

**MEETING NOTICE AND AGENDA**  
**MANSFIELD PLANNING AND ZONING COMMISSION**  
Regular Meeting

**Monday, October 21, 2013 ■ 7:00 PM**

Audrey P. Beck Municipal Building ■ 4 South Eagleville Road ■ Council Chambers

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
  - a. October 7, 2013 Regular Meeting
4. **Zoning Agent's Report**
  - Monthly Activity Update
  - Enforcement Update
  - Other
5. **Old Business**
  - a. **Application to Amend the Zoning Regulations; Storrs Center Alliance, LLC, applicant, (File #1246-14)**
  - b. **Application to Amend the Zoning Map; Storrs Center Alliance, LLC, applicant, (File #1246-15)**
  - c. **Approval Request: Revised Plans for Paideia Greek Theater Project Exhibit Building, 28 Dog Lane (File #1049-7)**  
Tabled-awaiting revised plans
  - d. **82 Stone Mill Road-Barking Complaints/Kennel Determination**  
Memo from Zoning Agent
  - e. **Other**
6. **New Business**
  - a. **Route 195/Route 44 Corridor Study Application**  
Memo from Director of Planning and Development
  - b. **Other**

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7. **Reports from Officers and Committees**
  - a. **Chairman's Report**
  - b. **Regional Planning Commission**
  - c. **Regulatory Review Committee**
  - d. **Subcommittee on Infrastructure**
  - e. **Planning and Development Director's Report**
  - f. **Other**
8. **Communications and Bills**
  - a. **Fall 2013 CFPZA Newsletter**
  - b. **Other**
9. **Adjournment**

**DRAFT MINUTES**  
**MANSFIELD PLANNING AND ZONING COMMISSION**  
**Regular Meeting**  
**MONDAY, October 7, 2013**  
**Council Chamber, Audrey P. Beck Municipal Building**

Members present: J. Goodwin (Chairman), R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, K. Rawn, B. Ryan  
Members absent: B. Chandy  
Alternates present: A. Marcellino (7:25 p.m.), S. Westa  
Alternates absent: V. Ward  
Staff Present: Linda Painter, Director of Planning and Development  
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:21 p.m. and appointed Westa to act in the absence of Chandy.

**Minutes:**

September 16, 2013 Regular Meeting: Holt MOVED, Hall seconded, to approve the 9/16/13 Meeting Minutes as presented. MOTION PASSED UNANIMOUSLY. Holt and Pociask noted for the record that they listened to the recording of the meeting.

Zoning Agent's Report: Noted.

**Public Hearing:**

**a. Live Music Special Permit Renewals**

Chairman Goodwin opened the Public Hearing at 7:25 p.m. Members present were Goodwin, Hall, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Marcellino and Westa. Westa was appointed to act. Linda Painter, Director of Planning and Development, read the Legal Notice as it appeared in The Chronicle on 9-24-13 and 10-2-13, and noted the following communications received and distributed to members of the Commission: a 9-19-13 memo from Curt Hirsch, Zoning Agent.

Mr. Hirsch reported that he has received no complaints regarding these businesses during the past year and has no additional information to add to his memo as submitted to the Commission. Goodwin noted no public or Commission comments or questions. Plante MOVED, Pociask seconded, to close the Public Hearing at 7:29 p.m. MOTION PASSED UNANIMOUSLY.

**Old Business:**

**d. Live Music Special Permit Renewals**

Holt MOVED, Ryan seconded, that the Commission approve the special permit renewals for the use of live music for Huskies Restaurant, Pub 32 and Ted's Restaurant, until November 1, 2014. The renewals are conditioned upon compliance with the current conditions for each, which shall be attached to this motion. MOTION PASSED UNANIMOUSLY.

**Public Hearing:**

**b. Modification to Special Permit, Regional School District #19, Athletic Facilities Renovation Project, PZC File #1117-2**

Chairman Goodwin opened the Public Hearing at 7:30 p.m. Members present were Goodwin, Hall, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Marcellino and Westa. Westa was appointed to act. Linda Painter, Director of Planning and Development read the Legal Notice as it appeared in The Chronicle on 9-24-13 and 10-2-13, and noted the following communications received and distributed to members of

the Commission: a 10-1-13 memo from Linda Painter, Director of Planning and Development, and a 9-11-13 email from Susan Kaeser.

Bruce Silva, Superintendent of Regional School District #19, and Andrew Zyjak of MUSCO Lighting were present.

Zyjak explained the lighting fixtures and the key components that would make these fixtures more neighbor friendly: specifically visors, optics, mounting height and the number of fixtures per pole. He pointed to a rendering submitted with the application which illustrated that these fixtures direct light precisely where it is wanted on the field, reducing the amount of light outside of the target area.

Goodwin noted no public or Commission comments or questions. Pociask MOVED, Holt seconded, to close the Public Hearing at 7:39 p.m. MOTION PASSED UNANIMOUSLY.

**c. Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA) and Pleasant Valley Commercial/Agriculture Regulations, PZC File #907-40**

Chairman Goodwin opened the Public Hearing at 7:40 p.m. Members present were Goodwin, Hall, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Marcellino and Westa. Westa was appointed to act. Linda Painter, Director of Planning and Development, read the Legal Notice as it appeared in The Chronicle on 9-24-13 and 10-2-13, and noted the following communications received and distributed to members of the Commission: a 10/6/13 email from Ethel Gaudette; a 10/3/13 memo from Linda Painter, Director of Planning and Development; a 10/2/13 memo from Dennis O'Brien, Town Attorney; 9/3/13 comments from the Agriculture Committee; and 9/4/13 comments from Ted Melinosky, Vice Chair of WINCOG's RPC, which was read into the record.

Painter reviewed the background of the revision, which was initiated by the Commission, to reduce the amount of required prime agricultural land to be preserved in the PVRA and PVCA zones from 40% to 35%, explaining that this revision is a negotiated settlement with the land owners to resolve pending appeals in Superior Court.

Goodwin noted no public or Commission comments or questions. Plante MOVED, Rawn seconded, to close the Public Hearing at 7:45 p.m. MOTION PASSED UNANIMOUSLY.

**Old Business:**

- a. **Application to Amend the Zoning Regulations; Storrs Center Alliance, LLC, applicant, (File #1246-14)**  
After extensive discussion of opinions both in favor and against the project, Hall volunteered to draft a denial motion and Holt volunteered to draft an approval motion for the next meeting.
- b. **Application to Amend the Zoning Map; Storrs Center Alliance, LLC, applicant, (File #1246-15)**  
After extensive discussion of opinions both in favor and against the project, Hall volunteered to draft a denial motion and Holt volunteered to draft an approval motion for the next meeting.
- c. **Approval Request: Revised Plans for Paideia Greek Theater Project Exhibit Building, 28 Dog Lane (File #1049-7)**  
Tabled-awaiting revised plans.
- e. **Request for Site Modification, Regional School District #19, Athletic Facilities Renovation Project, PZC File #1117-2**  
Westa MOVED, Holt seconded, to approve the application to modify the special permit (File #1117-2) of Region 19/E.O. Smith High School to allow the installation of four 80-foot light poles to light the football field and track. This approval is based on the project as described in the application dated August 28, 2013

and presented at a Public Hearing on October 7, 2013, including a site plan dated March 10, 2011 and detailed plans and specifications prepared by MUSCO lighting.

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

1. **Extent of Approval.** This approval is specifically tied to the applicant's submissions and the conditions cited in this motion. Unless modifications are specifically authorized, the proposed uses and site improvements shall be limited to those authorized by this approval. Any questions regarding authorized uses, required site improvements and conditions cited in this approval shall be reviewed with the Zoning Agent and Director of Planning and Development, and, as deemed necessary, the PZC. The Zoning Agent and Director of Planning may approve occasional community use that extends past 9pm.
2. **Timing.** Lighting shall be turned off within 30 minutes of practice end and as soon as stands and field have cleared after a game.
3. **Validity.** This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records. MOTION PASSED UNANIMOUSLY.

**f. Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA) and Pleasant Valley Commercial/Agriculture Regulations, PZC File #907-40**

Lewis MOVED, Holt seconded, to approve revisions as presented in an August 19, 2013 draft to Article X, Section A.9.b, Agricultural Land Preservation Requirements for the Pleasant Valley Residence/Agriculture (PVRA) zone and Article X, Section A.10.f, Agricultural Land Preservation Requirements for the Pleasant Valley Commercial/Agriculture (PVCA) zone to change the minimum percentage of prime agricultural acreage to be preserved from 40% to 35% (File #907-40). The subject Zoning Regulation revisions were presented at Public Hearing on October 7, 2013 and filed prior to the hearing with the Mansfield Town Clerk. A copy of the subject regulations shall be attached to the Minutes of this meeting, and this amendment shall be effective as of November 1, 2013.

In approving the Zoning Regulations, the Planning and Zoning Commission has reviewed and considered all public hearing testimony and communications, including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and Development and the Mansfield Town Attorney. Reasons for approval include:

1. The revisions are considered acceptably worded and suitably coordinated with related zoning provisions.
2. The revisions are consistent with the Plan of Conservation & Development, particularly policy goals 1 and 2.
3. The revisions are consistent with the provisions Section 8-2 of the Connecticut General Statutes and Article I of the Zoning Regulations, including statutory requirements that zoning regulations provide for consideration of impact on agriculture.
4. The revisions reflect the Commission's goal of balancing reasonable development opportunities (primarily due to the proximity of public sewer and water services) with the protection of the area's special agricultural, natural resource and scenic characteristics. MOTION PASSED UNANIMOUSLY.

### New Business:

#### **a. Stearns Farm Gravel Removal: Review of Historical Use**

Painter explained a memo distributed this evening in which staff is asking for a determination from the Commission as to whether it finds that the gravel operation conducted on this site is "grandfathered". David Stearns and Philip DeSiato explained the background and history of the gravel removal on the property, offering testimony that the operation was in place prior to the advent of the 1957 - 1959 zoning regulations. After discussion, Hall MOVED, Plante seconded, that sufficient supporting information has been provided for the Commission to determine that this use is "grandfathered" and that no Special Permit is required for the continuation of the use. The owner was instructed to consult with the Wetlands Agent regarding the need for a wetlands license. MOTION PASSED UNANIMOUSLY.

#### **b. Request for Building Modification, Dollar General Store, 591 Middle Turnpike, PZC File #221-4**

Hall MOVED, Holt seconded, the PZC approve the 10/2/13 modification request of Cornerstone Mansfield, LLC, as shown on plans revised to 9/16/13, provided that the one-way traffic pattern and angled parking spaces of the 8/4/86, PZC-approved plan be retained. The pavement markings shown on the 1986 plan shall also be retained. The applicant shall also review with Town staff, the work approved at the site entrance as part of the 11/18/85 approval. If necessary, the applicant shall complete this work prior to an occupancy permit being issued for the Dollar General store unless this condition is revised by the PZC. MOTION PASSED UNANIMOUSLY.

#### **c. 8-24 Referral: North Hillside Road Bikeway Easement**

Holt MOVED, Ryan seconded, that the Planning and Zoning Commission notify the Town Council that the proposed adjustment to the easement for the North Hillside Road Bikeway is consistent with the 2006 Plan of Conservation and Development. MOTION PASSED UNANIMOUSLY.

#### **d. Storrs Center Zoning Permit Application: Educational Playcare (VS-11)**

Linda Painter, Director of Planning and Development, as a courtesy to the PZC because no PZC action is required, reviewed the Zoning Permit application submitted by Educational Playcare (VS-11). She noted that the Downtown Partnership intends to take this proposed use to Public Hearing before requesting approval from the Director of Planning. Therefore, pursuant to the Storrs Center Special Design District regulations, the Mansfield Downtown Partnership Inc., will hold a public hearing on Thursday, October 17, 2013 at 7:00 pm at the Audrey P. Beck Building Town Council Chambers Room, 4 South Eagleville Road, to hear comments on the Zoning Permit application. Members expressed concerns about the child drop-off and pick-up locations as well as the location of an area for school bus stops.

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Painter said work continues on the draft POCD revisions and noted a 10/16/13 Advisory Group Meeting.

### Reports from Officers and Committees: None.

### Communications and Bills:

Hirsch and Painter noted a 9-26-13 email from L. Dyson Re: Stone Mill Kennel in which Ms. Dyson contends that this use is in violation of the zoning regulations. Staff stated that this issue came before the PZC some time ago and that recently the Resident State Trooper and the Animal Control Officer have revisited the site and evaluated it, determining that in their opinion the use did not constitute a nuisance. The consensus of the Commission was that this matter should be placed on our next agenda and notices should be sent to the property owner, Ms. Dyson and all property owners within 500 feet of the property.

Adjournment: The Chairman declared the meeting adjourned at 9:06 p.m.

Respectfully submitted,  
Kay Holt, Secretary

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

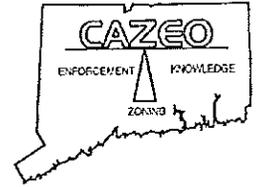


To: Planning and Zoning Commission  
 From: Curt Hirsch, Zoning Agent *CH*  
 Date: October 17, 2013  
 Re: Zoning Activity for the Month of September 2013

| Activity                            | This Month        | Last Month            | Same Month Last Year | This Fiscal Year to Date | Last Fiscal Year to Date |
|-------------------------------------|-------------------|-----------------------|----------------------|--------------------------|--------------------------|
| Zoning Permits Issued               | 18                | 11                    | 8                    | 45                       | 35                       |
| Certificates of Compliance Issued   | 9                 | 19                    | 6                    | 47                       | 26                       |
| Site Inspections                    | 41                | 32                    | 40                   | 98                       | 100                      |
| Complaints Received from the Public | 8                 | 7                     | 10                   | 22                       | 18                       |
| Complaints Requiring Inspection     | 7                 | 5                     | 7                    | 15                       | 13                       |
| Potential/Actual Violations Found   | 4                 | 15                    | 6                    | 21                       | 10                       |
| Enforcement Letters                 | 2                 | 7                     | 14                   | 10                       | 33                       |
| Notices to Issue ZBA Forms          | 0                 | 1                     | 1                    | 2                        | 3                        |
| Notices of Zoning Violations Issued | 3                 | 4                     | 1                    | 7                        | 3                        |
| Zoning Citations Issued             | 1                 | 0                     | 0                    | 1                        | 5                        |
| <b>Residential Zoning Permits</b>   | <b>This Month</b> | <b>FY2014 To Date</b> |                      |                          |                          |
| Single-Family Homes                 | 1                 | 4                     |                      |                          |                          |
| Two-Family Homes                    | 0                 | 0                     |                      |                          |                          |
| Multi-Family Units                  | 0                 | 0                     |                      |                          |                          |



# 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: October 17, 2013

**Re: Barking complaints (82 Stonemill Road)**

At its 10/7/13 regular meeting, after a review of a 9/26/13 email from Lesley Dyson, the PZC agreed to re-open its review of the matter concerning the use of the property at 82 Stone Mill Road. Ms. Dyson has filed a number of complaints stating that the property owners, Lena and Richard LeBlond are operating a commercial kennel business and that the barking of the dogs has created a nuisance. The LeBlonds reside on the property with their family and a large number of dogs and other animals. The Commission heard from the LeBlonds at their regular meeting of 5/21/12, and determined that "the LeBlonds were not operating a commercial kennel at their home". The matter was referred to the PZC Regulatory Review Committee. It is my understanding that the Committee chose not to consider any changes to the zoning regulations based upon a single complaint.

The nuisance complaint has been investigated by the Animal Control Officer and her staff, and the Resident State Trooper and his staff (see 9/23/13 letter). I went door-to-door in the neighborhood in July 2013, and talked to a number of the residents. In advance of this agenda item for the 10/21/13 PZC meeting, I have sent out letters to all residents within 500 feet and a few beyond 500 feet that are neighbors of Ms. Dyson. The letter states that this matter is being discussed by the PZC and they should use this opportunity to comment if they wish. To date, one resident has spoken to me and stated that he has no concerns with the dogs. In light of the closed investigation by the ACO and Resident Trooper, I believe the Commission's review should be limited to the question of whether the use of the property is that of a commercial kennel.

**Zoning Agent's Report Continued:**

**Ted's Restaurant, 16 King Hill Road, PZC File #1107**

Hirsh briefed the commission on this request. Pociask asked about the capacity limit of the restaurant and event site. Ryan McDonald, the applicant, stated the capacity for the event site (restaurant plus roped-off parking lot) is up to 200 people, but currently only 30 tickets for the event have been sold. Noting no further questions or comments, Ryan MOVED, Holt seconded, that the PZC authorize the June 2, 2012 alumni reception proposed at Ted's Restaurant as described in letters dated 3/23/12 and 5/14/12 from Ryan McDonald, and a 2/2/12 letter from Alicia Wilson, and other submittals, because the event is not expected to have a significant impact on the commercial and University properties in the immediate area. This action acknowledges that live music will be performed outside of the building. MOTION PASSED UNANIMOUSLY.

**New Business:**

a. **82 Stonemill Road, LeBlond owner, discussion Re: Kennel Use**

Richard and Lena LeBlond explained their activities with their dogs. At any given time, they have 10-12 dogs they consider personal pets. On many occasions they show their dogs and perhaps one time per year they will breed a dog. They are neither a breeding facility nor a kennel, and they do not conduct any commercial activities. The dogs go out onto their six-acre property in small groups and are never left outdoors without supervision. After hearing the LeBlonds' explanation of the activity, the consensus of the Commission was that the LeBlonds were not operating a commercial kennel at their home. Plante suggested that if members feel the definition of "kennel" should be better defined, the issue should be brought to the Regulatory Review Committee.

b. **8-24 Referral: Mansfield Community Center Playground**

Holt MOVED, Ryan seconded, that the PZC notify the Town Council that the proposed siting of the Mansfield Community Playground at the Community Center/Town Hall complex (including the potential acquisition of adjacent university property for the playground) is consistent with the Plan of Conservation and Development, particularly Policy Goal 4, Objective d. Furthermore, it is noted that the final location and design of the playground will require a modification to the Community Center Special Permit. MOTION PASSED UNANIMOUSLY.

c. **Gravel Permit Renewals**

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

Holt MOVED, Ryan seconded, that the Commission set a public hearing for July 2, 2012 for the purpose of hearing special permit, gravel renewal requests. This action also extends the current permit period until August 7, 2012. MOTION PASSED UNANIMOUSLY.

**Old Business:**

a. **Special Permit for Cut/Fill Activities, Merrow Road Corn Maze, 3 Merrow Road, Mason Brook LLC/Christopher Kueffner, owner/applicant (PZC File #1309)**

Item tabled-Public Hearing Continued.

b. **Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA), Pleasant Valley Commercial/Agriculture (PVCA) Regulations and Research and Development/Limited Industrial Zone, (PZC File #907-37)**

Rawn agreed to work with staff on a motion for the next meeting.

**TOWN OF MANSFIELD**  
**OFFICE OF THE ANIMAL CONTROL OFFICER**



Noranne Nielsen, Animal Control Officer  
Chelsea Leach, Asst. Animal Control Officer

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599  
Tel. (860) 487-0137  
Fax: (860) 429-3857  
Email: [aco@mansfieldct.org](mailto:aco@mansfieldct.org)

9/23/13

Ms. Lesley Dyson-Minearo  
575 Chaffeeville Rd  
Storrs, CT 06268

**Re: Barking complaints**

Dear Ms. Dyson-Minearo,

This letter is a follow up on your email from August 8, 2013 and call from September 17, 2013.

Starting in 2012 two departments (animal control and police) conducted separate investigations regarding your barking complaints of the Leblonds' dogs. The zoning department was also advised of this situation and they looked into possible zoning violations.

Both departments concluded that there is some level of barking noise, but that the barking did not rise to the level of excessive noise that exceeds a normal, usual, reasonable, or proper limit. Therefore the barking complaint cannot be substantiated as a nuisance and "Statute 22-363 Nuisance" cannot be applied.

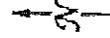
Members of the Animal Control Office and the State Police feel as though we have done everything in our power to assist you with your complaint. We are bound by local ordinances and state statutes. The animal control and police department have concluded that these laws were not violated. Therefore we are going to suspend this investigation. If any new information is developed that would further this investigation, we will re-open the case and take the appropriate action. All of the findings have been reviewed by the town manager. Please feel free to contact either of our offices with any further questions.

Sincerely,  
Noranne Nielsen  
Mansfield Animal Control Officer

cc: Matt Hart, Sergeant Cournoyer, Curt Hirsch.



- Zoning
- Conservation Easement
- Railroad
- Trails
- Parcels
- Streams
- water
- wetlands

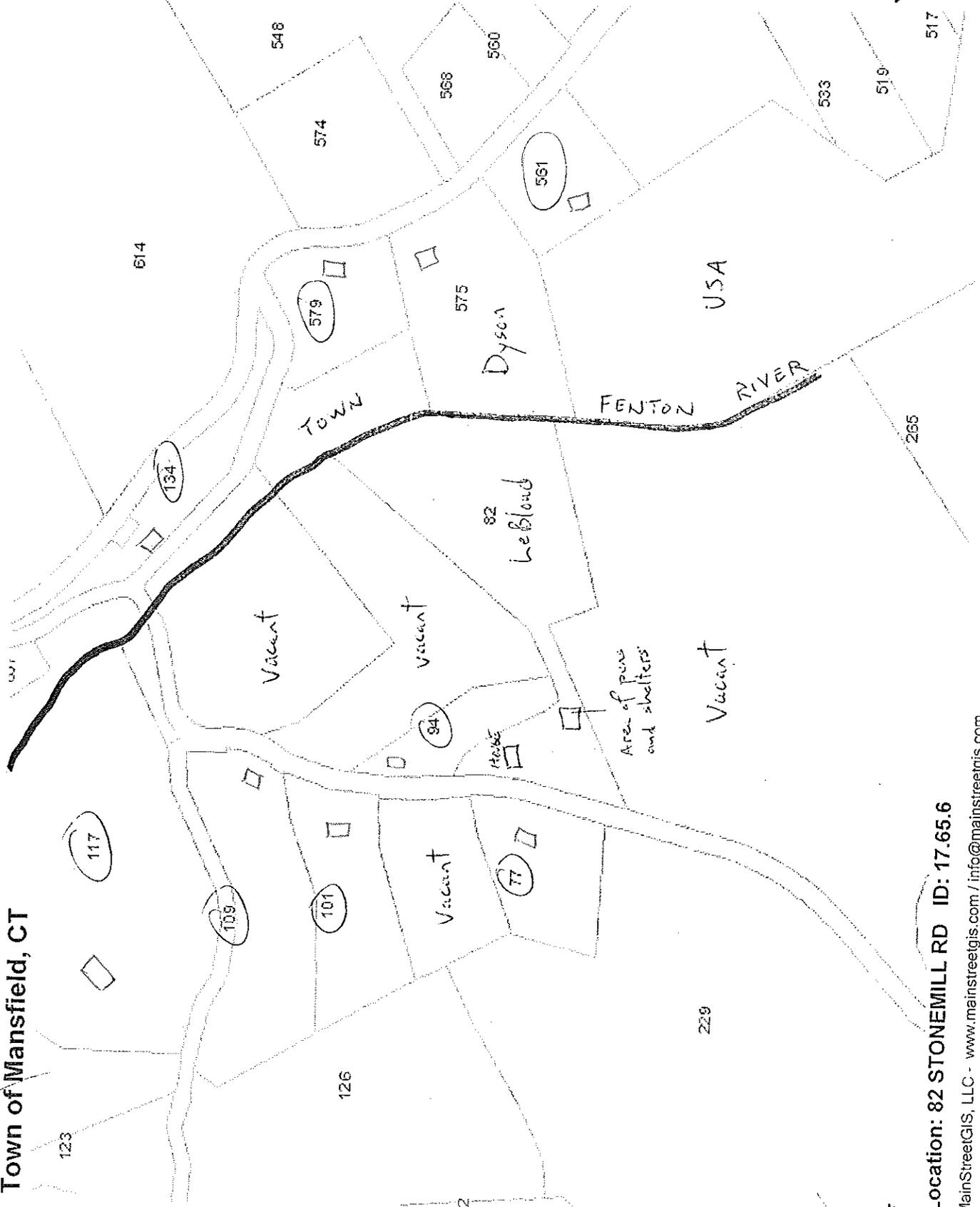


1 in = 359.62 ft

Printed:  
10/17/2013

MainStreetGIS

# Town of Mansfield, CT



Location: 82 STONEMILL RD ID: 17.65.6

MainStreetGIS, LLC - [www.mainstreetgis.com](http://www.mainstreetgis.com) / [info@mainstreetgis.com](mailto:info@mainstreetgis.com)

Disclaimer: This map is for assessment purposes only. It is not valid for use as a survey or for conveyance

PZC 10/7/13 Packet  
"Communications"

**Curt B. Hirsch**

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**From:** Lesley Dyson <ladyson7@yahoo.com>  
**Sent:** Thursday, September 26, 2013 1:35 PM  
**To:** Curt B. Hirsch  
**Subject:** Re Zoning Appeal for Stone Mill Kennel

25 September 2013

Dear Mr Hirsch

During the Mansfield Festival this past Sunday, I was able to talk to several members of the Planning and Zoning Commission and PZ Appeals regarding the ongoing problem I have with barking noise coming from the kennel on Stone Mill Road. I am following advice from PZC members to write this letter to you so that PZ Appeals can take another look at this zoning problem in a near future meeting.

A quick background on this: I live at 575 Chaffeeville Road, in a Rural Agriculture Residence 90 Zone. My back yard abuts the Fenton River and the property just beyond that is 82 Stone Mill Road, which was sold in 2011 to owners who immediately built a kennel for their German shepherd dogs. Last year there was a hearing with Zoning regarding the kennel. At that hearing the owners gave their opinion that the kennel that they own is not, in fact, a kennel, as it did not adhere to their guidelines of what a kennel is. They stated they do not have a kennel business license, that they were not making money from the kennel, and that it was something that they did for show, i.e., they show dogs. Approval for the kennel building was granted after the fact.

Their website, <http://www.mountainriverrockfarm.com/index.html>, includes a page showing their puppies for sale, [http://www.mountainriverrockfarm.com/For\\_Sale\\_Adoption.html](http://www.mountainriverrockfarm.com/For_Sale_Adoption.html). The website includes pictures and information about the seven males and 15 female German shepherds that they own, and an unknown number of puppies. The Encarta definition of a kennel: "Dog boarding or breeding place: a place where dogs are bred and trained and where people can leave their dogs while they are away," and the Oxford Dictionary definition: "a house or range of building where a pack of hounds are kept." The state of Connecticut has a two definitions of a kennel: "a. Commercial kennel means a kennel maintained for boarding or grooming dogs or cats, and includes, but is not limited to, any veterinary hospital which boards or grooms dogs or cats for nonmedical purposes; b. Kennel means one pack or collection of dogs which are kept under one ownership at a single location and are bred for show, sport or sale" <http://www.jud.state.ct.us/lawlib/Notebooks/Pathfinders/Dogs.pdf>. Whether or not they board dogs at their kennel for others is insignificant; that they board so many of their own dogs at their kennel is the problem. Regular barking from one dog can be a nuisance, but regular barking from 22 dogs is maddening. It is a kennel by any definition of the word.

While this kennel has been allowed to continue in this location in Mansfield, it has severely restricted my use and enjoyment of my home, which is within hearing range of the kennel. For some reason, the noise from that kennel is louder in my back yard than it is from the edge of my property near their property at the Fenton, perhaps for the same acoustical reasons that I can hear the UConn band practicing on campus from my house on Chaffeeville, while my father, in his house on Dog Lane, much closer to campus, cannot hear them.

With more than twenty dogs barking on a regular basis, I can no longer use my deck for cookouts, I can no longer use my sunroom for dinners, I cannot garden or tend my three beehives with the stress-free pleasure I once had before the kennel was built. I do not go to bed any night without wondering if the dogs are going to wake me that night and, if so, how long will I be up – which means that even when they are not both with barking at that particular time, they are affecting me.

Noise, like the sudden sound of barking alerts and activates the stress response – a biological alarm that affects the brain in powerful ways, according to the Franklin Institute for Science Learning. Its very uncontrollability further adds to the stressful impact. The repeated impulsive sound of barking with multiple pressure peaks in single burst is an intrusion that can negatively affect the way a brain functions. According to audiologist Dr. Alice H. Suter from the National Institute for Occupational Safety and Health, "Included in noise-related problems are high blood pressure, peptic ulcers, cardiovascular deaths, strokes, suicides, degradation of the immune system, and impairment of learning. Noise is also associated with an increase in aggression and a decrease in cooperation." <http://www.fi.edu/learn/brain/stress.html#stressnoise> . Barking from a multitude of German shepherd dogs is not a normal, usual and reasonable noise, as our town Animal Control officer wishes to believe; it is noise that causes stress and exacerbates health problems.

Others in this neighborhood have concerns about the barking and signed a petition to the town to abate the noise from this kennel. The barking has been a problem for two-and-a-half years and in that time I have tried working with the Animal Control officer and the town police to get some lasting peace in my house. While I may get some respite for days or even weeks, the barking has started up again and then goes through a cycle of getting worse and worse until I steel myself up to deal with either Animal Control or the police.

The stress of dealing with the dogs and with these departments along with the lack of sleep from barking in the night or early morning has caused some difficulty in my health and I want the town to take another look at the legality and rationality of this kennel.

Was this kennel built legally with Zoning approval and were neighbors given any notice or say in the placement of this kennel? Is having more than twenty dogs in outbuildings a customary use in this town? If a kennel is built in a neighborhood, and the neighbors are severely affected by this business or "hobby", shouldn't Zoning take action?

The town of Killingworth had a similar problem. The owner of single-family home located near a kennel complained about the barking noise to the town. The town took action to protect the homeowner's rights to peaceful existence in his home and looked in the customary use of dogs in that town. Counting all the dogs in town homes (195 residences with two dogs, 43 residences with three dogs, seven residences with four dogs, three residences with five dogs, one residence with seven dogs, and one residence, the plaintiff's, with 14 dogs) they concluded that 14 dogs on a residential lot was not customary and was a violation of the accessory use provision of the town regulations. You may view the case here: <http://www.jud.ct.gov/external/supapp/Cases/AROct/CR277/277cr40.pdf>.

Many municipalities restrict the number of animals a resident can own and an ordinance may specify the number by type of animal owned. Most of the time, a specific and reasonable quantity is provided. Should Mansfield want to take action to protect their citizens' right to peaceful existence versus the right to move into a neighborhood with more than 20 barking dogs, this case would be helpful.

I would hope that Zoning would begin its assistance in this case by noting that the town zoning rules begin, pg 7, with the purpose: "1) To promote and protect the overall health, safety, convenience and welfare of the residents of Mansfield, Connecticut and the general public."

Zoning purposes continue to state that zoning is: 2) To provide for and facilitate the orderly growth and expansion of the municipality, thereby preventing an undue concentration of population and an overcrowding of the land..." I would like zoning to consider whether 22 dogs in a neighborhood is an undue concentration of population of dogs.

Zoning is also concerned, pg 7, with protecting the character and maintaining the stability and property values of residential, business and industrial areas, and I, too, am concerned about the resale value of my house when prospective buyers find out there is a kennel in close proximity.

The tenth clause in zoning purpose, pg 7, is "To protect residents from nuisances from sight and/or sound." While Animal Control in its feeble, feckless investigations has determined there is no nuisance, I live here, I hear those dogs daily – and often wake to their barking at night – and to me it is not only a nuisance but an extreme violation of my right to a peaceful home in this town, affecting my health – both physical and mental.

In investigating this kennel, zoning should consider if the kennel was built in conformity with all applicable provisions of zoning regulations. Article Four, Rules And Definitions, pg 15, states that "Uses of land, buildings or structures not permitted in the various zoning districts are prohibited." There is no zoning regulation written that permits a kennel in a residential area.

Regulations and definitions, pg 15, does not have a definition for the town for the word "kennel", therefore, I will continue to use the word kennel as defined in Encarta and Oxford dictionaries and by the state. The kennel owners stated in last year's meeting that they were not a business, but town regulations state, pg 16, #11, that "Any use facilitating the barter, sale, or exchange of things of value, or sale of services, or exchange of services, and includes the storage of goods" constitutes a business. As they do sell dogs, they are a business.

When the owners of the Stone Mill Road kennel built the kennel prior to getting zoning approval they violated procedures, pg. 25, which zoning deems necessary to "ensure the appropriate and orderly use and development of land within Mansfield's assorted Zoning Districts; to minimize any detrimental effects on neighborhood character, the natural environment and property values; and to protect and promote Mansfield's health, welfare and safety." The result has been a two-and-a-half year noise assault on my home, my health and my use of property. Further, "In reviewing and approving any proposed site plan application, the Planning and Zoning Commission shall determine that the public's health, welfare and safety have been protected," pg 29. I hope in reviewing this case the PZC understand that this protection has not been the case.

Neither I nor any other neighbor of this kennel was notified, pg 26, of the kennel plans in 2011 prior to its construction. Zoning approval criteria for new buildings states, pg 31, that they should 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. The kennel is not in general harmony with this neighborhood and as a neighbor I consider it a blight and a detraction to my house value.

The owners of 82 Stone Mill Road built the kennel as an accessory to their home, against zoning regulations that state, pg 60, that "A residence may be used by its occupant for personal business purposes, providing the following conditions are met: a. no external evidence of the business is visible, and there is no outside storage of machinery, construction vehicles, equipment or supplies; f. no accessory buildings are utilized for personal business purposes." The kennels are used to house their dogs, which breed puppies that they are selling. The kennels are evident and visible from both the front of their house on Stone Mill Road and the back of their house, facing the Fenton River.

(By the way, pg 28 notes that sanitary systems should be in place, and I hope that the town understands that more than 20 dogs in one small area creates a considerable amount of waste. As the kennel does about the Fenton River, proper sanitary systems are vital. The USDA states that "dog waste can pollute ground and surface water, attract flies and pests, cause an unpleasant odor, and create unsanitary living conditions for dogs. Dog waste can also transmit parasites and infectious diseases." The Environmental Protection Agency estimates that "the typical dog excretes three quarters of a pound of waste per day—or 274 pounds per year." It further estimates that "a modest-sized kennel of 20 dogs must dispose of more than two tons of dog waste annually." <ftp://ftp-fc.sc.gov.usda.gov/AK/Publications/dogwastecomposting2.pdf> )

If the owners of the kennel apply for a special permit use for their kennel, Zoning use page 33 states that "certain uses that would only be appropriate in Town if controlled as to area, location, or relation to the neighborhood so as to promote the public health, safety and general welfare," and again, as seen through of complaints to the town about this kennel, it does not promote public health or general welfare. Since sell dogs through their kennel, they are a business, and zoning uses, pg 60, states that "use of resider

accessory building for personal business purposes” needs a “special permit approval” that is “obtained in accordance with Article V, Section B,” provided that “all of the provisions of Article VII, Section D.9a through e are met.” This was not done in this case.

Article Six, pg 42, states the prohibited uses of property in zoning districts in Mansfield. Prohibited use number 16 is “the breeding of two or more dogs, cats or other animals except as specifically authorized under the provisions of Article VII of these regulations.” The Stone Mill kennel’s puppies for sale are offered on a continual basis, as one can see by checking the website. They have more than twenty dogs and 15 of the dogs are female. If they are breeding these dogs they are in violation.

Provisions of Article VII state the permitted uses, pg 57, of which the “establishment of new or additional permitted uses on a subject lot” requires “special permit approval of the Planning and Zoning Commission.” When the owners of the kennel made “changes in the use of an existing structure or lot”, pg 57, they could be “authorized by the Zoning Agent through the issuance of a Certificate of Compliance provided the new use is included in the same permitted use category as the previous use.” Was this the case with the kennel? In other words, was there a kennel on the property before the new owners put in the new buildings? There was not. This kennel is a “significant alteration of the previous use with potential impacts”, pg 57, impacts like barking that daily affects neighbors.

And while the owners of the kennel may object to not being able to move into a quiet residential neighborhood and establish a kennel where people have lived in peace and tranquility for many years, I hope that zoning follows its own procedure, pg 58: “Where questions arise regarding changes in use and permit requirements, the Planning and Zoning Commission shall determine whether a proposal constitutes a change in use and the appropriate permit requirements.” Certainly a kennel in the midst of a neighborhood is not appropriate.

Nowhere in the permitted uses in this zone does it state that a kennel is permitted. Zoning, pg 172, lists a number of home occupation permitted uses, and none of them are businesses that emit continual noise, and none of them are a kennel. Noise issues from businesses are clearly addressed in Section F on page 173, which states that “No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced; no health or safety hazard shall be created...” I can assure you, with a doctor’s confirmation, that the offensive noise from this kennel has created a health hazard for its neighbors.

While Zoning Agricultural Uses addresses the Keeping of Farm Animals, pg 203, a multiple number of German shepherd dogs cannot and should not be considered farm animals by Mansfield. If the dogs owners want to consider them agricultural, addressed under this provision, and permitted by right, the standards and recommendations designed to help ensure that authorized animals are kept in a manner “without inappropriate impact on the environment or neighboring land uses” should be observed and the nuisance noise issue would have to be addressed. Zoning recommends that “due to potential noise and neighborhood impact problems... guinea fowl not be kept.” I have heard guinea fowl noise and it pales next to the noise of a barking German shepherd.

As an aside, in addition to noise from the 22 dogs and puppies that this kennel keeps, the owners of the kennel have violated another zoning ordinance, pg 211, “to promote the health, welfare and safety of Mansfield residents,” which is that “site clearing, grading or construction activity has taken place before the hour of 9:00 a.m. on Sundays and holidays” and after 9:00 p.m. daily. Again, neighbors have signed a petition to restrict this type of noise from this residence. While I did call the police regarding this the several times when it occurred, I was not able to get help at the time. I will turn to Zoning in future violations, and hope that someone can come over, even at 7am on a Sunday morning, to advise these people that neighbors are aware of the heavy machinery they are using that early.

As I have shown in this letter, the kennel on Stone Mill Road was built in violation of Mansfield Zoning regulations, and is under the jurisdiction of this town. The town has an obligation to correct or abate such violation, and ask the owner to cease and desist this operation or be, pg 213, “subject to the civil and criminal

penalties provided for in Section 8-12 of the Connecticut General Statutes and any other penalties that may be applicable.”

The Mansfield Zoning Board Of Appeals should hear this argument against allowing the continuation of this kennel “in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values,” pg 214, but *not* “solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which *it* is situated,” but in respect to conditions affecting the *district and neighbors* in which it is situated, where the lack of regulations has resulted in exceptional difficulty or unusual hardship to the neighbors in finding peace in their own property.

It will be in restoring the former peace and tranquility to this neighborhood that “substantial justice will be done and the public safety and welfare secured.” Zoning must look into this matter quickly and administer and enforce their regulations to “minimize the detrimental neighborhood impact” that the kennel has caused.

Sincerely,

Lesley Dyson Minearo

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



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LINDA M. PAINTER, AICP, DIRECTOR

**Memo to:** Mansfield Planning and Zoning Commission (PZC)  
**From:** Linda M. Painter, AICP, Director of Planning and Development *LMP*  
**Date:** October 17, 2013  
**Subject:** Route 195/Route 44 Corridor Study

The Windham Region Council of Governments (WINCOG) is planning to submit an application to the Connecticut Department of Transportation (CTDOT) for a corridor study for Routes 195 and 44 to study potential impacts of UConn's expansion as well as other proposed development on these important regional transportation corridors. As the corridor study will include the towns of Bolton, Coventry, Tolland and Windham, WINCOG is looking to partner with the Capital Region Council of Governments (CRCOG) on the application.

A meeting to discuss the potential application between WINCOG, CRCOG, town and university representatives is scheduled for Friday, October 18<sup>th</sup>. I will be attending that meeting and should have more information on the application for the Commission at the October 21, 2013 meeting. The purpose of bringing this application to your attention is to discuss whether the Commission would like to include a letter of support in the application to CTDOT.

A copy of WINCOG's letter to CRCOG and a preliminary analysis of Route 195 impacts prepared by CRCOG for the Town of Tolland are attached for your information. Please note that as this analysis was requested by Tolland, the focus of the analysis is solely on Route 195 in Tolland. The application that is being discussed would expand the scope of the study to include Route 195 through Mansfield to Windham and congestion points along Route 44 in Bolton, Coventry and Mansfield.

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# WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

Lyle Wray  
CRCOG  
241 Main Street  
Hartford CT 06106

October 9, 2013

**RE: Rte 44 / 195 Corridor Study**

Dear Lyle,

WINCOG would like to move forward with making an **application to CTDOT for a Corridor Study for Rte 44 / 195**. We are seeking collaboration with CRCOG to assist us in submitting the application that is due at the end of October.

The study would encompass the towns of Coventry, Mansfield, Windham, Tolland, and Bolton. With the recent allocation of additional bond money to Uconn, Storrs Downtown, the Tech Park and increased enrollment, it only makes sense to get this study underway as soon as possible. In addition, both you and I have discussed the connection of Hartford and Uconn and the future transportation implications of all this growth in Storrs.

I have spoken with Jennifer Carrier and we are planning a brief scoping meeting with the 5 towns for next Friday. In the meantime, please advise of our next steps and CRCOG's commitment to assist.

Thanks for your support.

Sincerely,

Mark N. Paquette  
Executive Director, WINCOG

Cc: Matt Hart: Mansfield  
John Elsesser: Coventry  
Steven Werbner: Tolland  
Joyce Stille: Bolton

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LETTER OF TRANSMITTAL

Capitol Region Council of Governments • 241 Main Street • Hartford CT 06106  
860-522-2217 • [www.crocog.org](http://www.crocog.org)

**Date:** October 1, 2012

**To:** Ms. Linda Farmer  
Director of Planning & Community Development  
Town of Tolland,  
21 Tolland Green  
Tolland, CT 06084

**From:** Rob Aloise  
CRCOG

| Item | Copies | Date            | Description   |
|------|--------|-----------------|---|
| 1    | 1      | October 1, 2012 | Route 195 - Review of Potential Future Conditions (Electronic Copy) |
|      |        |                 |   |
|      |        |                 |   |

For Your Approval  
 For Your Use

Amend and Resubmit  
 Make Corrections  
 Noted

As Requested  
 For Review and Comment

**Remarks:**

Hi Linda,

Attached, please find a finalized electronic copy of the *Route 195 – Review of Potential Future Conditions* prepared by CRCOG at the request of the Town of Tolland. There were no need for revisions based on Town or ConnDOT reviews, and therefore the finalized October 1<sup>st</sup> copy is the same as the September 7<sup>th</sup> version (except for removal of the “DRAFT” stamp). Please note that this is a preliminary analysis, and as such only currently available traffic data was utilized.

Thanks, Rob

**Copies:** File,

Mr. Steven Werbner, Town Manager, Tolland, CT  
Mr. Dave Harms, Supervising Engineer, ConnDOT  
Ms. Jennifer Carrier, Director of Transportation Planning, CRCOG

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# Capitol Region Council of Governments

241 Main St., Hartford, CT 06106  
 Phone: (860) 522-2217 FAX: (860) 724-1274

## Route 195, Tolland, CT Review of Potential Future Conditions October 1, 2012

The maintenance of adequate traffic operations along Route 195 in Tolland is of prime importance to the Town, Region, and State. The route currently provides a main access between Interstate 84 (via interchange 68) and Tolland Center, Tolland's commercial area (just south of I-84), and the main campus of the University of Connecticut (UConn) in Storrs. The planning and/or approval of the following four developments along Route 195 has raised concerns about the route's ability to process future traffic:

1. Tolland Village
2. Tolland Technology Zone and adjacent Residential Development
3. UConn Technology Park
4. Storrs Center

The Town of Tolland has requested assistance from the Capitol Region Council of Government (CRCOG) in reviewing anticipated future Route 195 traffic volumes and operations resulting from these developments. Contained herein, are the results of this preliminary review. For this review, data acquisition efforts were limited to readily available information from previous collection efforts.

### Existing Transportation Infrastructure

Route 195 is a State Route that travels north-south from Tolland Center to Willimantic. The area studied is limited to Route 195 from its interchange with I-84 to the Tolland/Coventry Town Line, a distance of approximately 3¼ miles. Approximately 4½ miles further to the southeast, the route leads to the UConn's main campus and Storrs Center in the Town of Mansfield. Just ¾ miles northeast of its interchange with I-84, Route 195 continues to Tolland's historic center and Town Green. For the purpose of this review, Route 195 will be considered a north-south roadway with intersecting side-streets denoted as east-west. Figure 1 shows the study area, and Figure 2 shows the four major planned developments.

Within the study area, Route 195 is functionally classified as a Principal Arterial (other) with adjacent land use transitioning from commercial to rural as one travels from north to south. The typical roadway section consists of one 12 foot wide lane in each direction with shoulders typically varying from 2 to 4 feet. Details regarding the five major study area intersections are shown in Table 1. The remainder of intersections are unsignalized with side-streets under stop-sign control and Route 195 being free-flow. The posted speed limit is 35 mph through all five major intersections with the exception of northbound through the Route 195/Baxter Street/Anthony Road intersection which is posted for 40 mph.

**Table 1: Major Study Area Intersections**

| Route 195 at:              | Traffic Control | Existing Approach Lanes and Configurations |            |           |           |
|----------------------------|-----------------|--|------------|-----------|-----------|
|                            |                 | NB   | WB         | SB        | EB        |
| I-84 Westbound Ramps       | Signalized      | 2 (L, T)                                   | 1 (LTR)    | 2 (T, R)  | -         |
| I-84 Eastbound Ramps       | Signalized      | 2 (T, TR)                                  | -          | 2 (L, T)  | 2 (LT, R) |
| Fieldstone Commons Drive   | Signalized      | 2 (L, TR)                                  | 1 (LTR)    | 2 (LT, R) | 2 (LT, R) |
| Goose Lane/Rhodes Road     | Signalized      | 2 (L, TR)                                  | 2 (LT, R)* | 2 (L, TR) | 1 (LTR)   |
| Baxter Street/Anthony Road | Unsignalized**  | 1 (LTR)                                    | 1 (LTR)    | 1 (LTR)   | 1 (LTR)   |

\* Pavement markings obliterated, at times operates as one lane approach  
 \*\* Route 195 operating under free-flow and Stop Sign control provided on side-streets  
 L= left turn ln; LT=shared left-thru ln; T= thru ln; TR=shared thru-right ln; R= right turn ln; LTR=shared left-thru-right ln

Figure 1: Study Area – Route 195, Tolland, CT

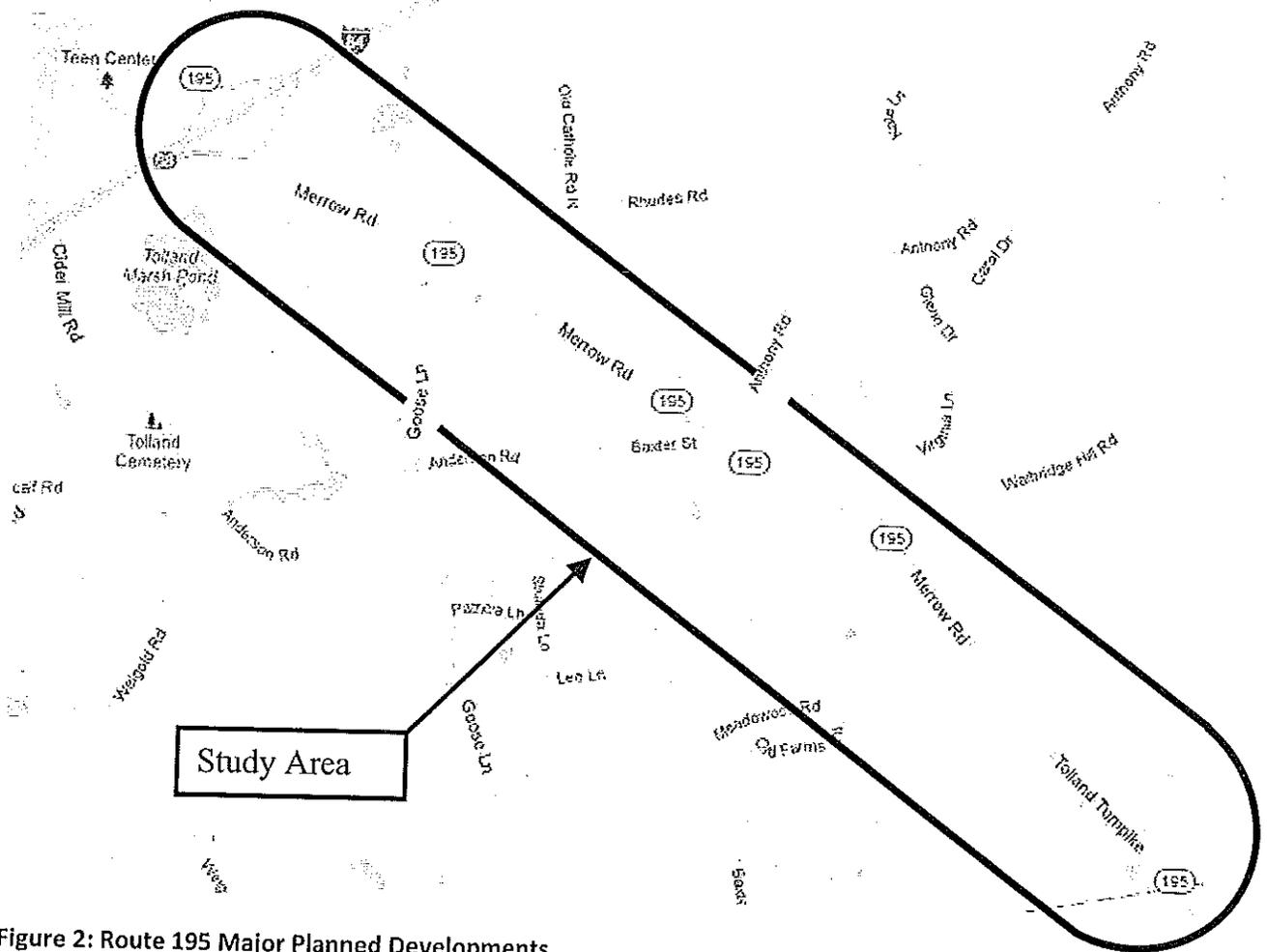
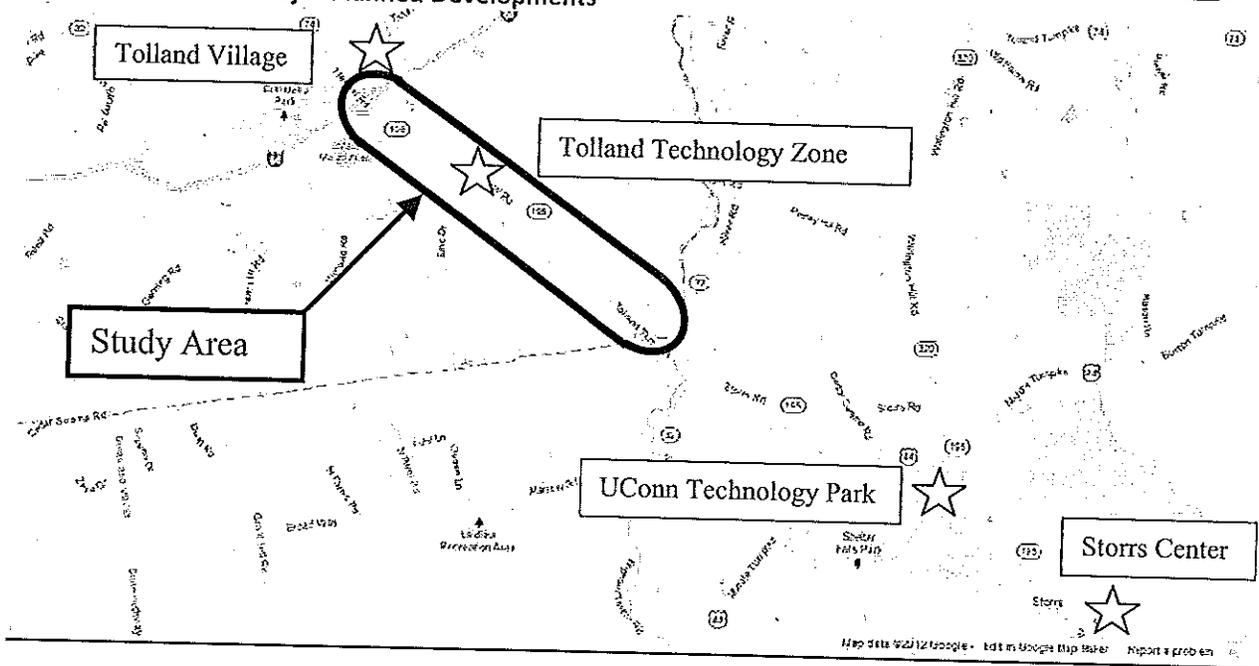


Figure 2: Route 195 Major Planned Developments



### Planned Roadway Traffic Improvements

Within the study area, State Project 142-146 is being designed along Route 195 from its intersection with I-84's eastbound ramps through its intersection with Goose Lane/Rhodes Road. Operationally, the project originally was designed to address traffic flows from Interstate 84 towards UConn for campus events (basketball games, etc.), and involved implementation a second Route 195 southbound through lane within the project limits. Recently a decision has been made to modify the project to also include a second Route 195 northbound through lane throughout the project limits (previously a second northbound lane was only provided through the Route 195/I-84 Eastbound Ramps intersection). The current project results in the following intersection lane reconfigurations detailed below.

- **Route 195/I-84 Eastbound Ramps** – Provide an additional lane on the eastbound I-84 off-ramp approach and re-designate the lanes to include an exclusive left, a shared through-right and an exclusive right. Provide an additional lane on Route 195's northbound approach and re-designate the lanes to include two exclusive through lanes and an exclusive right.
- **Route 195/Fieldstone Commons** – Provide an additional lane on Route 195's southbound approach and re-designate the lanes to include an exclusive left, a through, and a shared through-right. Provide an additional northbound through lane resulting in a northbound approach consisting of a an exclusive left, a through, and a shared through-right.
- **Route 195/Goose Lane/Rhodes Road** - Provide an additional lane on Route 195's southbound approach and re-designate the lanes to include an exclusive left, a through, and a shared through-right. Provide an additional northbound through lane resulting in a northbound approach consisting of a an exclusive left, a through, and a shared through-right.

### Planned Land Development

Below are details of four major planned and/or approved developments in proximity to the study area:

1. **Storrs Center** - Storrs Center is an estimated 1,100,000 square foot mixed use "downtown" development located along the northeast side of Route 195 adjacent the UConn's Storrs Campus. The first phases of development (1A and 1B) are scheduled to be completed in late summer 2012 and consist of 285 residential units and approximately 78,000 square feet of retail space. The remaining phases are anticipated to be completed within the next few years and result in total development (inclusive of phases 1A and 1B) of 690 residential units, 216,000 square feet of retail space, and 33,500 square feet of office space. A State Traffic Commission (STC) certificate has been secured for all phases of development.
2. **UConn Technology Park** - An Environmental Impact Statement (EIS) has been completed for the extension of North Hillside Road on the UConn Campus approximately ¼ miles to Route 44, approximately ¼ mile west of Route 195. The roadway extension is proposed to enable the full development of a UConn Technology Park that will support an estimated 1,000,000 square feet of office/research/laboratory development. In 2011, \$18 million was approved for design and construction of the approximately 125,000 square foot Innovation Partnership Building, the first envisioned phase of development in the Park. Completion of the building is estimated by the end of 2015. Completion of the remaining development phases are anticipated to extend beyond a 5 year time horizon.
3. **Tolland Technology Zone (and adjacent Residential Development)** – Planning efforts for a technology zone along both sides of Route 195 between Goose Lane/Rhodes Road and Baxter Street/Anthony Road revealed a potential for approximately 400,000 square feet of non-retail development. Additionally, the town has a vision for a residential development of approximately 90 units to be located off Anthony Road adjacent the planned Technology Zone. These developments are currently still in the planning stage.

4. **Tolland Village** - Tolland Village is a planned 330,000± to 570,000± square foot mixed use town village located on Route 195 immediately northwest of I-84 Interchange 68. Planning efforts have been vetted through the Town and new zoning regulations for the concept have been adopted. For purposes of this analysis it was assumed that the full village development would consist of a 110 room hotel, 150,000 square feet of retail space, 75,000 square feet of office space, and 115 residential units.

#### **Existing Traffic Volumes**

As collected in 2011 by the Connecticut Department of Transportation (ConnDOT), study area Average Daily Traffic (ADT) volumes range from a high of 17,600 just south of the I-84 eastbound ramps to a low of 9,500 at the Tolland/Coventry Town Line. This is a decrease from 2008 ConnDOT ADT volumes of 20,400 just south of the I-84 eastbound and 12,300 at the Town Line. Similar decreases in volumes have been observed both in the region and statewide over the last several years, reflecting the recent economic downturn.

The most recent available turning count data consists of 2007 morning and afternoon peak commuter hour counts at each of the five major study area intersections. These counts appear in the Appendix (Table A1) and were utilized in this review to represent existing volumes. However, similar to the ADT observations, current turning movement volumes are likely somewhat lower than those collected in 2007.

Data was not readily available or acquired for UConn associated traffic events (such as sporting events, theatre events, and students leaving or returning on long weekends), which may represent a design control depending on their frequency and intensity. However, the four considered developments are anticipated to primarily influence weekday peak commuter hour traffic, and therefore operational analyses focused solely on these timeframes.

#### **Future Traffic Volumes**

As mentioned previously, the planning and/or approval of four major developments along Route 195 has raised concerns over the route's ability to efficiently process traffic in the future. For the purpose of this review, traffic was projected for each of the three (3) development scenarios shown below utilizing CRCOG's regional travel demand model.

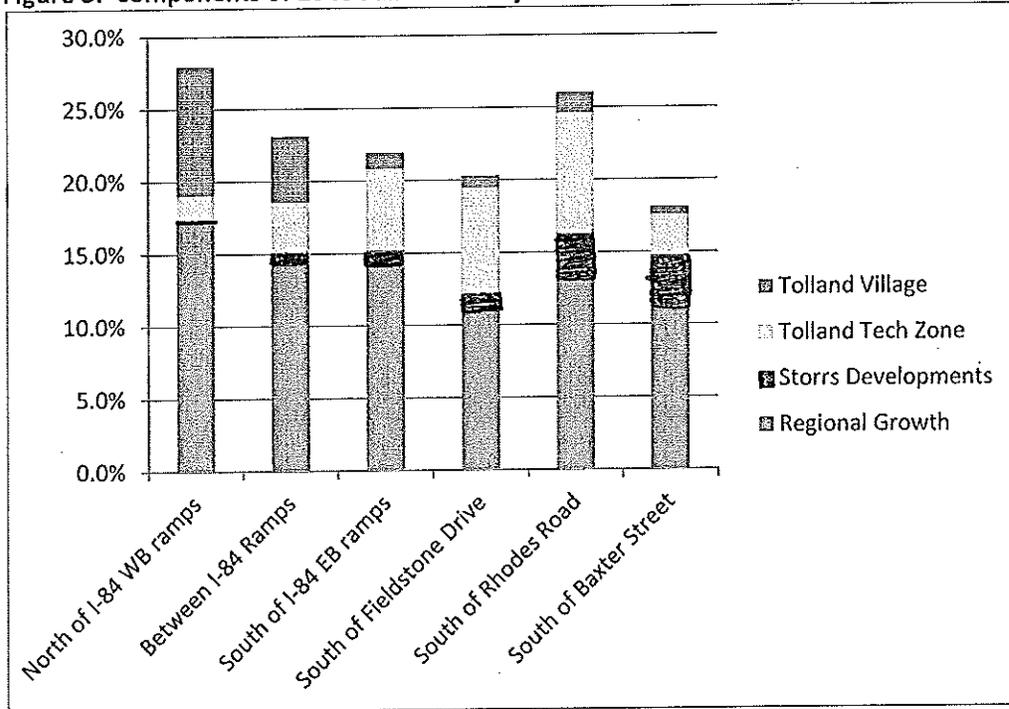
- ***Short-Range Projection*** – This consists of existing volumes plus estimated traffic generated from the two major developments that are likely to be operational within a 5-year time horizon (completion of Storrs Center and the Innovation Partnership Building)
- ***2040 Projection*** – This consists of regional traffic projected by the CRCOG travel demand model to 2040 plus estimated traffic generated from the two major developments that are likely to be operational within a 5-year time horizon (completion of Storrs Center and the Innovation Partnership Building)
- ***2040 Full-Build Projection***– This consists of regional traffic projected by the CRCOG travel demand model to 2040 plus estimated traffic generated from completion of all four planned or approved major developments (Storrs Center, UConn Technology Park, Tolland Technology Zone and Residential Area, and Tolland Village)

The traffic volumes for each scenario at major intersections appear in the Appendix (Tables A2 through A4). Changes to transit services were not considered in any of the traffic projections.

The Short-Range Projection and the 2040 Projection represent traffic volumes that are consistent with those that ConnDOT and CRCOG would consider for transportation analysis and recommendations. Because full-build scenarios usually contain traffic from developments that have not advanced beyond the planning stage, roadway improvements are not typically proposed to address their volumes. This is the case with the 2040 Full-Build scenario, however its analysis can still be beneficial. The Full-Build scenario analysis results demonstrate conditions similar to a worst case scenario, and also provide a more complete perspective of travel demand sources that could someday compete for roadway capacity.

Figure 3 breaks down the traffic growth that 2040 Full-Build scenario elements are estimated to add to existing volumes.

Figure 3: Components of 2040 Full-Build Projected Traffic Increases (percent traffic growth)



As shown in the Figure 3, regional traffic growth is anticipated to be the primary basis of 2040 traffic increases, playing a slightly more significant role than all envisioned developments combined. This traffic growth is estimated to vary between 1,500 and 3,900 vehicles per day depending on location within the study area (with the larger increases occurring along the north end of the study area, near the Interchange). Regional traffic growth includes trips made due to general growth within the region as estimated by the State Department of Labor.

The two envisioned Tolland developments are also estimated to have significant impact on study area traffic. Tolland's Technological Zone/Residential Development Area is estimated to add 1,500 daily trips to Route 195 from just north of Rhodes Road to the interchange. These volumes are anticipated to drop to 350 vehicle trips just north of the I-84 interchange, and to under 500 vehicles at the Tolland/Coventry Town line. Tolland Village is anticipated to add almost 2,000 daily trips to Route 195 just north of the interchange, with that number falling under 300 daily trips just south of the interchange and under 100 trips daily at the Town Line. Although estimated above, the actual number of additional Route 195 trips in the immediate vicinity of each of these developments will be heavily dependent on how access to each is configured.

The completion of the two Storrs developments is anticipated to have a measurable impact on traffic increases along Route 195 in the southern portion of the study area, however this traffic is dispersed as it travels north towards the I-84 interchange where the impacts are more minimal. It's anticipated that the developments will add approximately 550 daily trips to Route 195 at the Tolland/Coventry Town line, with that number decreasing to approximately 270 just south of the I-84 interchange, and to a negligible amount (less than 20) north of the interchange. A component of this increase includes traffic from the anticipated upcoming completion of Storrs Center and the Innovation Partnership Building. Traffic from these developments is estimated to make up approximately half of the totals listed above, with the remainder generated by means of the build-out of remaining parcels at the UConn Technology Park.

**Traffic Operations**

Typically traffic flow along a corridor is limited by its intersections. To assess signalized intersection operations, the Critical Movement Analysis method was utilized (as included in Section 3.3 of the Federal Highway Administration’s 2008 Traffic Signal Timing Manual). This method allows an analyst to identify the critical movements at an intersection, and provide a planning level estimate of whether the intersection is operating below (<.85), near (.85 to .95), at (.95 to 1.00), or over (>1.00) capacity. In general, intersections operating below capacity represent “desirable” operations, near capacity represent “acceptable or tolerable” operations, at capacity represent “poor” operations, and over capacity represent “failing” operations. For the single major unsignalized intersection, SYNCHO Level of Service (LOS) analysis was utilized. In this analysis, letter grades A-F are assigned corresponding to the time vehicles are delayed at an intersection’s approach. In general, LOS A and B represent “desirable” operations, LOS C represents “acceptable” operations, LOS D represents “tolerable” operations, and LOS E and F represent “poor” and “failing” operations, respectively.

**No Roadway Improvements**

Table 2 shows traffic operation analysis results for each of the development scenarios on the existing transportation system (representing no roadway improvements). The table highlights operations for critical movements at signalized intersections and on critical approaches at unsignalized intersections. “Poor” or “failing” operations are highlighted in bold red.

**Table 2: Weekday Peak Hour Operations (No roadway improvements)**

|                                 | Existing Volumes | Short-Range Projected | 2040 Projected | 2040 Full-Build |
|---------------------------------|------------------|-----------------------|----------------|-----------------|
| <b>Morning</b>                  |                  |                       |                |                 |
| Route 195/I-84 Westbound Ramps  | 0.81             | 0.81                  | 0.96           | <b>1.04</b>     |
| Route 195/I-84 Eastbound Ramps  | 0.71             | 0.71                  | 0.83           | 0.91            |
| Route 195/Fieldstone Commons Dr | 0.64             | 0.64                  | 0.72           | 0.80            |
| Route 195/Rhodes Rd/Goose Ln    | 0.73             | 0.74                  | 0.84           | 0.92*           |
| Route 195/Baxter St/Anthony Rd  | C                | C                     | D              | E*              |
| <b>Evening</b>                  |                  |                       |                |                 |
| Route 195/I-84 Westbound Ramps  | 0.66             | 0.66                  | 0.77           | 0.84            |
| Route 195/I-84 Eastbound Ramps  | <b>1.05</b>      | <b>1.06</b>           | <b>1.23</b>    | <b>1.34</b>     |
| Route 195/Fieldstone Commons Dr | 0.89             | 0.90                  | 1.02           | 1.12            |
| Route 195/Rhodes Rd/Goose Ln    | 0.85             | 0.85                  | 0.97           | <b>1.06*</b>    |
| Route 195/Baxter St/Anthony Rd  | E                | E                     | F              | F*              |

\* Dependent on how access is configured to adjacent Tolland Developments

Note: Signalized operations measured in volume to capacity ratio (v/c ratio) for critical movements, Unsignalized operations measured in LOS for critical side-street approach (Route 195 through traffic operates at LOS A).

Currently, all intersections experience “desirable” or “acceptable” operations with the exception of at the Route 195/I-84 Eastbound Ramps intersection (operations “failing” in the afternoon peak), and on side-street approaches at the Route 195/Baxter Street/Anthony Road intersection (operations are “poor” in the afternoon peak). Field observations confirmed the results, including observations of I-84 eastbound off-ramp queues not clearing under the green phase (resulting in some vehicles stopped for multiple red phases), and difficulty entering Route 195 traffic flow from stop sign controlled on side-streets, especially for left turning vehicles.

Operational analysis shows that adding anticipated traffic associated with the completion of Storrs Center and the Innovation Partnership Building (Short-Range Projection volumes) results in operations that are slightly degraded over existing conditions. However for 2040 Projected volumes, traffic operations are significantly degraded. All four signalized intersections are expected to experience “poor” or “failing”

conditions in either the 2040 morning or afternoon peak, and access via side-streets at the unsignalized Route 195/Baxter Street/Anthony Road location is expected to “fail” in the afternoon peak. Therefore, there appears to be a need for roadway improvements to address unacceptable existing and anticipated future traffic operations.

Under the 2040 Full-Build scenario, operations are further degraded, with afternoon operations especially problematic. However, it is not typical to base roadway recommendations on scenarios that, like the 2040 Full-Build, include any traffic from developments that have not advanced past the planning phase.

**State Project 142-146 Improvements**

State Project 142-146 is currently in design and proposes operational improvements to Route 195 from its intersection with I-84’s eastbound ramps through the Route 195/Rhodes Road/Goose Lane intersection. Table 3 shows traffic operation analysis results for the roadway conditions following the completion of the project. “Poor” or “failing” operations for critical movements at signalized intersections, and side-street operations for unsignalized intersections are highlighted in bold red.

**Table 3: Weekday Peak Hour Operations after completion of Project 142-146**

|                                 | Existing Volumes | Short-Range Projected | 2040 Projected | 2040 Full-Build |
|---------------------------------|------------------|-----------------------|----------------|-----------------|
| <b>Morning</b>                  |                  |                       |                |                 |
| Route 195/I-84 Westbound Ramps  | 0.81             | 0.81                  | 0.96           | 1.04            |
| Route 195/I-84 Eastbound Ramps  | 0.50             | 0.50                  | 0.58           | 0.64            |
| Route 195/Fieldstone Commons Dr | 0.36             | 0.36                  | 0.41           | 0.45            |
| Route 195/Rhodes Rd/Goose Ln    | 0.45             | 0.46                  | 0.52           | 0.56*           |
| Route 195/Baxter St/Anthony Rd  | C                | C                     | D              | E*              |
| <b>Evening</b>                  |                  |                       |                |                 |
| Route 195/I-84 Westbound Ramps  | 0.66             | 0.66                  | 0.77           | 0.84            |
| Route 195/I-84 Eastbound Ramps  | 0.71             | 0.72                  | 0.84           | 0.91            |
| Route 195/Fieldstone Commons Dr | 0.65             | 0.65                  | 0.78           | 0.83            |
| Route 195/Rhodes Rd/Goose Ln    | 0.56             | 0.56                  | 0.65           | 0.69*           |
| Route 195/Baxter St/Anthony Rd  | E                | E                     | F              | F*              |

\* Dependent on how access is configured to adjacent Tolland Developments

Note: Signalized operations measured in volume to capacity ratio (v/c ratio) for critical movements, Unsignalized operations measured in LOS for critical side-street approach (Route 195 through traffic operates at LOS A).

Per Table 3, implementation of the improvements proposed under State Project 142-146 is expected to satisfactorily address traffic operations at each of the three intersections within the State Project’s limits for all traffic scenarios. The analysis reflects the recent decision to extend a second northbound through lane through the entire State Project 142-146 limits. Without the extension of the second northbound lane, by 2040 the Route 195/Rhodes Road/Goose Lane intersections would be expected to experience “poor” afternoon peak hour operations.

**Potential Additional Roadway Improvements**

Beyond State Project 142-146’s limits, “poor” and “failing” operations are expected to remain at the Route 195/I-84 Westbound Ramps and Route 195/Baxter Street/Anthony Road intersections (as detailed earlier). To address these issues, the following could be contemplated:

- **Route 195/I-84 Westbound Ramps** – Further study of operations with more recent traffic data, and potential incorporation of any necessary improvements into State Project Number 142-146. One solution to the observed operational issue involves the addition of a second northbound left turn lane, however further analysis would be needed regarding its feasibility given likely required

I-84 westbound on-ramp widening and existing width constraints at the Route 195 bridge over I-84.

- **Route 195/Baxter Street/Anthony Road** – Consideration of implementing improvements that address side-street operations. One solution to the observed operational issue could involve traffic signalization, however a review of Route 195/Baxter Street/Anthony Road intersection traffic volumes indicate that requirements for signal installation (MUTCD Traffic Signal Warrants) are currently not likely met. Traffic resulting from planned developments along Anthony Drive and Baxter Street may increase side-street volumes to levels that merit signalization, and therefore access to planned developments could be configured with signal warrants in mind. It should be noted that signalization of this location may also require the addition of left turn lanes on Route 195.

CRCOG also supports the incorporation of transit improvements where merited, however changes to transit services were considered outside the scope of this review. New or improved transit services could reduce future traffic volumes, improve roadway operations and potentially eliminate the need for some of the contemplated improvements. Conversely, reductions in transit services could degrade operations and increase the need for additional roadway improvements.

Table 4 shows the resulting “desirable” or “acceptable” traffic operations associated with completion of State Project 142-146, and the above contemplated additional improvements.

**Table 4: Weekday Peak Hour Operations with Project 142-146 and Additional Improvements**

| Morning                           | Short-Range |           | 2040      | 2040       |
|-----------------------------------|-------------|-----------|-----------|------------|
|                                   | Existing    | Projected | Projected | Full-Build |
| Route 195/I-84 Westbound Ramps**  | 0.60        | 0.60      | 0.72      | 0.79       |
| Route 195/I-84 Eastbound Ramps    | 0.50        | 0.50      | 0.58      | 0.64       |
| Route 195/Fieldstone Commons Dr   | 0.36        | 0.36      | 0.41      | 0.45       |
| Route 195/Rhodes Rd/Goose Ln      | 0.45        | 0.46      | 0.52      | 0.56*      |
| Route 195/Baxter St/Anthony Rd*** | 0.53        | 0.54      | 0.63      | 0.66*      |
| <b>Evening</b>                    |             |           |           |            |
| Route 195/I-84 Westbound Ramps**  | 0.59        | 0.59      | 0.73      | 0.81       |
| Route 195/I-84 Eastbound Ramps    | 0.71        | 0.72      | 0.84      | 0.91       |
| Route 195/Fieldstone Commons Dr   | 0.65        | 0.65      | 0.78      | 0.83       |
| Route 195/Rhodes Rd/Goose Ln      | 0.56        | 0.56      | 0.65      | 0.69*      |
| Route 195/Baxter St/Anthony Rd*** | 0.61        | 0.62      | 0.72      | 0.77*      |

\* Dependent on how access is configured to adjacent Tolland Developments

\*\* With the addition of a second northbound left turn lane

\*\*\* With signalization with addition of Route 195 northbound and southbound left turn lanes

Note: Operations measured in volume to capacity ratio (v/c ratio) for critical movements

### Conclusions

This is a preliminary analysis, and as such only currently available traffic data was utilized. A main source of data was 2007 intersection turning movement volumes, which are likely conservatively high, as recent trends indicate Route 195 volumes have decreased since that time. Therefore, operational analyses results likely portray slightly more congestion than would be expected from the use of more recent data. The review produced the following findings:

- Currently, most intersections experience “desirable” or “acceptable” operations during weekday peak hours. However, existing operational problems were identified at the Route 195/I-84 Eastbound Ramps intersection (“failing” in the afternoon peak), and on side-street approaches at the Route 195/Baxter Street/Anthony Road intersection (“poor” in the afternoon peak).
- The apparently imminent completion of Storrs Center and the planned Innovation Partnership Building in UConn’s Technology Park is anticipated to have a measurable, but relatively minor impact on weekday peak hour traffic operations within the study area.
- Under existing roadway conditions, traffic operations under 2040 Projected volumes (regional traffic projected to 2040 plus traffic generated by completion of Storrs Center and the Innovation Partnership building) are significantly degraded. All four signalized intersections are expected experience “poor” or “failing” conditions in either the morning or afternoon peak, and access via side-streets at the unsignalized Route 195/Baxter Street/Anthony Road location is expected to “fail” in the afternoon peak. Operations are further degraded under the 2040-Full Build scenario.
- State Project 142-146 is expected to address traffic operations for all traffic scenarios at each of the three intersections within its limits. Depending on how access is configured, additional improvements may be necessary at the Route 195/Rhodes Road/Goose Lane intersection to accommodate the Tolland Technology Zone and/or the planned adjacent residential development. The analysis reflects the recent decision to extend a second northbound through lane through the entire State Project 142-146 limits. Without the extension of the second northbound lane, by 2040 the Route 195/Rhodes Road/Goose Lane intersections would be expected to experience “poor” afternoon peak hour operations.
- The Route 195/I-84 Westbound Ramps intersection is beyond State Project 142-146’s limits and could to experience operational issues under the 2040 Projection and 2040 Full-Build scenarios. Further study of this location (with more recent traffic data) and potential incorporation of any necessary improvements into State Project 142-146 should be considered. One potential solution involves the addition of a second northbound left turn lane, however the design feasibility of this improvement needs to be further explored.
- The Route 195/Baxter Street/Anthony Road unsignalized intersection is beyond State Project 142-146’s limits and currently experiences side-street operational issues which will be exacerbated by future increases in traffic. Consideration should be given to implementation of operational improvements. One solution may be traffic signalization, however it is unlikely that requirements for signal installation (MUTCD Traffic Signal Warrants) are currently met. The traffic resulting from planned developments along Anthony Drive and Baxter Street may increase side-street volumes to levels that merit signalization, and therefore access to planned developments could be configured keeping signal warrants in mind. It should be noted that signalization of this location may also require the addition of left turn lanes on Route 195.
- CRCOG supports the incorporation of transit improvements where feasible, however changes or enhancements to transit services were not considered in this review. New or improved transit services could reduce future traffic volumes, improve roadway operations and potentially eliminate the need for some of the recommended improvements. Conversely, reductions in transit services could degrade operations and increase the need for additional roadway improvements.

## **APPENDIX**

Table A1: Existing 2007 Weekday Peak Hour Volumes

| Morning<br>Route 195 at: | Route 195 NB |      |     | Sidestreet WB |    |     | Route 195 SB |     |     | Sidestreet EB |    |     |
|--------------------------|--------------|------|-----|---------------|----|-----|--------------|-----|-----|---------------|----|-----|
|                          | L            | T    | R   | L             | T  | R   | L            | T   | R   | L             | T  | R   |
| I-84 Westbound Ramps     | 546          | 228  | 0   | 52            | 4  | 79  | 0            | 347 | 388 | 0             | 0  | 0   |
| I-84 Eastbound Ramps     | 0            | 686  | 36  | 0             | 0  | 0   | 43           | 357 | 0   | 89            | 9  | 537 |
| Fieldstone Commons Dr    | 21           | 693  | 0   | 2             | 0  | 1   | 0            | 800 | 51  | 19            | 0  | 25  |
| Rhodes Rd/Goose Ln       | 7            | 451  | 5   | 13            | 5  | 128 | 65           | 705 | 32  | 129           | 13 | 15  |
| Baxter St/Anthony Rd     | 3            | 402  | 3   | 13            | 9  | 52  | 18           | 596 | 8   | 12            | 4  | 19  |
| Evening<br>Route 195 at: | Route 195 NB |      |     | Sidestreet WB |    |     | Route 195 SB |     |     | Sidestreet EB |    |     |
| L                        | T            | R    | L   | T             | R  | L   | T            | R   | L   | T             | R  |     |
| I-84 Westbound Ramps     | 639          | 670  | 0   | 65            | 1  | 44  | 0            | 344 | 124 | 0             | 0  | 0   |
| I-84 Eastbound Ramps     | 0            | 1006 | 140 | 0             | 0  | 0   | 66           | 346 | 0   | 301           | 4  | 753 |
| Fieldstone Commons Dr    | 127          | 909  | 0   | 1             | 1  | 4   | 0            | 908 | 252 | 235           | 0  | 145 |
| Rhodes Rd/Goose Ln       | 18           | 760  | 7   | 15            | 32 | 130 | 157          | 680 | 139 | 103           | 39 | 15  |
| Baxter St/Anthony Rd     | 23           | 642  | 12  | 11            | 14 | 29  | 51           | 617 | 27  | 6             | 11 | 20  |

Table A2: Short-Range Projected Weekday Peak Hour Volumes

| Morning<br>Route 195 at: | Route 195 NB |      |     | Sidestreet WB |    |     | Route 195 SB |     |     | Sidestreet EB |    |     |
|--------------------------|--------------|------|-----|---------------|----|-----|--------------|-----|-----|---------------|----|-----|
|                          | L            | T    | R   | L             | T  | R   | L            | T   | R   | L             | T  | R   |
| I-84 Westbound Ramps     | 546          | 230  | 0   | 52            | 4  | 79  | 0            | 349 | 389 | 0             | 0  | 0   |
| I-84 Eastbound Ramps     | 0            | 689  | 36  | 0             | 0  | 0   | 43           | 358 | 0   | 89            | 9  | 541 |
| Fieldstone Commons Dr    | 21           | 697  | 0   | 2             | 0  | 1   | 0            | 805 | 51  | 19            | 0  | 25  |
| Rhodes Rd/Goose Ln       | 7            | 455  | 5   | 13            | 5  | 128 | 65           | 716 | 32  | 128           | 13 | 15  |
| Baxter St/Anthony Rd     | 3            | 408  | 3   | 13            | 9  | 52  | 18           | 606 | 8   | 12            | 4  | 19  |
| Evening<br>Route 195 at: | Route 195 NB |      |     | Sidestreet WB |    |     | Route 195 SB |     |     | Sidestreet EB |    |     |
| L                        | T            | R    | L   | T             | R  | L   | T            | R   | L   | T             | R  |     |
| I-84 Westbound Ramps     | 639          | 673  | 0   | 65            | 1  | 44  | 0            | 346 | 124 | 0             | 0  | 0   |
| I-84 Eastbound Ramps     | 0            | 1010 | 141 | 0             | 0  | 0   | 66           | 347 | 0   | 301           | 4  | 758 |
| Fieldstone Commons Dr    | 127          | 916  | 0   | 1             | 1  | 4   | 0            | 913 | 251 | 234           | 0  | 145 |
| Rhodes Rd/Goose Ln       | 18           | 767  | 7   | 15            | 32 | 130 | 158          | 688 | 138 | 102           | 39 | 15  |
| Baxter St/Anthony Rd     | 24           | 651  | 12  | 11            | 14 | 29  | 51           | 627 | 27  | 6             | 11 | 20  |

NOTE: All traffic volumes based on 2007 intersection turning movement counts collected as part of the Tolland Route 195 Corridor Study.

Table A3: 2040 Projected Weekday Peak Hour Volumes

| Morning<br>Route 195 at: | Route 195 NB |      |     | Sidestreet WB |    |     | Route 195 SB |      |     | Sidestreet EB |    |     |
|--------------------------|--------------|------|-----|---------------|----|-----|--------------|------|-----|---------------|----|-----|
|                          | L            | T    | R   | L             | T  | R   | L            | T    | R   | L             | T  | R   |
| I-84 Westbound Ramps     | 616          | 277  | 0   | 66            | 5  | 109 | 0            | 414  | 472 | 0             | 0  | 0   |
| I-84 Eastbound Ramps     | 0            | 806  | 43  | 0             | 0  | 0   | 52           | 419  | 0   | 106           | 11 | 629 |
| Fieldstone Commons Dr    | 24           | 805  | 0   | 2             | 0  | 2   | 0            | 901  | 74  | 30            | 0  | 30  |
| Rhodes Rd/Goose Ln       | 9            | 497  | 7   | 20            | 7  | 164 | 84           | 800  | 36  | 142           | 19 | 20  |
| Baxter St/Anthony Rd     | 4            | 447  | 5   | 21            | 14 | 65  | 23           | 681  | 9   | 14            | 7  | 28  |
| Evening<br>Route 195 at: | Route 195 NB |      |     | Sidestreet WB |    |     | Route 195 SB |      |     | Sidestreet EB |    |     |
|                          | L            | T    | R   | L             | T  | R   | L            | T    | R   | L             | T  | R   |
| I-84 Westbound Ramps     | 715          | 820  | 0   | 80            | 1  | 66  | 0            | 405  | 162 | 0             | 0  | 0   |
| I-84 Eastbound Ramps     | 0            | 1180 | 166 | 0             | 0  | 0   | 79           | 406  | 0   | 356           | 5  | 882 |
| Fieldstone Commons Dr    | 163          | 1010 | 0   | 1             | 1  | 5   | 0            | 1001 | 353 | 332           | 0  | 187 |
| Rhodes Rd/Goose Ln       | 23           | 845  | 10  | 22            | 46 | 166 | 204          | 764  | 152 | 109           | 56 | 19  |
| Baxter St/Anthony Rd     | 34           | 717  | 19  | 17            | 22 | 35  | 66           | 703  | 32  | 7             | 17 | 28  |

Table A4: 2040 Full-Build Projected Weekday Peak Hour Volumes

| Morning<br>Route 195 at: | Route 195 NB |      |     | Sidestreet WB |    |     | Route 195 SB |      |     | Sidestreet EB |    |     |
|--------------------------|--------------|------|-----|---------------|----|-----|--------------|------|-----|---------------|----|-----|
|                          | L            | T    | R   | L             | T  | R   | L            | T    | R   | L             | T  | R   |
| I-84 Westbound Ramps     | 661          | 316  | 0   | 68            | 5  | 119 | 0            | 463  | 524 | 0             | 0  | 0   |
| I-84 Eastbound Ramps     | 0            | 883  | 46  | 0             | 0  | 0   | 58           | 460  | 0   | 119           | 12 | 678 |
| Fieldstone Commons Dr    | 26           | 881  | 0   | 2             | 0  | 1   | 0            | 999  | 72  | 28            | 0  | 32  |
| Rhodes Rd/Goose Ln       | 9            | 584  | 8   | 21            | 6  | 156 | 80           | 926  | 33  | 137           | 17 | 21  |
| Baxter St/Anthony Rd     | 4            | 488  | 5   | 20            | 14 | 74  | 26           | 725  | 10  | 15            | 6  | 26  |
| Evening<br>Route 195 at: | Route 195 NB |      |     | Sidestreet WB |    |     | Route 195 SB |      |     | Sidestreet EB |    |     |
|                          | L            | T    | R   | L             | T  | R   | L            | T    | R   | L             | T  | R   |
| I-84 Westbound Ramps     | 768          | 922  | 0   | 84            | 1  | 73  | 0            | 451  | 183 | 0             | 0  | 0   |
| I-84 Eastbound Ramps     | 0            | 1291 | 180 | 0             | 0  | 0   | 89           | 446  | 0   | 396           | 5  | 951 |
| Fieldstone Commons Dr    | 167          | 1131 | 0   | 1             | 1  | 5   | 0            | 1123 | 351 | 329           | 0  | 191 |
| Rhodes Rd/Goose Ln       | 25           | 980  | 11  | 24            | 41 | 157 | 197          | 899  | 148 | 106           | 50 | 20  |
| Baxter St/Anthony Rd     | 30           | 777  | 18  | 16            | 22 | 41  | 74           | 747  | 35  | 8             | 17 | 26  |

NOTE: All traffic volumes based on 2007 intersection turning movement counts collected as part of the Tolland Route 195 Corridor Study.

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VALID NONCONFORMING USE  
MUST BE LEGAL

A property owner received a cease and desist order which asserted that she was operating a junkyard in violation of the zoning regulations. Her defense was that her junkyard predated the adoption of zoning regulations and was thus a protected nonconforming use.

The trial court focused on what constituted a lawful use. To be lawful, the use must be in compliance with all state laws. Since this junkyard was not licensed by the state, it was not a lawful use and thus not nonconforming.

One wonders whether noncompliance with federal and/or municipal ordinances could also deny nonconforming status to a use of land. *see Tillinghast v. ZBA, 55 Conn. L. Rptr. 812 (2013).*

AFFORDABLE HOUSING  
FLOATING ZONE NOT A SECTION  
8-30g APPLICATION

The owner of a parcel of property appealed the decision of the State Department of Economic and Community Development because it issued a town a moratorium from the requirements of the Affordable Housing Act, CGS sec. 8-30g. The property owner had an application pending before the town's planning and zoning commission to amend the zoning regulations by adding an affordable housing floating zone which would apply to the whole town. The court

dismissed the appeal, finding that the property owner was not aggrieved because he did not have an affordable housing application pending before the planning and zoning commission.

While an application to amend zoning regulations to allow affordable housing has been found to be an affordable housing application as defined by 8-30g, this floating zone application was not. The court reasoned that unlike earlier cases which found an application to change zoning regulations to allow affordable housing to an affordable housing application, this application did not apply to a specific parcel of property and thus was not an affordable housing proposal.

The Appellate Court stated that "In order for the floating zone application to be an affordable housing application, it must, in accordance with 8-30g(a)(2), be in connection with an affordable housing development as defined" by the act. Without applying to a specific parcel of land and with no development plan associated with it, this property owner's zone change application was not an affordable housing application. *See Stefanoni v. Department of Economic & Community Dev., 142 Conn. App. 300 (2013).*

THREE YEAR PERIOD TO ENFORCE  
ZONING REGULATIONS STARTS  
WHEN BUILDING STARTS

A homeowner constructed a single family dwelling on a lot. She obtained all necessary zoning and

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building permits and received a certificate of occupancy in 2003. After receiving a final CO in 2008, she moved into her home. One year later, a neighbor filed a complaint with the ZEO seeking that he issue a cease and desist order because the home in question and the lot it was on did not meet zoning requirements as to lot frontage, size and setbacks. The ZEO declined to issue a cease and desist order. This decision was subsequently reviewed by the ZBA, which found it did not have jurisdiction as more than 3 years had passed since the home was constructed.

The reviewing court agreed with the ZBA. Connecticut General Statute Sec. 8-13a acts as a statute of limitations, allowing a 3 year period for an enforcement action to be brought against a homeowner whose building violates the zoning regulations in regard to lot size and setback requirements. Of particular interest was the court's finding that the 3 year time limit begins to run when construction on a building commences – not when the building is completed. *see Rinaldi v. ZBA, 56 Conn. L. Rptr. 43 (2013).*

INTERVENORS HAVE DUTY TO  
PRESENT EVIDENCE

A developer submitted an application for site plan approval. When a decision on the application was allegedly not timely made, the developer filed a mandamus action seeking a court order to have the commission approve its site plan application. The developer had

submitted a renewed site plan application, which was denied, resulting in an appeal of that decision. During the pendency of these actions, an intervenor sought to be made a party so that environmental issues could be raised. Eventually, this request was granted.

At a hearing to consider a settlement of the appeal, the intervenor appeared but did not raise or argue any environmental issues. The agreement was approved without the consent of the intervenor. The decision to approve the agreement was appealed to the Appellate Court.

While Connecticut General Statute Sec. 22a-19 provides intervenors the right to participate as a party to raise environmental concerns in a land use appeal, this right comes with the responsibility to actually raise these issues and present evidence to the court. Failure to do so results in an abdication of this right, allowing for the approval of a settlement of a land use appeal without the consent of the intervenor. *see Batchelder v. PZC, 133 Conn. App. 173 (2012).*

NURSING HOME FOR STATE  
PRISONERS BEYOND REACH OF  
ZONING

This case concerned whether local zoning approval was needed before a recently closed nursing home could be re-opened as a nursing home for inmates for the State Department of Corrections. The State would neither own nor operate the facility. However, it would be the

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sole source of patients as well as provide primary funding for the facility.

The Town objected to being bypassed. However, the Court found that the company owning and operating the facility was effectively an 'arm of the state' and was thus beyond the reach of local governmental controls, including zoning regulations. An appeal of this decision can be expected. See *Town of Rocky Hill v. Securecare Realty LLC*, 56 Conn. L. Rptr. 61 (2013).

**FIREWOOD BUSINESS NOT A  
FARM**

The owner of a 50 acre wooded lot in a residential zone ran a firewood business from this property. In addition to harvesting trees from this lot, he also imported logs which he split into firewood and then sold. When a cease and desist order arrived, the property owner took an appeal to the zoning board of appeals. In defense of his activity, he claimed that he was operating a farm. The zoning board of appeals disagreed, leading to an appeal to court.

The court found that while the operation of harvesting trees from the property was a farming activity, importing logs onto the site and processing this into firewood for sale was not. See *Kawa v. Hartland ZBA*, 56 Conn. L. Rptr. 101 (2013).

**ANNOUNCEMENTS**

**Membership Dues**

Notices for this year's annual membership dues were mailed March 1, 2013. The Federation is a nonprofit organization which operates solely on the funds provided by its members. So that we can continue to offer the services you enjoy, please pay promptly.

**Workshops**

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

**Workshop Booklets**

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

**ABOUT THE WRITER**

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