community on their new zoning ordinance, I introduced myself as the planner from the regional planning agency who was there to help them write their new ordinance. Then I got right down to business, because there was a lot of work to do and no time to tell stories.

Afterwards I realized my mistake. I had failed to personally connect with those present. At the next meeting, I told the story of how I'd grown up in a town much like theirs, and had witnessed its specialness traded piecemeal for sprawl development. I explained that I really cared about their town and didn't want to see the same thing happen to them. That was the turning point; in a relatively short time the planning commission had a solid draft ordinance.

"Vision," "Teaching," and "Values in Action" stories help link people to a common vision, and let them understand the importance of what they're working on.

A great example of this kind of story: A man was walking by a construction zone. He asked the first brick mason he came to what he was doing. "I am laying bricks," replied the mason. The man asked a second worker what he was doing. "I am building a wall," he replied. The man asked a third worker what he was doing. "I am building a cathedral."

Through story, you have the opportunity to help your community see that in providing input to a comprehensive plan, zoning ordinance, or other program, they are not simply laying bricks, but building cathedrals.



Online Comments:

"I provide workshops for planning commissioners and tell many stories to them during the course of their training. We are really like a group of fishermen swapping stories. But I am also on a team developing a comp plan for an area with very contentious political and social issues. I can see how storytelling could be like oil on the water. A time-out when tempers flare. A way to earn trust."

— Lynn Maloney-Mujica, AICP, Senior Planner, ARCADIS U.S., Inc., Baton Rouge, Louisiana

"The ability to tell a story to which people can 'relate' at a personal level is essential in all story telling; in fact, most of the time it is more powerful than the most comprehensive data and figures you can assemble and present."

— Enrique Garcia, Planning Commissioner, City of Alhambra, California

"When I started our Comprehensive Plan process, we began with what I called 'listening sessions.' The town of Bar Harbor, Maine, is a series of villages so I went to the local meeting house in each village, notified everyone around there to come, and provided pizza and soda.

I started the meeting by standing in front of a blackboard (no PowerPoint, ultra low-tech) and said 'what's so great about this village' and 'why do you live here' and filled the blackboard with their comments. Their stories gave me insights I would never have received otherwise."

— Anne Krieg, Planning and Development Director, Town of Bar Harbor, Maine

"Bravo Lisa, for such a clear article on using stories in planning. At the Orton Family Foundation we have also found storytelling to be invaluable in building empathy towards different points of view and building bridges between various groups in town. We just published a short training video on this topic to inspire communities to use story: www.orton.org/resources/hs_handbook/storytelling — we also have written resources."

— Betsy Rosenbluth, Northeast Director of Projects, Orton Family Foundation, Middlebury, Vermont

Teardowns:

UP WITH THE NEW AND DOWN WITH THE OLD?

by Beth Humstone

“Up with the new and down with the old!” reads the ad by a Washington, DC realtor promoting teardowns to give the property owner the “best of both worlds – a new home in an established neighborhood.”¹ But this practice of bulldozing older homes to replace them with updated – and usually substantially larger – ones is alarming to many planners, neighborhood groups, and preservationists. This so-called “mansionization” trend is dramatically changing the scale of traditional neighborhoods, threatening affordable housing, and altering historic properties – most often in modest, post-war housing developments that once offered entry-level housing.

Even with the cool-down in the housing market, communities in different parts of the country are wrestling with this issue. This is especially true for “first ring” suburbs that are attractive for their proximity to jobs (lower commuting costs) and lower prices (small lots and houses in postwar subdivisions) and in scarce waterfront locations. Moreover we can expect that more communities will again face the problem of teardowns once the housing market improves. What better time to plan than now while there’s some breathing space?

Why Tear Down?

Teardowns are not new. In 2002 the National Trust for Historic Preservation cited teardowns as one of the most significant threats facing historic neighborhoods across the country.² In 2008 the Trust documented teardowns in more than 500 communities in 40 states.

Suburbs within easy commute to jobs and close to shops, services, and public transportation are increasingly popular.³ But if local zoning allows for very large structures, the older ranches, split-levels, and capes found in many suburban

In Oak Park, Illinois, “property values were going to continue to increase, but the concern was that tear down construction was going to create a situation in which property values would rise at a rate that would transform Oak Park into an exclusive community.”⁴

1 From the website of Reel Homes: www.reel-homes.com/teardowns.html.

2 The National Trust included teardowns on their listing of the nation’s 11 “Most Endangered Historic Places.” See “Teardowns and McMansions,” www.preservationnation.org/issues/teardowns/

neighborhoods will be ripe for teardowns.

Teardowns vs. Infill

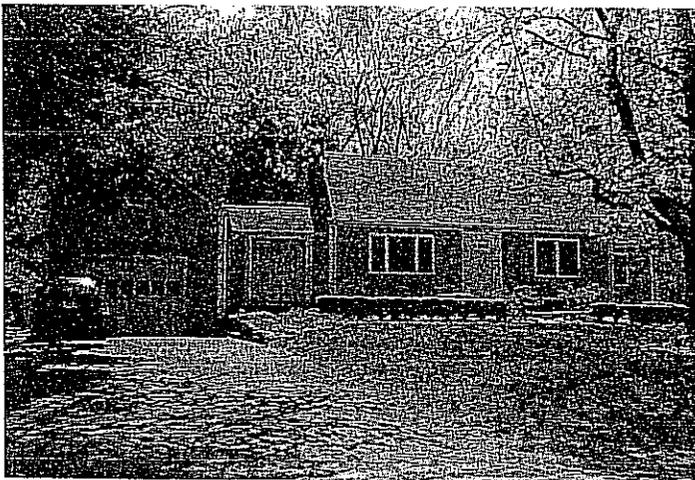
Why are teardowns a problem? After all, infill development is often encouraged as an efficient way for communities to grow because it uses existing utilities and services, helps to prevent sprawl, reduces traffic, and revitalizes depressed neighborhoods. Yet, not every neighborhood is appropriate for new housing that is out-of-scale with the area’s existing housing stock.

Among the primary concerns with teardowns and mansionization are:

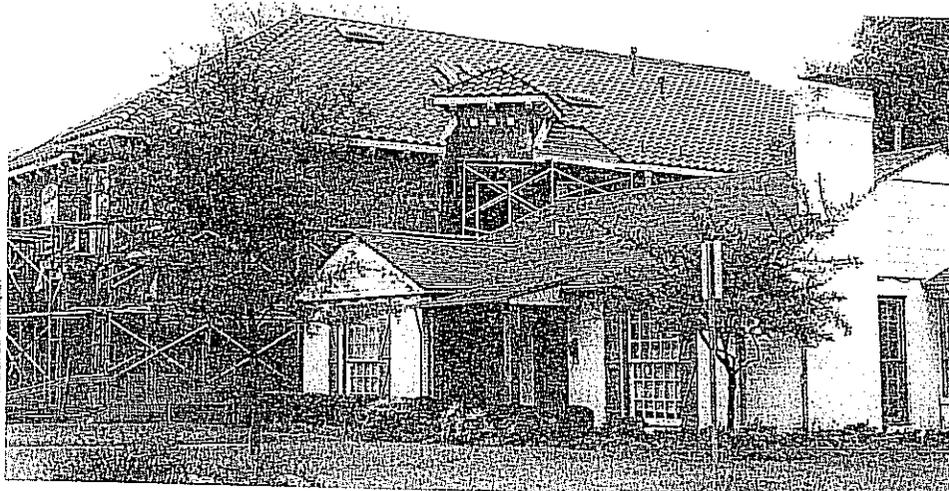
- The replacement by higher-priced homes of housing that is more affordable.
- Destruction of the scale and existing character of a neighborhood.
- Loss of historic resources, including “Mid-Century Modern” homes.
- Rise in property taxes throughout the neighborhood.
- Environmental impacts, including tree removal, reduction in green space,

3 See, for example, the National Association of Realtors’ 2011 *Community Preference Survey: What Americans are looking for when deciding where to live*.

4 See Hay/Dobbs, *Contemporary Residential Construction Issues in Regards to Tear Down Development in Edina, Minnesota* (Minneapolis, MN, 2006).



A post-war subdivision in Concord, Massachusetts, illustrates the “old” and the “new” in the teardown-mansionization trend.



McMansions can result in a dramatic change of scale in a neighborhood, as here in Dallas, Texas.

loss of sunlight, and increased stormwater runoff.

- Disposal of demolition debris.

SOLUTIONS:

There are several approaches planners can take to understand and address the issue of teardowns in their communities. To start, planners should understand the market for teardowns, the issues they pose, and which neighborhoods are most vulnerable.

How do you know if a neighborhood is ripe for teardowns? Among the two key indicators:

1. Existing homes are modest but their lots have a relatively high value. As noted earlier, this is often the case in attractive first-ring suburbs close to downtowns. Often these homes were built between the 1940s and 1970s, range in size from 900 to 1,400 square feet, and were designed as starter homes.⁵ They are typically laid out in compact, well-defined neighborhoods.

2. The zoning for the neighborhood allows for larger structures that have bigger footprints than current structures. Height, setbacks, and lot coverage provisions may enable structures to go up and/or out.

Through visual surveys and a review of town property records, planners can document the existing character of a neighborhood – the styles of housing; existing house sizes and heights; typical setback distances; the type and location of garages; lot depth and width; the presence of alleys; landscaping and topogra-

phy; roof pitch; and building materials.

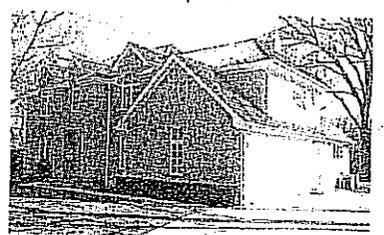
Planners can note existing property values and where teardowns have already occurred. An inventory of the dimensions and characteristics of the new structures should be made as well to pinpoint what type of development controls are needed. Any historic resources – that is, buildings that are designated as local landmarks, that are in a local historic district, or that may be eligible for the state or national register of historic places – should be identified.⁶ Photographs and maps can be used to illustrate the changes taking place.

continued on next page

1999 Assessed Value
\$77,790



2001 Assessed Value
\$307,108



⁵ See Lane Kendig, *Too Big, Boring, or Ugly: Planning and Design Tools to Combat Monotony, the Too-big House, and Teardowns*, PAS Report No. 528, American Planning Association, Chicago, IL, 2004, p. 58.

EDITOR'S NOTE:
Taxing Teardowns

Highland Park, Illinois, and some of its neighboring communities, have taken an interesting approach to teardowns: they tax them. According to Highland Park Senior Planner Lee Smith, AICP, the City of Highland Park has collected more than \$1.8 million by imposing a tax of \$10,000 on every teardown. At the time the tax was enacted in 2003, Highland Park (a suburb north of Chicago, with a population of about 30,000) had been averaging some 60 to 75 teardowns per year.

The aim of the tax is two-fold. Its primary purpose, Smith notes, has been to fund the provision of affordable housing through a local municipal housing trust fund. A secondary, more modest goal has been to reduce the number of teardowns.

To Smith, there's a strong nexus between teardowns and housing affordability. As relatively affordable homes are demolished and replaced by much more expensive ones, the city's overall housing stock becomes less affordable.

Critical to the City Council's enactment of the tax was a 2002 report prepared by the Highland Park Housing Commission documenting the impact of teardowns. The results were striking. Many of the new houses were more than double in assessed value. [See photos, one typical "before and after" pair from the Commission's report].

Two-thirds of the revenues generated by the teardown tax goes into the city's housing trust fund. According to Smith, over the past seven years this has supported creation of 33 units of permanently affordable housing, with 5 more units in the works.

Smith stresses that the tax is not the city's only approach to dealing with teardowns. The city's historic preservation commission also has the power to delay proposed demolitions up to 180 days, allowing time for the property owner and community to seek other options.

While the number of teardowns has been sharply reduced during the current recession, given Highland Park's location close to Chicago and the lakeshore, the challenge of dealing with teardowns will likely return after the housing market strengthens.

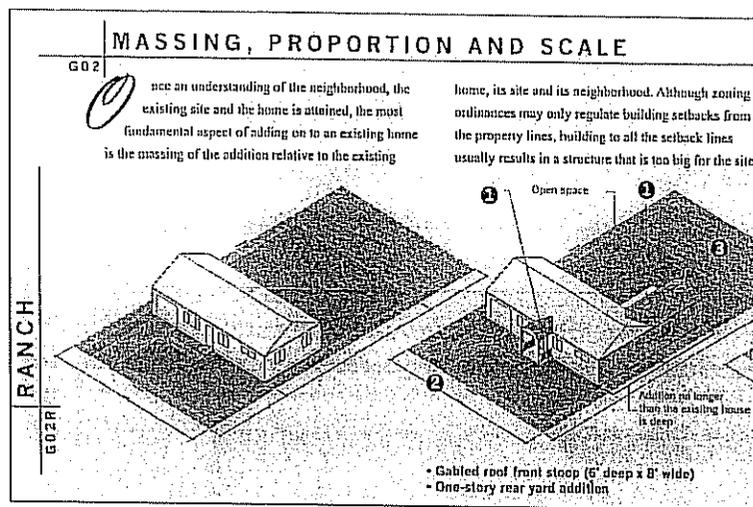
Teardowns

continued from previous page

Public understanding of this issue is important. While many homeowners oppose teardowns and the mansionization of their neighborhood, others see this as a sign of progress. Builders and prospective buyers may want the opportunity to demolish and start over. Planners can inform the public of the significance of these neighborhoods, the concerns with teardowns, and alternatives that can save the existing homes.

If a community wants to take action to address teardowns and mansionization, some regulatory options can be considered:

Moratoria: To allow time for planning and the development of local regulations, particularly where teardowns are a growing concern, some communities have adopted short-term moratoria. Chevy Chase, Maryland, for example, adopted a six-month moratorium in 2006 to give time to develop a vision and regulations



The First Suburbs Coalition in the Kansas City region developed a handbook on how to expand traditional post World War II housing without altering the character of the neighborhood.

to address teardowns.⁷ A moratorium should have a clear purpose that is directly related to the comprehensive plan and the health, safety, and welfare of the community; a time frame; and a process for development of the new regulations.

Demolition Delay: Some communities require a delay in demolition to allow time for public comment and to enable consideration of alternatives. Portland, Oregon requires a 120-day delay prior to removal of locally-designated historic resources. Lake Forest, Illinois requires a two-year delay. At the expiration of the delay period, demolition typically may proceed.

Demolition Review: A community may have regulations that require review of demolitions and that enable denial of a request for tearing down a building or placement of conditions on the removal. Most often, these regulations are applied to buildings or neighborhoods of state or national historic significance.

Considerations for demolition review may include:

- the historic value of the house and neighborhood where the teardown is to occur,

- the proposed use of the new building and its benefit to the community (such as affordable housing),
- the impact of the new building on the character of the neighborhood,
- reasonable economic use of the site,
- potential for mitigation of adverse impacts from new construction, and
- proposed disposal of materials from the demolition.

Dimensional Requirements: Zoning provisions aimed at preventing mansionization typically cover height, setbacks, floor area ratio (FAR), and lot coverage. While protecting the existing character of the neighborhood is important, planners can permit reasonable enlargements to existing buildings.

• **Height:** An issue with new buildings in older neighborhoods is that they often tower over older houses, blocking their sunlight and marginalizing their presence on the street.

One way to address this problem is to limit the height of buildings to the prevailing height along the street or within the block or district. The regulations should specify how the height is to be measured. Because some new construction may raise the front door threshold high above that of the older house, it's important that zoning regulations carefully indicate how height is to be measured. DeKalb County, Georgia limits heights to 28 feet from the "front threshold to the highest roof peak." And the threshold cannot be more than two feet higher than that of the previous house.⁸

Resources:



- Adrian Scott Fine, *Is the Teardown Trend*

Over?, Forum, National Trust for Historic Preservation, Summer 2009/Vol. 23, No. 4.

- Lane Kendig, *Too Big, Boring, or Ugly: Planning and Design Tools to Combat Monotony, the Too-big-House, and Teardowns*, PAS Report No. 528, American Planning Association (2004)

- Maryland-National Capital Park and Planning Commission, Montgomery County Department of Planning, *Teardown/Mansionization Bulletin: Protecting Older Neighborhoods with Newer Tools* (August 2006)

- Mid-America Regional Council, *First Suburbs Coalition Idea Book*, details at: www.marc.org/firstsuburbs/planbook.htm

- National Trust for Historic Preservation, *Teardowns and McMansions*, www.preservationnation.org/issues/teardowns

- U.S. Department of the Interior, National Park Service, *Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places* (2002), www.nps.gov/nr/publications/bulletins/suburbs/index.htm

⁶ For more information, see U.S. Department of the Interior, National Park Service, *Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places*.

⁷ Maryland-National Capital Park and Planning Commission, Montgomery County Department of Planning, *Teardown/Mansionization Bulletin: Protecting Older Neighborhoods with Newer Tools*, Montgomery County, Maryland (August 2006).

- **Setbacks:** As with heights, setbacks can reflect the average size of front, side, and rear yards in the neighborhood determined from aerial photography, property tax maps, GIS maps, or on-site measurement. Regulations should specify what uses will be allowed within the setback area (e.g., decks, porches, tool sheds, and/or garages).

- **FAR:** When used in conjunction with height and setback requirements, FAR offers a way to manage the bulk of a building by relating the size of a building to the size of a lot. For example, if the ratio is .5:1, then the maximum allowable total building square footage would be half the square footage of the lot. The regulations will need to define what area is included in measuring the floor area and how basements and attics are to be treated.

- **Building Coverage:** While setbacks provide the limits within which a building can be located, building coverage establishes the maximum size of the building footprint on the lot. A review of the size of the footprints of existing houses can help establish a reasonable number for building coverage.

Historic Districts: Some neighborhoods where the original integrity of the houses is still mostly intact may qualify as historic districts. The National Park Service and National Trust for Historic Preservation (see *Resources sidebar*) offer good guidance on how to determine eligibility for a historic district. Once eligibility is documented, regulations protecting the unique historic characteristics of houses within the district can be established.

Neighborhood Conservation Districts: These districts, often implemented as zoning overlays in existing residential districts, provide additional regulations, such as height, setback, FAR, and lot coverage requirements. Chapel Hill, North Carolina, for example, enables Neighborhood Conservation Districts where 51 percent of residents

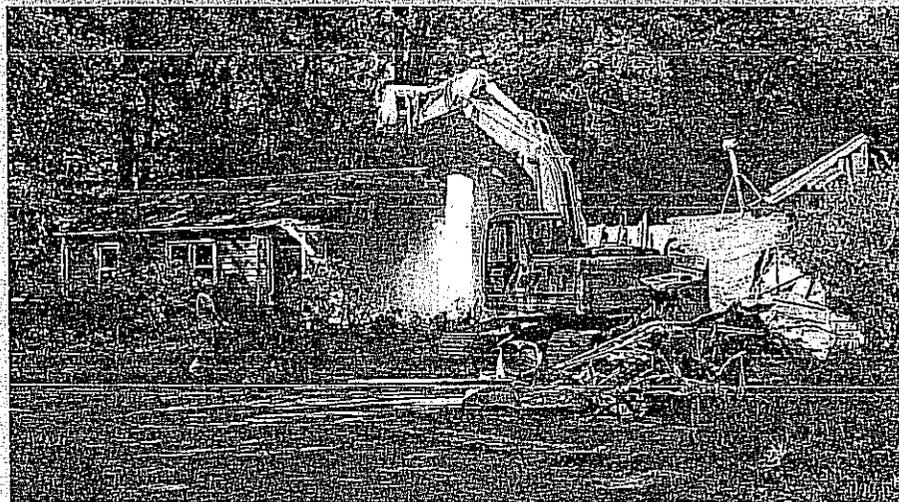
Putting the Spotlight on Teardowns

Here's a photo prominently featured on WestportNow.com – Westport, Connecticut's online newspaper – this past June 2nd. It's one of more than 500 local teardowns the newspaper has highlighted since starting its "Teardown of the Day" feature six years ago.

According to Associate Editor Dave

Matlow, these postings have had an impact, with builders becoming more "hesitant about getting involved with potentially high profile teardowns." Matlow also notes that community response has, at least in some cases, led to replacement housing more closely "replicating the town's or neighborhood's streetscape."

The rate of demolitions in suburban Westport (population just under 30,000) had slowed down in 2009, says Matlow, but "is now on par with pre-recession totals."



have nominated and approved them. Six districts have been implemented and two are under review.⁸

Garages: Many post-WW II homes have single car garages or carports – too small for many of today's homeowners. If new or enlarged garages are allowed, zoning regulations should aim to limit their size and location to prevent them from overwhelming the existing house and to preserve the character and scale of the neighborhood. One way to do this is by requiring the front of the garage to be set back eight feet or so from the plane of the front wall of the house.

Site Preservation: Many older neighborhoods are defined by the mature vegetation on their lots and along their streets. Zoning provisions that prohibit the removal of mature trees and require maintenance of vegetative cover can help preserve these qualities.

decay to irreparable states. Some areas become developed as higher density residential neighborhoods. But where lot sizes don't change and a viable supply of modest and affordable homes exists in a cohesive neighborhood, managing teardowns is a good option for planners and will help ward off the problems of mansionization in many cities. ♦

Beth Humstone is a contributing writer for the PCJ. Over the past 35 years, she has worked as a planning consultant on a wide range of projects in rural communities and small towns. Humstone is a past member of the Burlington, Vermont, Planning Commission. She is the author, with Julie Campoli and Alex MacLean, of *Above and Beyond, Visualizing Change in Small Towns and Rural Areas* (APA Planners Press, 2002).



For a list of Beth Humstone's previous articles in the *Planning Commissioners Journal*, go to: www.plannersweb.com/humstone.html.

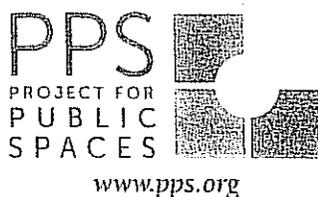
⁸ Case study on Oak Park in Hay/Dobbs, *Contemporary Residential Construction Issues*, p. 17 [cited in footnote 4].

⁹ For more on this: www.ci.chapel-hill.nc.us/index.aspx?page=570.

SUMMING UP:

In some places tearing down buildings may be inevitable. Some buildings

Putting Jobs Back in Place



www.pps.org

by the Staff of the Project for Public Spaces

Concern over jobs and economic development has become even more urgent during the current, continuing economic crisis. But traditional local job-creation strategies such as luring new companies, developments, or tourist attractions to a city don't seem to be working. The missing ingredient in most discussions

about jobs is the fact that secure jobs are tied to a place.

Larry Lund, a Chicago real estate consultant and PPS Associate, explains: "Making great places does not just mean that you are adding tourist attractions to your city. It's way more powerful than that; it has to do with creating an environment that will be attractive for businesses."

Cities first emerged because people gathered together at crossroads, creating busy, vibrant places to exchange goods and ideas. Cities grew out of commerce. The same holds true today. Businesses want

YOGI BERRA ONCE SAID
"IF THEY SAY IT CAN'T
BE DONE, IT DOESN'T
ALWAYS WORK OUT
THAT WAY."

places that are attractive to employees, where productivity and creativity will increase, and where professional connections and networks can foster collaboration and innovation.

Instead of focusing on help from afar, perhaps we should take the opposite tack and think about how to leverage the substantial assets that already exist within most communities regardless of their size. And perhaps we should think about a different process for creating jobs and lasting economic prosperity – one that is "bottom up" rather than "top down."

"Placemaking" is a bottom up process for creating great places and strong communities. Its basic premise is that local people are the experts at knowing what works best in the place they live and work. Tapping into their knowledge and love of community can unleash tremendous creativity. This, in turn, often results in major improvements in how key public places – such as market squares, community centers,

main streets, and libraries – work. In essence, citizens are empowered to remake their own community.

There is mounting evidence that a placemaking approach can create lasting, sustainable prosperity for cities and towns. Downtowns and other walkable environments can thrive, despite concerns that the internet will render them obsolete. In fact, it turns out that people still crave physical proximity to others.

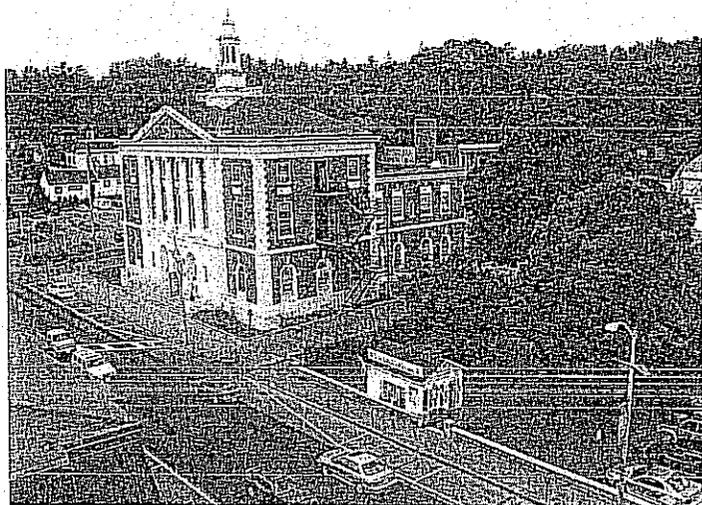
Placemaking can also build the necessary foundation upon which new enterprises rise and prosper. Just as people enjoy each others' company, businesses value being in close proximity to other related businesses. This makes it easier (again, despite the internet) to tap into the talents of others – by meeting over lunch or a cup of coffee, or by easily stopping by for an informal meeting.

Strengthening Main Street in Littleton, New Hampshire

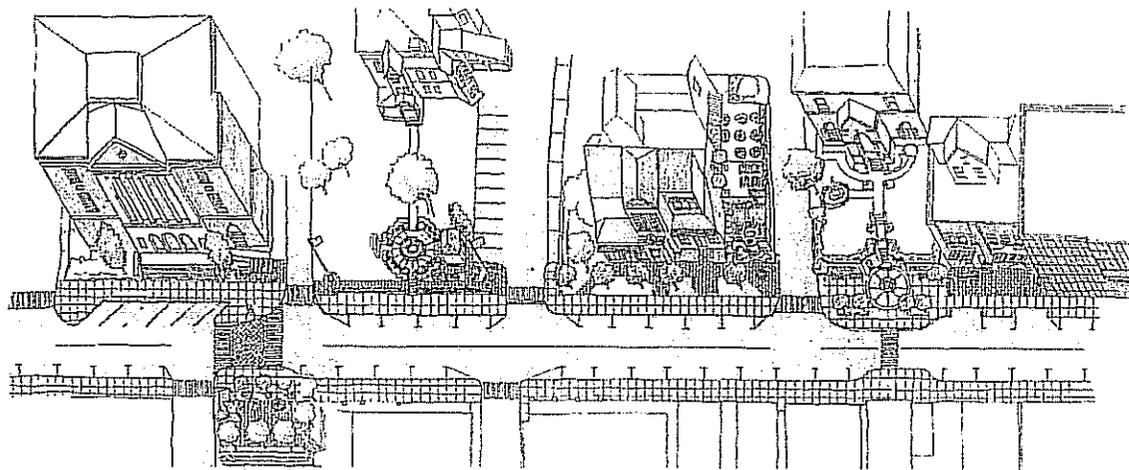
In 2002, Littleton (population 6,154) was awarded money from the New Hampshire Department of Transportation to repave Main Street. PPS was invited to lead a community-based approach to determine what residents and local busi-

nesses wanted for Main Street. During public placemaking workshops, people analyzed the street as a series of "places," identifying the best places, the worst places, and those with the greatest potential for improvement.

The recommendations that emerged were aimed at making it easier for people to stay and shop on Main Street – and



Littleton residents and businesses viewed Main Street improvements as more than just a transportation project. The stately main Post Office building helps anchor Main Street.



providing more reasons for them to do so.

For example, although the post office was an important anchor of activity and was used by hundreds of people each day, it lacked the “amenities” that made it easy to use – adequate short term parking, places to sit, open mail, and even hitch a dog. But more importantly, the post office was not linked to the other anchors along Main Street which affected not only how people viewed issues such as the availability of parking, but also the distance that they were willing to walk before returning to their cars.

The strategy was to improve the connections between the anchors so that people would walk farther. Ideas included additional crosswalks, amenities in key locations, and increasing activity in “dead” ground floor areas – along with improvements to the post office area itself (such as new angled parking and extending the sidewalk to allow space for a bench, bike rack, and vendor to set up).

The entire street was designed “place by place” around the community’s ideas and the unique characteristics of each property, with the overall goal of creating a street where people would walk farther, shop longer, and spend more time socializing. Rather than producing a generic streetscape plan, the ideas generated through the placemaking workshops resulted in a custom-tailored design for Main Street.

Funding for building community is often hard to come by. That’s why we point to Littleton as a place that made its limited transportation dollars go farther. Instead of just narrowly focusing on transportation infrastructure improvements, Littleton took a broader, more holistic view of how to invigorate its Main Street and downtown businesses.



“Friends builds partnerships in concentric circles, and the hub of those relationships is the magical space known as the Commons,” says Third Place Commons Director Constance Perenyi. “Over 1200 events each year, including an indoor farmers market, are coordinated by Third Place Commons and Third Place Books – and made possible by the ‘heavy lifting’ of the local community groups that use the space.”



Third Place Commons in Lake Forest Park, Washington

Ray Oldenburg’s book, *The Great Good Place*, helped inspire developer and “Placemaker” Ron Sher to find new life for an under-used shopping center surrounded by acres of empty parking lots. Oldenburg’s book and other writings stress the importance of what he terms “third places” – places where diverse members of the community can informally get together. The result for this suburban

Seattle city of just under 13,000, was the creation of Third Place Commons, which opened its doors in 1998.

The Commons consists of the Third Place bookstore which sells new and used books; several small independently operated food stalls; an indoor “town square” with a wide variety of different types of public seating options; and a stage.

What’s most interesting about The Commons is the role that the Lake Forest Park community played in its evolution – and continues to play in keeping it

going today. Shortly after the renovated building opened, Anne Stadler, a local resident who had started to view the Commons as a sort of “community living room” had an idea: why not have the people who love and use the Commons be involved in running and supporting it?

Stadler and a small group of local leaders got together with Sher to discuss the idea. This led to the formation of the Friends of Third Place Commons, a non-profit organization that partners with Third Place Books to facilitate an enormous number and variety of events each year.

According to Karen True, past Director of Third Place Commons, “our big secret in making third places a success is saying YES to any idea that people have for using the space, as long as it fits within the concept of creating a community gathering place.”

Sher predicts that development in many places will be different in the future: “We are going to come out on a different trajectory, hopefully a more sustainable one. A bright side of the economic situation is that we will find a way to have a higher quality of life without consumptive goods. And we shouldn’t be afraid to be ‘off the wall.’”

Creative, place-based approaches, like those that happened in Littleton and Lake Forest Park, show that providing ways of strengthening community bonds can go hand-in-hand with strengthening local businesses.

Whether it’s a Main Street, an under-utilized shopping mall, or a public square, library, or park, there are places in every city or town that have the potential to become great community places. But it takes a place-based process that involves local citizens to help make it happen. ♦

The Economic and Fiscal Benefits of Affordable Housing

by Rebecca Cohen and Keith Wardrip

When communities take a moment to consider their most important assets, the candidates often mentioned include high-quality schools, access to parks and open space, a strong job base, a vibrant arts scene, and even a winning sports franchise.

How often have you heard an ample supply of affordable housing mentioned as an asset? Instead, conversations about affordable housing usually focus on the cost to taxpayers and rarely take into account the fiscal and economic benefits that accrue when communities encourage the development of affordable homes.

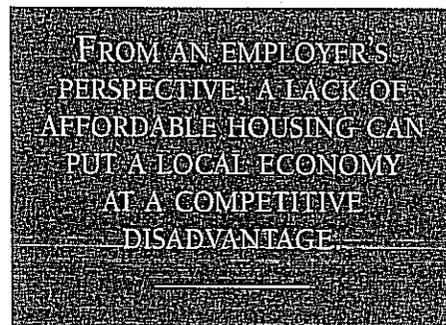
As cities and counties try to bring their revenues and expenditures in-line and prioritize how to spend scarce resources, policymakers and planners should understand the benefits of well-designed affordable housing programs. Such programs are important now more than ever, as research demonstrates that housing affordability has worsened significantly in recent years.¹

While the provision of affordable housing involves important social and civic values, our focus in this article is aimed at “clearing the air” about affordable housing’s economic and fiscal impacts and highlighting some local strategies for addressing the challenge of providing housing for all.²

PART I: THE ECONOMIC & FISCAL BENEFITS OF AFFORDABLE HOUSING

1. One-Time and Ongoing Job Creation and Spending:

It stands to reason that building or rehabilitating affordable housing creates jobs in the construction field. Research by the National Association of Home



Builders (NAHB) estimates that building 100 affordable housing units for families through the Low-Income Housing Tax Credit program can lead to the creation of more than 120 jobs, on average, during a project’s construction phase.³

Even more importantly, long after the homes are occupied, the ripple effect from residents of these new units can support as many as 30 new jobs in a wide

2 The first half of the article draws on material from Keith Wardrip, Laura Williams, and Suzanne Hague, *The Role of Affordable Housing in Creating Jobs and Stimulating Local Economic Development: Evidence in Brief* (Center for Housing Policy, 2011).

3 *The Local Economic Impact of Typical Housing Tax Credit Developments* (NAHB, 2010).

4 *Id.*

array of industries, including retail, healthcare, and local government.⁴ These employment effects are on-par with building comparable market-rate units.

2. Positive Fiscal Impacts for State and Local Governments:

When affordable homes are built or rehabbed, the funds flowing to cities and states can be considerable. Revenues can take the form of fees for permitting, zoning, and utilities, or they can reflect sales, income, or property taxes generated by construction-related economic activity. The NAHB estimates that 100 units of affordable housing for families generates the same amount of one-time revenue for jurisdictions as does a comparable market-rate property – roughly \$827,000, on average – with more than half coming from permit/impact fees and utility user fees.⁵

Additionally, research findings summarized in a report by the Center for Housing Policy (CHP) show that the impact of a new affordable housing development on nearby property values is more likely to be neutral or positive than negative (often leading to increased local government property tax revenues).⁶ As the CHP report notes, the quality of the properties’ design, management, and maintenance are important factors.

One persistent concern raised about affordable housing development is that it will flood local schools with children,

5 Local revenue generation is estimated to be identical for Low-Income Housing Tax Credit and market-rate properties because LIHTC developments are typically built to market-rate standards. See *The Local Economic Impact of Typical Housing Tax Credit Developments* (NAHB, 2010), and *The Local Economic Impact of Home Building in a Typical Metro Area: Income, Jobs, and Taxes Generated* (NAHB, 2009).

6 See, e.g., Lei Ding et al., “Risky Borrowers or Risky Mortgages: Disaggregating Effects Using Propensity Score Models” (University of North Carolina Dept. of Urban Studies and Planning and the UNC Center for Community Capital; Working Paper, May 17, 2010).

1 See, e.g., Keith Wardrip, *Housing Landscape 2011: An Annual Look at the Housing Affordability Challenges of America’s Working Households* (Center for Housing Policy, 2011).

increasing the demand for school facilities and educational services. Putting aside the need for our society to provide a solid education to all children, do lower-income households actually have significantly more children than upper-income ones? The answer is no. Today there is only a small difference in the average number of children per household when comparing income levels.

The much more important trend, and one that carries across all income levels, is the dramatic reduction in the average number of children per household. Take a look, for example, at the chart posted online by the Russell Sage Foundation: www.russellsage.org (search: Average Number of Children per Household by Income Quintile).

3. Reducing Foreclosure Risks and Associated Costs:

Recent research suggests that low- and moderate-income households who participate in affordable homeownership programs have a much lower risk of delinquency and foreclosure than similar buyers with prime or subprime loans.⁷

Reducing foreclosures not only helps stabilize neighborhoods, but also yields significant savings for local governments that may otherwise have to absorb costs related to property maintenance, court and legal expenses, increased police and social services for the affected neighborhoods, and, in some cases, demolition of abandoned houses.⁸

Even when vacant homes are spared from demolition, they can drain public coffers. Abandoned homes can decrease the property taxes, utility revenues, and other taxes and fees that jurisdictions typically collect. It is also well documented that vacancies can affect the

7 "Don't Put it Here!" Does Affordable Housing Cause Nearby Property Values to Decline? (Center for Housing Policy, 2009).

8 See, e.g., William C. Apgar and Mark Duda, "Collateral Damage: The Municipal Impact of Today's Mortgage Foreclosure Boom" (Homeownership Preservation Foundation, Minneapolis, MN, 2005).

9 See Dan Immergluck and Geoff Smith, "The External Costs of Foreclosure: The Impact of Single-Family Mortgage Foreclosures on Property Values," *Housing Policy Debate* 17(1): 57-79 (2006).

value of nearby homes, further reducing property tax revenues.⁹

4. Improving Worker and Employer Attraction and Retention:

Many employers have reported that a lack of affordable housing makes it more difficult – and thus more costly – to recruit and retain employees. In a national survey of more than 300 companies, 55 percent of the largest respondents acknowledged an insufficient level of affordable housing in their proximity, and two-thirds of the same respondents believed that the shortage negatively affected their ability to hold onto qualified employees.¹⁰ A recent study revealed that retail salespersons could not afford to rent a typical one-bedroom apartment in 184 of the 210 markets studied.¹¹

From an employer's perspective, a lack of affordable housing can put a local economy at a competitive disadvantage.

5. Increasing the Buying Power of Residents:

Affordable rent and mortgage payments can significantly increase the residual income that households have at their disposal after meeting necessary housing costs – by \$500 or more per month in some cases.¹² Research shows that low- and moderate-income households are more likely than others to spend this money on basic household needs such as food, clothing, healthcare, and transportation.¹³ Local businesses stand to gain from the increased buying power made possible by the availability of affordable housing.

continued on next page

10 "Lack of Affordable Housing Near Jobs: A Problem for Employers and Employees" (Urban Land Institute, June 4, 2007).

11 *Paycheck to Paycheck* (Center for Housing Policy, 2010).

12 Chris Walker, "Affordable Housing for Families and Neighborhoods: The Value of Low-Income Housing Tax Credits in New York City" (Enterprise Community Partners, Inc., and Local Initiatives Support Corporation; June 2010).

13 See Josh Bivens and Kathryn Anne Edwards, "Down-Payment on Economic Recovery: Why Temporary Payments to Social Security and Supplemental Security Income Recipients Are Effective Stimulus" (Briefing Paper #269, Economic Policy Institute, 2010).

Affordable Versus Workforce Housing:

"Affordable housing" takes many different forms, and this article uses the term to encompass all housing developed to be affordable to income-qualifying households earning less than 120 percent of the area median income. A subset of affordable housing, "workforce housing," simply refers to housing that is affordable to a community's essential workers.

However, in practice, workforce housing often is used to describe housing that is affordable at the upper end of this scale (i.e., 60 to 120 percent of area median income). Because typical market-rate rental housing is affordable at this level in many communities, workforce housing is more likely to include homeownership programs.

See the *Urban Land Institute's J. Ron Terwilliger Center for Workforce Housing for one definition of workforce housing*; www.uli.org.

Impact of Affordable Housing on Nearby Property Values

The Center for Housing Policy's short report, *Don't Put it Here!*, looked at the impact of affordable housing on nearby property values. Reviewing existing research, the authors found little evidence that affordable housing negatively affected the value of neighboring properties. They identified several key factors that appeared to have the greatest influence over impacts on the surrounding neighborhood:

- Quality of property management and maintenance: While poorly-maintained housing depressed nearby property values, well-maintained and managed affordable housing was more likely to have a neutral or positive impact.

- Project design and size: Attractive buildings that blended in with the surrounding neighborhood had a neutral or positive impact on the values of nearby properties. In addition, new affordable developments often helped revitalize blighted neighborhoods when included as part of a broader community revitalization strategy.

- Existing neighborhood trajectory: Well-designed and located affordable housing was unlikely to negatively impact property values in strong neighborhoods.

Don't Put It Here! is available at: www.nhc.org/insights.html.



Portland, Oregon's Bookmark Apartments

The Bookmark Apartments, located in the Hollywood District of Portland, Oregon, combine in one building a public library, café, and 47 apartments – 19 of which are affordable to households earning up to 60 percent of the area median income. The apartments were created as part of a larger process to revitalize Hollywood's commercial district, which included development of a new, stand-alone library.

Stakeholders recognized the opportunity to simultaneously address the need for more affordable housing, and in 1999, Multnomah County commissioners adopted a policy to support mixed-use development at branch libraries. Local officials and planning staff also supported the project and helped resolve permitting issues and refine zoning ordinances to facilitate development. Design compromises helped allay neighbors' concerns about the size of the building, including a reduction in its height and increased setbacks of the housing units on the upper floors, and the rental complex had its grand opening in 2002.

A public library and affordable housing: a winning combination in Portland, Oregon.



Live Near Your Work

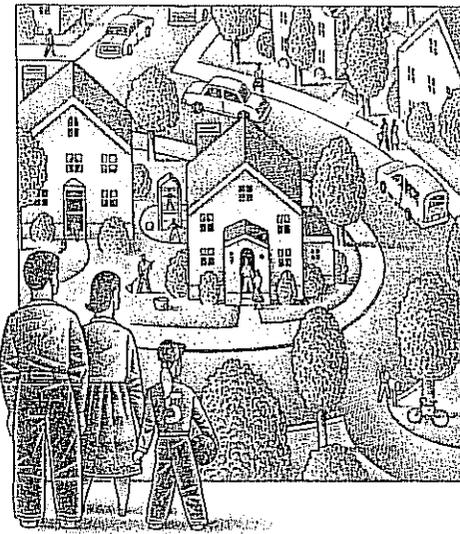
Launched by the State Housing Authority in 2003, Delaware's Live Near Your Work program provides down payment or closing cost grant assistance to employees at participating companies. Employers contribute a minimum of \$1,000 per participating employee, which is then matched by a state contribution up to \$1,000 and matching funds from the local community, if it is also a program participant.

To qualify, employee household income and home purchase prices cannot exceed specified thresholds, and homes must be located within a 3-mile radius of the workplace. Employees who receive the grants must add \$1,000 from their personal savings, complete a HUD-approved housing counseling course, and secure financing from an approved lender.

While the program scope is relatively modest, with around a dozen families benefiting each year, 19 employers, 15 lenders, and 3 jurisdictions have agreed to participate.

Economic Benefits of Affordable Housing

continued from previous page



PART II: LOW- OR NO-COST STRATEGIES FOR INCREASING THE AVAILABILITY OF AFFORDABLE HOMES.

While the level of support and availability of funding for affordable housing seem to ebb and flow with every election cycle, communities can put into place an array of programs that do not depend on annual appropriations to create and preserve homes for low- and moderate-income families. These programs fall into five main categories:¹⁴

1. Expand Development Opportunities:

In many communities, the high cost of land presents a major barrier to the development of affordable homes – particularly for non-profit developers lacking up-front capital. Municipalities often control significant amounts of land, and can play a role in identifying vacant, underutilized, or surplus land that may be appropriate for residential development and transferring ownership at low or no cost to entities that agree to create affordable housing.

Planners and local economic development staff can also identify opportunities to creatively adapt existing structures (such as former school buildings) to provide housing or incorporate affordable housing into new mixed-use developments.

¹⁴ Visit www.HousingPolicy.org for more information on each of these strategies and policies.

Other strategies to encourage affordable housing include:

- zoning residential areas to allow for higher-density development.
- lowering the cost of developing affordable homes in areas well-served by public transit by reducing residential parking requirements (some localities have adopted a maximum, rather than a minimum, required number of parking spots per unit).
- streamlining the processes for redeveloping vacant and abandoned homes.
- establishing non-profit community land or housing trust organizations to help develop affordable housing.

2. Reduce Red Tape:

Developers often cite the unpredictability and time required to navigate the development process as factors that make it more costly, and thus more difficult, to create affordable housing. Some strategies that can streamline the process include:

- reexamining local building codes that govern the rehabilitation of old buildings and eliminating requirements that do little to improve safety but significantly increase development costs. *Editor's Note: for more on this, see Edward McMahon, "Building Codes Get Smarter," PCJ #43 (Summer 2001).*

- expediting permitting and review for developers of affordable homes, or establishing one-stop permit centers to speed up the process for all applicants.

- establishing zoning districts that allow multifamily housing as of right.

3. Capitalize on Market Activity:

While growth has slowed significantly in many areas, most communities can expect to see a rebound in the coming years and would benefit from having policies in place that capture a portion of the value generated by market-rate development to support affordable homes. Options range from inclusionary zoning programs (which provide incentives or require developers to set aside a portion of units in new market-rate development for low- and moderate-income families), to the establishment of tax increment financing (TIF) districts.

While TIF districts are commonly used to fund infrastructure projects, some communities have successfully used them to support development of affordable homes, either by requiring that a percent of the increment be set aside for housing or by creating TIF districts solely to support affordable housing and associated infrastructure.¹⁵

4. Generate Capital:

Communities can generate capital for affordable homes without raiding city coffers or diverting resources from other programs. Some cities form partnerships with non-profit organizations and private companies to create employer-assisted housing programs, through which companies provide down payment or other assistance for qualifying workers.

While the employer's financial investment is usually relatively small, it can make a significant difference in whether prospective employees are able to secure affordable housing in the community.

See also  *Live Near Where You Work*, p. 14.

5. Preserve and Recycle Resources:

As housing practitioners know all too well, the limited resources available through federal and state affordable housing programs mean that every dollar must be stretched to deliver the maximum return on investment. Efforts to preserve affordable rental homes can be assisted by having a "preservation catalog" that inventories the existing stock of subsidized housing. This enables easy identification of properties whose use restrictions are due to expire.

Rental preservation efforts can also be strengthened through the adoption of notice and right-of-first-refusal laws that allow residents to help determine the future of their building when faced with an upcoming conversion or change in ownership, as well as robust code enforcement programs to identify rental properties at risk of deterioration.

Communities that offer down payment assistance programs may also



consider moving to a revolving loan model, where homebuyers repay the assistance when they sell the home. Recycling down payment funds reduces the extent to which communities need to raise new funds to provide assistance.

SUMMING UP:

Investing in affordable housing does more than improve the quality of life for local residents – it strengthens the local economy by creating jobs and fortifying a community's tax base. Providing affordable housing also yields economic benefits to local employers by making it easier to attract and retain workers. Communities can encourage the provision of affordable housing by making use of a variety of policy tools at their disposal. ♦

Rebecca Cohen and Keith Wardrip are both senior research associates at the Center for Housing Policy. Cohen has assisted in the development of a series of resources for local practitioners and elected officials, including www.HousingPolicy.org, a one-stop shop for state and local housing policy information. Prior to joining the Center, Cohen worked as a policy analyst at the Minnesota Housing Partnership.



Wardrip has focused primarily on housing and transportation analyses; housing issues faced by older adults; and quantitative analyses tracking national, state, and local housing affordability trends. Before joining the Center, he served as the senior research analyst with the National Low Income Housing Coalition.



Delivering the Message

by PCJ Editor Wayne Scriville

It's not enough just to have good data showing the economic benefits of affordable housing – it's also vital to be able to communicate this effectively to elected officials.

In 2006, Rhode Island voters approved a \$50 million statewide housing bond, Building Homes Rhode Island (BHRI). The bond funds have already supported the construction or rehabilitation of some 1,255 long-term affordable housing units, including many rehabs of abandoned or foreclosed properties. But as Nellie Gorbea, Executive Director of the nonprofit HousingWorks RI, puts it, "we were concerned that state and local policymakers weren't aware of the significant return on investment that this housing was generating for the economy."

As a result, the organization commissioned a study of the economic impacts of the BHRI bond. The results were striking:

- the \$50 million invested has generated nearly \$800 million in total economic activity throughout the state.
- construction activity supported by BHRI accounted for 53 percent of the total estimated cost of residential construction permitted in Rhode Island from 2007 to 2010.
- at a time of record-high unemployment numbers in the state, BHRI has supported 6,100 jobs (including some 3,000 in the construction sector).

But how to communicate this to policymakers, and also to local media? According to Gorbea, the key was having a simple, clear message and one that highlighted the job creation impact of developing long-term affordable homes.

HousingWorks RI prepared a concise, eight-page report summarizing the economic impact study, as well as an entertaining three-minute animated video. Why an animated video? The aim, says Gorbea, was to "try to get across some key concepts in a light way."

Judge for yourself. The video is available on YouTube at: www.youtube.com/HousingWorksRI; the report can be downloaded at: <http://housingworksri.org> (search "economic impacts"). Need more information, contact: Nicole Lagace, Communications Director, at: nlagace@housingworksri.org.

¹⁵ An example of the former can be found in the Atlanta BeltLine project (www.beltline.org); and the latter in Maine's Affordable Housing Tax Increment Financing districts (see www.mainehousing.org, search "affordable housing TIF").

A Workforce Housing Miscellany

Compiled by the Staff of the Planning Commissioners Journal

Building a Coalition

Several years ago, the State of New Hampshire set out to keep its well-educated young people from fleeing the state. One key reason state planners and economic development officials cared: in order to attract and retain employers, there must be a high quality workforce. But in order to have this kind of workforce, there must be housing that workers – including young people starting out their careers – can afford.

State planners worked hard on both jobs and housing, but came up against a surprising foe: conservationists. Some friends of the environment saw increased

density as a threat to the rural character of their communities.

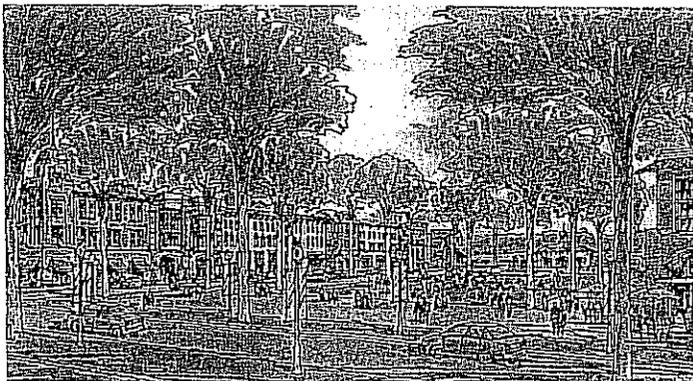
In 2005, under the auspices of the New Hampshire Charitable Foundation, environmental groups, housing organizations, business interests, and planners came together as the Growth and Development Roundtable, to try to find common ground. Meeting over the course of 18 months, representatives from more than twenty organizations developed an incentive-based program aimed at encouraging communities to create a unified strategy for housing development and natural resource protection – seeing both as equally important components of a sustainable town plan.

With broad-based support, the New Hampshire Legislature adopted the program developed by the Roundtable, and funded it with an initial appropriation of \$400,000. The New Hampshire Housing and Conservation Planning Program (HCPP)

was born.¹

As a result of grants received under HCPP since 2007, several com-

Aerial view of the project location, which is closely aligned with both the Long Island Railroad line and Straight Path road. Below, a rendering of a plaza that would be part of the redevelopment.



munities have updated or created town plans that both provide for increased workforce housing and protect the character and natural resources of their community.

David Preece, Executive Director of the Southern New Hampshire Planning Commission and a Roundtable participant, sums it up this way, "You can't protect conservation areas, and you can't build workforce housing, unless you have done your homework by doing the necessary land use planning."

Wyandanch Rising

Made up of more than a dozen municipalities on the south shore of Long Island, the Town of Babylon is home to more than 200,000 residents. While much of Babylon is thriving, Wyandanch, a hamlet of 10,000, is down on its heels.²

Today portions of downtown Wyandanch are blighted, with a substantial number of vacant properties. The Suffolk County Planning Department cited Wyandanch as "the most economically distressed community on Long Island." At the same time, parts of Wyandanch, as well as nearby communities, have high-priced homes. What is missing, according to Babylon planners, is "decent, habitable and affordable housing."

Downtown Wyandanch is located directly on the Long Island Railroad line (LIRR), just one hour east of Manhattan. Town planners and residents recognize that it is a natural transit hub with enormous development potential, as well as one of the few relatively affordable places left for developers in the New York Metro region.

The Town of Babylon has

embarked on a huge project called Wyandanch Rising. As the Town puts it, the aim of Wyandanch Rising is "to transform an economically distressed downtown into a transit-oriented, pedestrian friendly, environmentally sustainable downtown." The development will occupy 105 acres, comprising much of downtown Wyandanch, including numerous vacant properties. The project site is bisected by the LIRR and a major roadway. At build out, it is planned to include 1,335 units of housing, nearly 100,000 square feet of retail, and some 150,000 square feet of office space.³

By creating opportunity for dense mixed-use development near existing transit, town planners seek to provide affordable housing for current residents, while also offering a variety of market rate housing options to attract new residents to the area. The increased housing will provide economic opportunity for downtown businesses.

To date, the Town has secured the land, bonded for a new sanitary sewer system, and adopted a form-based zoning code for the area that allows for increased density. It has undertaken major roadways improvements within the project area, and is seeking additional federal transportation dollars. Now, the Town is looking to the private sector to implement the ambitious development plan.

Supplemental Note: for an example of TOD workforce housing plans that are further along than Wyandanch, take a look at what's in the works for the already vast Tysons Corner area in Fairfax County, Virginia.

2 Only in New York, it seems, can you find "towns" with hundreds of thousands of inhabitants, and "hamlets" with ten thousand!

3 The Wyandanch Rising website is at: <http://wyandanchrising.squarespace.com>.

1 For information about HCPP: www.nh.gov/oep/programs/HCPP/. For more about the Growth & Development Roundtable: <http://nhroundtable.net>.

Planners are aiming to increase the residential population of Tysons Corner from 17,000 to 100,000, tied to the extension of the Washington Metro rail line.

Fairfax County is requiring that at least 20 percent of these new units be workforce housing. In addition, new non-residential development will be assessed \$3 per square foot (or 25 cents/year) to help fund affordable housing.

More details are posted on the Fairfax County website: www.fairfaxcounty.gov/tysons/housing/.

Putting Together the Pieces

It can be quite a challenge to put together a project aimed at supplying needed housing for the local workforce ... but with commitment and cooperation, it can be done. That was the message from Bruce Ogilvie, Chair of the planning commission in the small northwest Michigan city of Frankfort (population 1,435) and local developer Joe Hollander.

According to Ogilvie, the aim was "to convert a very tired, old, eye-sore called 'Smoke Stack Storage' where seasonal boats were stored in an old WW II era glider factory" into 36 units of affordable housing." It wasn't easy to accomplish, explained Hollander. But over the course of a about two years, a fairly complex financing package was put together to develop the Gateway Village apartments. Components included \$400,000 in state tax credits to remove lead and other contaminants from the site, as well as \$75,000 in state "Green Communities" grant money and \$91,000 for construction of a geo-thermal HVAC system. This funding helped the project obtain LEED certification.

Hollander also attributes the project's success to the involve-

ment of Art Jeannot, president of Honor State Bank. Jeannot helped persuade several other community banks to invest in the project and make use of available federal low income housing tax credits.

Ogilvie adds that "the City Planning Commission and City Council of Frankfort worked closely with Joe Hollander and his partners to approve this innovative new rental housing."

Gateway Apartments, reports Ogilvie, "is fully leased to workforce families enjoying three bedroom and two bedroom apartments, along with the accessible one bedroom units." It is also, he points out, "located near schools and shopping, public transportation, and other small city services."

Interestingly, of the 36 units, 20 are two-bedroom and eight are three-bedroom. This has enabled more families to rent in the Gateway Village complex.

How did the project avoid the concerns that often accompany plans to develop housing aimed at families with children? One factor relates to Michigan school funding, where there are fiscal advantages to localities from having additional students. This is especially important in rural areas where school districts often want to avoid consolidation. As Hollander notes, the Gateway apartments have resulted in a net increase of seven students into the district (there are more school-age children living in the Gateway apartments, but a number were already residing within the district).

In the grand scheme of things, 36 affordable apartments may not sound like a lot, but in a small city like Frankfort located in a rural county facing a lack of workforce housing, the apartments have been a valued addition.



Gateway Village Apartments in Frankfort, Michigan.

Workforce Housing: An Economic Necessity

by Trisha Riggs

The most effective way to garner support for workforce housing development in the still-shaky economic environment is to position this type of housing as an important component of community viability and long-term sustainability, according to housing experts at a recent workforce housing forum sponsored by the Urban Land Institute (ULI) Terwilliger Center for Workforce Housing.

The consensus among speakers: Housing that is affordable to workers – both Gen Yers entering the job market and baby boomers still working, either by necessity or choice – can catalyze economic growth as a tool that enhances a community's appeal to residents of a variety of incomes and ages.

Emphasizing the role of workforce housing as an economic catalyst is the best way to gain broad acceptance by stakeholders and correct misperceptions about the housing and who it serves, said forum panelist Michael Pitchford, president and chief executive officer of the Community Preservation and Development Corporation. "We are spending too much time talking about [workforce] housing in terms that don't get to the core message that this housing

is an economic necessity, rather than a social issue," he said.

Positioning workforce housing as an economic benefit is starting to resonate, as many communities find themselves struggling to gain a competitive edge in the post-recession economy, panelists noted. Such housing will continue to be built through partnerships with the private sector, including traditional ones with the public sector that involve contributions other than funding, said Henry Cisneros [former Department of Housing and Urban Development Secretary]. Local governments strapped for funds can still contribute to partnerships by providing land and development sites, he noted. "An entrepreneurial government is the primary contribution a city can offer."

Other workforce housing partners for the private sector: Universities, medical and research institutions, and other knowledge economy-related businesses that make improving the neighborhoods in which they are located – including housing for a variety of incomes – a top priority.

Trisha Riggs is Vice President of Communications at the Urban Land Institute. Reprinted with permission. For more on ULI's Terwilliger Center, go to the ULI web site: www.uli.org.

continued on next page

Providing Workforce Housing in Downtown Boise

by Jon Cecil, AICP

Until recently, Boise, Idaho's downtown urban core was viewed primarily as the office and commercial center for the Treasure Valley rather than as a place for living. That perspective changed when Boise's urban redevelopment agency, Capital City Development Corporation (CCDC) began an urban housing initiative in 2000.

The Boise Smart City Initiative envisioned the downtown core as a vibrant urban village with a lively mix of housing, workplaces, restaurants, retail, cultural and education activities, and social places. Downtown could become what urban theorist Richard Florida calls a magnet for the creative economy – generating new businesses and adding to economic prosperity.

In 2003, CCDC began to examine how to increase the number of living options in downtown. Market research and consumer preference surveys quantified that approximately 5,000 one- and two-person households in downtown were needed *provided the product and price range were right* (emphasis added). This data was distributed to local real estate agents and developers. By 2007, some 500 mostly luxury and market-rate housing units in downtown were either finished or were under construction.

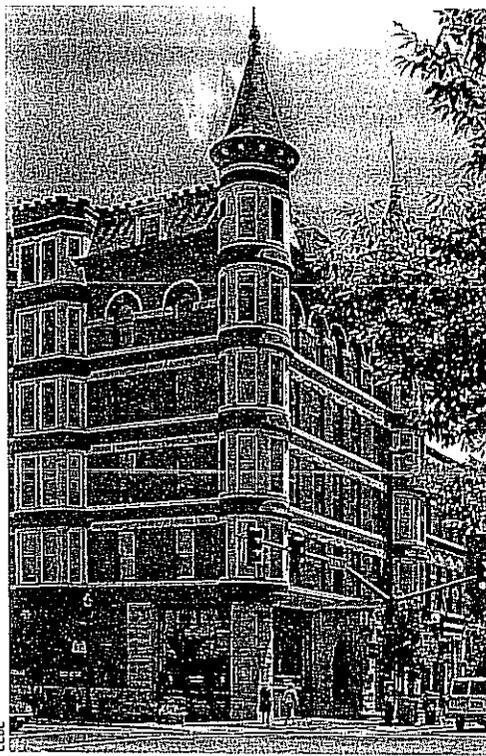
CCDC and others, however, have recognized that having a

downtown that is home to mostly high-end, market-rate condos, and loft units affordable only to the wealthiest members of the community, represents an unhealthy trend.

In 2004 CCDC advocated on behalf of a building code amendment that promoted mixed-use, high-density housing to allow up to five floors of Type V-A (wood frame construction above structured parking); one more floor than was allowed under the previous building code. The adoption of this code amendment by Boise City allowed for an increase in the number of units in a project as a way to encourage more urban-style housing options at a lower cost per unit.

By 2006, continued concern about the lack of available workforce housing units in downtown resulted in the creation of a workforce housing task force. The task force included a wide cross section of local representatives from the housing, nonprofit and community development sectors. As one task force mem-

4 CCDC, *Workforce Housing: Meeting Market Demand*, p. 10.



The iconic "Idanha" – first opened as a hotel in 1901 and once the tallest building in Idaho – is one of several downtown Boise buildings that include low or moderate income apartments.

ber observed, "urban centers are best when they provide mixed-use and diversity ... quality housing must be available for everyone."⁴

The task force acknowledged there was no easy solution, or silver bullet, that would provide a sufficient supply of workforce housing in downtown. Instead a so-called "silver buckshot" approach was needed; one that recognized the responsibility of many different stakeholders such as developers, employers, lenders, state and city officials, and housing advocates to bridge the housing affordability gap.

5 CCDC, *Workforce Housing Task Force Report*, p. 14.

After six months' effort the Task Force submitted a report of its findings that concluded, "A successful downtown requires a diverse range of incomes that can afford to live, work and recreate in a downtown environment."⁵

Consistent with this, CCDC has been instrumental in the formation of a workforce housing coalition of developers, builders, real-estate professionals, lenders, and employers to implement workforce housing strategies. One spin-off from this effort: an employer-assisted housing training program that helps local area Realtors working with major employers on homeownership programs.

Today 3,897 Boiseans call downtown home (just under two percent of the city's total population). As downtown Boise continues to mature and develop, maintaining a proper balance between affordable and market-rate housing will be essential to the creation of a vital urban environment so that people can live, work, and play in close proximity to a variety of housing, public amenities, transit, and public services. ♦

Jon Cecil, AICP, joined Capital City Development Corporation (Boise, Idaho) in 2006. Since joining the agency he has focused on planning and redevelopment activities in three urban renewal districts within the city of Boise.

Taking a Closer Look: Housing for All

We've just revised our 70 page "Taking a Closer Look: Housing for All" booklet. It features reprints of the best articles we've published on housing-related topics. *Housing for All* is a great resource for both citizen and professional planners to have on hand. For more details, go to: www.plannersweb.com/housing.html.



Getting Our Arms Around “Externalities”

by Dave Stauffer

Externalities are increasingly in the news these days – for example, in reports on health care reform and global warming – though they’re seldom identified as externalities.

Externalities are the consequences of a transaction or activity that are experienced by those who are not directly involved in the transaction or activity, including future generations. Externalities of smoking include breathing second-hand smoke. An externality of burning fossil fuels is carbon emissions. Within our realm of planning, externalities consist of the costs and benefits – often unquantifiable – imposed on a neighborhood or community as an indirect result of land use regulation, permitted or denied development, and other actions under our purview.

Externalities can be good as well as bad. A good, or positive, externality of smoking for some people is seeing it as sexy; think about men watching Lauren Bacall light up in films of the 1940s!

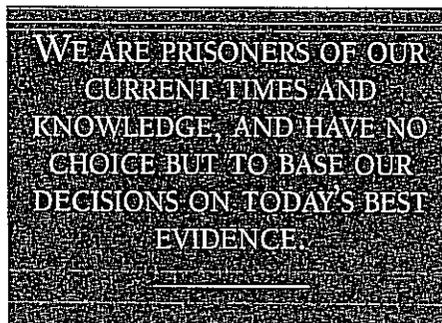
Entertainment aside, we planning commissioners aid in providing positive externalities, for example, when tourism gets a boost from designation of a historic district, or citizens enjoy the sight and activities of parks and other open space, or we help lessen damage to vehicles and reduce bothersome dust by requiring a developer to pave a previously gravel-surfaced road.

Knotty Complications

So we planners have been dealing with externalities from the moment we became commissioners – though few of us realized it. Externalities, by their nature, are tough to discern and weigh in planning decisions. Here are a few of the knottiest complications of externalities we commonly face:

- Externalities can be considered only to the extent they are known. Think of the

dozens – perhaps hundreds? – of proven and suspected impacts of sprawl development that have been revealed by research of only the past 20 or so years. Objections may be voiced today to proposed “greenfield” exurban retail development, citing negative impacts of pollution and traffic congestion, where prior projects of the same type won approval with unchallenged acclaim for their favorable economic impacts. We are prisoners of our current times and knowledge, and have no choice but to base our decisions on today’s best evidence.



- *One person’s externality can be another’s nonissue.* The sounds of city traffic at night can be a negative externality for some people, a positive one for others, and of no consequence for still others.

- *Some externalities accrue incrementally.* That proposed subdivision or shopping center on your agenda this week may not generate enough additional automobile traffic to noticeably degrade air quality. But that project plus the others you deal with over time, may well do that, and more.

- *Establishing a positive externality for the many can significantly harm the few.* The public at large may be seen as benefiting from some decisions with clearly adverse impacts on an individual. In the famous 2005 Kelo decision of the U.S. Supreme Court, the potential economic gains available by exercising eminent

domain were judged to outweigh the infringement on property rights of a homeowner who refused all offers to sell and move elsewhere.

Go With What You Know

In light of these and other complications of externalities, what’s a commissioner to do?

First, ask your planning staff how to handle complexities as they apply to specific applications or actions. They’ll know the requirements for making findings of fact. They can also tell you whether regulations or judicial precedent address the effects of externalities. When we adhere to provisions of our comprehensive plan and project analyses such as an environmental impact study, we’ll usually give proper weight to externalities.

We also can be made more aware of externalities as perceived by citizens when we seek to maximize relevant, well-reasoned public input on proposals.

We must accept best available evidence, even when we can be sure that in the future we’ll know more.

We must also accept that our decisions must sometimes be reduced to a simple “yes” or “no” from a very complex interplay of positive and negative externalities. But so long as we don’t come from the mindset that development is always good or always bad, we can view the proposals that come before us – and their externalities – in a light that can lead to the best decision. ♦

Dave Stauffer is a freelance writer and director of “Linx,” The Yellowstone Regional Transportation Cooperative. He is a former planner, planning commissioner, and council member in Red Lodge, Montana. Stauffer regularly writes for the PCJ.



Welcome to the Commission!

A Guide for New Members



In conversations we've had with *Planning Commissioners Journal* subscribers, we've heard many planning directors and long-time commissioners express the desire for a publication that could be handed to new planning board members to give them a "head start" on the role they're stepping into. We've tried to meet this need with our publication: *Welcome to the Commission! – A Guide for New Members*.

the role of the planning commission itself.

The *Guide for New Members* is 40 pages long and incorporates carefully selected excerpts from past *PCJ* articles and columns.

10 Tips for New Commissioners:

- | | |
|------------------------------|------------------------------------|
| 1. Listen! | 7. Recognize Conflicts of Interest |
| 2. Do Your Homework | 8. Attend ... and Contribute |
| 3. Be Polite... And Patient | 9. Be Independent & Informed |
| 4. Ask Questions | 10. Make A Difference |
| 5. Avoid "Ex-Parte" Contacts | |
| 6. Educate Yourself | |

The Planning Universe:

- The Planning Commission
- The Local Governing Body
- Citizens
- Planning Staff
- The Law (and Lawyers)
- Developers & Builders
- The Media
- Nearby Communities

The first half of the *Guide* is organized around 10 key "tips for new members." The second half introduces new commissioners to some of the most important players in the planning universe – starting with a look at

Illustrations by cartoonist Mark Hughes help highlight points made in the text. At the end of the *Guide* you'll also find an annotated reading list noting books of particular interest to new commissioners.

We believe the *Guide for New Members* is a publication you'll want to provide to new members.

You can order the *Guide* by calling (802) 864-9083, or by going to: plannersweb.com/guide.html

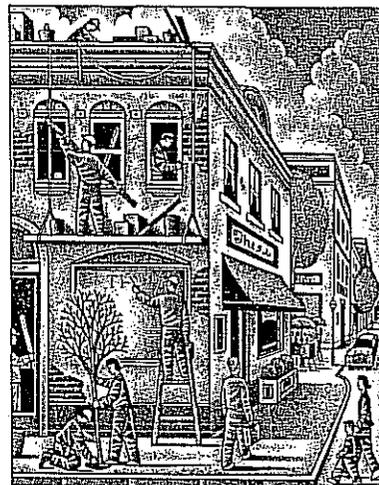
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*The \$11.25 price for additional copies is guaranteed through Dec. 31, 2011.

Planning & Local Economic Development



This new reprint set from the *PCJ* will help both new and seasoned planning board members better understand – and create strategies to deal with – the pressing economic issues facing their communities.

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**CONNECTICUT FEDERATION OF
PLANNING AND ZONING AGENCIES
QUARTERLY NEWSLETTER**

Summer 2011

Volume XV, Issue 3

NEW LAW LIMITS WHEN BONDS
HAVE TO BE POSTED

A new law, Public Act 11-79, was recently enacted by the State Legislature and signed into law by the Governor. With no debate, significant changes were made to statutes which govern when a bond can be required to be posted by a land use agency.

Typically, when a subdivision or site plan is approved, the applicant is required to post a bond within a short amount of time. This new law changes this, leaving it to the discretion of the applicant as to when a bond will be posted.

Connecticut General Statute sec. 8-3(g), which deals with site plans, has been amended and now provides in part that "Such bond or surety may, at the discretion of the person posting such bond or surety, be posted at anytime before all modifications of the site plan are complete ..." Section 8-25(d) was similarly amended to now state that "Such bond or surety may, at the discretion of the person posting such bond or surety, be posted at anytime before all public improvements and utilities are constructed and installed" for a subdivision.

Taken together with Public Act 11-05 which now extends subdivision approvals and site plan approvals for up to 14 years, a developer can now delay posting any bond for a significant period of time. This leaves municipalities unprotected if and when a developer departs, leaving a site only partially

constructed. Copies of these new laws can be obtained from the Federation.

POOR DEFINITION LEADS TO
YEARS OF LITIGATION

In 1990, an owner of residentially zoned land sought a use variance to operate a retail store. The variance was granted, allowing the retail sale of oriental rugs, art and fine furniture. It was the inclusion of 'fine furniture' which led to 20 years of on/off litigation, including several trips to the Appellate Court. The problem was that the term 'fine furniture' was not defined, either in the regulations or in the Board's decision. While the Board's intention was to avoid enforcement problems by using the terms it did in its decision to grant the use variance, it had the opposite effect.

A subsequent owner submitted several site plan applications – each time requiring an interpretation by town land staff as to whether the items contemplated for sale fit within this term. This latest appeal reached the unsatisfactory result that 'fine furniture' means furniture of a high quality. 'High quality' is an equally elusive term.

This case serves as an example of how good intentions can lead to decades of litigation. While the variance applicant operated the property without incident, the subsequent owner has consistently sought to expand the use, requiring the town to expend funds. See *R&R Pool & Patio Inc. v. Zoning Board of Appeals*, 129 Conn. App. 275 (2011)

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ENFORCEMENT ACTIONS NEED TO
INCLUDE ALL OWNERS OF A
PROPERTY

An action was taken to court by the ZEO to correct certain zoning violations occurring on a parcel of land. Apparently, the property owner had been depositing fill and grading her property without the necessary special permit. Due to these actions, surface water that used to drain into a small pond on her property now drained onto adjoining parcels, causing flooding. While the property was owned by three people, the court action was brought only against one of them.

The ZEO and the owner eventually reached an agreement which was approved by the court as a stipulated judgment. While all involved knew there were other owners of the property, none were added as additional defendants. When the owner failed to comply with the terms of the judgment, a motion for contempt was brought, leading to a motion to dismiss as all property owners had not been included in the enforcement action.

The action to enforce the zoning regulations was still valid even though all property owners were not named as defendants. However, only the named defendant was subject to the terms of the agreement. Until joined as defendants, the other owners were not subject to the terms of the judgment. Thus, unless all owners of the property are included in the enforcement action, they are not subject to judgment which makes it

incomplete and practically worthless. See *Labulis v. Kopyluc*, 128 Conn. App. 571 (2011).

TIME LIMIT IN REGULATIONS
ADVISORY ONLY

A recent Appellate Court case concerned a subdivision of a parcel of land that contained some wetland areas. Since regulated activities would be taking place within regulated areas, an application was submitted to the inland wetlands commission as well for a report. The inland wetland and watercourse regulations require that this report be provided to the planning and zoning commission within 15 days of the inland wetlands commission's issuance of the report. The report was not given in a timely fashion. An appeal to court followed.

On appeal, the Court found that the plan language of 8-26, which concerns the submission of subdivision plans to an inland wetlands commission, does not specify any specific time to make a report to a planning commission. Therefore, the Court found the time period in the local regulations merely directory, rendering noncompliance with it a non-factor. See *Weinstein v. Inland Wetlands Commission*, 124 Conn. App. 50 (2010).

ZONING HAS NO JURISDICTION
OVER SOLID WASTE SITES

The owner of a parcel of industrially zoned land applied to the

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DEP and was granted a permit to operate a limited processing facility, where it could receive, store and process recyclable materials. The local zoning board then passed an amendment to its zoning regulations removing as a permitted use in the industrial zone, among other things, solid waste processing and recycling plants. The property owner brought an action in court seeking a ruling that state law, specifically the DEP permit, preempts local zoning regulations.

It had been the law that there was a shared jurisdiction in the regulations of these land uses, where the DEP would issue a permit if it was demonstrated that there was local zoning approval for the use. However, a 2006 law changed this, specially removing from local review all solid waste facilities except for land fills. Thus, there is no local zoning authority regarding the placement of solid waste facilities, including recycling plants. See *Recycling Inc. v. City of Milford*, 50 Conn. L. Rptr. 866 (2011)

ANNOUNCEMENTS

Membership Dues

Notices for this year's annual membership dues were mailed June 1, 2011. The Federation is a nonprofit organization which operates solely on the funds provided by its members. So that we can continue to offer the services you enjoy, please pay promptly.

Workshops

If your land use agency recently had an influx of new members or could use a refresher course in land use law, contact us to arrange for a workshop. At the price of \$175.00 per session for the whole commission, it is an affordable way for your commission or board to keep informed. Valuable materials are included with each workshop.

Workshop Booklets

Copies of the booklets handed out at workshops are now available to members at the price of \$6.00 each and to non-members for \$9.00 each.

ABOUT THE EDITOR

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

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