

# MEETING NOTICE AND AGENDA

## MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting

Monday, November 21, 2011 ▪ 7:10 PM or Upon Completion of Inland Wetlands Agency Meeting  
Audrey P. Beck Municipal Building ▪ 4 South Eagleville Road ▪ Council Chambers

**1. Call to Order**

**2. Roll Call**

**3. Approval of Minutes**

- a. November 7, 2011 Meeting

**4. Public Hearings**

**a. Special Permit Application For Wedding Venue (PZC File 1217-2)**

**552 Bassetts Bridge Road**

**J. & J. Bell owner/applicant**

- o Continued from November 7, 2011
- o Memos from Director of Planning and Development, Assistant Town Engineer, Fire Marshal, EHHD

**b. Special Permit Application for Building Replacement and Expansion (PZC File 937-5)**

**173 Storrs Road**

**Natchaug Hospital owner/applicant**

- o Continued from November 7, 2011
- o Memos from Director of Planning and Development, Assistant Town Engineer, Deputy Fire Marshal

**5. Old Business**

- a. Other

**6. New Business**

**a. Request for Modification to expand retail use into storage area (PZC File 481)**

**Mansfield Center General Store - 534 Storrs Road**

**Keleigh Shumbo and Lisa Rich owners/applicants**

- o Memo from Zoning Agent

**b. New Special Permit Application for Fill (PZC File 1306)**

**28 Old Kent Road**

**J. James owner/applicant**

**c. Letter of Support for Livability Solutions Technical Assistance Application**

- o Memo from Director of Planning & Development

d. **Interstate Reliability Project - Discussion**

e. **Other**

**7. Reports from Officers and Committees**

a. **Chairman's Report**

b. **Regional Planning Commission**

c. **Regulatory Review Committee**

d. **Planning and Development Director's Report**

e. **Zoning Agent's Report**

o **Monthly Activity Update**

o **Enforcement Update**

o **Other**

f. **Other**

**8. Communications and Bills**

a. **Aquifer Protection Event 12/5/11**

b. **11/14/2011 Letter from Thomas Weinland, President, Villages at Freedom Green Board**

c. **Land Use Academy Fact Sheets**

d. **Other**

**9. Executive Session**

Strategy and negotiations with respect to pending claim and litigation, Connecticut General Statutes Section 1-200(6)(B).

**10. Adjournment**

**DRAFT MINUTES**  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, November 7, 2011  
Council Chamber, Audrey P. Beck Municipal Building

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

Chairman Favretti called the meeting to order at 7:12 p.m.

**Minutes:**

10-17-11- Plante MOVED, Beal seconded, to approve the 10/17/11 minutes as written. MOTION PASSED UNANIMOUSLY. Ward noted that she listened to the tapes.

10-25-11 Field Trip- Plante MOVED, Pociask seconded, to approve the 10/25/11 Field Trip minutes. MOTION PASSED with all in favor except Hall who was disqualified.

**Zoning Agent's Report:**

Hirsch stated that he and chairman Favretti signed off on a modification at Celeron Square for a security/guard shack at the entrance to the site.

**Cease and Desist Order-Freedom Green**

Thomas Weinland, 2 Nutmeg Court, President of Freedom Green Condo Association, submitted an 11/7/11 copy of his remarks which he read into the record. His main concern was about the substantial difference in appearance that the new building in question had in comparison to those buildings surrounding it.

Jean Beaudoin, developer and builder, brought copies of the plans approved by the Building Department and stated that the building in question is no different than the one he built on Samuel Lane. He submitted a letter signed by residents on Pequot and Liberty Drive stating that they have no problems with the building in question. Beaudoin stated that according to the Condo Association By-Laws construction must be completed by April 2012.

Pociask questioned where the fill went that was removed during the excavation for the foundation of the building. Beaudoin responded that it was used on site to level the road.

Holt asked about the next step in the process, and Hirsch responded that it is now up to the PZC to decide if what is currently being built is consistent with what was approved.

It was noted that this topic will be discussed during an Executive Session prior to the conclusion of the meeting.

**Old Business:**

1. **Request for Scenic Road Designation, Gurleyville Road (from Route 195 to Codfish Falls Rd) PZC File # 1010-8**

Ryan MOVED, Holt seconded, that the Planning and Zoning Commission designate the portion of Gurleyville Road between Codfish Falls Road to a point approximately 635 feet east of the intersection of Gurleyville Road and Horsebarn Hill Road (east of the UConn Commissary Building) as a Scenic Road pursuant to Chapter 155 of the Mansfield Code of Ordinances.

In support of this motion, the Commission states:

1. The application has met the requirements of Section 149a of the Connecticut General Statutes and Chapter 155 of the Mansfield Code of Ordinances;

2. It is acknowledged that concerns for pedestrian and vehicular safety were expressed during the public hearing and Commission consideration of this designation. In response to those concerns, the Commission notes the following requirements contained in Section 155-6 of the Mansfield Code of Ordinances:
  - Alterations to scenic roads may be made to promote public safety if approved by both the Planning and Zoning Commission and Town Council;
  - Such alterations shall be the minimum necessary to address safety issues and shall be designed to minimize impact on the scenic characteristics of the road as listed in items "A" through "J" under Section 155-7 of the Mansfield Code of Ordinances. In this case, Gurleyville Road, such characteristics include the tree groves, stream and ravine, stone walls, and historic features such as house and mill-site foundations as well as bridges.

MOTION PASSED with all in favor except Lewis who was opposed and Plante and Pociask who disqualified themselves.

3. **Special Permit Application for wedding venue, 552 Bassetts Bridge Road, J. & J. Bell o/a, PZC File #1217-2**  
Item tabled pending an 11/21/11 continued Public Hearing.
4. **Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**  
Item tabled-awaiting information from the applicant.

#### **Public Hearing:**

#### **Special Permit Application, Building Replacement & Expansion, 173 Storrs Rd, Natchaug Hospital o/a. PZC File #1305**

Chairman Favretti opened the Public Hearing at 7:30 p.m. Members present were: Favretti, Beal, Goodwin, Hall, Holt, Lewis, Ryan, Plante, Pociask, and alternates Rawn and Ward. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in the Chronicle on 10/25/11 and 11/2/11 and noted the following communications were received and distributed to Commission members: an 11/3/11 report from Linda Painter, Director of Planning and Development; an 11/3/11 report from Grant Meitzler, Assistant Town Engineer; an 11/7/11 report from Fran Raiola, Assistant Chief/Deputy Fire Marshal; and a 10/5/11 letter from John DeCastro, CT DOT.

Edward Pelletier, Licensed Surveyor at Datum Engineering, submitted receipts of mailing to fulfill the neighborhood notification requirement. Pelletier reviewed staff comments contained in their reports and stated that John Alexopoulos, Landscape Architect, will be working to address the landscaping comments. The revised plans will include additional plantings, two rain gardens, a walkway, a revised lighting plan, and Pelletier will be submitting a stormwater management plan.

Beal questioned if the site changes will alleviate traffic back-up on Storrs Road. Pelletier responded that because the traffic flow will be changed within the site to one way, delivery trucks will no longer have to back up and turn around on site. This change will allow for better flow both on and off the site.

Pociask asked what size of truck will make deliveries to the site. Michael Strycharz, Natchaug Facilities Manager, responded that mostly parcel delivery trucks will be used, but there will also be a large tractor trailer for laundry service. Pociask questioned if the turning radius had been considered for a truck of that size, and Pelletier responded yes.

Holt requested that building materials and paint colors be brought to the next meeting.

There were no further comments from the public or Commission. At 7:43 P.M., Plante MOVED, Hall seconded, to continue the Public Hearing until November 21, 2011. MOTION PASSED UNANIMOUSLY.

**New Business:**

None.

**Reports from Officers and Committees:**

Beal, chairman of the Regulatory Review Committee, noted that the meeting for 11/9/11 has been cancelled and all meetings will now be held on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of the month, so that RRC meetings don't fall on the same week as PZC meetings. The next RRC Meeting will be on 11/16/11 at 1:15 p.m.

Holt noted that Linda Painter attended the WINCOG Regional Planning Commission meeting to discuss the Mansfield/ UConn Water Supply Plan.

**Communications and Bills:**

Noted.

**Executive Session:**

Strategy and negotiations with respect to pending claim and litigation, Connecticut General Statutes section 1-200(6)(B).

Holt MOVED, Plante seconded, at 7:48 p.m. to enter into Executive Session to discuss the pending court case of Bruce and Franca Hussey vs. Town of Mansfield Planning and Zoning Commission and also the Cease and Desist Order at Freedom Green. MOTION PASSED UNANIMOUSLY. Members present were Favretti, Beal, Goodwin, Hall, Holt, Lewis, Plante, Pociask, Ryan and alternates Ward and Rawn. Also present were Dennis O'Brien, Town Attorney; Curt Hirsch, Zoning Agent and Linda Painter, Director of Planning and Development.

Plante MOVED, Hall seconded, at 10:05 p.m. to end the Executive Session. MOTION PASSED UNANIMOUSLY.

**Cease and Desist Order-Freedom Green Continued:**

Plante MOVED, Hall seconded, that the cease and desist order issued by the Zoning Agent on October 7, 2011 be amended as follows:

1. By December 5, 2011, Beaudoin must submit a grading plan that minimizes the physical height and a landscape plan designed by a Registered Landscape Architect that minimizes the visual impact of the height of the buildings constructed at 29, 30, 31 and 32 Liberty Drive (Building "A") and at 33, 34, 35 and 36 Liberty Drive (Building "B"), in compliance with the Zoning Regulations of the Town of Mansfield and State law to the satisfaction of the Planning and Zoning Commission.
2. Beaudoin may resume work on Building "A" forthwith.
3. No additional work shall be done on Building "B" until said grading and landscape plans are approved by the Commission.

MOTION PASSED UNANIMOUSLY.

**Adjournment:**

Chairman Favretti adjourned the meeting at 10:12 p.m.

Respectfully submitted,

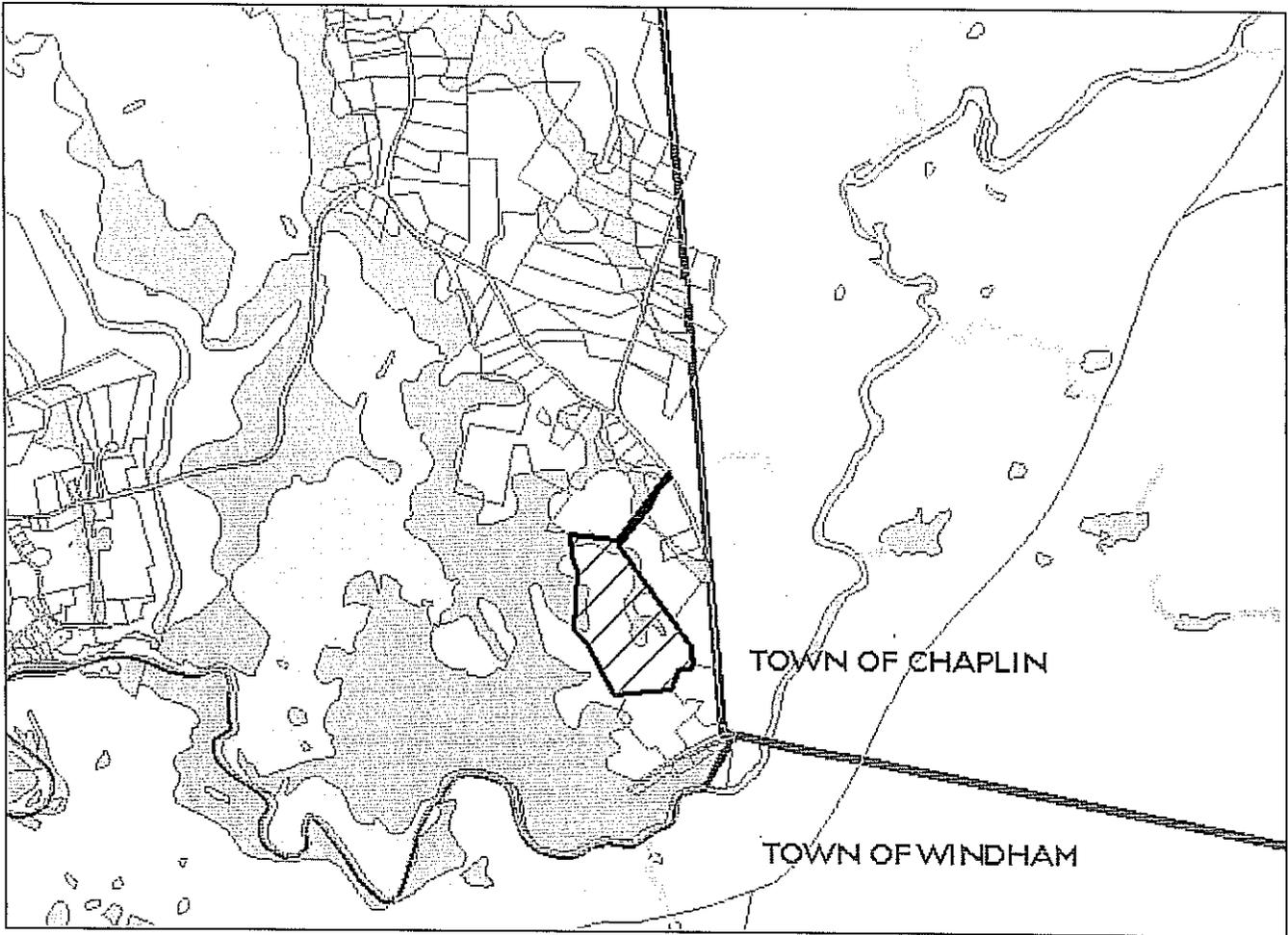
Katherine Holt, Secretary

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# Mansfield Planning and Zoning Commission

File 1217-2: The Gardens at Bassetts Bridge (Special Permit Application)

Report from Director of Planning and Development ■ November 17, 2011



## Legend

-  Subject Property: Gardens at Bassetts Bridge
-  Wetlands\_Town
-  water



## PROJECT OVERVIEW

**PZC File Number:** 1217-2

**Applicant:** James Wesley Bell and Jeanne E. Bell/The Gardens at Bassetts Bridge Farm

**Property Location:** 552 Bassetts Bridge Road

**Zoning:** RAR-90

**Property Size** 41.25 acres

**Project Description:** The applicant is requesting Special Permit Approval to allow for seasonal use of the subject property as a wedding venue, including outdoor ceremonies, additions to the existing barn to provide reception space (dining, dancing, restrooms and kitchen), an optional tent for use at the request of the client and during inclement weather, and Temporary Special Outing Liquor Permits.

## PROJECT BACKGROUND & DESCRIPTION

### Project History

**2004** ▪ On August 2, 2004, the Planning and Zoning Commission approved use of the subject property for certain agriculturally-oriented commercial uses within a residential zone, including a garden/farm outlet with accessory café. The approval of these uses was subject to certain conditions, including limitations on the months, days and times of operations (April -October, Fridays, Saturdays and Sundays, 10 am to 6 pm). Any significant changes or expansions of use including alterations to the proposed café food service required additional special permit approval.

The accessory café use was limited to 49 meals per day, and café products were limited to sandwiches, soups, salads, baked goods and non-alcoholic beverages.

**2006** ▪ On November 20, 2006, the PZC approved a modification to the original Special Permit to allow a food cart or food vendor as an interim use until the café could be incorporated into the barn. The restrictions on number and type of meals provided remained in effect.

**2007** ▪ On August 23, 2007, the Zoning Agent and PZC Chairman approved a permit to allow erection of a 20 ft. by 40 ft. tent between the barn and the house during farm season.

**2008** ▪ On February 21, 2008, the Zoning Agent and PZC Chairman approved a specific list of agricultural and recreational activities that were permitted as of right, such as clearing of woodlands for cultivation, hayrides, etc. The zoning permit was issued to ensure a complete record of ongoing activities at the farm.

**2009** ▪ On October 5, 2009, the PZC considered a modification requested by the Bells to allow use of the farm as a wedding venue. Due to the potential for significant impact to the neighborhood, the Commission recommended that the Bells submit a full special permit application for the wedding venue.

### Description of Proposed Use and Operations

The applicant provided this revised Statement of Use on November 16, 2011:

*The proposed use of the farm as a wedding venue will be as follows:*

- *Wedding ceremonies and wedding receptions will take place during the regular farm season, May through October on Friday, Saturday or Sunday. Weddings will be limited to one per day.*
- *Wedding guests will be maximized at 100.*
- *Time for the wedding ceremony and reception will be limited to five (5) hours with all activities ending by 10:00 PM.*

- *Receptions will be housed in the farm's existing barn with optional use of a 20 ft. x 40 ft. tent to accommodate a wedding ceremony during inclement weather and to accommodate additional space prior to completion of the proposed barn additions. The tent and barn will be inspected and approved by fire and building officials as required.*
- *A 12 ft. by 26 ft. addition will be added to the side of the barn to accommodate handicap accessible restrooms. A 20 ft. by 60 ft. addition will be added to the back of the barn to accommodate space for both guests and a commercial kitchen.*
- *All food and beverage will be prepared by a licensed caterer. Test results from the water supply well serving the farm are attached to this application. The water supply well will be tested annually and test results submitted to Eastern Highlands Health District.*
- *All alcohol will be provided through the liquor license of the contracted caterer.*
- *Event parking will be located in an area southwest of the parking lot. Since most guests come as family units, rather than as individuals, it is expected that the number of vehicles may range from as few as 25 to as many as 60. Handicap parking spaces will be located in close proximity to the barn.*
- *Event staff will assure an orderly and safe flow of traffic coming and going out of the property. Event staff will also assure orderly and safe conduct by all guests.*
- *Music for weddings and receptions will be in compliance with Connecticut regulations for the Control of Noise as established by the Connecticut Department of Environmental Protection. An attached report from Fuss & O'Neill indicates that the anticipated noise levels at each of the abutting property lines to the farm are below the limits set by the Connecticut Department of Environmental Protection. To assure maximum sound control, no speakers will be set up outside the barn. It is expected that there will be occasional requests for live, soft music such as a harpist or string quartet to play during portions of a wedding ceremony and/or reception. When such requests come forward, approval for live music will be submitted to the Mansfield zoning officer. Any live music will be non-amplified and indoors.*
- *The applicants propose a three-stage development plan for the implementation of the venue:*
  - *The first stage would utilize a tent to house weddings/receptions prior to the completion of barn additions and renovations. It would also utilize a port-a-pots prior to the completion of handicapped accessible restrooms and the installation of an approved septic system. All food would be transported in a certified kitchen by a licensed caterer and transported to the farm.*
  - *The second stage of development is the construction of the 12 ft. by 26 ft. restroom addition to the*

## PROJECT BACKGROUND & DESCRIPTION

existing barn and the installation of the approved septic system which would then eliminate use of the port-a-pots.

- The third stage of development is the completion of all barn additions and renovations.

In addition to the proposed wedding venue, the applicant has also indicated the intent to operate Sunday brunch:

- farm's café food service proposal would be limited to onl brunch on unda from 9: am to : pm during the regular farm season of a through ctober
- Brunch menu would be limited to baked goods, fruit and egg dishes, breakfast meats such as bacon and sausage, salads, sandwiches and non alcoholic beverages
- eating capacit would be limited to at an one time and would be in compliance of the new septic s stem design to be

approved b both astern ighlands ealth istrict and the onnecticut tate epartment of ealth

This use was not included in the previous approvals and would need to be approved as part of the current special permit application.

**Temporary Special Outing Facility Permit.** The applicants have indicated in their statement of use that alcohol will be provided through the liquor license of the contracted caterer. Pursuant to Article X, Section 1, special permit approval is also required. Written approval from both the Mansfield Police Department (Resident Trooper) and Health Officer (Eastern Highlands Health District) are required as part of that process.



## ANALYSIS

Article V, Section B(5) of the Mansfield Zoning Regulations requires that the proposed project will not detrimentally affect the public's health, welfare and safety, and that the approval criteria shown in **bold text** below have been met.

**All approval criteria cited in Article V, Section A(5), Site Plan Approval Criteria, of the regulations have been met.**

▪ Compliance with Zoning Regulations

The property is zoned RAR-90, which permits farming as a principal use. The proposed wedding/brunch venue is considered ancillary to the farm/nursery operation that previously received special permit approval.

*Architectural and design standards* Compliance with the architectural and design standards contained in Article X, Section R is required for special permits. The proposed barn addition will complement the existing structure and ornamental gardens. Materials chosen for site improvement such as the driveway and parking area are designed to be natural and complement the agricultural character of the property, minimizing pavement to the area needed for handicap accessibility to the new venue.

*Signs* No sign changes are proposed as part of this application. However, it is recommended that the applicant develop a temporary sign that can be placed at the entrance during events to help identify the venue to guests and reduce the possibility of turning into the wrong driveway.

▪ State and Local Agency Approvals/Permits.

*Wetlands* An IWA license is required for this project. A decision on the license is expected on November 21, 2011 to meet statutory requirements.

*Department of Health* As noted in the most recent memo from EHHD, DPH approval may be needed for both the septic and water systems. As such, phases 2 and 3 of the venue development will be contingent on the applicant receiving these approvals.

▪ Environmental (Water, Wastewater, Flood Control, etc.)

The westernmost portion of the property is in an area of stratified drift aquifer identified on Map 10 of the Plan of Conservation and Development. As such, the development is subject to the requirements of Article VI, Section B(4)(M) regarding performance standards within aquifer areas, particularly with regard to wastewater, stormwater and landscape management. To fulfill these requirements, the applicant will need to:

- *Wastewater* The applicant shall submit a written report from the sanitary system engineer detailing the system design, physical characteristics of the

area, land uses and potential short-term and cumulative impacts on identified aquifer areas. Approval of zoning permits for phases 2 and 3 should be conditioned on approval from the Department of Public Health as noted by EHHD.

- *Stormwater* As the farm and wedding/brunch venue operations are limited to May through October, and paving is limited to handicap accessible parking, completion of a formal stormwater plan is not warranted in this situation.
- *Agricultural operations* The applicant shall be required to employ best management practices as recommended by the Department of Energy and Environmental Protection and USDA Natural Resources Conservation Service for the application of manure, fertilizer or pesticides.

▪ Site Access (Vehicle, Pedestrian, Parking, Loading, Etc.)

*Vehicle access and facilities* The existing driveway will be widened to 20 feet to accommodate emergency vehicle access. An additional 59-space parking area stabilized with gravel and processed aggregate will serve as guest parking during events. The parking area will be located west of the ornamental gardens, closest to the property line abutting Army Corps of Engineers property. The new access drive to the parking area will be graded so it does not exceed a 10% slope. The applicant has also proposed erosion and sedimentation controls where needed.

A handicap accessible parking area located on the existing access drive across from the barn. These spaces and a pedestrian access to the barn will be paved to provide a non-slip surface in accordance with ADA requirements.

*Pedestrian facilities* Given the location of the guest parking area, it is expected that most guests will drop off passengers on their way to park, limiting the number of people walking to the barn.

Noise and Outdoor Lighting.

*Noise* Given the proposed extension of operating hours to 10 p.m. on weekends during farm season, noise and lighting are two of the primary concerns voiced by neighboring property owners. A noise study was performed in 2009 that assumed two speakers located outside on the southeast side of the barn, facing toward the federal property. Based on the modeling conducted as part of that study, the consultant concluded that noise generated by the speakers would dissipate to levels below the maximum allowed by town ordinance and state regulation by the time it reached the property lines. The applicant is now proposing to locate the speakers inside the barn, which will further reduce the transmission of noise.

## ANALYSIS (CONTINUED)

It is possible that live non-amplified music such as a harpist or string quartet may accompany wedding ceremonies held in the ornamental gardens. As such music would not be amplified, no noise issues should result at the property line.

*Outdoor Lighting* With the extended hours during farm season until 10 p.m., new exterior lighting is recommended during events in the guest parking areas and at the entrance to the farm on Bassetts Bridge Road. The applicant is proposing to light the perimeter of the parking area with 100 watt lamps on 6-foot posts. To light the farm entrance, the applicant is proposing a switchable mast arm pole mounted street light. The light will only be on after dark during events. The entrance lighting was recommended by the Mansfield Traffic Authority as a safety measure for vehicles leaving the farm after dark.

### ▪ Passive Solar and Energy Conservation.

The current barn has a southeastern exposure; the addition will maintain this orientation. As it is only intended to be used during farm season, the structure will not be heated year-round.

### ▪ Neighborhood Impact.

The potential for neighborhood impact from the proposed venue is primarily related to traffic and noise. As noted previously, the distance from the actual ceremony/reception venue to adjacent properties combined with the limitations on live and amplified music, including the requirement that any speakers be placed in the barn, should ensure that any noise generated by the venue dissipates to acceptable levels (as determined by state and town regulations) at property lines. With regard to traffic, the venue is located on a designated collector road. As such, any additional traffic generated by the proposed uses is expected to be nominal as compared to current traffic conditions on the road. The venue may in some cases have a positive impact by reducing speeds as visitors arriving slow down to look for the entrance.

### ▪ Utilities

*Electric, Telephone, Cable* Utility connections will be provided through existing service connections to Bassetts Bridge Road.

*Water and Sewer* As noted in the memos from Geoffrey Havens of EHHD, the proposed uses may require approval by the Department of Public Health for both the proposed septic system and water supply.

- The subject property is designated as Low Density Residential.
- Policy Goal 2, Objective C recommends protection of agricultural and forestry resources and encouraging retention and expansion of agricultural/forestry uses by refining the Zoning Map and land use regulations and considering other actions. Approval of the proposed wedding/brunch venue will provide additional economic benefit to the farming/nursery operation with the goal of retaining the property in agricultural use.
- The westernmost portion of the property is in an area of Stratified Drift Aquifer as depicted on Map 10 of the POCD. As such, the property is subject to the requirements noted earlier in this report.

**The location and size of the proposed use and nature and intensity of the use in relation to the size of the lot will be in harmony with the orderly development of the Town and other existing uses**

- The subject property is bordered to the west by Army Corps of Engineers property at Mansfield Hollow.
- The main portion of the property is set back from Bassetts Bridge Road by over 800 feet, which ensures a significant separation of the proposed wedding/brunch venue from adjacent single family homes along Bassetts Bridge Road. This large buffer and the requirement that speakers only be used inside the barn will limit transmission of noise to neighboring properties.
- The proposed wedding and brunch operations would be limited to farm season, May through October.
- Approval of this use as ancillary to the farm will help support continued use of the property for agricultural purposes.

**Proper consideration has been given to the aesthetic quality of the proposal, including architectural design, landscaping and proper use of the site's natural features. The kind, size, location and height of structures, and the nature and extent of site work, and the nature and intensity of the use, shall not hinder or discourage use of the neighboring properties or diminish the value thereof. All applicable standards contained in Article X, Section R shall be incorporated into the plans.**

See Compliance with Zoning Regulations.

**The proposed use is compatible with the Town's Plan of Conservation and Development**

## SUMMARY/RECOMMENDATION

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Based on the information available at the time this report was written, I find no significant land use issues with the proposed venue provided the following issues are addressed in any approval motion:

- Submission of a report from the sanitary engineer or other qualified professional regarding potential impacts from the proposed septic system on the aquifer. The report should be submitted for Commission review and approval prior to submission of a zoning permit for phase 2 improvements, and should include any necessary mitigation measures, including relocation of the system if necessary.
- Submission of temporary/portable venue sign details for approval by the Director of Planning and Development
- Confirmation from Connecticut Light and Power that the proposed street light at the entry can be on a switch so that it is only on after dark during events.
- Conditions limiting use of any live music to the types identified by the applicant (harp, string quartet or similar), and allowing such music to be played outdoors for ceremonies provided no amplification is used. Use of sound amplification for live or pre-recorded music shall be limited to indoor use.
- Use of adequate staff at each event to direct vehicles and maintain order.

## NOTES

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- The analysis and recommendations contained in this report are based on the following information submitted by the applicant:
  - Application submitted July 11, 2011 and received by the PZC July 18, 2011, including:
    - Statement of Use revised to November 15, 2011
    - 4-Page Site Plan prepared by Richard F. Mihok, PE dated September 19, 2011 and revised through November 15, 2011
    - 3-Page Architectural Plan Set prepared by Dziki & Associates revised to September 29, 2011
    - Noise Study from Fuss & O'Neill dated November 18, 2009
- Correspondence regarding the proposed development has been received from the following:
  - Email from Daniel Civco of 544 Bassetts Bridge Road dated September 27, 2011
  - Memos from Geoffrey Havens of EHHD dated August 25, 2011, September 26, 2011 and November 2, 2011
  - Memos from Grant Meitzler, Assistant Town Engineer, dated September 29, 2011 and November 17, 2011
  - Memo from John Jackman, Fire Marshall, dated November 17, 2011
  - Letter from Windham Water Works dated July 29, 2011
  - Memo from Mansfield Agriculture Committee dated August 2, 2011
  - Email from Robert Wyss and Dianne Sprague Wyss dated August 10, 2011
  - Letter from Tina and Roger Abell, 606 Bassetts Bridge Road, postmarked July 15, 2011
  - Letter from James Suave, 29, North Windham Road, dated August 18, 2011
  - Email from Reverend Ann Plumley, First Church of Christ, Mansfield Center
  - Email from Gloria Bent, 97 Mansfield Hollow Road
- 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.
- The Towns of Windham and Chaplin were both notified of the pending application.
- 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.
- The Public Hearing on this item was opened September 6, 2011. The hearing must be closed by December 15, 2011. No further extensions are possible.

Memorandum:

November 17, 2011

To: Planning & Zoning Commission  
From: Grant Meitzler, Assistant Town Engineer  
Re: Bell - 552 Bassetts Bridge Rd - Wedding Venue

plan reference: dated revised November 15, 2011

Please note the November 15, 2011 plan revisions. I think this a substntial improvemebnt in the specific detail provided now on these plans.

This application proposes changes to the present plant nursery operation. The proposed changes are for the purpose of adding a wedding venue to the site, and include the following:

- Traffic on Bassetts Bridge Rd

Lighting has been added for the Bassetts Bridge Rd drive intersection. A specific reference is made to the type of light. It will be on after dark only when events are in progress..

Lighting has been spaced along the driveway and runs to the rear (west) parking lot.

- Access

The driveway is now indicated as a width of 20 feet for the full length of the driveway.

The statement of use has indicated a traffic attendnant will be placed at the Bassetts Bridge drive intersection to coordinate in/out traffic flow.

- Revised Parking

The grass parking areas have been eliminated. The 20' width (and lighting) extend fully to the rear parking lot. The rear parking area indicates 59 spaces. The Statement of Use indicates a need for from 25 to 60 cars for any individual event. The plan

Three paved handicapped spaces are shown with wheel stops. These three spaces are further protected by the present stone wall along this bank being raised two feet above the driveway grades. This is shown on the plan.

Grading of the section of the driveway leading to the rear parking area provides a grade of approximately 10%. I think this workable with a gravel surface and the seasonal nature of the proposed wedding venue.

- Building additions to the barn

The closest distance of the building addition, kitchen and rest rooms is 79' from the adjacent wetlands. With this being slab on grade construction, I see little chance for impact as the driveway and the raised grass areas between the additions and the nearby wetlands should limit movement.

Stockpile area is indicated off the north end of the rear parking lot with silt fence protection. With the landscape nursery operation on the site I am sure there is ample space for dealing with stockpiled materials within the site operations.

- A storage building (specifically related to the nursery operation)

The 20'x 48' proposed storage building is an as-of-right exemption from wetlands jurisdiction being an essential for the site's nursery operation. I note also that this location is sloped to drain away from the mapped wetlands on the site and that there are no wetlands located within 150' down hill (to the west). The existing pergola area is to be extended along the southwest and southeast sides of the barn.

- Sediment & Erosion Protection

Silt fence protection has been indicated at appropriate areas around the rear parking lot and stockpile area, and at areas along the driveway where the 20' width will require minor earthwork to widen.



Town of Mansfield  
Mansfield Fire Department  
Office of the Fire Marshal



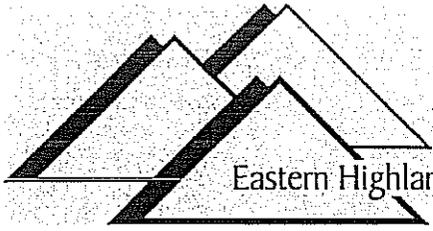
**To:** Planning and Zoning Commission  
**From:** John Jackman, Deputy Chief/Fire Marshal   
**Date:** Thursday, November 17, 2011  
**Re:** Wedding Venue – 552 Bassetts Bridge Road

---

After reviewing the site plan and file for a special permit application for the purpose of providing a wedding venue (Assembly Use) at an existing agricultural and recreational garden center and changing the use of an existing building from Storage to an Assembly building with an addition, located at 552 Bassetts Bridge Road, submitted by James and Jean Bell, I have the following comments:

- The site plans appear to be in compliance with the Town of Mansfield Fire Lane Ordinance.
- The location of the proposed temporary tent is acceptable to this reviewer. However, the applicant is required to secure a permit prior to erecting the tent and must comply with the State of Connecticut Tent Regulations.
- The applicant is required to secure Building Permits and Fire Marshal approval prior to changing the use of the storage building or undertaking any construction activities to expand the building.

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Eastern Highlands Health District

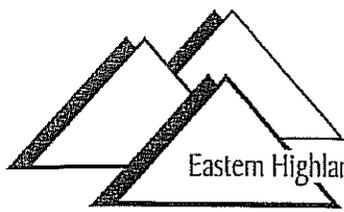
# Memo

**To:** Mansfield PZC  
**From:** Geoffrey Havens, RS *Geoffrey Havens*  
**Cc:** Rob Miller, Director of Health, EHHD  
**Date:** 11/2/2011  
**Re:** Proposed Wedding Venue "The Gardens", 552 Bassetts Bridge Rd, Mansfield

---

I have reviewed the plan submitted for the referenced project, prepared by Richard Mihok and received at the Health District on October 31, 2011. It appears to demonstrate the feasibility of complying with the requirements of the Public Health Code, pending final approval of a design plan by this office, and possibly by the CT Dept. of Public Health(DPH).

As stated in Jeff Polhemus' letter of 8/25/11 to Mr. Bell and copied to Jessie Shea, completion of this project may not be possible without approval by the CT DPH on plans for the sewage disposal system and for the water supply. The need for both of these approvals can be contingent upon the size of the proposal (persons served), which is not addressed on this plan.



Eastern Highlands Health District

4 South Eagleville Road • Mansfield CT 06268 • Tel: (860) 429-3325 • Fax: (860) 429-3321

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## B100A PLAN APPROVAL

November 2, 2011

Wesley & Jean Bell  
552 Bassetts Bridge Rd  
Mansfield, CT 06268

**Proposed Activity:** Expansion of property use to include Wedding venue and 50-seat brunch FSE  
**Address:** 552 Bassetts Bridge Rd  
**Town:** Mansfield

Dear Wesley & Jean Bell:

Your application for the above referenced project has been reviewed by the health district for compliance with the requirements of Connecticut Public Health Code section 19-13-B100a.

**The application is approved with the following conditions/comments:**

This proposal may require approval by the CT Dept. of Public Health for both the design of the sewage disposal system for the proposed venue/cafe, and of the water supply.

We will notify the local building official of this health district approval, but you should contact the town directly to determine when all other required permits will be approved for your project. Please note that any revisions to the approved plans, whether proposed by you or required by others, must be reviewed by the health district to verify compliance with the Public Health Code.

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

Sincerely,

Geoffrey W. Havens  
Sanitarian II

✓ Cc: Mansfield PZC

## Statement of Use

Owners and Applicants  
James Wesley Bell and Jean E. Bell

The Gardens at Bassetts Bridge Farm  
552 Bassetts Bridge Road  
Mansfield Center, CT 06250  
Phone/fax (860) 455-0545

Also, it is currently the intent of the owners/applicants, James Wesley Bell and Jean E. Bell, to amend the Special Permit granted on August 2, 2004 specific to the farm's café food service proposal. The applicants wish to make the following changes to that special permit:

- Farm's café food service proposal would be limited to only brunch on Sunday from 10:00 AM to 2:00 PM.
- Brunch menu would be limited to baked goods, fruit, egg-dishes, salads, and non-alcoholic beverages.
- Seating capacity would be limited to 50 at-any-one-time and would be in compliance of the new septic system design to be approved by both Eastern Highlands Health District and the Connecticut State Department of Public Health.

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Jessie L. Shea

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**From:** Linda M. Painter  
**Sent:** Wednesday, October 19, 2011 4:36 PM  
**To:** Jessie L. Shea  
**Subject:** FW: Support of a special permit application

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**From:** aplumley@live.com [mailto:aplumley@live.com] **On Behalf Of** Ann Plumley  
**Sent:** Wednesday, October 19, 2011 4:21 PM  
**To:** Linda M. Painter  
**Cc:** Jean Bell  
**Subject:** Support of a special permit application

Ms. Linda Painter  
Director of Planning and Development  
Town of Mansfield  
Mansfield, CT  
Dear Linda,

I write in support of Jean and Wes Bell's application for a special permit that would allow use of *The Gardens at Bassetts Bridge Farm* for parties and receptions.

Just as this community of faith turns itself increasingly to "locavore" practices in an attempt to honor God's creation, we also conscientiously attempt to patronize local businesses, farms and organizations. We think doing so strengthens the bonds of community and knits us together in ways that are sustaining and helpful. As a minister who performs weddings at First Church of Christ, Congregational, UCC in Mansfield Center, I would welcome the opportunity to suggest to couples that they start their married lives fostering deeper roots in their community through the use of this venue. As a person in the early stages of planning a wedding, I think its close proximity to the church would be a great convenience for our guests. The lovely grounds, secluded and lush, would be the perfect site for the celebration of my own very special day and for many other memorable events in years to come.

I very much hope you can find a way to support this initiative. In our own ways, we each work to strengthen this beloved community; I thank you for all you do.

Blessings,  
Rev. Ann Plumley, Senior Pastor  
First Church of Christ, Congregational, UCC  
Mansfield Center, CT 06250

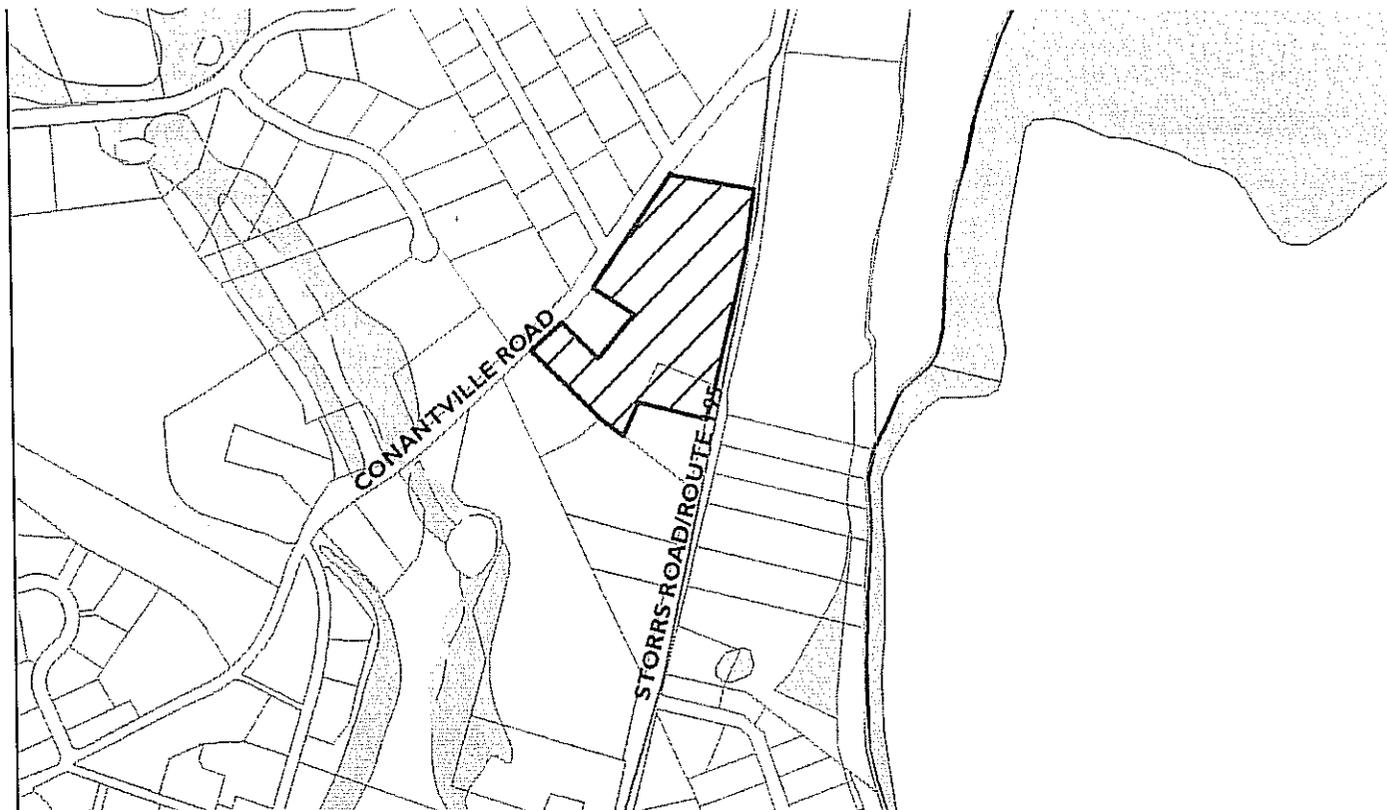
10/20/2011

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# Mansfield Planning and Zoning Commission

File 937-5: Natchaug Hospital. (Special Permit Application)

Report from Director of Planning and Development ▪ November 17, 2011



## Legend

-  Subject Property: Natchaug Hospital
-  Wetlands\_Town
-  water



## PROJECT OVERVIEW

**PZC File Number:** 937-5  
**Applicant:** Natchaug Hospital  
**Property Location:** 173-189 Storrs Road  
**Zoning:** PB-1/Design Development District  
**Property Size:** 7.19 acres

**Project Description:** The applicant is requesting Special Permit Approval to construct a new 4,066 square foot facilities management building on the southern portion of the property, fronting on Storrs Road. The new building will replace the existing building at 173 Storrs Road.

## PROJECT UPDATE

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This memo updates and supplements my November 3, 2011 memo and is based on the submission of revised plan sheets (Revision date of November 15, 2011) and a stormwater and landscape management plan.

The revised plan sheets incorporate recommendations from my previous report as well as comments made at the public hearing on November 7, 2011:

- **Sheet 3-Site Plan.** The following revisions have been made to the site plan:
  - ⇒ The roof leader drains have been disconnected from the stormwater infiltration system and are now discharging to two rain gardens.
  - ⇒ An 8 foot bituminous walkway connecting the parking lot to the office property to the south has been added.
- **Sheet 4– E&S Plan.** The E&S plan has been revised to reflect the other changes made.
- **Sheet 6-Landscape Plan.** The following revisions have been made to the landscape plan:
  - ⇒ Two rain gardens have been added as noted above.
  - ⇒ An additional White Pine has been added to better screen the rear, more industrial portion of the building from vehicles traveling south along Storrs Road

Pursuant to the requirements of Article VI, Section B(4)(m) of the Mansfield Zoning Regulations, the applicant has submitted a draft Stormwater and Landscape Management Plan. It is recommended that this plan be updated to provide specific guidance for facilities staff regarding proper maintenance techniques for the rain gardens to ensure that they continue to function as designed.

## SUMMARY/RECOMMENDATION

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

- Submission of any additional details on lighting, HVAC and building design to be approved by the Director of Planning and Development and the Chair
- Site plan revisions as recommended in this memo
- Revision of stormwater and landscape management plans to specifically address maintenance of the rain gardens.

With regard to lighting, the applicant has clarified that the proposed freestanding light is a 175 watt metal halide, dark sky compliant fixture on a 12-foot pole. This is consistent with the lighting guidelines contained in the architectural standards.

### Additional Information Requested

The following information should be addressed at the public hearing:

- General location and screening of proposed HVAC equipment
- Details on location and type of wall-mounted light fixtures. These fixtures should be dark sky compliant.
- Window details for proposed building
- Change to plan to accommodate 20 foot wide fire lane as required by the Deputy Fire Marshal in his memo dated November 17, 2011

## NOTES

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- The analysis and recommendations contained in this report are based on the following information submitted by the applicant:
  - Application submitted September 29, 2011 and received by the PZC October 3, 2011, including:
    - Statement of Use
    - 6-Page Plan Set including survey, site plan, erosion and sedimentation controls, details and landscape plan prepared by Datum Engineering and dated August 16, 2011 and revised through November 15, 2011
    - Lighting details from Simkar
    - 8-Page set of building elevations prepared by Rose Construction and dated September 26, 2011
    - Design Statement and Hydrological Analysis prepared by Civil Engineering Services LLC and dated September 19, 2011
    - Stormwater and Landscape Management Plan dated November 7, 2011
  - Letter from John DeCastro of ConnDOT to Edward Pelletier dated October 5, 2011
- Correspondence regarding the proposed development has been received from the following:
  - Memos from Grant Meitzler, Assistant Town Engineer, dated November 3, 2011 and November 16, 2011
  - Memos from Fran Raiola, Deputy Fire Marshal, dated November 7, 2011 and November 17, 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.
- The Public Hearing on this item was opened on November 7, 2011.

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Memorandum:

November 16, 2011

To: Planning & Zoning Commission  
From: Grant Meitzler, Assistant Town Engineer  
Re: Natchaug Hospital - Building replacement

plan reference: bearing latest revision date November 15, 2011  
Design Statement & Hydrological Analyses, Undated

My earlier comments had not indicated any additional conditions.

This latest plan has two rain garden areas shown with one on each side of the proposed building catching roof drain runoff. Specific plantings are noted on the plan.



# TOWN OF MANSFIELD

## Mansfield Fire Department



JOHN JACKMAN, DEPUTY CHIEF / FIRE MARSHAL  
FRAN RAIOLA, ASST. CHIEF / DEPUTY FIRE MARSHAL

AUDREY P. BECK BUILDING  
4 SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599  
TELEPHONE (860) 429-3328  
FACSIMILE (860) 429-3388

To: Planning and Zoning Commission  
From: Fran Raiola, Assistant Chief / Deputy Fire Marshal *FR*  
Date: November 17, 2011  
Re: Special Permit Application– Natchaug Hospital PZC file #937-5

After reviewing the application, file, and plans dated August 16, 2011, for the proposed building, parking, and driveway/entrance relocation, located at 173-189 Storrs Road, submitted by Mansfield Realty Associates, LLC, I have the following comments:

- The submitted plans appear to be in substantial compliance with the Town of Mansfield Fire Lane Ordinance.
- Fire Lanes are required to be a minimum of 20 feet. Plans indicated entrance area to be 12 feet.
- The plans indicate “stop bars” at the entrance. Details of the stop bars and their operation are needed as well as confirmation of a minimum inside turning radius of 25’ at all entrances, exits, and turning points.
- Please provide details of signs/markings of fire lanes.
- Please provide details of the main entrance and loading/receiving areas.
- The applicant is required to submit plans and specifications to the Building Department and the Office of the Fire Marshal, prior to a Building Permit from the Building Department being issued. The plans and specifications must be in substantial compliance with the Connecticut Building Code and Fire Safety Code and The Connecticut State Fire Prevention Code.

Fran Raiola  
Asst. Chief/Deputy Fire Marshal

# **Stormwater & Landscape Management Plan**

**for**

**Natchaug Hospital  
173-189 Storrs Rd  
Mansfield Center, CT 06250**

**November 7, 2011**

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## **Stormwater Management Plan**

This stormwater management plan was developed as required in Article VI, Section B.4.m of the Mansfield Zoning Regulations for properties located within a stratified drift aquifer zone. The intent of this management plan is to prevent or minimize detrimental effects on the groundwater quality within aquifer areas.

Public sewers will be connected to the proposed building eliminating the potential for contamination from waste water.

There are no proposed underground chemical or fuel storage tanks associated with this proposal.

The best management practices in accordance with the State Department of Environmental Protection Best Management Guidelines will be use including strict use of salts and chemicals for ice removal in order to minimize the risks of ground water contamination.

Proposed and existing stormwater separator structures shall be inspected and cleaned as needed, every spring after the winter snow fall season and every fall prior to the winter season for sedimentation. All debris shall be disposed of off site.

## **Landscape Management Plan**

This landscape management plan was developed as required in Article VI, Section B.4.m.6 of the Mansfield Zoning Regulations for properties located within a stratified drift aquifer zone. The landscaped areas that will be established on the property serve a bigger purpose than simple appearance.

This landscape management plan was based on resources provided by the United States Environmental Protection Agency and the Connecticut Department of Environmental Protection. Specifically, the EPA's GreenScape Environmentally Beneficial Landscaping techniques are utilized extensively throughout this plan. Through the use of specific landscaping practices GreenScaping can protect and preserve natural resources while also improving the health and appearance of the landscaped areas.

The property has substantial landscaping around the existing buildings and perimeter boundaries. The proposed building and parking area will include newly landscaped areas. The landscape plan consists of many native species and climate hardy plants which will need only minimal maintenance once established.

Soil testing will be conducted to determine if any addition of nitrogen, phosphorous, potassium or lime is necessary. Nutrients will only be added as indicated by the analysis. One to three inches of compost will be incorporated into six to twelve inches of top soil to establish the landscape beds.

Fertilizers will be used sparingly and only if absolutely needed. If fertilizers are required they will be natural organic and slow-release products. These help to reduce nutrient run-off and leaching. To further prevent run-off, fertilizers will be placed only on soil and away from pavement.

Mulch will be utilized in the landscaped areas. Mulch stabilizes soil temperature, prevents weed growth and conserves water. Additionally, mulch is a natural organic material that adds nutrients back into the soil as it decomposes. Mulch will be applied between one and three inches thick allowing an inch buffer around plant stems and trunks to prevent rot.

The lawn will be maintained at a height between two and three inches. During periods of rapid growth the lawn will be mowed more frequently so that no more than one-third the height of the grass is cut. This will minimize the amount of grass clippings. To encourage a healthy lawn the grass clippings will be left during mowing. Organisms in the soil utilize the clippings, which then provides fertilization to the lawn.

The landscaped areas and lawn will be watered as required initially during establishment and then decreased to appropriate levels for maintenance. The compost and mulch in the landscape beds will help to decrease water needs. The lawn and landscaped areas will be watered separately allowing for their differing requirements. Watering will be done in the early morning as this allows the most efficient use of water.

Integrated Pest Management techniques will be used to reduce the need for pesticides. These techniques involve methods to manage pests systematically through the use of non-chemical pest management methods and the judicious use of pesticides when there are unacceptable levels of a pest population. In cases where pesticide application is necessary the least toxic pesticide possible is the first choice. The Connecticut Department of Environmental Protection has found that using Integrated Pest Management techniques can significantly reduce the volume and toxicity of necessary pesticides. Prevention is a fundamental principle of Integrated Pest Management. Maintaining healthy soils, selecting pest-resistant plants and selecting their proper location, removing dead or diseased plants, pulling weeds and allowing taller grass all work together to prevent problems. If a problem arises, the specific disease, bug or weed will be identified so that correction can be targeted specifically to the problem.

Trees and shrubs will be maintained based on their individual needs. At the time of planting, the shrubs and trees will be pruned as needed to compensate for loss of roots. For long term maintenance pruning will be done during the appropriate season for the species. Trees and shrubs will be maintained with composted soil and mulch beds as previously described in earlier sections of this management plan.

This landscape management plan allows for the healthy maintenance of the landscaped areas while minimizing environmental impact within the stratified drift aquifer zone.



# 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: November 17, 2011

**Re: Request for Building Modification, Mansfield Centre General Store  
534 Storrs Rd., PZC file # 481**

This request for modification seeks PZC approval for an increase in the authorized floor area of an existing retail use. Article XI.D of the Zoning Regulations requires that Planning & Zoning Commission approval is required for interior alterations or renovations that alter or intensify a land use, such as increases in the finished floor area or alterations affecting the nature of occupancy or number of occupants or customers. The site is located within a Neighborhood Business – 2 zone, which permits retail uses.

The current store owners, Keleigh Shumbo and Lisa Rich, have been operating the General Store since 2008. Built in 1886 as Weeks Store, most long-time area residents knew the store as the Barrows and Burnham Store. The name was changed to the Mansfield Centre General Store in 2001. During the 1970's and most of the 1980's, Distinctive Landscaping operated a landscaping and small nursery business on the site utilizing the outdoor area behind the store and a very small, dirt-floor area of the structures basement. 1975 approvals of the ZBA and the PZC led to the development of an eleven-space gravel parking area behind the store with access off of Centre Street. The approved parking area was left substantially unused by the general store after Distinctive Landscaping relocated to Columbia (I believe in the late 80's/early 90's). I issued a zoning permit in April, 2010 to re-establish this parking area with some additional requirements. The Storrs Road side of the store can accommodate approximately ten vehicles. The store has had a food service license for many years under former and current operators and there are a few tables/chairs to accommodate a small eat-in trade. A zoning permit was issued for limited live music in 2010 under Article VII.L.2.h. There is also a long established residence on the second floor of the building.

The previous owners of the store submitted a 2001 floor plan of the store, which shows the 750 square-foot wing to building on the north side of the structure. This area is depicted as 'dry storage' on the 2001 plan. The present owner's request that this area be authorized for additional retail use, for antique and gift sales. This aspect of their business is identified as 'Lady Chatelaines' in Ms. Shumbo's application. The submitted floor plan shows the existing interior

connection between the 'general store' and the expanded area, and also an additional customer entrance to the building directly into this expanded retail space. The use of this additional area would bring the total retail area within the building to a total area of 2,250 sq.ft. The zoning regulations for parking will require 14 spaces for the retail use and an additional 2 spaces for the residence use, a total of 16 parking spaces. This number is well under the approximately 23 spaces currently available on the site. No changes are being proposed to the exterior areas of the site as part of this modification request. A proposed, exterior building identity sign for the antique use is being submitted to the Mansfield Historic District Commission for review and approval. A zoning permit application would then be submitted for review and approval. The owners must demonstrate that Lady Chatelaines is a separate, distinct business entity from the general store. Only a single building identity sign is permitted for each building occupant.

I have discussed this application with other staff and we each concur that the expanded area of the building for the use proposed will not have a significant impact over the existing use of the site and that the request can be approved under the modification process. I therefore recommend **that the PZC authorize the Zoning Agent and PZC Chairman to approve the request for building modification as described in the 11/7/11 application and depicted on the submitted 11/7/11 floor plan. This approval does not authorize the display of any additional signage at this time.**

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

APPLICANT/OWNER SECTION

- 1. Owner(s) Keleigh Shumbo + Lisa Rich Telephone (860) 450-0597  
(please PRINT)
- Address #534 Storrs Rd. Town Mansfield, Ct Zip 06250
- 2. Applicant(s) Keleigh Shumbo Telephone (860) 450-0597  
(please PRINT)
- Address #805 Middle Tpke Town Storrs, Ct. Zip 06268
- 3. Site Location #534 Storrs Rd. Mansfield

4. Reference any approved map(s) that would be superseded if this request is approved:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Reference any new map(s) submitted as part of this request:

Floor plan - Mansfield Center General Store 11/7/11

\_\_\_\_\_

\_\_\_\_\_

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:

Request to redefine unspecified side room space as additional retail space for the Mansfield General Store. Space will be used for expansion of antique + gift sales and defined as "lady Chateaux" pieces of the past at the General Store.

Space is accessible via separate outside entrance already existing, and also from inside the general store, already existing.

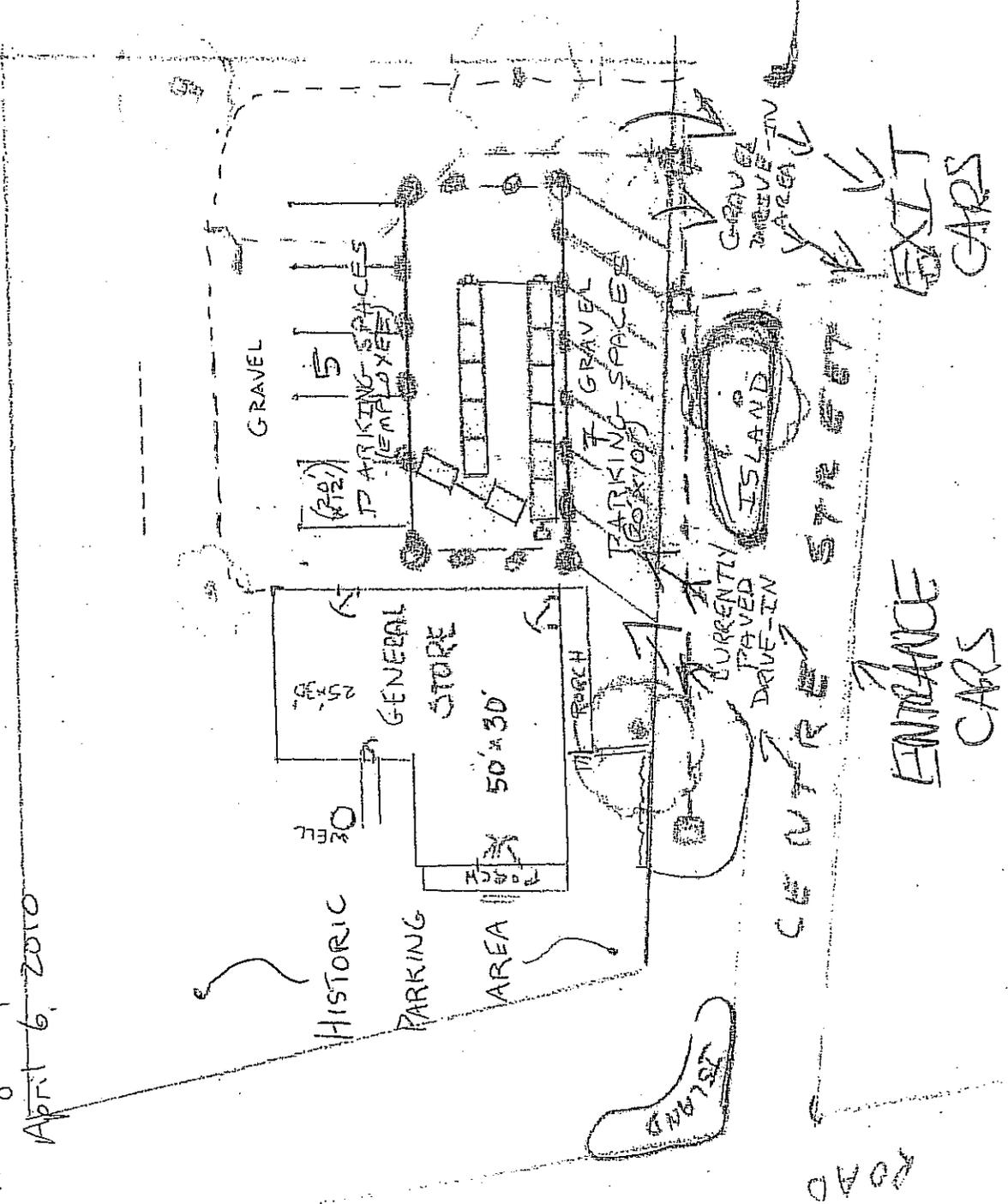
Keleigh Shumbo  
Applicant's signature

date 11/7/11

Mansfield General Store  
534 Storrs Rd.  
Parking Improvement Plan (EXISTING)

April 6, 2010

ROUTE NO. 195  
CONN



PLAN  
FROM ZONING  
FILE



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

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

SPECIAL PERMIT, (re)SUBDIVISION application (file # 1306 )

submitted by Samuel Schrage

for the filling of earth material

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

on property located at 28 Old Kent Road

owned by James James

as shown on plans dated 11-9-11, revised through \_\_\_\_\_

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

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

(other)  
for review and comments, and to set a Public Hearing (if applicable) for January 3, 2012

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**THE LAW OFFICE OF  
SAMUEL L. SCHRAGER & ASSOCIATES, LLC**

1733 Storrs Road, P.O. Box 534, Storrs, Connecticut 06268  
860-487-0350 / FAX 860-487-0030

November 9, 2011

Mansfield Planning and Zoning Commission  
Town of Mansfield  
4 South Eagleville Road  
Storrs, Connecticut 06268

**Re: Fill Permit Application of James James  
28 Old Kent Road, Mansfield**

Dear Commissioners:

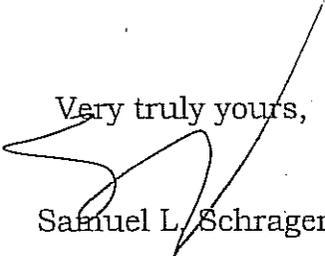
Enclosed please find a Special Permit application for James James concerning the removal and placement of a small amount of fill from property of Mr. James' neighbors to his adjacent land.

Mr. James inadvertently did not seek a special permit for this activity and wishes to comply with the provisions of Article X Section H of the Mansfield Zoning Regulations.

The enclosed materials are presented with a request for a waiver of many of the requirements for a formal site plan and pursuant to Article X Section H. Subsection 4 waivers are sought for the inapplicable provisions of Subsections 3A and 3B.

Should you have any questions, please feel free to call me.

Very truly yours,



Samuel L. Schrage

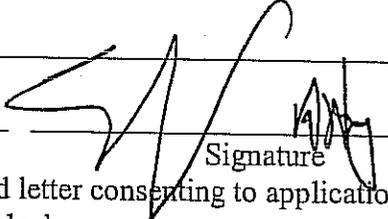
cc: James James  
Enclosure



**SPECIAL PERMIT APPLICATION**  
(see Article V, Section B of the Zoning Regulations)

Mansfield Planning and Zoning Commission

File # 1306  
Date 11-9-11

1. Name of development (where applicable) \_\_\_\_\_
2. Proposed use of the property is the filling of earth material  
in accordance with Sec.(s) D, II of Article VII (Permitted Use provisions) of the Zoning Regulations
3. Address/location of subject property 28 Old Kent Road, Mansfield, CT  
Assessor's Map 36 Block 85 Lot(s) 18 Vol. 308 Page 64
4. Zone of subject property R20 Acreage of subject property .803
5. Acreage of adjacent land in same ownership (if any) \_\_\_\_\_
6. APPLICANT James James c/o Samuel L. Schragar  
(please PRINT) \_\_\_\_\_ Signature \_\_\_\_\_  
Street Address PO Box 534, 1733 Storrs Rd Telephone 860-487-0350  
Town Storrs, CT Zip Code 06268  
Interest in property: Owner  Optionee \_\_\_\_\_ Lessee \_\_\_\_\_ Other \_\_\_\_\_  
(If "Other", please explain) \_\_\_\_\_  
\_\_\_\_\_
7. OWNER OF RECORD: James James \_\_\_\_\_ Signature   
(please PRINT) \_\_\_\_\_  
(OR attached Purchase Contract \_\_\_\_\_ OR attached letter consenting to application \_\_\_\_\_)  
Street Address 28 Old Kent Road Telephone \_\_\_\_\_  
Town Storrs Zip Code 06268
8. AGENTS (if any) representing the applicant who may be directly contacted regarding this application:  
Name Samuel L. Schragar Telephone 860-487-0350  
Address PO Box 534 1733 Storrs Rd., Storrs, CT 06268 Zip Code 06268  
Involvement (legal, engineering, surveying, etc.) Legal  
\_\_\_\_\_  
Name \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_  
Involvement (legal, engineering, surveying, etc.) \_\_\_\_\_  
\_\_\_\_\_

(over)

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

- Application fee in the amount of \$ 360.00 ck # 11153
- Statement of Use further describing the nature and intensity of the proposed use, the extent of proposed site improvements and other important aspects of the proposal. To assist the Commission with its review, applicants are encouraged to be as detailed as possible and to include information justifying the proposed special permit with respect to the approval criteria contained or referenced in Article V, Section B.5.
- Site plan (6 copies) as per Article V, Section B.3.d.
- Site plan checklist including any waiver requests
- N/A Sanitation report as per Article V, Section B.3.e
- Acknowledgement that certified notice will be sent to neighboring property-owners, as per the provisions of Article V, Section B.3.c (use Neighborhood Notification Form).
- \_\_\_\_\_ As applicable for projects within the watershed of the Willimantic Reservoir, acknowledgement that certified notice will be sent to the Windham Water Works, as per the provisions of Article III, Section 1.
- \_\_\_\_\_ As applicable for projects within State designated aquifer protection areas, acknowledgment that the Commissioner of Public Health will be notified as per the provisions of Article III, Section 1. The State Department of Public Health's on line form ([www.dph.state.ct.us/BRS/Water/Source\\_Protection/PA0653.htm](http://www.dph.state.ct.us/BRS/Water/Source_Protection/PA0653.htm)) shall be used with a copy of the submittal delivered to the Planning Office.
- \_\_\_\_\_ Other information (see Article V, Section B.3.g). Please list items submitted (if any):  
\_\_\_\_\_  
\_\_\_\_\_

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

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

**FOR APPLICANT USE ONLY**  
**CHECKLIST OF APPROVAL CRITERIA**  
**FOR USE WITH SITE PLAN OR SPECIAL PERMIT APPLICATIONS**

(Does not need to be submitted with other application material)

File # 1306  
 Date 11-9-11

Name of Development \_\_\_\_\_

Applicant James James

This checklist is intended to assist applicants. It is not intended as a substitute for, nor does it contain all of the information and requirements of the Zoning Regulations and other applicable Town Ordinances and requirements. It is recommended that the Mansfield Director of Planning be contacted for assistance with any questions that arise.

**Criteria Applicable to Both Site Plan and Special Permit Applications**

| The application contains/complies with:   | Yes                                 | No                                  | Comment                 |
|---|-------------------------------------|-------------------------------------|-------------------------|
| 1. All required or necessary information to determine compliance with all applicable regulations  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                         |
| 2. The Permitted Use provisions of Article VII; the Prohibited Use provisions of Art. VI, Sec. A; any special requirements associated with the use  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                         |
| 3. Requirements for air pollution, odor, noise, vibrations, electrical disturbances, radiation/radio-activity, fire or explosive hazard an glare/heat, lighting (see Art. VI, Sec. B.4.a through g) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                         |
| 4. Requirements for hazardous materials, liquid or solid discharges, waste disposal/storage and health requirements (see Art. VI, Sec. B.4.h through k)   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                         |
| 5. Requirements for flood hazards and aquifer areas (see Art. VI, Sec. B.4.l and m)   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                         |
| 6. Requirements for energy considerations (see Art. VI, Sec. B.4.n)   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>waiver requested</u> |
| 7. Requirements for parking and loading (see Art. VI, Sec. B.4.o and Art. X, Sec. D)  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>waiver requested</u> |
| 8. Road & drainage standards (see Art. VI, Sec. B.4.p)  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>waiver requested</u> |
| 9. Requirements for landscaping and buffering (see Art. VI, Sec. B.4.q)   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>waiver requested</u> |

|  | Yes | No | Comment          |
|--|-----|----|------------------|
| 10. Erosion and sedimentation control/site development principles (see Art. VI, Sec. B.4.r and B.4.s)  |     | X  | wavier requested |
| 11. Requirements for signs (See Art. X, Sec. C)  |     | X  | none             |
| 12. Height, area and setback requirements, minimum floor area requirements (see Art. VIII)   |     | X  | wavier requested |
| 13. Bonding requirements (see Art. VI, Sec. C)   |     | X  | wavier requested |
| 14. Sand & gravel regulations (see Art. X, Sec. H)   |     | X  | wavier requested |
| 15. Regulations for the sale of alcoholic liquor (see Art. X, Sec. I)  |     | X  | not applicable   |
| 16. Any special regulations associated with the site's location in a Designated Development District (see Art. X, Sec. A)                            |     | X  | not applicable   |
| 17. All applicable local, State and Federal requirements, including:   |     | X  | not applicable   |
| A. Subdivision   |     |    |                  |
| B. Inland Wetland Agency   |     |    |                  |
| C. Water Pollution Control Authority   |     |    |                  |
| D. Fire Marshal  |     |    |                  |
| E. Historic District Commission  |     |    |                  |
| F. State Health Department   |     |    |                  |
| G. State Environmental Protection Agency   |     |    |                  |
| H. State Department of Transportation  |     |    |                  |
| I. Other   |     |    |                  |
| 18. Suitable provisions for water supply, waste disposal, flood control, fire & police protection and the protection of the natural environment      |     | X  | not applicable   |
| 19. Suitable provisions for vehicular & pedestrian access & handicapped access   |     | X  | not applicable   |
| 20. Suitable provisions for grading & storm drainage improvements & all necessary easements  |     | X  | wavier requested |
| 21. Suitable provisions to address potential nuisances, such as noise & outdoor lighting   |     | X  | wavier requested |
| 22. The applicant has addressed construction traffic impacts on vehicular and pedestrian safety, on neighboring properties and on roadway conditions |     | X  | not applicable   |

Yes No Comment

23. The application will be in general harmony with the character of the surrounding neighborhood and will not serve to blight or detract from the value of abutting residences or other property

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

24. The application complies with requirements for notification of abutting (site plan) or neighboring (special permit) property owners

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

**Additional Criteria for Special Permit Applications**

Yes No Comment

25. The application is compatible with the Town's Plan of Development & Art. I of the Zoning Regulations (Intent and Purpose)

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

26. The location and size of the proposed use and the nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the Town and compatible with other existing uses

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

27. That proper consideration has been given to the aesthetic quality of the proposal, including architectural design, landscaping and proper use of the site's natural features. The kind, size, location & height of structures and the nature and intensity of the use, shall not hinder or discourage the use of neighboring properties or diminish the value thereof.

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

28. The following additional conditions and safeguards should be considered in association with the application (see Art.V, Sec. B.6)

not applicable  
\_\_\_\_\_  
\_\_\_\_\_

PAGE  
BREAK

Piece conveyed from  
Phillips to James 2009 1/2

+/- 75'

F PHILLIPS

N/F RACICOT

APPROX  
AREA  
OF  
FILL

60.00'

I.P.

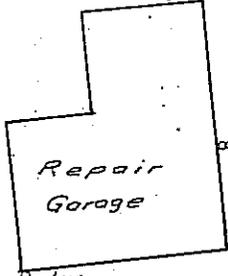
I.P.

150.00'  
S 44° 33' - 10" W

Row of Pine

Gravel  
Parking  
Area

275 Gal. Waste Tank  
275 Gal. Fuel Tank



Low  
Sadd.  
75' W

Vegetable  
Garden

AREA = 30,000 S.F.

100.00'

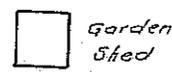
S 45° 26' - 50" E Board Fence

Garage

Low  
Sadd.  
75' W

Bit. Parking  
Area

I.P.



Garden  
Shed

Septic  
System

Men.  
VAP  
35' W

House

Bituminous Drive

Building Setback Line

100.00'

Hemlocks

200.00'

N 45° 26' - 50" W  
Row of Pine

1987 MAP OF

LAND OF WILLIAM

HEETHER -

28 OLD KENT RD.

REV. 11-15-11

I.P.

I.P.

150.00'  
N 44° 33' - 10" E  
Row of Hemlock

Water  
Gate

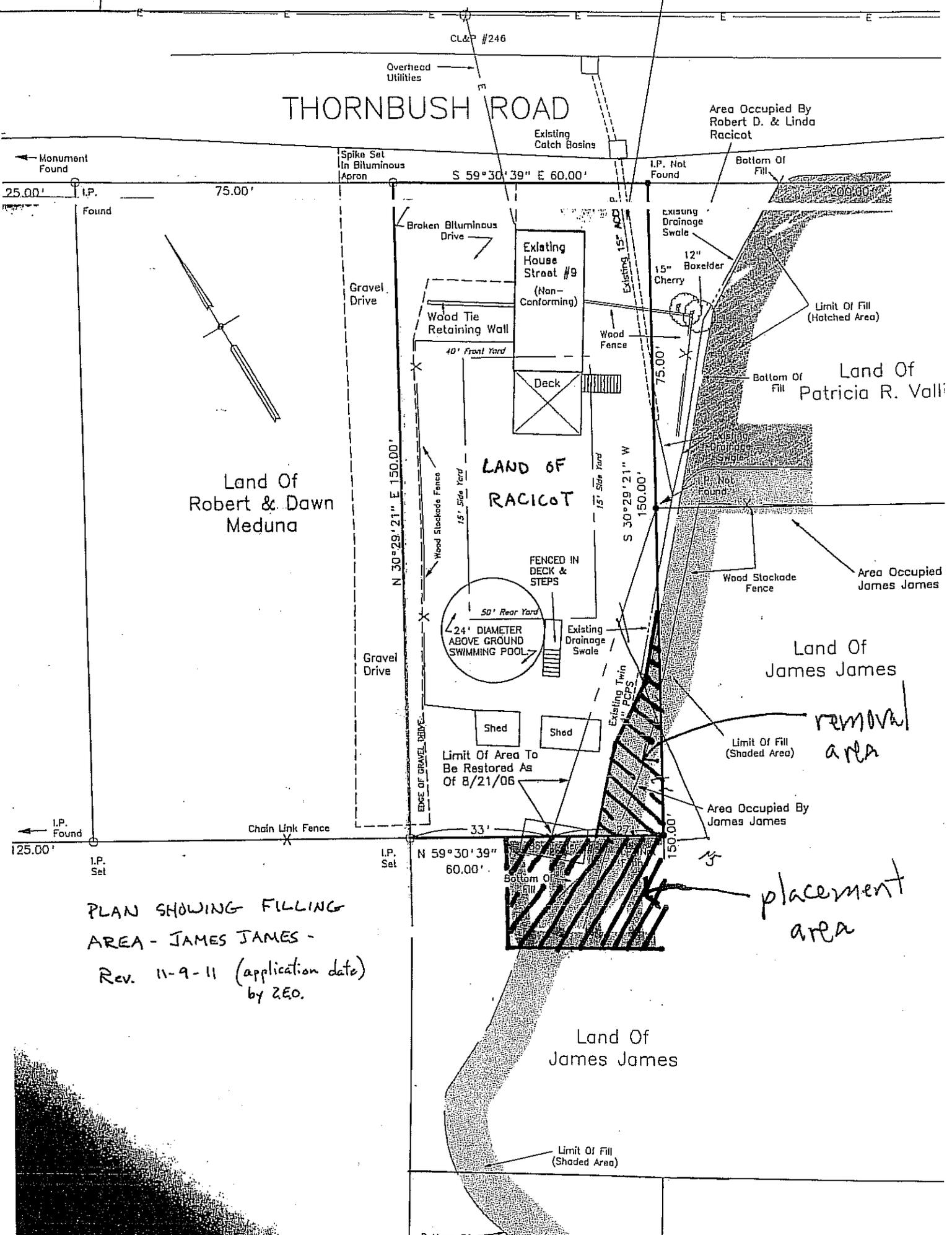
Pole  
# 3688

Sign

OLD

KENT

I.P.



PLAN SHOWING FILLING  
 AREA - JAMES JAMES -  
 Rev. 11-9-11 (application date)  
 by ZEO.

removal  
 area

placement  
 area

**JAMES JAMES**

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**28 OLD KENT ROAD, MANSFIELD**

**Town of Mansfield Planning and Zoning Commission**

**PROJECT STATEMENT OF USE**

**November 9, 2011**

***Project Applicant:***  
**James James**

## INTRODUCTION

James James is the owner of the premises at 28 Old Kent Road in Mansfield where he resides and operates Heether's Garage, an automotive repair business. Heether's Garage has been in business since the early part of the twentieth century.

Over the years Mr. James and/or his predecessors in ownership have caused a small amount of fill to encroach on the premises to the west of 28 Old Kent Road onto land now owned by Robert D. Racicot and Linda Racicot at 9 Thornbush Road. Several years ago a portion of the Racicot property experienced flooding and the Racicots filed a lawsuit in the Connecticut Superior Court against James for allegedly interfering with the drainage of storm water on the Racicot property. At one point in the course of the litigation the Town of Mansfield was joined as a party since a storm drain on Thornbush Road drains onto the Racicot property. Although the court subsequently dismissed the claims against the Town of Mansfield the Racicots and James proceeded through the judicial process.

During a pretrial conference a Superior Court judge recommended that James remove the fill that has been improperly placed on the Racicot property and continued the matter until April 2011 when the effects of the removal could be observed and a determination made as to whether the Racicot property continued to flood as a result of the fill location. In the fall of 2010 James removed the fill and deposited it on land he had previously acquired from Carol Spoerl which was south of the Racicot property and west of the James property. Since the James property had a significantly higher elevation than the Racicot property James installed large concrete blocks along his side of the boundaries with the Racicot property as a retaining wall. In addition, James installed a dry well in the southeast corner of the Racicot property in order to facilitate any potential accumulation of storm water. James deposited the removed fill onto the parcel he had purchased from Spoerl creating an extension of the rear portion of his yard.

In April 2011 at a subsequent pretrial conference the court recommended that Racicot withdraw his claim against James in light of the fact that Racicot's property was not flooding as a result of any conditions created or maintained by James. Racicot subsequently withdrew the lawsuit. James informed by the Mansfield Zoning Agent that the amount of fill removed from the Racicot property and additional fill brought in by James were of a sufficient amount to require him to seek a special permit.

## **PROJECT DEVELOPMENT**

The amount of fill removed from the Racicot property was approximately 125 cubic yards in volume. Additional fill was placed on the former Spoerl property, amounting to an additional 75 cubic yards. No additional work is contemplated on the properties.

### **FUTURE IMPROVEMENTS**

No future improvements will be necessary to the James property.

## **BUILDING OCCUPANCY**

No buildings or other structures will be placed in the area of the fill placement.

## **CONTROL OF POTENTIAL IMPACTS**

### **Traffic**

No increase in traffic is anticipated by the placement of the fill on the Spoerl parcel.

### **Domestic Waste Production and Management**

No domestic waste will be produced in the area of the fill placement.

### **Hazardous Waste Management**

No hazardous waste will be maintained on the area of the fill placement.

### **Air Emissions Control**

The only air emissions at the site of the fill placement may be in the form of automobiles which may be temporarily stored in the area of the fill placement.

### **Soil Erosion and Run-Off Control**

The placement of the concrete blocks as a retaining wall will eliminate any threat of soil erosion and run-off.

**Noise, Vibration and Lighting**

No activities will occur in the area of the fill placement that will cause any increase in noise, vibration or lighting.

**SPECIAL PERMIT**

**CERTIFICATION**

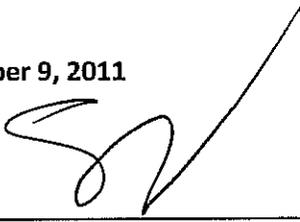
**RE: NOTICE TO NEIGHBORING PROPERTY OWNERS**

**JAMES JAMES SPECIAL PERMIT APPLICATION**

The undersigned hereby certifies that a certified mail, return receipt requested, will be sent with enclosures notifying and informing individuals of the Special Permit application of James James for a fill permit and the public hearing to be scheduled regarding said permit. Said notices shall be sent to the individuals listed on attached Schedule A.

November 9, 2011

By \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'S. Schrager', is written over a horizontal line. The signature is stylized and cursive.

Samuel L. Schrager, Esq.,

Attorney for James James

# Schedule "A"

Abutters List  
James James  
28 Old Kent Road  
Mansfield Ctr, CT 06250

Steven B & Laurie J. Smaglis  
28 Thornbush Road  
Mansfield, Ctr, CT 06250

Judith E. Lester  
10 Thornbush Rd., Ext  
Mansfield Ctr, CT 06250

Carol R. Manning  
41A Stafford Road  
Mansfield Ctr, CT 06250

Robert & Dawn Meduna  
13 Thornbush Road  
Mansfield Ctr, CT 06250

Robert D. & Linda Racicot  
9 Thornbush Road  
Mansfield Ctr, CT 06250

Timothy R. Bryant  
16 Old Kent Road  
Mansfield Ctr, CT 06250

Walter & Carol Villa  
22 Old Kent Road  
Mansfield Ctr, CT 06250

Jessie M. Billiel  
9 Thornbush Rd Ext  
Mansfield Ctr, CT 06250

Judith M. Racine  
24 Thornbush Road  
Mansfield Ctr, CT 06250

Tiffany Chion  
PO Box 1021  
Willimantic, CT 06226

75 Stafford Road  
Mansfield Ctr, CT 06250

Alvin M. Wilkerson  
6 Old Kent Road  
Mansfield Ctr, CT 06250

Glenn J. Mooney  
PO Box 601  
Mansfield Ctr, CT 06250

Peter & Cheryl Stevens  
4 Thornbush Rd Ext  
Mansfield Ctr, CT 06250

John & Eleanor Haggerty  
7 Briarcliff Road  
Mansfield Ctr, CT 06250

Colin W. Martin  
17 Thornbush Road  
Mansfield Ctr, CT 06250

Milagros Bonilla  
16 Thornbush Road Ext  
Mansfield Ctr, CT 06250

Kurt L. Lessenger  
218 Route 87  
Columbia, CT 06237

Gerald Major  
13 Old Kent Road  
Mansfield Ctr, CT 06250

Ryan & Sixta Phillips  
19 Thornbush Road Ext  
Mansfield Ctr, CT 06250

Lori & Barry S. Ennis  
20 Thornbush Road Ext  
Mansfield Ctr, CT 06250

Ramesh & Kalpana KC  
17 Thornbush Road Ext  
Mansfield Ctr, CT 06250

Deborah & Thomas Hodgkins  
27 Old Kent Road  
Mansfield Ctr, CT 06250

Keith & Lisa Beebe  
30 Old Kent Road  
Mansfield Ctr, CT 06250

Kenneth & Cindy Ferry  
24 Thornbush Road Ext  
Mansfield Ctr, CT 06250

Eugene & Julie Kessler  
20 Buckingham Road  
Mansfield Ctr, CT 06250

Gary & Margaret Szymaszek  
14 Buckingham Road  
Mansfield Ctr, CT 06250

Joelen J. Gates  
34 Old Kent Road  
Mansfield, CT 06250

William & Debra Dolan  
28 Buckingham Rd  
Mansfield Ctr, CT 06250

Timothy & Linda Sypher  
36 Old Kent Road  
Mansfield Ctr, CT 06250

Richard & Anna Chick  
33 Old Kent Road  
Mansfield Ctr, CT 06250

Jordan Lee  
40 Old Kent Road  
Mansfield Ctr, CT 06250

Raymond Gerard Trust Indenture The  
Savings Institute The Trustee  
PO Box 95  
Willimantic, CT 06226

Arthur Paradis  
16A Thornbush Road  
Mansfield Ctr, CT 06250

James & Catherine Taylor  
67 Stafford Road  
Mansfield Ctr, CT 06250

Michael R. Chew  
16 Thornbush Road  
Mansfield Ctr, CT 06250

Walter A. Smolinski  
63 Stafford Road  
Mansfield Ctr, CT 06250

Antonio & Socorro Bergeron  
71 Stafford Road  
Mansfield Ctr, CT 06250

Timothy & Lisa Bryant  
16 Old Kent Road  
Mansfield Ctr, CT 06250

Jason & Janine Kinney  
53 Stafford Road  
Mansfield Ctr, CT 06250



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

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LINDA M. PAINTER, AICP, DIRECTOR

**Memo to:** Planning and Zoning Commission  
**From:** Linda M. Painter, AICP, Director of Planning and Development  
**Date:** November 17, 2011  
**Subject:** Livability Solutions Technical Assistance Application



**Subject Matter/Background**

Livability Solutions is a coalition of non-profit organizations that are committed to smart growth and sustainable development. They have received a grant from the Environmental Protection Agency (EPA) as part of the Building Blocks to Sustainable Communities Program to provide free technical assistance to local communities. The technical assistance is provided in the form of a one to two day community workshop. Applicants are allowed to apply for up to three workshops under one application. Based on the detailed descriptions of the various workshops available, staff has identified the following three as a best fit based on current town goals:

*Design Mini-Charrette.* This is an interactive, collaborative design workshop designed to engage the public in visioning for a specific area. A 3-4 person Design Team would work with residents and stakeholders to craft a smart growth/sustainable development vision for the Four Corners area, including illustrations of specific recommendations.

*Green Infrastructure Valuation Guide.* This workshop would focus on assessing the economic merits of green infrastructure (GI) practices, including assisting decision-makers in evaluating options for water management and deciding how, where, and when to incorporate GI in development and redevelopment. This workshop would build on the recommendations that resulted from the Eagleville Brook Total Maximum Daily Load (TMDL) study completed by the UConn Center for Land Use Education and Research and Connecticut Department of Energy and Environmental Protection. The TMDL study focused on the impact that impervious cover has had on the degradation of Eagleville Brook; and recommended that green infrastructure and other Low Impact Development (LID) techniques be used to reduce the impact of impervious surfaces and stormwater runoff on water quality.

*Green Values National Stormwater Management Calculator.* This tool allows users to quickly compare the performance, costs and benefits of green infrastructure to conventional stormwater practices. It would help the town to establish a stormwater runoff volume reduction goal, outline a series of GI Best Management Practices, and demonstrate the performance results and cost estimates of green infrastructure as compared to conventional stormwater solutions. Similar to the Green Infrastructure Valuation Guide, this workshop would help us to better implement the recommendations of the Eagleville Brook TMDL study.

## Selection Criteria

Awards for technical assistance will be based on the following criteria:

- Demonstrated interest or initiative in livability, smart growth or sustainability (20%)
- Clarity and capability to achieve candidate project or initiative (20%)
- Magnitude of need (20%)
- Demonstrated commitment to public engagement (20%)
- Demonstration of partnering capability and stakeholder interest (20%)

In addition to the above listed criteria, Smart Growth America will also consider the following factors in its review of applications for assistance:

- Community diversity. Each of the following community types will be represented in the 6-12 communities awarded technical assistance: Tribal, Rural/Small Town (<15,000 population), Suburban/Medium City (15,000-100,000), Large City/Metro (>100,000). Additionally, at least 30% of the assistance will be targeted to communities that meet one or more of the following characteristics:
  - High rate of poverty (20% or more of households at or below federal poverty threshold or median household income is 70% or less than the national average)
  - High rates of unemployment (greater than national average)
  - Disproportionate levels of environmental degradation, social inequity, historic underrepresentation, economic stagnation or recent economic disruption
  - High percentage of population pays more than 45% of household income on combined housing and transportation costs
  - High percentage (greater than 15%) of households are not food secure
- Geographic Diversity. Livability Solutions will be looking to award assistance to communities across the U.S.
- Equity. SGA will consider the degree to which the application contributes to the diversity of the communities being assisted through the program, with an emphasis on low income, disadvantaged and rural communities.
- Potential for Leveraging. Commitment or funding for future implementation that can add value to the EPA investment in technical assistance will be positively viewed.
- Past receipt of assistance. The SGA will consider how the assistance being requested as part of this application will complement or leverage the assistance requested as part of other assistance that the town has been awarded or is in the process of requesting. In this case, the EPA funding source for this technical assistance program is the same as for the Smart Growth America program that we applied for last month. If we are awarded a workshop from SGA on November 12<sup>th</sup>, we will not submit this application to Livability Solutions.

Livability Solutions will notify us by December 22, 2011 if our application has been selected.

Recommendation

The Commission is respectfully requested to enact the following resolution recommending the submission of the technical assistance application and authorizing the Mayor to provide a letter of support for the project.

\_\_\_\_\_ *MOVES*, \_\_\_\_\_ *SECONDS to authorize the Chairman to submit a letter describing the commitment of the Commission to implement the resulting initiatives and projects.*

Attachments

- 1) Application for Technical Assistance
- 2) Draft Letter of Support (to be distributed at meeting)

PAGE  
BREAK

## EPA Building Blocks for Sustainable Communities Grant Application

Applications are due by 8:00 pm EST Tuesday, November 22, 2011

### Name of agency/organization

Town of Mansfield, Connecticut

### Name of individual authorized to enter into agreements

First Name: Matthew

Last Name: Hart

### Name of contact person

First Name: Linda

Last Name: Painter

### Contact address

4 South Eagleville Road

Mansfield, Connecticut 06268-2599

### Contact phone number

860.469.3330

### Contact email address

[painterlm@mansfieldct.org](mailto:painterlm@mansfieldct.org)

## Background

### What community category do you fall under? (select one)

- Tribal
- Rural/Small Town (less than 15,000 population)
- Suburban/Medium City (15,000-100,000 population)
- Large City/Metro (>100,000 population)
- Other: \_\_\_\_\_

To ensure that this assistance successfully reaches communities with limited resources, 30% of the assistance will be targeted to communities with one or more of the following characteristics:

- There are high rates of poverty (more than 20% of households are at or below the federal poverty threshold, or the median household income is at 70% or less than the national average)

- There are high rates of unemployment (unemployment rates are greater than the national average)
- Residents face a disproportionate level of environmental degradation, social inequity, historic underrepresentation, economic stagnation, and/or recent economic disruption (e.g., closure of major plants or businesses, resulting in a significant job loss)
- A relatively high percentage of the population pays more than 45% of household income on combined housing and transportation costs
- A high percentage (greater than 15%) of households are not food secure.

**Please indicate how any of the five characteristics listed above describes your community. (max 600 characters)**

According to the Housing and Transportation Affordability Index Tool on the CNT Website, a majority of the town pays more than 45% of household income on housing and transportation. It is only in the area surrounding the University of Connecticut (UConn) where the percentage decreases below 30%, which is to be expected given the large student population and concentration of multi-family developments in the campus area. The remainder of town is fairly rural, with typical densities averaging one housing unit/two acres, forcing most residents to rely on cars as their primary means of transportation.

**Please provide us with a brief profile of the community for which this technical assistance will be provided. This should include physical scale, population and demographic makeup, built environment characteristics, growth trends and unique characteristics. (max 1050 characters)**

As home to UConn, Mansfield has a unique dichotomy of development compared to other towns our size. In many ways, we are typical of other New England towns, with the vast majority of our landscape dominated by farmland, forests, wetlands and single family homes typically set on 2 or more acres. However, UConn with its 20,000+ students is the equivalent of a small, fairly self-contained city within our rural landscape. Overall, the town encompasses 45.1 square miles and has 26,543 residents according to the 2010 census. However, 12,743 of those resided at a state prison or in student housing. When off-campus student housing is factored in, our year-round permanent population is much smaller than the census figures imply. As the town's major employer, UConn drives demand for housing and infrastructure improvements. In 2011, the state approved funding for the first phase of a new technology park at UConn, a project that is expected to increase pressure for growth in surrounding neighborhoods.

**Describe your interest in and commitment to livability, smart growth, and sustainability, including a description of past and present activities, programs, policies, or projects that illustrate this (see selection criteria). (max 1200 characters)**

Mansfield's commitment to smart growth has been expressed by our elected Planning and Zoning Commission through the Plan of Conservation and Development, as well as by the Town Council through its adoption of Mansfield 2020: A Unified Vision, the town's strategic plan. Specific policies include: Incorporating principles of sustainability into Mansfield's identity by creating and implementing policies, practices and programs; reviewing, refining and revising land use policies and

regulations to reflect environmental, sustainability and economic development policies; establishing and implementing a comprehensive policy for water and sewer services, and creating/implementing sustainable transportation systems. This commitment to sustainability and smart growth is demonstrated by the public-private partnership between the town, UConn, the Mansfield Downtown Partnership and master developer Storrs Center Alliance on the development of Storrs Center, a mixed-use downtown designed using principles of New Urbanism and incorporating a new multi-modal transportation center and sustainability guidelines for construction.

**Describe the current project or initiative related to livability, smart growth, or sustainability that you want this assistance to help you move forward with. Briefly describe the scope and physical extent of this effort; including any particular issue(s) and hurdle(s) that you face. Explain why you need this technical assistance and how you intend to implement the results. How will you define success? (max 3000 characters)**

Mansfield is currently in the planning phase for two significant projects that impact the long-term sustainability of the town. The first is redevelopment of the area known as Four Corners at the intersection of Routes 195 and 44. One of Mansfield's historic villages, today this area serves as the northern gateway to both the Town of Mansfield and the University of Connecticut. Over the past several years, the area has become blighted with vacant buildings due to long-term environmental contamination from failed septic systems and leaking underground gasoline tanks. As a result, the image projected by this area is one of disuse and abandonment, contrary to the Town's vision for a gateway that includes a vibrant, pedestrian-oriented mixed use district. Redevelopment efforts have been hindered by the limitation of the soils to accommodate on-site wastewater disposal, a condition that restricts use and density of development. Since 2006 the town has been working on a plan to connect the area to the existing sewer system operated by UConn. Design of a new pump station and sewage collection system are underway. During the sewer planning process, it became evident that availability of a public water source was also essential to the successful redevelopment of this key intersection. To address this need, the town is currently partnering with UConn on identification and development of a new water supply source. As these projects move closer to reality, it is time to focus on plans and regulations to guide the future redevelopment. Given the environmental constraints of this area, use of smart growth principles and LID techniques will be essential to ensure long-term sustainability and protection of nearby wetlands and forests. Successful implementation of this project would include development that serves as a model for smart growth and integration of densities that support transit while maintaining the area's rural character and natural environment. The second project relates to implementation of a TMDL study done for the Eagleville Brook watershed, located to the south of Four Corners. This study was the first in the nation to identify impervious cover as the primary pollutant. A recent implementation study identified use of LID techniques to meet water quality goals for the watershed. While specific regulation changes have been recommended, additional education and training is needed for both the Planning and Zoning Commission and staff to ensure that projects meet the goals of reducing the impacts of impervious cover. A more ambitious goal involves the rewriting of zoning regulations to clearly communicate the town's commitment to sustainable design, of which green infrastructure is a key component. Successful implementation of these changes would not only be reflected in the improved water quality of Eagleville Brook, but also increased use of green infrastructure town-wide to protect our other watercourses.

Please describe how you intend to involve the public in this technical assistance. How will you include people of all age groups, abilities and ethnicities in your community. (max 750 characters)

To ensure broad participation from a wide range of interests, including residents, business owners, farmers and students, we will work with a variety of town and community based organizations on outreach efforts for the workshop. The workshop will be publicized in heavily used town facilities such as the community center, library, senior center, early childhood center and schools to reach a broad cross-section of residents. For the business community, we will work with the Mansfield Downtown Partnership, Storrs Center Alliance, Tolland County and Windham Region Chambers of Commerce to publicize the event. The town's agriculture committee and regional Advocate program will serve as our liaison to the farming community.

List the other agencies, organizations and community leaders that will partner with you/also receive the technical assistance and describe their level of commitment. (max 750 characters)

Letters are provided from the following partners describing their commitment to this effort. Planning and Zoning Commission: This elected body also serves as the town's Inland Wetland Agency and Aquifer Protection Agency, and as such, are responsible for ensuring that development regulations protect and enhance the natural environment. The Sustainability Committee and Four Corners Sewer and Water Advisory Committee are tasked with advising the Council on efforts related to sustainability and redevelopment of the Four Corners. The Center for Land Use Education and Research and Department of Energy and Environmental Protection will provide support on GI practices to help the town achieve the goals of the Eagleville Brook TMDL study.

\*Note: Partner requests have been submitted to CLEAR and DEEP; no commitment has been received at the time this draft application was prepared.

#### Upload a letter or letters of commitment

*(Upload a letter or letters of commitment to receive and implement the technical assistance signed by a local elected official or head of local agency indicating their commitment and substantive involvement in the technical assistance and describing the community's readiness to receive the assistance. Also upload letters of commitment from any partner agencies and organizations listed above, or include the signatures of their representatives on your first letter. Signed letter(s) are required and must be submitted at the time of the application. Letters must be signed by an official with the authority to commit your agency or organization to the project and should be written on official letterhead. Applications without signed letters from a local elected official or head of agency will not be considered)*

Potential letters:

- Mayor (required)
- Town Manager
- Planning and Zoning Commission
- Sustainability Committee
- Four Corners Committee

- CLEAR
- DEEP
- University of Connecticut

**Are there particular tools in our toolkit that you are interested in? (Select up to three)**

- The Mixed-Income/Equitable TOD Action Guide (RA)
- Form Based Code Tool (NCRC)
- A Transit-Oriented Development Implementation Typology (RA)
- The Power of Ten Exercise (PPS)
- The Bicycle Master Plan Roadmap (NCBW)
- The PlaceMap (PPS)
- National Charrette Institute Charrette System™ (NCI)
- The Place Audit and Street Audit (PPS)
- The Housing and Transportation Affordability Index (CNT)
- The Designing Walkable Urban Thoroughfares training
- The Active Community Schools (ACS) Workbook (NCBW)
- Civic Engagement for Walkable, Livable Communities (WALC)
- Walk Audit/Streets and Intersections Audit (WALC, NCBW, PPS)
- The Project Start-Up Intensive (NCI)
- Green Infrastructure Valuation Guide (CNT)
- National Transit-Oriented Development Database (CNT/RA)
- Green Values® National Stormwater Management Calculator (CNT)
- Design Mini-Charrette (LGC or NCI)
- Community Image Survey (CIS) (LGC)
- Transopoly<sup>SM</sup> (CNT)
- Safe Routes to School Workshop (NCBW)

**Please describe why you are interested in these tools in particular. (max 750 characters)**

The mini-design charrette is the best tool for taking the town's efforts to redevelop the Four Corners area to the next level. To date our efforts have focused primarily on providing water and sewer service. While design guidelines have been adopted, more detailed planning would ensure that

development meets smart growth principles and helps to restore the natural environment. The Green Infrastructure (GI) tools would help as we work toward implementing recommendations of the Eagleville Brook TMDL study, which would address water quality goals of the TMDL as well as ensure better protection of our natural resources town-wide. Full integration of GI BMPs into regulations would also be a model for other communities with similar issues.

**Have you received related technical assistance from EPA, other federal agencies, their contractors or grantees, or other sources in the past?**

Yes

No

**If yes, describe the assistance, including how the new assistance you are requesting would build upon or complement the past assistance. (max 750 characters)**

UConn and the Town of Mansfield used EPA Clean Water Act Section 319 grant funding awarded by the Connecticut Dept of Energy and Environmental Protection to create a watershed-based plan for the Eagleville Brook watershed to assist with TMDL implementation. The project identified opportunities for near-term BMP implementation. The GI technical assistance would build on this recently completed study by furthering public education and support for GI, and helping to develop a more comprehensive set of GI/LID regulations for development both within the Eagleville Brook watershed and townwide.

**Are you applying for related technical assistance from EPA, other federal agencies, or their grantees or contractors?**

Yes

No

**If yes, describe the assistance, including the name and assistance provider, and explain how that assistance would complement the assistance you are requesting here. (max 750 characters)**

The Town applied for a HUD Community Challenge Planning Grant to assist the town in updating regulations to ensure that new development supports sustainability goals. The project includes three components: a Sustainable Development and Green Building Action Plan, a Housing and Economic Development Strategy, and a rewrite of zoning/subdivision regulations. The mini-design charrette would allow us to develop a more detailed plan for the Four Corners area, ensuring that the resulting development is sustainable over the long term and complements other smart growth efforts in the area. The GI workshops would provide a comprehensive review of green infrastructure options to better shape low impact development requirements.

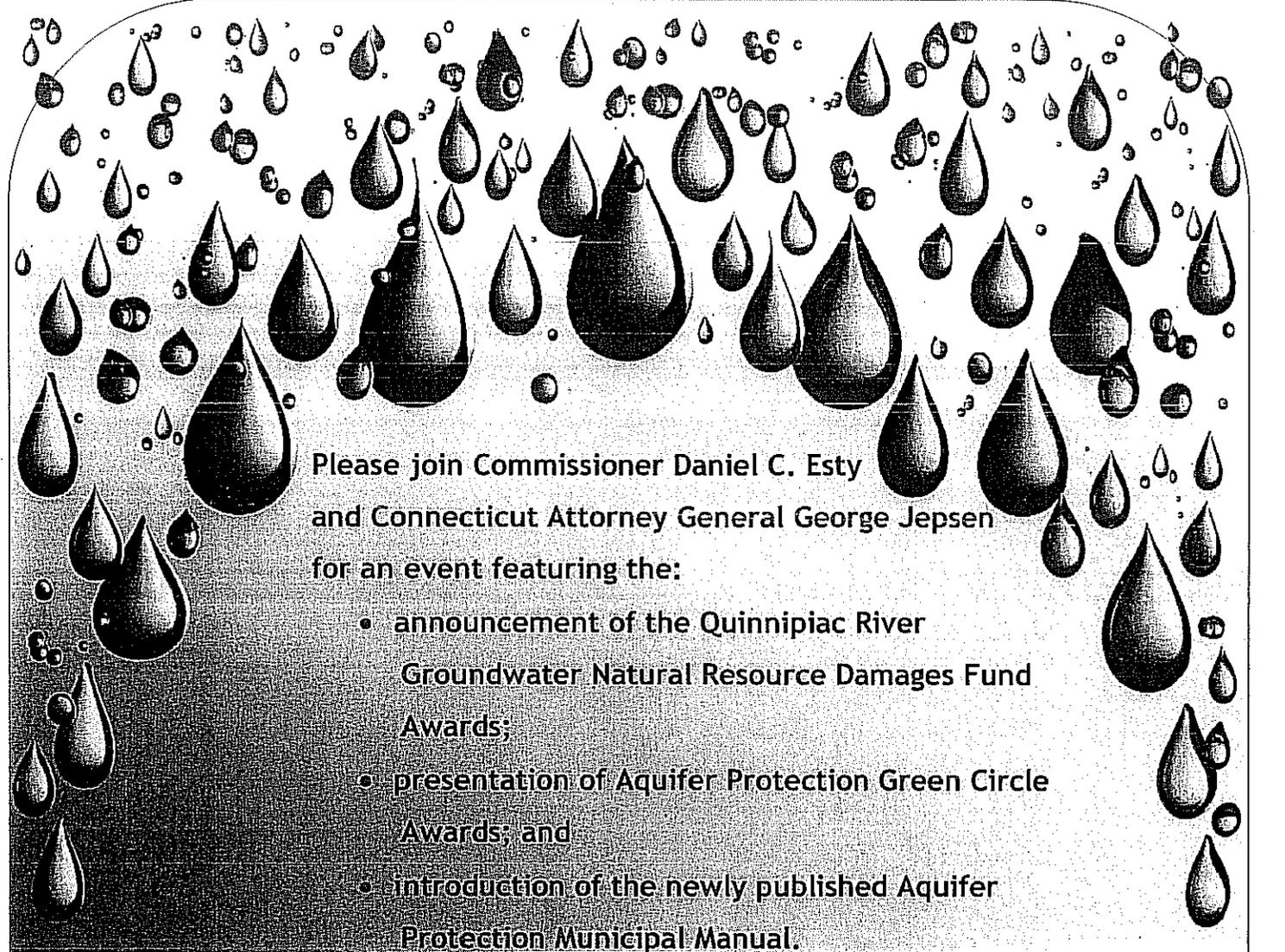
To: Town Council/Planning & Zoning Commission  
 From: Curt Hirsch, Zoning Agent  
 Date: November 9, 2011

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

| Activity                            | This month | Last month | Same month last year | This fiscal year to date | Last fiscal year to date |
|-------------------------------------|------------|------------|----------------------|--------------------------|--------------------------|
| Zoning Permits issued               | 15         | 16         | 16                   | 52                       | 48                       |
| Certificates of Compliance issued   | 5          | 16         | 11                   | 39                       | 45                       |
| Site inspections                    | 21         | 23         | 53                   | 118                      | 187                      |
| Complaints received from the Public | 9          | 3          | 6                    | 14                       | 19                       |
| Complaints requiring inspection     | 7          | 2          | 4                    | 11                       | 14                       |
| Potential/Actual violations found   | 4          | 1          | 4                    | 6                        | 9                        |
| Enforcement letters                 | 6          | 7          | 10                   | 25                       | 41                       |
| Notices to issue ZBA forms          | 0          | 2          | 0                    | 4                        | 0                        |
| Notices of Zoning Violations issued | 0          | 0          | 3                    | 7                        | 6                        |
| Zoning Citations issued             | 0          | 2          | 8                    | 6                        | 14                       |

Zoning permits issued this month for single family homes = 2, 2-fm = 0, multi-fm = 0  
 2011/2012 fiscal year total: s-fm = 2, 2-fm = 0, multi-fm = 0

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BREAK



Please join Commissioner Daniel C. Esty  
and Connecticut Attorney General George Jepsen  
for an event featuring the:

- announcement of the Quinnipiac River  
Groundwater Natural Resource Damages Fund  
Awards;
- presentation of Aquifer Protection Green Circle  
Awards; and
- introduction of the newly published Aquifer  
Protection Municipal Manual.

# Aquifer Protection Event

Rescheduled: December 5

1:00 PM - 3:00 PM

CT DEEP Phoenix Auditorium

79 Elm Street

Hartford, CT

There is limited seating for this free event. Please RSVP by November 23, 2011  
to 860-424-3047 or [deep.aquiferprotection@ct.gov](mailto:deep.aquiferprotection@ct.gov).



Connecticut Department of  
Energy and Environmental Protection

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To: Curt Hirsch and the Mansfield Town Planning and Zoning Committee  
Fr: Thomas Weinland, President, Villages at Freedom Green Board  
Re: Beaudoin Building/Landscaping Plans

November 14, 2011

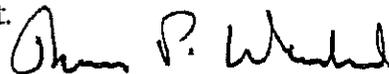
While I appreciate the fact that you are requiring Mr. Beaudoin to submit a landscaping plan by December 5, we would have preferred that the PZC had delayed lifting any part of the "cease and desist" order until you had reviewed and accepted that plan. We have long experience trying, with middling success, to hold Mr. Beaudoin to deadlines and requirements.

We would appreciate the opportunity to review the plan prior to December 5 so that we can have time to prepare a response for your meeting. Our major questions would be these: What happens if he submits the plan at your meeting on the evening of the 5<sup>th</sup>, without providing time for the PZC or us to review the plan? What happens if you find the plan unacceptable on December 5<sup>th</sup>? Should either scenario occur we urge, in the strongest possible terms, that the PZC reinstitute its "cease and desist" order **for all eight units** on Liberty Drive. Without the threat of that order hanging over him he will very likely continue to delay compliance - and continue to build.

Once the plan has been accepted, we hope that someone will follow up to make sure that the specifics of the plan are met. Mr. Beaudoin's approach to landscaping falls well short of acceptable, as anyone here can tell you. If the landscaping plan calls for retaining walls we recommend particular caution. One needed only to have seen Mr. Beaudoin's original retaining wall construction at the units on Samuel Lane to understand how a good plan can be poorly executed.

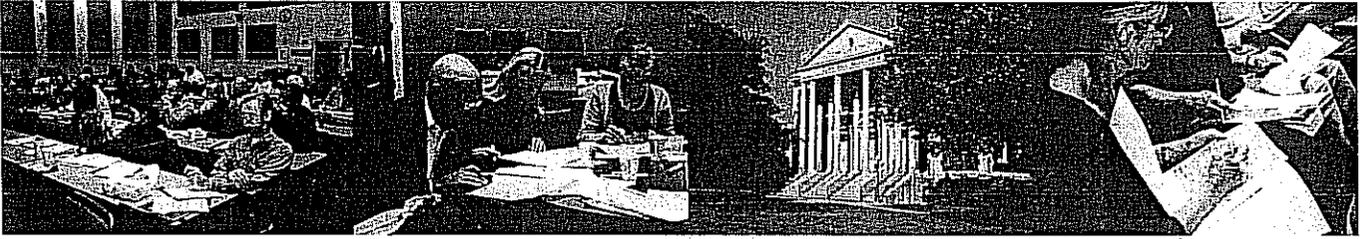
Thank you for your attention and support.

Best, Tim



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# Planning Commission



Land Use Academy Fact Sheets

[clear.uconn.edu/ua](http://clear.uconn.edu/ua)

## Legal Basis of Authority

Chapter 126, Section 8-19 of the Connecticut General Statutes (CGS) provides that any municipality may by ordinance create a planning commission.

## Membership

Commissions must consist of five members who are:

1. Electors, and
2. Hold no Salaried Municipal Office.

The Chief Executive Officer, Town Engineer or Commissioner of Public Works shall be Ex-Officio members, without voting privileges

## Terms of Office

Terms of office and method of selection shall be fixed by ordinance, however terms of office shall be so arranged that no more than three (3) members' terms shall expire in any one year.

## Election of Officers, Keeping Records

Commissions must:

1. Elect a chairperson and secretary from its members,
2. Adopt rules for the transaction of business,
3. Keep a public record of its activities and,
4. File an annual report with the local legislative body.

## Alternates, Staff and Consultants

The ordinance establishing the Planning Commission may provide for the appointment or election of alternate members to the Planning Commission. When seated, alternate members shall have all the powers and duties of regular members. Alternates shall be electors of the municipality and shall not be members of Zoning Board of Appeals or the Zoning commission. The ordinance shall also provide for the manner of designating alternates to act.

## Voting

A vote of a majority of a legal quorum of the commission is required for action, unless otherwise stated in the statutes. For example, an ordinance may provide that a waiver of the

subdivision regulations requires a 3/4 vote of all members and contracts and expenditures require a majority vote of the whole membership. A tie vote means an application is denied.

## Powers and Duties

Once established, a Planning Commission has the following powers and duties:

1. *Plan of Conservation and Development:* The commission must prepare, adopt or amend a plan for the municipality, showing the commission's recommendation for the most desirable use of land for residential, recreational, commercial, industrial, conservation and other purposes and for the most desirable density of population in the various parts of the municipality. The plan shall be reviewed at least every ten years and amended as the commission deems necessary. [8-23]
2. *Municipal Improvements:* No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipal property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project; or (4) locate or extend public utilities for water, sewerage, light, power, transit and other purposes, until the proposal to take these actions has been referred to the commission for a report.

Failure of the commission to report within 35 days after the date of submission of the proposal is deemed an approval of the proposal. If the commission disapproves the proposal it must report its reasons to the legislative body. The report is advisory and can be overridden by a majority of a town meeting or a 2/3 vote by the legislative body. [8-24]

The review and approval of proposed municipal improvements does not apply to the maintenance or repair of existing property, public ways or buildings.

\*Bracketed numbers reference sections of the Connecticut General Statutes, visit [cga.ct.gov/2009/pub/title8.htm](http://cga.ct.gov/2009/pub/title8.htm)



Land Use Academy

## Planning Commission

### Powers and Duties con't.

3. *Subdivision Regulation:* The Commission must establish, change or repeal regulations for the subdivision and resubdivision of land. [8-26]

4. *Approve Subdivisions:* To hear, consider and decide upon applications for approval of subdivision or resubdivision of land. [8-26]

5. *Waive Certain Subdivision Regulations:* The commission, upon a 3/4 vote of all members, may waive certain requirements of the subdivision regulations where special conditions exist, but only in accordance with standards and criteria set forth in the subdivision regulations and only if the waiver will not adversely affect adjacent property or public health or safety. [8-26]

6. *Exceptions to Zoning:* To hear, consider and decide upon applications for Special Permits or Special Exceptions to the extent required by the zoning regulations of the municipality. [8-2, 8-26e]

7. *Advise on Zoning:* If the Planning Commission is separate from the Zoning Commission, the Commission may review and report on any proposed zoning regulations or boundaries or any changes to such regulations or boundaries.

The failure of the Planning Commission to report prior to or at a public hearing on the proposed changes shall be taken as approval of the proposal. The report shall contain the findings of the Planning Commission on the consistency of the proposed regulation with the municipality's Plan of Conservation and Development. A proposal disapproved by the Planning Commission may still be adopted by the Zoning Commission by a vote of not less than 2/3 of all Zoning Commission members.

8. *Open Space proposals:* The Commission may approve all applications for Open Space Grants prior to submission to the commissioner of environmental protection. [7-131e(c)]

9. *Oversee Infrastructure changes:* The Commission may prepare and file surveys, maps or plans of proposed highways, streets or sidewalks or the relocation, grade, widening or improvement of existing highways, streets or sidewalks or of any proposed building or veranda lines with the town clerk

and to assess the benefits and damages to any person owning land in such survey, map or plan. [8-29]

### Combined Planning and Zoning Commissions

Since 1959 municipalities have been allowed to establish combined planning and zoning commissions. Under Section 8-4a of the CGS, any municipality may establish a single commission to carry out both planning and zoning. The Planning and Zoning commission may consist of 5, 6, 7, 8, 9 or 10 members, not counting non-voting members. On commissions with 5 or 6 members, the terms of no more than 3 members may expire in any year, on 7 or 8 member boards no more than 4, and on 9 and 10 member boards, no more than 5 may expire in any year.

Upon the establishment of a combined commission, all regulations adopted by the separate planning and zoning commissions that were in effect prior to the establishment of the new combined board shall continue in full force until revised or repealed by the new board.

Vacancies shall be filled as provided in the ordinance establishing the combined commission.

### CHECK OUT THESE ONLINE TOOLS AND RESOURCES

- *Online Academy* - provides online resources for those who want a quick refresher or are unable to attend a training. Visit [clear.uconn.edu/ua/online](http://clear.uconn.edu/ua/online)
- *Community Resource Inventory Online* - provides organized maps, tutorials and case examples that assist you in developing a basic inventory of your towns natural and cultural resources.
- *Connecticut's Changing Landscape* - provides data about how CT's landscape has changed since 1985. Local Land Use officials can use this resource to evaluate the environmental, social and economic impacts of development that guide their decision making.

For more information  
Call: 860-345-4511  
Email: [clear@uconn.edu](mailto:clear@uconn.edu)

Disclaimer: The materials contained in this fact sheet are a general, lay summary of the roles and responsibilities of local land use commissioners. They should not be relied on as a valid legal opinion or position. As such, these materials should not be used in place of consulting an attorney about the roles and responsibilities of a local land use commissioner.



The Land Use Academy is a program of the Center for Land Use Education and Research (CLEAR). Land, Sea and Space Grant collaborating.

# Zoning Commission



Land Use Academy Fact Sheets

[clear.uconn.edu/ua](http://clear.uconn.edu/ua)

## Legal Basis of Authority

In Connecticut, any municipality may, by vote of its legislative body, adopt the provisions of Chapter 124, Section 8-1 of the Connecticut General Statutes (CGS) and establish a zoning commission.

Municipalities are not required to establish Zoning Commissions however most have. If the municipality does establish a Zoning Commission, it must also establish a Zoning Board of Appeals.

## Membership

1. The Zoning Commission shall consist of not less than 5 nor more than 9 members.
2. The membership of the commission must comply with state statutes or town charter or ordinances providing for the maximum number of members who may be affiliated with a particular political party.
3. Members of the Commission shall be electors of the municipality.

## Terms of Office

The number of members, the method of their selection and removal and their terms of office shall be determined by ordinance. The town legislative body cannot be designated to act as the Zoning Commission except;

- In towns of less than 5,000, or
- If a legislative body was so acting prior to July 1, 1974 or
- If a legislative body was so acting prior to June 17, 1987 pursuant to a special act.

## Alternates

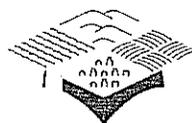
The ordinance establishing the Zoning Commission shall provide for the appointment or election of alternate members to the Zoning Commission. When seated, alternate members shall have all the powers and duties of regular members. Alternates shall be electors of the municipality and shall not be members of Zoning Board of Appeals or the Planning Commission. The ordinance shall also provide for the manner of designating alternates to act.

## Powers and Duties

Zoning Commissions have the following powers:

1. To establish, change or repeal zoning regulations and zoning districts, including village districts, in accordance with the considerations set forth in C.G.S. Section 8-2. [8-3]
2. To hear, consider and decide upon petitions for changes in the zoning regulations or zoning district boundaries. [8-3]
3. To provide for the manner in which the zoning regulations are to be enforced and to take appropriate actions to enforce them. [8-3 (e), 8-12]
4. To certify, when appropriate, that a building, structure or use is or will be in conformity with the zoning regulation. This function may be delegated to a zoning enforcement officer. [8-3 (f)]
5. To require, when it deems appropriate, that a site plan be filed to aid in determining the conformity of a proposed building, structure or use with the zoning regulation, and to approve, modify or deny such a site plan. This function may be delegated to a zoning enforcement officer. [8-3 (g)]

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Land Use Academy

## Zoning Commission

### Powers and Duties con't.

6. To hear, consider and decide upon applications for special permits or special exceptions in accordance with the zoning regulations. This function may be delegated to a zoning board of appeals or a planning commission. [8-2, 8-3c]

7. To approve or disapprove the construction of any above ground vault, crypt, columbarium or mausoleum for public use in any cemetery containing less than five acres. [Public Act 87-490]

8. To approve or disapprove the location of crematories proposed for plots of land which have not been used for cemeteries for at least five years or which are not established cemeteries containing twenty or more acres. [19a-320]

9. Regulate and restrict proposed location of any steam plant, gas plant, gas tank, water tank, electric substation, antenna, tower or earth station receiver of any public service company not subject to the jurisdiction of the Connecticut Siting Council. [16-235]

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