

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

Regular Meeting

**Monday, May 19, 2014 ▪ 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. May 5, 2014 Meeting
  - b. May 12, 2014 Special Meeting
4. Zoning Agent's Report
  - a. Monthly Permit Activity (April)
5. Old Business
  - a. Pre-Application Discussion Requests  
Draft Policies and Procedures
  - b. Review of Proposed Site Signage for OMS Development, 1659 Storrs Road, (File #1319)  
Memo from Zoning Agent
  - c. Other
6. New Business
  - a. Environmental Impact Evaluations for the New Residence Hall and Science/Engineering Building at UConn  
Memo from Director of Planning and Development
  - b. Referral: Proposed Amendments to Parks Rules and Regulations Re: Sponsorship Signs and Banners  
Memo from Director of Planning and Development
  - c. Application to Amend the Zoning Regulations, East Book F, LLC, PZC File #1326
  - d. Other
7. Mansfield Tomorrow | Our Plan ▶ Our Future
  - a. Discussion of Chapters 8 & 10
  - b. Other
8. 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

**9. Communications and Bills**

- a. 5/14/14 ZBA Decision Notice
- b. Spring 2014 CFPZA Newsletter
- c. Spring 2014 CLEARscapes Newsletter
- d. Other

**10. Adjournment**

**DRAFT MINUTES**  
**MANSFIELD PLANNING AND ZONING COMMISSION**  
Regular Meeting  
MONDAY, May 5, 2014  
Council Chamber, Audrey P. Beck Municipal Building

Members present: B. Ryan (Vice Chairman), B. Chandy, R. Hall, K. Holt, G. Lewis,  
P. Plante (7:24 – 7:55 p.m.), B. Pociask (7:24 – 8:08 p.m.), K. Rawn,  
Members absent: J. Goodwin  
Alternates present: P. Aho, V. Ward, S. Westa  
Staff Present: Linda Painter, Director of Planning and Development;  
Curt Hirsch, Zoning Agent  
Jennifer Kaufman, Natural Resources and Sustainability Coordinator

Vice Chairman Ryan called the meeting to order at 7:24 p.m., and appointed Ward to act.

**Approval of Minutes:**

**a. April 21, 2014 Meeting**

Hall MOVED, Ward seconded, to approve the 04-21-14 minutes as written. MOTION PASSED UNANIMOUSLY. Aho and Westa noted for the record that they listened to the recording.

**b. April 29, 2014 Special Meeting**

Chandy MOVED, Hall seconded, to approve the 04-29-14 minutes as written. MOTION PASSED with Chandy, Hall, Holt, and Rawn, in favor and all others disqualified.

**Zoning Agent's Report:** Noted.

**Old Business:**

**a. Pre-Application Discussion Requests**

Draft Policies and Procedures – Postponed to May 19th

**b. Application to Amend the Zoning Map; Storrs Center Alliance, LLC, applicant, (File #1246-19)**

Lewis MOVED, Holt seconded, to approve the March 13, 2014 application of Storrs Center Alliance LLC, (File #1246-19) to amend the Zoning Map for the Storrs Center Special Design District as submitted to the Commission and presented at Public Hearing on April 21, 2014. The map amendment shall become effective on June 1, 2014.

In approving this application the Planning and Zoning Commission has considered all Public Hearing testimony and communications. Approval of the proposed zoning map amendment to the Storrs Center Special Design District is granted for the following reasons:

1. The proposal was complete and contained all information needed to review and decide the application. The information required by Article Ten, Sections S.3.c.i, S.3.c.ii (items 2 and 4), S.3.c.iii, S.3.c.iv, S.3.c.v, and S.3.c.vi was not needed to review and decide the application and is therefore waived in accordance with the authority provided in Article Ten, Section S.3.h.
2. The proposed changes to the parking requirements for multi-family residential and medical office uses promote the public health, safety, welfare and property values by eliminating the need to construct parking spaces in excess of what is actually needed to support the project. Additionally, should parking demand increase in the future, the surface lot proposed to the east of the Transportation Center could be replaced with a parking structure, consistent with the approved master plan for Storrs Center.
3. The proposed amendment promotes goals, objectives, and recommendations contained in Mansfield's 2006 Plan of Conservation and Development, specifically Goal 1, objectives c and e.

4. The proposed amendment is consistent with the approved Municipal Development Plan for the Storrs Center Project.
5. The proposed amendment is consistent with Section 8-2 of the Connecticut General Statutes.
6. The proposed amendment is consistent with the statement of regulatory intent and purpose contained in Article I and the approval considerations contained in Article XIII of the Mansfield Zoning Regulations.

After much discussion, the Vice Chairman declared this item to be temporarily set aside, while the Director of Planning worked on wording for an amendment to the above motion (File #1246-19).

**New Business:**

- a. **Review of Proposed Site Signage for OMS Development, 1659 Storrs Road, (File #1319)**

**\*\*At 7:55 p.m. Plante left and Westa was appointed to act.\*\***

After discussion with Curt Hirsch, Zoning Agent, Holt MOVED, Rawn seconded, to approve the sign as proposed, File #1319, as dated in a 5/5/14 submission. MOTION PASSED UNANIMOUSLY.

Rawn MOVED, Ward seconded, that the canopy as proposed is not consistent with Article 10, Section R of the Design Guidelines. MOTION PASSED with all in favor except Lewis who was opposed.

**Old Business Continued:**

- b. **Application to Amend the Zoning Map; Storrs Center Alliance, LLC, applicant, (File #1246-19)**

Lewis MOVED to make a friendly amendment to the motion, seconded by Holt, to add to the end of the previously moved motion, the following:

This approval is conditioned upon the following:

If parking demand and availability become a concern in the future, the Director of Planning and Development shall require the Master Developer to update the master parking study.

The updated parking study shall be reviewed by the PZC as an amendment to the master plan. The PZC shall have the right to retain a third party consultant to conduct a peer review of the study as part of their review of the master plan amendment. The cost of the PZC's consultant shall be the responsibility of the developer.

If the updated parking study demonstrates the need for additional parking, the developer shall be responsible for constructing the additional parking at their own expense.

The Amended MOTION PASSED UNANIMOUSLY.

**The entire motion reads as follows:**

"To approve the March 13, 2014 application of Storrs Center Alliance LLC, (File #1246-19) to amend the Zoning Map for the Storrs Center Special Design District as submitted to the Commission and presented at Public Hearing on April 21, 2014. The map amendment shall become effective on June 1, 2014.

In approving this application the Planning and Zoning Commission has considered all Public Hearing testimony and communications. Approval of the proposed zoning map amendment to the Storrs Center Special Design District is granted for the following reasons:

1. The proposal was complete and contained all information needed to review and decide the application. The information required by Article Ten, Sections S.3.c.i, S.3.c.ii (items 2 and 4), S.3.c.iii, S.3.c.iv, S.3.c.v, and S.3.c.vi was not needed to review and decide the application and is therefore waived in accordance with the authority provided in Article Ten, Section S.3.h.

2. The proposed changes to the parking requirements for multi-family residential and medical office uses promote the public health, safety, welfare and property values by eliminating the need to construct parking spaces in excess of what is actually needed to support the project. Additionally, should parking demand increase in the future, the surface lot proposed to the east of the Transportation Center could be replaced with a parking structure, consistent with the approved master plan for Storrs Center.
3. The proposed amendment promotes goals, objectives, and recommendations contained in Mansfield's 2006 Plan of Conservation and Development, specifically Goal 1, objectives c and e.
4. The proposed amendment is consistent with the approved Municipal Development Plan for the Storrs Center Project.
5. The proposed amendment is consistent with Section 8-2 of the Connecticut General Statutes.
6. The proposed amendment is consistent with the statement of regulatory intent and purpose contained in Article I and the approval considerations contained in Article XIII of the Mansfield Zoning Regulations.

This approval is conditioned upon the following:

If parking demand and availability become a concern in the future, the Director of Planning and Development shall require the Master Developer to update the master parking study.

The updated parking study shall be reviewed by the PZC as an amendment to the master plan. The PZC shall have the right to retain a third party consultant to conduct a peer review of the study as part of their review of the master plan amendment. The cost of the PZC's consultant shall be the responsibility of the developer.

If the updated parking study demonstrates the need for additional parking, the developer shall be responsible for constructing the additional parking at their own expense."

\*\* At 8:08 p.m. Pociask left and Aho was appointed to act in his place. \*\*

**New Business Continued:**

**Interpretation of Regulations: Subdivision Plan Requirements**

Linda Painter reviewed her interpretation of the regulations regarding the requirements for a subdivision involving one lot being carved out of a larger parcel intending to remain as undeveloped. The consensus of the Commission was that they agreed with her interpretation.

**Mansfield Tomorrow | Our Plan ▶ Our Future:**

The Commission discussed Chapter 7 (Goals 1-3): Goals, Policies Strategies and Actions. It was noted that there will be a Special Meeting on May 12, 2014 in Room B at 7:30 p.m.

**Reports from Officers and Committees:** None noted.

**Communications and Bills:** None.

**Adjournment:** The Vice Chairman declared the meeting adjourned at 9:43 p.m.

Respectfully submitted,

Katherine Holt, Secretary

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**DRAFT MINUTES**  
**MANSFIELD PLANNING AND ZONING COMMISSION**  
Special Meeting  
MONDAY, MAY 12, 2014  
Conference Room B, Audrey P. Beck Municipal Building

Members present: Chair J. Goodwin, B. Chandy, R. Hall (departed at 9:06 p.m.), K. Holt, K. Rawn, B. Ryan  
Members absent: G. Lewis, B. Pociask, P. Plante  
Alternates present: P. Aho, S. Westa  
Alternates absent: V. Ward  
Staff Present: Linda Painter, Director of Planning and Development; Jennifer Kaufman, Natural Resources and Sustainability Coordinator

Chairman Goodwin called the meeting to order at 7:00 p.m., and seated alternates Aho and Westa.

**Mansfield Tomorrow | Our Plan ▶ Our Future:**

Discussion was focused on the draft goals, policies, strategies and actions for Chapters 7 (Goals 4 through 9) and 11. Commission members provided comments on measures of effectiveness. Painter and Kaufman will make revisions based on the comments received from the Commission and bring the revised chapters back for further review. Painter noted that review of Chapters 8 and 10 are scheduled for Monday, May 19<sup>th</sup>.

**Adjournment:** The Chair declared the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Katherine Holt, Secretary

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



To: Planning and Zoning Commission  
 From: Curt Hirsch, Zoning Agent *CH*  
 Date: May 2, 2014  
 Re: Zoning Activity for the Month of April, 2014

Activity	This Month	Last Month	Same Month Last Year	This Fiscal Year to Date	Last Fiscal Year to Date
Zoning Permits Issued	12	11	22	112	99
Certificates of Compliance Issued	5	17	5	97	71
Site Inspections	15	40	21	196	274
Complaints Received from the Public	3	7	11	48	49
Complaints Requiring Inspection	2	3	10	29	40
Potential/Actual Violations Found	9	9	5	50	29
Enforcement Letters	5	6	10	27	83
Notices to Issue ZBA Forms	2	1	0	10	7
Notices of Zoning Violations Issued	5	7	1	23	25
Zoning Citations Issued	0	0	0	1	9

Residential Zoning Permits	This Month	FY2014 To Date
Single-Family Homes	0	12
Two-Family Homes	0	0
Multi-Family Units	0	0

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# Pre-Application Policies and Procedures

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*Mansfield Planning and Zoning Commission ▪ May 19, 2014 Draft*

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## **C.G.S. Sec. 7-159b<sup>a</sup> Pre-application review of use of property.**

*Notwithstanding any other provision of the general statutes, prior to the submission of an application for use of property under chapters 124, 126, 440 and 541 or any other provision of the general statutes authorizing an authority, commission, department or agency of a municipality to issue a permit or approval for use of such property, such authority, commission, department or agency or authorized agent thereof may separately, jointly, or in any combination, conduct a pre-application review of a proposed project with the applicant at the applicant's request. Such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes, and shall not be binding on the applicant or any authority, commission, department, agency or other official having jurisdiction to review the proposed project.*

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The following policies and procedures for a proposed Applicant's pre-application meeting with the Mansfield Planning and Zoning Commission is adopted on a pilot basis. The PZC reserves the right to revise and/or eliminate any or all of these policies and procedures at any time. These policies and procedures may also be adopted and/or amended for use by the Mansfield Inland Wetlands Agency. If these policies and procedures are adopted by the IWA, a pre-application meeting may be held for those proposed applications which will be subject to the Mansfield Wetlands and Watercourses Regulations. The Commission and Agency reserve the right to conduct a joint pre-application meeting.

## **Purpose of Pre-Application Review**

- To provide an opportunity for proposed Applicants to present preliminary plans for site development, special permit, commercial, multi-family or mixed-use projects to the Commission for the purpose of receiving Commission comment on potential applications;
- To attempt to reduce an Applicant's expense and staff time by anticipating significant changes to proposed applications before formal filing; and
- To allow for more efficient and concise presentations at public hearings.

## **Pre-Application Procedures**

### **Eligible Projects**

Any proposed Applicant of a commercial, mixed use or multi-family residential project subject to public hearing may request a pre-application review. This process is intended for projects that have the potential to impact the character of the surrounding area due to their size and complexity. The process is not intended to be used for small-scale infill projects where minimal impacts are anticipated.

### **Filing Request for Pre-Application Review**

Any request for a pre-application review shall be filed with the Director of Planning and Development on the form provided. The form will provide that a proposed Applicant sign an acknowledgment that this procedure is a non-binding process from which there is no appeal. The pre-application review request shall include a written summary of the project and a preliminary site plan. Additional information may be requested by the Director to assist in the determination as to whether the application for a review should be accepted.

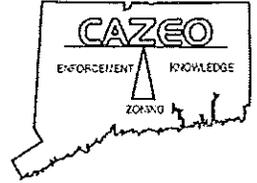
The decision to accept a proposal for pre-application review is solely at the discretion of the Director. The Director's decision shall be final.

### **Pre-Application Review**

- A pre-application review will be placed on the Commission's Agenda under New Business at a date and time solely at the convenience of the Commission.
- Reviews will be strictly limited to 30 minutes. Proposed Applicants shall keep their presentations brief to allow sufficient time for Commission discussion within the thirty minute time limit.
- Pre-Application Reviews will be noted on the meeting Agenda as follows:  
*Proposed Project Name, Address/Location, Applicant name*  
*The Commission will conduct a non-binding pre-application review of the above listed project.*
- The Commission Chair will introduce the item and note the following for the record: "Such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes by any person or entity, and shall not be binding on the applicant or any authority, commission, department, agency or other official having jurisdiction to review the proposed project."
- Reviews are part of the public meeting and shall be open to the public for observation only. No public comment will be taken. The public will have the opportunity to comment during the public hearing process after the filing of a formal application.
- Any materials supplementing the original materials submitted with the application for a pre-application review shall be submitted to the Director on or before seven days from the scheduled review. If this requirement is not met, the Commission reserves the right to reject any additional submissions. (One full size set and 15 reduced size sets).
- Commission members may offer comments on the proposed application, but are not required to do so. Any comment of a Commissioner is the opinion of that Commissioner and shall not be interpreted as the consensus of the Commission nor shall any comment of any Commissioner bind the Commission or that Commissioner's vote on formal application.
- Commissioners may offer comments which are contradictory to each other. Any interpretation of Commission comments is the responsibility of the proposed applicant.
- This is a non-binding process from which there is no appeal.



# 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: May 13, 2014

**Re: OMS Development – proposed signage - PZC #1319**

At its last regular meeting, the Commission approved proposed, free-standing signage for the OMS site at 1659 Storrs Road. A proposed multi-colored banding of the gasoline-pump canopy was not approved. It was suggested by a couple of the Commission members, that if the canopy was presented without the variety of colors, it may be found acceptable.

The applicant has submitted a revised proposal for the structure, which depicts the canopy having a dark blue banding. The property owner has approved this revision. If the Commission finds this design acceptable, a simple motion for approval will be needed. I suggest:

**Move to approve the single-colored banding of the pump canopy at 1659 Storrs Road, as submitted by Hendel's Inc. (the tenant), on 5/13/14.**

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

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LINDA M. PAINTER, AICP, DIRECTOR

**Memo to:** Planning and Zoning Commission  
**From:** Linda M. Painter, AICP, Director of Planning and Development   
**Date:** May 15, 2014  
**Subject:** University of Connecticut: New Residence Hall and Engineering Building Environmental Impact Evaluations

Background

The University of Connecticut held public scoping meetings in February 20, 2014 on proposals for two new buildings at the university: a five-story, ±118,000 square foot Engineering and Science Building and an 8-9 story, 650 to 800 bed residence hall (±200,000-250,000 square feet) for freshman STEM students. The Planning and Zoning Commission and Town Council provided comments during the scoping process; copies of the letters submitted on each project area attached for your information.

Based on comments received during the scoping process, the University has prepared Environmental Impact Evaluations (EIEs) for each project. These reports assess the potential impacts of these projects on a variety of factors and where necessary, identify mitigation measures to address significant impacts. Links to full versions of the reports can be found on the following website: <http://www.envpolicy.uconn.edu/eie.html>. To assist the Commission in its review, I have attached copies of the summary tables of environmental impacts and mitigation measures for each project and identified key issues/concerns for the Commissions' consideration.

Engineering and Science Building

The proposed Engineering and Science Building will be located off of Glenbrook Road on the site of the Old Central Warehouse Building, which is slated to be demolished this summer. Adjacent buildings include the Student Health Services building and Central Utility Plant to the south, the Pharmacy/Biology Building to the west, the Pathobiology Building to the south and the Chemistry Building to the east. As this site is surrounded by existing development, the environmental impacts are significantly less than that of an undeveloped site. Based on review of the EIE, key areas of potential concern relate to Traffic and Transportation, Water Supply, and Stormwater:

- *Traffic and Transportation.* The EIE projects that this new building will create a demand for approximately 182 new students and 11 new faculty/staff, which would be considered as potential additional trips to campus. While a detailed traffic analysis was not completed, the EIE estimates that there would be an increase of approximately 332 vehicles to the local roadway network, including 30 vehicles during morning peak and 27 vehicles during the afternoon peak. Using the distribution analysis employed as part of the recent OSTA permit for the Innovation Partnership Building, traffic volume at key intersections would increase by between 1% and 3%, which is considered to be a minor increase.

It should also be noted that the methodology used to estimate the projected number of new trips assumed that 25% of the new students added would be commuter students, which for this purpose is defined as a student that does not live on campus. As many 'commuter students' live within close proximity to campus and can walk, bike or take the bus to campus, the number of vehicular trips generated by these commuter students could be much lower than projected.

To address the nominal increase in traffic, the EIE proposes the following mitigation measures:

- Broadly promoting ride-share/carpooling programs university-wide;
- Increasing public transportation options both on-campus and through regional partnerships;
- Pricing residential parking permits to decrease demand; and
- Ensuring that adhering to lawful parking on and off-campus can be properly enforced.

Based on the above information, formal comments on the EIE should include the following:

- Encouraging the University to implement the recommended mitigation measures prior to opening the building;
  - Identifying current measures the Town employs to address illegal parking off-campus; and
  - Continuing to encourage preparation of a comprehensive, multi-modal transportation plan as part of the ongoing Master Plan effort.
  - Emphasizing the need for construction traffic to use state roads.
- *Water Supply.* The EIE identifies projected water demand for the new building and water saving features that will be incorporated such as use of reclaimed water for toilets, a measure that will reduce the building's total average daily demand for water from 4,800 GPD to 2,800 GPD, of which 920 GPD would be attributable to new faculty and students. The EIE also notes that while the increase in water demand is fairly small, "it could marginally exacerbate the existing deficiency in the system relative to peak day demand until the CWC connection is available. . ."

Additionally, there are two other buildings projected to open in the same timeframe: the new residence hall and the Innovation Partnership Building at the Technology Park. Cumulative average daily demand for all three buildings would total 58,400 GPD (not including reductions in water demand from use of reclaimed water in the buildings). While actual water demand could be met on peak days for these buildings by drawing on stored water supplies (6.5 million gallons), the University could not demonstrate required margin of safety on peak days if the three buildings were completed and opened prior to the completion of the CWC connection project.

The CWC project is anticipated to be completed prior to opening of this building; however, the EIE has proposed an alternative solution to the peak day demand issue if the CWC project has not been completed prior to building opening. To assist in meeting peak day demand and demonstrating adequate margin of safety, UCONN would seek approval from regulatory agencies to allow intermittent use of Fenton River Well D even during low-streamflow conditions. This alternative was identified in the University's 2011 Water Supply Plan as a short-term option to increase supply for existing users and committed projects as pump tests indicated that Well D has the least effect on streamflow due to its distance from the river.

Provided the full capacity of stored water is available on peak days, actual use of the Fenton River Well D would not occur. Use of the well would only be needed if for some reason the University did not have access to the entirety of its stored water supplies.

Presently, use of all of the Fenton River wells is limited or ceased entirely during drought conditions, which generally occur June through October, although there have also been times where low streamflow conditions have continued into November and December. With regard to the proposed intermittent use of Well D, the EIE specifically states that *“To ensure that operating Well D on a limited basis does not negatively impact on streamflow, the University would monitor streamflow within Well D’s zone of influence while Well D was active.”*

In its April 26, 2011 comments on the draft Water Supply Plan, the PZC and Town Council included the following comment with regard to the use of Fenton River Well D:

*“While the plan clearly and appropriately identifies a need for an additional source of water for future projects, the plan’s shorter term supply assumptions rely on the construction of the Reclaimed Water Facility (scheduled for 2011/2012) and the potential year-round use of Fenton River Well D. The Reclaimed Water Facility has not yet commenced construction and the use of Fenton River Well D during droughts has not been approved. To address the needs of existing users and committed projects, it is essential that construction begin this year on the Reclaimed Water Facility and that the University continue pursuing the potential year round use of Fenton River Well D.”*

Based on the above information, formal comments on the EIE should address the following:

- Strongly advocating for streamflow monitoring in appropriate locations to ensure that any use of Well D during periods of drought does not negatively impact streamflow, along with provisions to cease use of the well if impacts are identified and the corresponding restrictions to water usage that would be implemented if well production were ceased.
  - Conditioning opening of the building on receiving approval of the change to wellfield operations to allow intermittent use of Well D from regulatory agencies if the CWC project has not been completed.
  - Continuing to promote water conservation through mandatory water usage restrictions during droughts, improvements to facilities that reduce water consumption, connecting additional buildings to the Reclaimed Water Facility, and operational changes.
- *Stormwater.* The proposed building is located within the Eagleville Brook watershed that was the subject of a Total Maximum Daily Load study in 2007. This study recommends reductions in impervious cover and use of stormwater management techniques that offset the negative impacts of impervious cover on water quality. The proposed project would result in a reduction in impervious surfaces of approximately 3,000 square feet.

The proposed site along with portions of the adjacent Quad was previously identified as the site of a potential bioretention basin. However, due to subsurface utilities, the underground utility tunnel and presence of subsurface building areas underneath the adjacent Quad, the ability to

implement stormwater management techniques that allow for natural infiltration of water (such as bioretention basins) in the areas surrounding the building are limited. Additionally, the high water table will necessitate the diversion of groundwater into the existing storm sewer system that discharges to Eagleville Brook.

The EIE indicates that the feasibility of bioretention basins both in the Quad and elsewhere on campus within the Eagleville Brook watershed will be addressed as part of the campus-wide master plan.

Based on the above information, formal comments on the EIE should address the following:

- Strongly encouraging the University to prepare a stormwater master plan as part of the campus-wide master planning effort that emphasizes the use of Low Impact Development (LID) stormwater management practices and reductions to effective impervious cover. This approach should be used throughout the campus and not just within the Eagleville Brook watershed.

In addition to comments provided on the above issues, any formal comments submitted by the Town should include suggested corrections to the following sections:

- *Section 3.2.4-Stormwater.* Correct second to last sentence of first paragraph of Existing Conditions to remove reference to Dairy Mart and specify property address rather than business name.
- *Section 3.2.8-Public Health and Safety.* Replace the language in the third paragraph relating to Mansfield fire services with the paragraph contained in the EIE for the STEM Residence Hall. The information contained in this document is outdated and incorrect; Mansfield no longer has three separate volunteer fire departments.

#### STEM Residence Hall

The proposed STEM residence hall will be located off of Alumni Drive. Adjacent buildings include Hilltop Residence Halls (Hale and Ellsworth to the west, Putnam Refectory and Garrigus Suites to the south and the Sherman Family Sports Complex to the east. As this site is surrounded by existing development, the environmental impacts are significantly less than that of an undeveloped site. Based on review of the EIE, key areas of potential concern relate to Wetlands, Slopes, Traffic and Transportation, Water Supply, and Stormwater:

- *Wetlands.* While there were no mapped wetlands identified during the scoping process, further site and soil analysis has identified a small isolated, wooded wetland within the proposed development area. The wetland is approximately 935 square feet and is thought to be a relic of a larger wetland system that existed prior to the land alterations for the surrounding development. Construction of the proposed building would require filling of the wetland. The functions and values of the wetland were evaluated based on U.S. Army Core of Engineers criteria. The evaluation found that due to its small size, disturbed condition, surrounding development and isolation from other wetland resources, the wetland does not provide principal wetland functions or values. As such, filling of the wetland is not anticipated to have a significant adverse impact on existing wildlife.

- *Steep Slopes.* The site on which the building will be located has fairly steep slopes in the northern and southern areas of the building (11% and 10% respectively) as well as a 21% slope to the east of the building dropping down to the sports complex. As such, significant erosion and sedimentation controls will be needed during construction, including regular monitoring and repairs.

Formal comments on the EIE should include recommendations for installation of appropriate erosion and sedimentation controls and establishment of a specific monitoring program to ensure those controls are functioning as designed.

- *Traffic and Transportation.* As the proposed residence hall will be limited to first year students who do not qualify for a parking permit under current policy, anticipated traffic impacts in the first year of operation are expected to be associated primarily with employees and move-in/move-out days. However, as students move out of this residence hall into other on-campus housing and obtain enough credits to qualify for a parking permit, there is the possibility of additional on-campus parking demand and related traffic. It is estimated that approximately 2/3 of the additional students housed on-campus could seek parking. Assuming an 800 bed facility, parking demand could increase by 533 vehicles. The University does not issue permits in excess of capacity and can control the number of permits issued.

To address the nominal increase in traffic, the EIE proposes the following mitigation measures:

- Broadly promoting ride-share/carpooling programs university-wide;
- Increasing public transportation options both on-campus and through regional partnerships;
- Pricing residential parking permits to decrease demand; and
- Ensuring that adhering to lawful parking on and off-campus can be properly enforced.

Based on the above information, formal comments on the EIE should include the following:

- Encouraging the University to implement the recommended mitigation measures prior to opening the building;
  - Identifying current measures the Town employs to address illegal parking off-campus; and
  - Continuing to encourage preparation of a comprehensive, multi-modal transportation plan as part of the ongoing Master Plan effort.
  - Emphasizing the need for construction traffic to use state roads.
- *Water Supply.* The EIE identifies projected water demand for the new building and water saving features that will be incorporated such as use of reclaimed water for toilets, a measure that will reduce the building's total average daily demand for water from 28,800 GPD to ±23,800 GPD. As noted with the Engineering and Science Building, the projected increase in water demand from the three new buildings that will open in the 2016-2017 would exceed the current system capacity needed on peak days to meet demands and maintain required margin of safety.

The same comments provided for the Engineering and Science Building should be included in comments on the residence hall with regard to proposed mitigation measures.

- *Stormwater.* The proposed building is located within the Eagleville Brook watershed that was the subject of a Total Maximum Daily Load study in 2007. This study recommends reductions in impervious cover and use of stormwater management techniques that offset the negative impacts of impervious cover on water quality. While considered an infill site due to the surrounding uses, the construction of the residence hall will be on previously undeveloped land. As such, it will result in an increase in impervious surfaces, which could increase runoff rates and volumes and introduce new pollutants. To avoid and mitigate impacts of the additional impervious cover, the EIE identifies several mitigation measures, including the use of Low Impact Development (LID) stormwater management practices that disconnect impervious surfaces from conventional stormwater systems that discharge directly to the brook and use of bioretention basins. Additionally, a green roof is proposed for a portion of the building. Peak runoff will be handled through new underground detention systems that include pretreatment of stormwater before entering the detention system and use of perforated piping to facilitate infiltration where soil and groundwater conditions allow.

Based on the above information, formal comments on the EIE should address the following:

- Encouraging the use of permeable materials for new parking areas and plazas associated with the residence hall.
- Strongly encouraging the University to prepare a stormwater master plan as part of the campus-wide master planning effort that emphasizes the use of Low Impact Development (LID) stormwater management practices and reductions to effective impervious cover. This approach should be used throughout the campus and not just within the Eagleville Brook watershed.

### Summary

If the Commission concurs with the above recommendations, the following motion would be in order:

\_\_\_\_\_ MOVES, \_\_\_\_\_ seconds to authorize the PZC Chair to submit recommended comments on the proposed Engineering and Science Building and STEM residence hall to the Town Council based on the recommendations contained in the memo from Linda Painter dated May 15, 2014. If the Town Council agrees with the recommendations, the Chair is authorized to co-sign letters to the University submitting the formal comments, including any additional comments identified by the Council provided such comments are not contradictory to the Commission's recommendations.

TOWN OF MANSFIELD



Elizabeth C. Paterson, Mayor

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599  
(860) 429-3330  
Fax: (860) 429-6863

March 19, 2014

Mr. Jason Coite  
UConn Office of Environmental Policy  
31 LeDoyt Road, U-3055  
Storrs, Connecticut 06269

**Subject: Proposed Engineering and Science Building**

Dear Mr. Coite:

The Mansfield Town Council and Planning and Zoning Commission (PZC) offer the following comments and recommendations with regard to the proposed Engineering and Science Building:

- *Master Plan and Impact Study.* A campus master plan and Next Generation Connecticut impact study should be completed prior to construction of any buildings related to the NextGen initiative other than the currently proposed engineering/science building and STEM residence hall. This study should include a comprehensive, multi-modal transportation plan for the build-out of the campus that considers impacts to the local transportation network, including off-campus improvements for vehicular, pedestrian, bike and transit circulation.
- *Traffic Analysis.* A traffic study that evaluates the potential impacts of the proposed buildings on the local road network, in addition to the state road network, should be done to confirm the conclusion that no significant impacts on the local road network are anticipated. This analysis should identify any necessary mitigation measures and be made available to the Town for review and comment prior to submission to OSTA.
- *Stormwater/Eagleville Brook.* The University should identify specific measures to employ for each project to reduce impacts on the Eagleville Brook watershed.

If you have any questions regarding these comments, please contact Linda Painter, Director of Planning and Development.

Sincerely,

*Elizabeth C. Paterson*  
Elizabeth C. Paterson  
Mayor

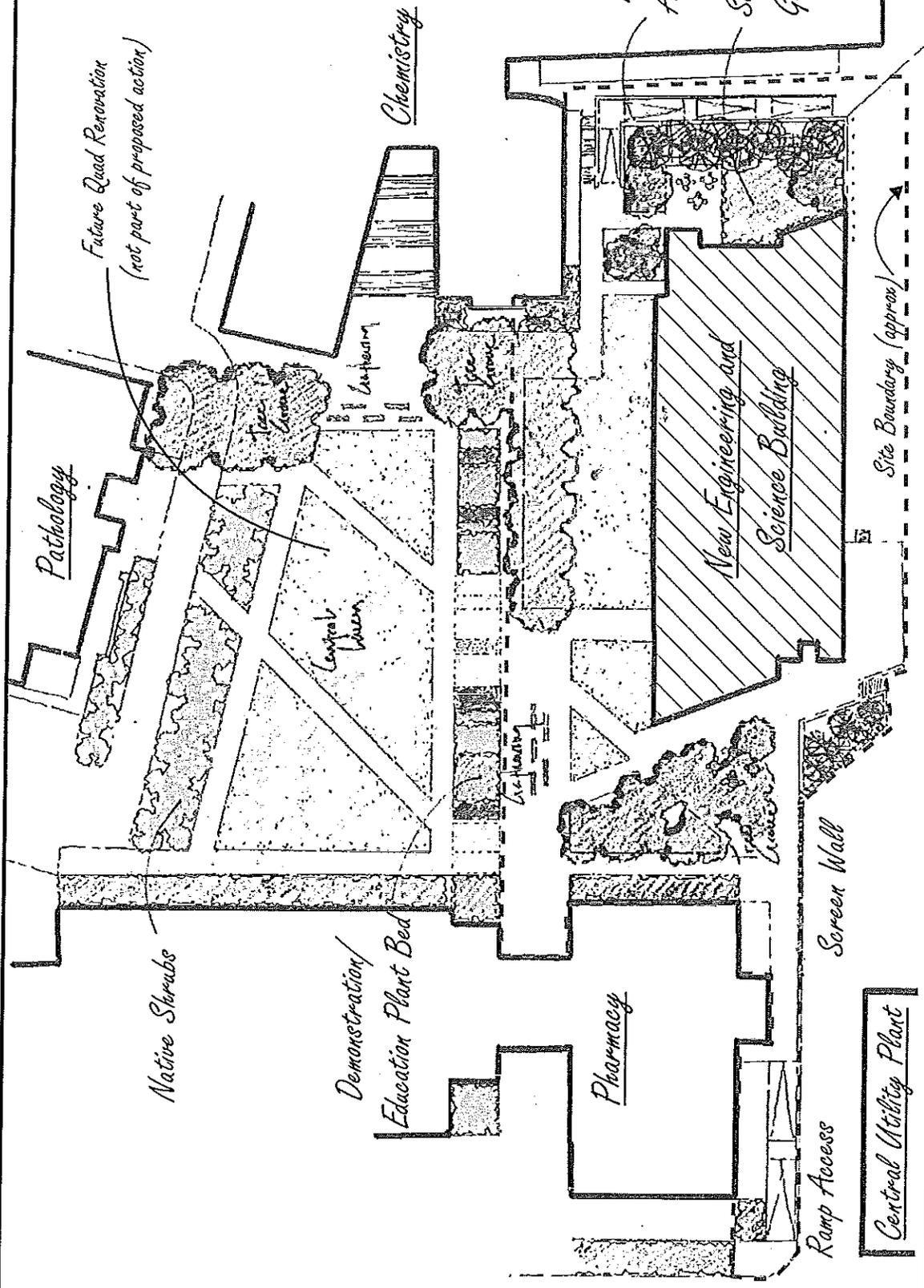
*JoAnn Goodwin*  
JoAnn Goodwin  
Chair, Mansfield PZC

Cc: Town Council  
Planning and Zoning Commission

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True North



Project No:	15.0166402.00
Drawn by:	KDC
Checked by:	PGD
Date:	March 2014
Figure No:	3

**Concept Plan**

**New Engineering and Science Building**  
 University of Connecticut  
 Glenbrook Road  
 Storrs, Connecticut

Plan by:	Dirtworks and Mitchell Giurgola Architects, LLP January 30, 2014
	GZA GeoEnvironmental, Inc. Springfield, MA / Hartford, CT

### Impacts

As the NESB is proposed to reach 5 stories in height, 3 stories higher than the current building (OCW), the upper floors of the NESB will likely be visible from North Eagleville Road and Glenbrook Road.

The Site is located within the university campus proper and will be visible regularly by staff, students, and visitors alike. The NESB has been designed to be consistent with the look of a modern university research building (Figure 13)

### Mitigation

There would be no significant impact to aesthetics, therefore no mitigations are warranted.

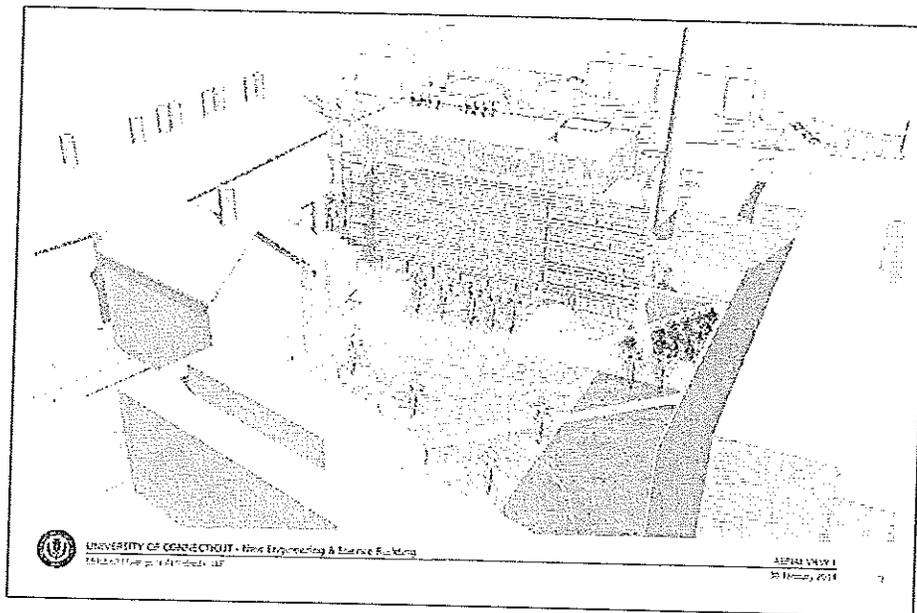


FIGURE 13. OBLIQUE RENDERING OF PROPOSED NESB LOOKING SOUTHEAST

### *3.2.10 Cultural Resources*

#### Existing Conditions

CEPA requires that State actions that have the potential for affecting cultural resources (archaeological or historical) be evaluated and mitigated for if significant impacts would occur.

The OCW is a 2-story brick and concrete warehouse building built circa 1958. This building is not on the State or Federal Register of Historic Places.

TABLE ES-1. ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Environmental Element	Impacts	Mitigation
Climate, Topography, Geology & Soils	Disturbance of fill soils, minor grading required	Installation of erosion control measures as required by Construction General Permit
Surface and Groundwater	Reduction of 3,000 SF of Impervious Cover Direct discharge of groundwater to Eagleville Brook	Not warranted. Net positive impact.
Wetlands	No wetlands on or near Site.	Not warranted
Floodplains	Technically within 100-year floodplain but Eagleville Brook piped underground.	Not warranted but DEEP Flood Management Certification required.
Flora and Fauna	No significant impact. Area densely developed.	Not warranted.
State Protected Species	None at or near site per DEEP.	Not warranted.
Air Quality	No direct significant impact. Tie into existing CUP. Insignificant increase in emissions from new emergency generator for Student Health Services Building.	Not warranted.
	Student Health Services Building emergency generator to be replaced with a larger emission source.	Generator to be Tier 4 compliant
Noise & Vibration	Temporary increase in noise and vibration during construction.	Prohibit blasting.
Light/Shadow	Slight increase in shadow and lighting demand in Quad.	Not warranted.
Traffic and Transportation	Nominal increase in parking demand traffic generation.	Broadly promote ride-share/carpooling; Increase public transportation options; Price residential parking permits to discourage demand; Ensuring that adhering to lawful parking on and off-campus can be properly enforced.
Water Supply	Approximately 1,600 GPD in additional demand.	Reclaimed water will be used for NESB toilets to reduce the stated GPD. Reduction of 680± GPD expected for net demand increase of 920±.  Continue to promote water conservation and obtain approvals to use Fenton Well D even during low stream flow as proposed in the 2011 Water Supply Plan in order to mitigate peak day demand conflicts in the event the CWC water not yet available at the time NESB is complete.

Environmental Element	Impacts	Mitigation
Stormwater	Approximately 3,000 SF less of impervious area compared to existing	Not warranted. Positive impact.
	Direct discharge of groundwater to Eagleville Brook	
Utilities	Utilities present at or near site.	Not warranted.
Solid & Hazardous Waste	Additional solid waste and some hazardous waste generated.	Managed in accordance with current University practices.
Public Health & Safety	No significant change in emergency service needs.	Not warranted.
Aesthetics	Improved aesthetic of Quad area and removal of dated OCW.	Not warranted.
Cultural Resources	No cultural resources affected. Site is disturbed.	Not warranted.
Socioeconomics	Positive economic benefit.	Not warranted.
Consistency with Plans	Proposed land use is consistent with State Plan of Conservation & Development. Project identified in University 2006 Master Plan.	Not warranted.

TOWN OF MANSFIELD



Elizabeth C. Paterson, Mayor

AUDREY P. BUCK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599  
(860) 429-3330  
Fax: (860) 429-6863

March 19, 2014

Mr. Jason Coite  
UConn Office of Environmental Policy  
31 LeDoyt Road, U-3055  
Storrs, Connecticut 06269

**Subject: Proposed STEM Residence Hall**

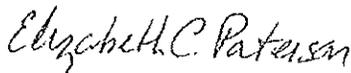
Dear Mr. Coite:

The Mansfield Town Council and Planning and Zoning Commission (PZC) offer the following comments and recommendations with regard to the proposed STEM residence hall off Alumni Drive:

- *Master Plan and Impact Study.* A campus master plan and Next Generation Connecticut impact study should be completed prior to construction of any buildings related to the NextGen initiative other than the proposed residence hall and the engineering/science building. This study should include a comprehensive, multi-modal transportation plan for the build-out of the campus that considers impacts to the local transportation network, including off-campus improvements for vehicular, pedestrian, bike and transit circulation.
- *Traffic Analysis.* A traffic study that evaluates the potential impacts of the proposed buildings on the local road network, in addition to the state road network, should be done to confirm the conclusion that no significant impacts on the local road network are anticipated. This analysis should identify any necessary mitigation measures and be made available to the Town for review and comment prior to submission to OSTA.
- *Stormwater/Eagleville Brook.* The University should identify specific measures to employ for each project to reduce impacts on the Eagleville Brook watershed.

If you have any questions regarding these comments, please contact Linda Painter, Director of Planning and Development.

Sincerely,

  
Elizabeth C. Paterson  
Mayor

  
JoAnn Goodwin  
Chair, Mansfield PZC

Cc: Town Council  
Planning and Zoning Commission

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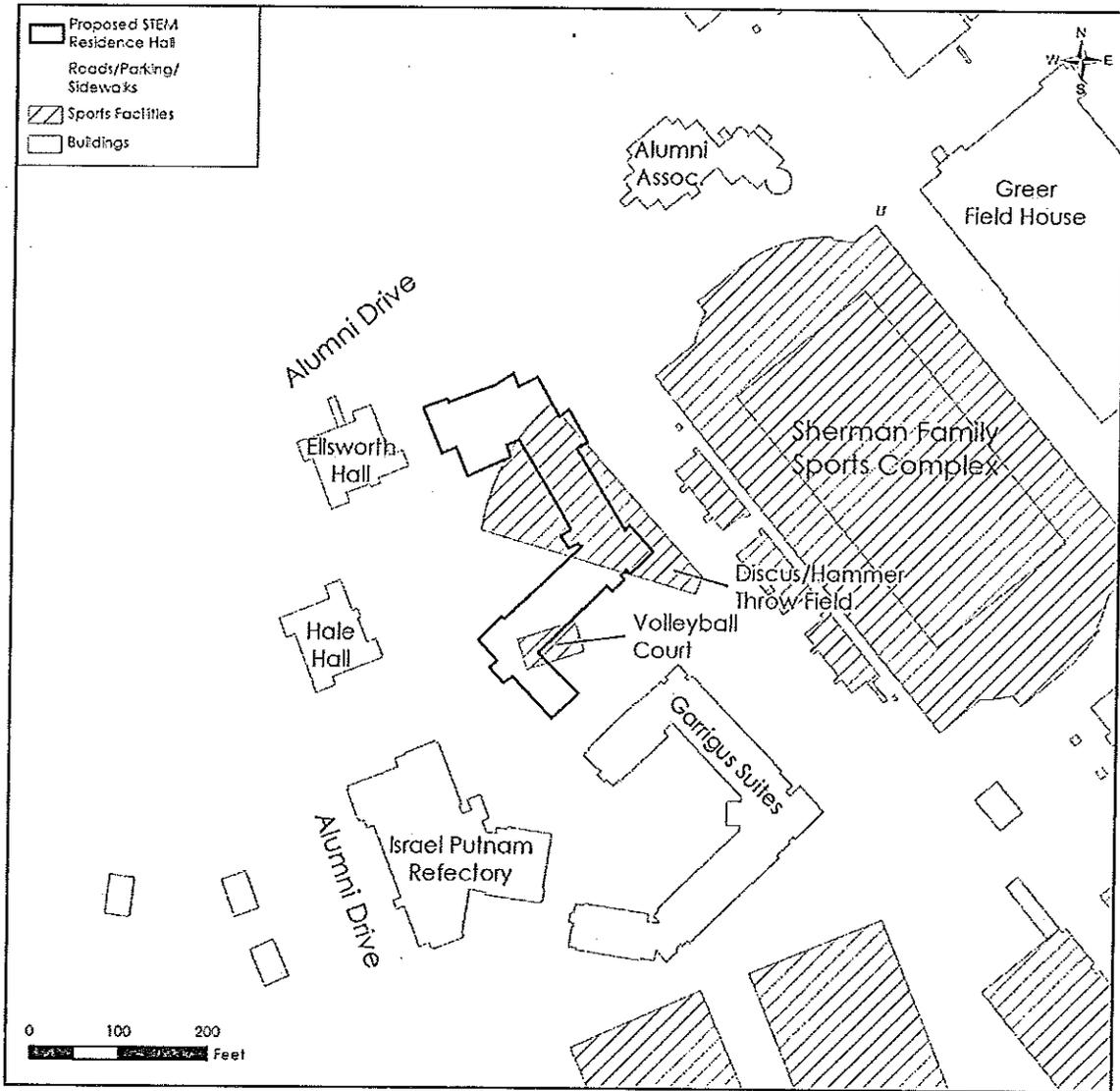


Figure ES-2. Footprint of Proposed STEM Residence Hall

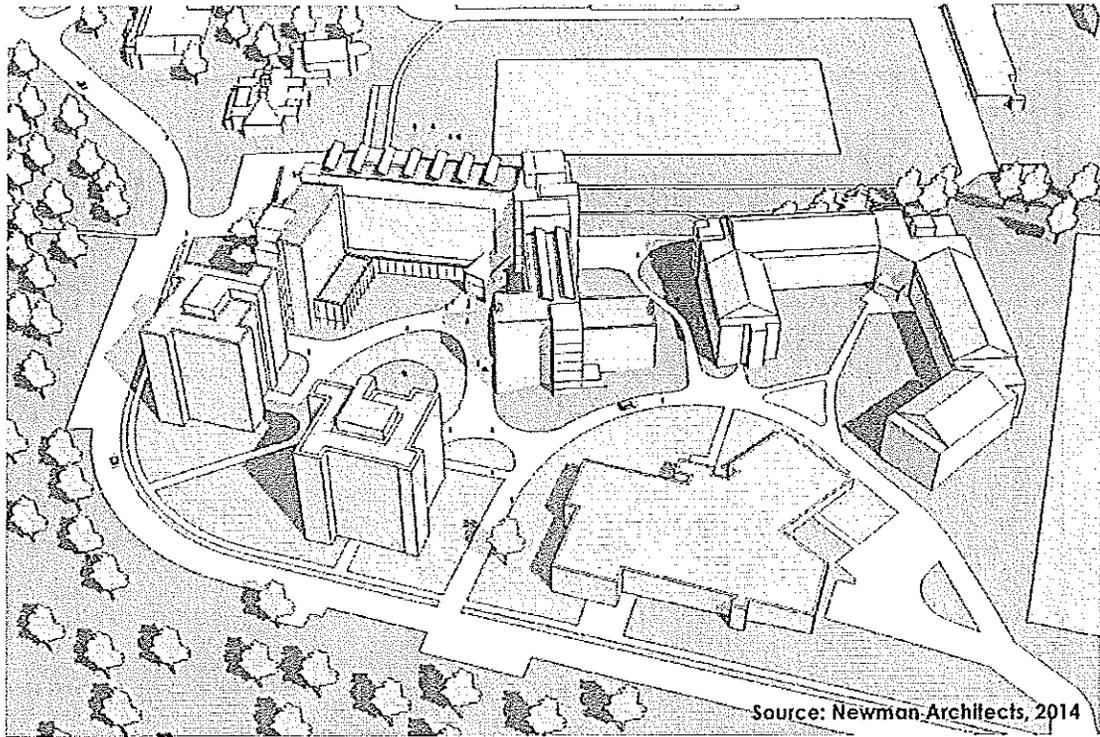


Figure ES-3. Proposed STEM Residence Hall Architectural Rendering Facing East

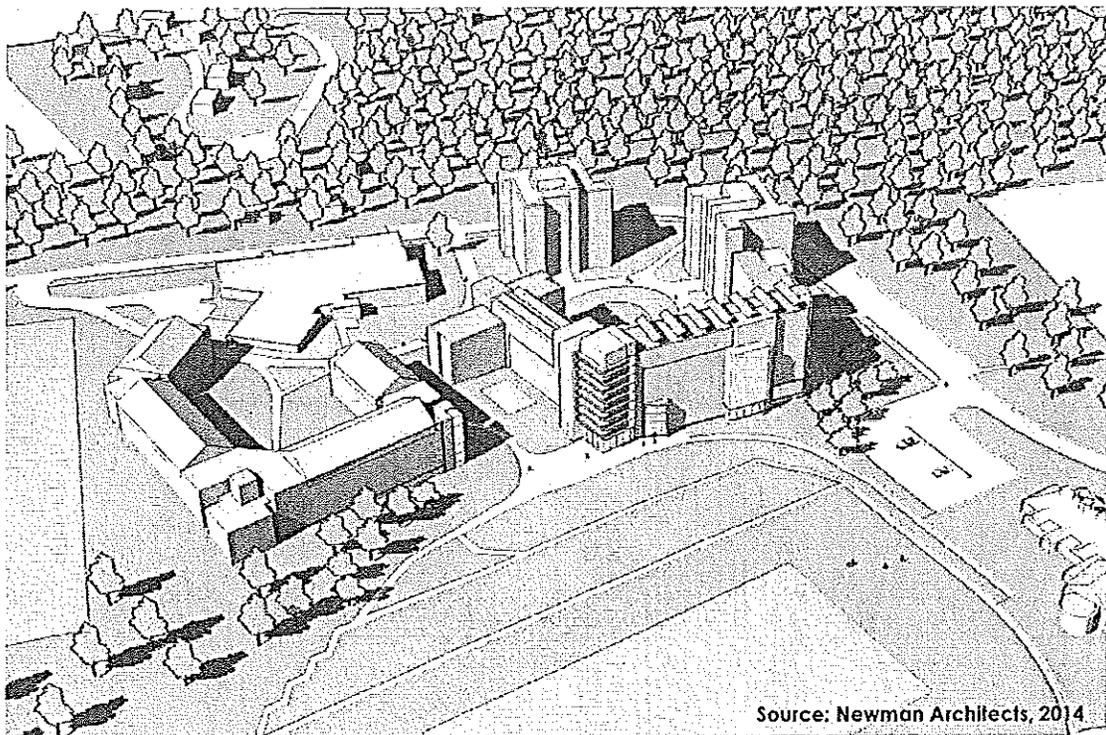


Figure ES-4. Proposed STEM Residence Hall Architectural Rendering Facing West

**Table ES-1. Summary of Impacts and Proposed Mitigation**

Resource Category	Impacts	Proposed Mitigation
Traffic, Parking, and Circulation	<ul style="list-style-type: none"> <li>No disruption of existing roads/parking</li> <li>Minimal new vehicle trips</li> <li>Potential for secondary effects associated with demand for additional parking and vehicles on-campus due to additional students</li> </ul>	<ul style="list-style-type: none"> <li>Potential for adverse effects will be assessed in the OSTA process and upcoming Master Plan and Master Plan EIE which will provide a comprehensive assessment of traffic, parking, and circulation in the context of campus growth</li> </ul>
Air Quality	<ul style="list-style-type: none"> <li>New stationary sources – boiler, emergency generator, chiller</li> <li>Potential emissions below de minimis levels established by USEPA</li> </ul>	<ul style="list-style-type: none"> <li>Stationary sources to be included in UConn air quality permit</li> </ul>
Noise	<ul style="list-style-type: none"> <li>Consistent with residential setting</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
Water Resources	<ul style="list-style-type: none"> <li>Will be consistent with Eagleville Brook TMDL and Watershed Plan</li> <li>No floodplains</li> </ul>	<ul style="list-style-type: none"> <li>The stormwater management system for the new residential hall will be consistent with the guidelines contained in the CTDEEP <i>Connecticut Stormwater Quality Manual</i> (as amended).</li> <li>LID measures such as disconnected impervious areas and bioretention</li> <li>A green roof area is proposed for a portion of the STEM Residence Hall building to further reduce effective impervious cover and stormwater runoff from the project site, as well as to enhance stormwater quality.</li> <li>New underground detention systems are proposed to manage peak rates of runoff from the project site, including the STEM Residence Hall and the areas currently served by the existing underground detention system associated with Garrigus Suites</li> </ul>
Wetlands, Watercourses, and Natural Communities	<ul style="list-style-type: none"> <li>No threatened/endangered species</li> <li>±935 SF of low functional value wetland to be directly impacted</li> </ul>	<ul style="list-style-type: none"> <li>Adherence to the conditions of the CTDEEP <i>General Permit for Water Resource Construction Activities</i> and U.S. Army Corps of Engineers Connecticut General Permit</li> </ul>
Cultural Resources	<ul style="list-style-type: none"> <li>Outside National Register Historic District</li> <li>SHPO determined no impact to historic or archaeological resources</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
Visual and Aesthetic Character	<ul style="list-style-type: none"> <li>Consistent with current visual setting</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
Geology, Topography, and Soils	<ul style="list-style-type: none"> <li>No unique features or farmland soils</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>



Table ES-1. Summary of Impacts and Proposed Mitigation

Resource Category	Impacts	Proposed Mitigation
Utilities and Services	<ul style="list-style-type: none"> <li>• Adequate capacity exists for Electrical, Natural Gas, Sanitary Sewer, Telecommunications, and Stormwater/Drainage in the vicinity of the site along Alumni Drive.</li> <li>• The University will meet its overall peak water demands, including for the STEM Residence Hall, by augmenting its supply with the additional supply to be provided pursuant to an executed agreement to interconnect with the Connecticut Water Company (CWC). Should the proposed STEM Residence Hall be completed prior to the additional water supply being available from CWC, sufficient water supply exists within the University system to meet annual average daily demand and peak month's (typically, September) average daily demand for the STEM Residence Hall. However, additional supply would be required in order to meet the peak day demand, including maintaining a system-wide 15% margin of safety.</li> <li>• The proposed building and associated site improvements would replace existing turf areas, thus increasing impervious surfaces on the site. These site alterations would reduce canopy interception, evapotranspiration, and infiltration; generate increased runoff rates and volumes (i.e., increased runoff coefficient); and introduce new potential sources of stormwater pollutants.</li> </ul>	<ul style="list-style-type: none"> <li>• The building construction will incorporate best practices of sustainability with a minimum goal of Leadership in Energy &amp; Environmental Design (LEED) Silver. The project design will also address the guidelines and requirements of the Connecticut High Performance Building Standards, as well as strategies and recommendations promoted by the UConn <i>Climate Action Plan</i> and other ongoing energy efficiency and sustainability initiatives at the Storrs campus.</li> <li>• Reclaimed water will be used for toilet/urinal flushing and cooling. Water savings from reclaimed water use for toilet flushing is estimated at up to approximately 5,000 gpd during the academic year.</li> <li>• Should the STEM Residence Hall be completed prior to completion of the CWC interconnection, potential mitigation would consist of a) connecting the STEM Residence Hall (as well as the NESB and IPB) to the reclaimed water utility to reduce potable demand, b) continue to promote water conservation throughout the system and c) take steps to ensure that margin of safety could be demonstrated by having Fenton Well D approved for intermittent use during the time that peak demand was expected.</li> <li>• The stormwater management system for the new residential hall will be consistent with the guidelines contained in the CTDEEP <i>Connecticut Stormwater Quality Manual</i> (as amended).</li> <li>• LID measures such as disconnected impervious areas and bioretention</li> <li>• A green roof area is proposed for a portion of the STEM Residence Hall building to further reduce effective impervious cover and stormwater runoff from the project site, as well as to enhance stormwater quality.</li> <li>• New underground detention systems are proposed to manage peak rates of runoff from the project site, including the STEM Residence Hall and the areas currently served by the existing underground detention system associated with Garrigus Suites.</li> </ul>
Public Health and Safety	<ul style="list-style-type: none"> <li>• Public Health &amp; Safety services in place for residential students</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>

**Table ES-1. Summary of Impacts and Proposed Mitigation**

Resource Category	Impacts	Proposed Mitigation
Solid Waste and Hazardous Substances	<ul style="list-style-type: none"> <li>• Typical residential waste stream</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>
Socioeconomics	<ul style="list-style-type: none"> <li>• Anticipated socioeconomic benefit</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>
Land Use Planning	<ul style="list-style-type: none"> <li>• Consistent with campus, local, regional, and state plans</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>Construction Period</b>		
Traffic, Parking, and Circulation	<ul style="list-style-type: none"> <li>• Minor, temporary disruptions to traffic in the immediate area of construction</li> </ul>	<ul style="list-style-type: none"> <li>• Use of construction-phase traffic management measures to maintain efficient traffic operations during the construction period including construction phasing to minimize disruptions to traffic, signage, and detours.</li> </ul>
Air Quality	<ul style="list-style-type: none"> <li>• Construction activities may result in short-term impacts to ambient air quality due to direct emissions from construction equipment and fugitive dust emissions</li> </ul>	<ul style="list-style-type: none"> <li>• Contractors will be required to comply with air pollution control requirements in UConn <i>Environmental, Health, and Safety Policies, Regulations, and Rules for Construction, Service, and Maintenance Contractors</i>, including reference to such requirements in contract documents.</li> <li>• Ensure proper operation and maintenance of construction equipment.</li> <li>• Limit idling of construction vehicles and equipment to three minutes.</li> <li>• Implement traffic management measures during construction.</li> <li>• Implement appropriate controls to prevent the generation and mobilization of dust.</li> </ul>
Noise	<ul style="list-style-type: none"> <li>• Heavy construction equipment associated with site development may result in temporary increases in noise levels in the immediate area of construction</li> </ul>	<ul style="list-style-type: none"> <li>• Contractors will be required to comply with noise control requirements in UConn <i>Environmental, Health, and Safety Policies, Regulations, and Rules for Construction, Service, and Maintenance Contractors</i>, including reference to such requirements in contract documents.</li> <li>• Ensure proper operation and maintenance of construction equipment.</li> <li>• Construction contractors should make every reasonable effort to limit construction noise impacts.</li> </ul>
Stormwater and Water Quality	<ul style="list-style-type: none"> <li>• Exposure of soil increases potential for erosion and sedimentation</li> </ul>	<ul style="list-style-type: none"> <li>• Use of appropriate erosion and sediment controls during construction, consistent with the <i>2002 Connecticut Guidelines for Soil Erosion and Sediment Control</i> (as amended) and the August 21, 2013 <i>General Permit for Stormwater and Dewatering Wastewaters from Construction Activities</i>.</li> </ul>
Hazardous Materials and Solid Waste	<ul style="list-style-type: none"> <li>• Temporary on-site storage and use of fuels and other materials</li> </ul>	<ul style="list-style-type: none"> <li>• Contractors will be required to comply with requirements for construction-related</li> </ul>



Table ES-1. Summary of Impacts and Proposed Mitigation

Resource Category	Impacts	Proposed Mitigation
Hazardous Materials and Solid Waste (continued)	associated with construction vehicles and equipment <ul style="list-style-type: none"><li>• Generation of solid waste including construction and demolition debris</li></ul>	hazardous materials and solid waste in UConn <i>Environmental, Health, and Safety Policies, Regulations, and Rules for Construction, Service, and Maintenance Contractors</i> , including reference to such requirements in contract documents. <ul style="list-style-type: none"><li>• Hazardous or regulated materials or subsurface contamination encountered during construction will be characterized and disposed of in accordance with applicable state and federal regulations.</li><li>• Construction-related solid waste will be handled and disposed of in a manner that meets current regulations and University standards. Construction and demolition debris will be managed in accordance with applicable state and federal regulations and the University's contractor policies.</li></ul>

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

---

LINDA M. PAINTER, AICP, DIRECTOR

**Memo to:** Planning and Zoning Commission  
**From:** Linda M. Painter, AICP, Director of Planning and Development   
**Date:** May 19, 2014  
**Subject:** Town Council Referral-Proposed Changes to Park Sign Regulations

The Town Council has referred proposed changes to the Mansfield Park Regulation to the Commission for review and guidance. A copy of the Council Agenda Item and proposed regulation changes are attached for your reference. The proposed changes would allow for installation of permanent sponsorship signs on scoreboards and provide the Department of Parks and Recreation more discretion regarding the location of sponsorship signs and banners. A change is also proposed to prohibit smoking and use of nicotine/tobacco products in Mansfield parks.

Under the revised regulations, program sponsorship signs and banners would be limited to active ballfields. Temporary sponsorship banners around the perimeter of ballfields have been allowed since 2003. The regulations continue to require that these banners be removed at the completion of each season. The revised regulations would also allow the installation of permanent sponsorship signs on scoreboards; the size of the sign would be limited to 33% of the total scoreboard area. The initiation of this change was the Windham Hospital donation of a new scoreboard to the Mansfield Little League Association.

The Zoning Regulations currently allow temporary sponsorship signs and banners as provided for in the Mansfield Park Regulations (Article Ten, Section C.3.i). Based on this language and the current park regulations, scoreboards with sponsorship signs would have to be removed at the end of each season. The donated scoreboard has been installed with the understanding that it will need to be taken down or covered at the end of the season unless the Park Regulations are changed. Additionally, a zoning regulation change would be needed to delete the word "temporary" from Article Ten, Section C.3.i.

The proposed changes to the Park Regulations would not result in any visual blight and would allow for greater control over temporary sponsorship banners. Additionally, the proposed restrictions on smoking and use of nicotine/tobacco products would promote public health objectives.

**Summary/Recommendation**

If the Commission concurs, it is recommended that the PZC notify the Town Council that it supports the proposed changes to the Mansfield Park Regulations and that an amendment to the Zoning Regulations to eliminate the restriction to temporary signs will be initiated as part of a future package of zoning regulation amendments.

# MEMORANDUM

Town of Mansfield  
Town Manager's Office  
4 So. Eagleville Rd., Mansfield, CT 06268  
860-429-3336  
Hartmw@mansfieldct.org



To: Planning and Zoning Commission  
CC: Linda Painter, Director of Planning and Development  
From: Matt Hart, Town Manager  
Date: May 15, 2014  
Re: Referral: Proposed Amendments to Parks Rules and Regulations; Program Sponsorship Signs and Banners

---

Please see the attached information regarding the above captioned matter. Please review and comment on the proposal, pursuant to your authority under Connecticut General Statutes Section 8-24.

Your assistance with this matter is greatly appreciated.



Town of Mansfield  
Agenda Item Summary

To: Town Council  
 From: Matt Hart, Town Manager *MWH*  
 CC: Maria Capriola, Assistant Town Manager; Curt Vincente, Director of Parks and Recreation; Linda Painter, Director of Planning and Development; Curt Hirsch, Zoning Enforcement Officer  
 Date: May 12, 2014  
 Re: Proposed Amendments to Parks Rules and Regulations; Program Sponsorship Signs and Banners

---

**Subject Matter/Background**

The Mansfield Little League (MLL) has installed a new scoreboard at Southeast Park Field "B" that includes a panel recognizing Windham Hospital as the sponsor that donated the scoreboard to the MLL. Town staff has noted a potential issue with the Parks Rules and Regulations, which allow for only *temporary* program sponsorship signs and banners.

The Park Rules and Regulations prohibit commercial advertising; however, Section A194-1(J) provides an exception for temporary program sponsorship signs and banners. This exception dates back to 2003, when the Town Council amended the Parks Regulations to allow for temporary signs and banners at select municipal facilities. Under this initial amendment, the youth league needed to remove the signs and banners following each game. This practice ultimately proved too onerous, and in May 2007 the Council approved a subsequent modification to allow the temporary sponsorship signs and banners to be erected for an entire season.

In adopting the 2003 and 2007 amendments to the Park Regulations, the Council sought the input of the Planning and Zoning Commission (PZC), which regulates signs through its Zoning Regulations. The PZC subsequently amended the Zoning Regulations to further clarify the definition of "public signs" and to specify that temporary sponsorship signs and banners as provided for in the Park Regulations shall not be considered advertising for the purposes of the Zoning Regulations.

Parks and Recreation staff has prepared a new set of revisions (see attached) to allow for *permanent* installation of sponsorship signs and banners on *scoreboards* and to provide the department with more discretion regarding the location of signs and banners. Importantly, we are also taking this opportunity to

propose the prohibition of smoking and the use of tobacco products in Town parks.

#### Financial Impact

In recent years the MLL, as an official co-sponsored organization of the Town, has made significant improvements to Southeast Park in conjunction with the municipality. The MLL has supplemented the Town's investment in Southeast Park with significant monetary support for park improvements, local volunteer contractor support for construction work, and countless hours of volunteer time for positive youth programming. With the support of Windham Hospital, the MLL was able to erect its new scoreboard without a financial contribution from the Town.

#### Legal Review

The Town Attorney has reviewed and approved the form of the proposed revisions to the Parks Regulations.

#### Recommendation

The Recreation Advisory Committee (RAC) recently reviewed the scoreboard donation and sponsor recognition, and expressed unanimous support for the project. In keeping with past practice, staff recommends that the Council refer the proposed amendments to the Parks Regulations to the PZC for review and comment.

If the Town Council concurs with this recommendation, the following motion is in order:

*Move, to refer the proposed amendments to Chapter A194 of the Parks Rules and Regulations to the Planning and Zoning Commission for review and comment.*

#### Attachments

- 1) Proposed Amendments to Park Rules and Regulations
- 2) Scoreboard Specifications

DRAFT – Proposed changes 5/12/14, ~~striketrough~~ to be removed, underlined to be added.

## Chapter A194: PARK RULES AND REGULATIONS

[HISTORY: Adopted by the Town Council of the Town of Mansfield 11-25-1974, effective 12-3-1974. Amendments noted where applicable.]

### GENERAL REFERENCES

Alcoholic beverages — See Ch. 101.

Outdoor burning — See Ch. 114.

Parks and recreation areas — See Ch. 137.

§ A194-1 Permitted activities.

§ A194-2 Prohibited activities.

### § A194-1 Permitted activities.

The following park uses and/or activities are permitted subject to additional specific regulations which may be adopted by the Town Council or its designated agency:

- A. Hiking, picnicking, organized nature study, bicycling and horseback riding in designated areas.
- B. Ice skating, swimming, cross country skiing and fishing at specific times and/or places.
- C. Day and/or night camping only in specified areas, with a permit issued by the Town Manager or other designated person or agency of the town.[Amended 7-25-1983]
- D. Open fires only in fireplaces in designated picnic areas around Bicentennial Pond.[Amended 7-25-1983]
- E. Open camping fires are thus prohibited in the remainder of Schoolhouse Brook Park.[Added 7-25-1983]
- F. Organized games in designated areas.
- G. Posting of signs only with permission issued by the Town Manager or other designated person or agency of the town.[Amended 7-25-1983]
- H. Special activities and/or programs only upon approval by the Town Manager or other designated person or agency.

I. Pets on leash only.

J. Subject to compliance with applicable provisions of the Mansfield Zoning Regulations, the Parks and Recreation Department may authorize not-for-profit organizations to erect temporary-program sponsorship signs/banners in Town parks, subject to the following conditions:[Added 1-27-2003, effective 2-25-2003]

- (1) Eligibility. Only not-for-profit organizations that operate to serve Mansfield residents are eligible to erect signs/banners under this subsection. The eligible not-for-profit organizations may erect temporary-signs/banners for only those businesses, organizations, individuals and other entities that provide monetary or other material assistance to the eligible organization. Subject to the conditions expressed herein, the Parks and Recreation Department has the discretion to reasonably determine which not-for-profit organizations and program sponsors are eligible to erect signs/banners under this subsection.
- (2) Location. The location of temporary-program sponsorship signs/banners in Town parks shall be limited to four sites: active ballfields at the reasonable discretion of the Department of Parks and Recreation. [Amended 9-14-2009, effective 10-9-2009]
  - (a) ~~Around the interior perimeter of the outfield fence at Southeast Park Field A;~~
  - (b) ~~Adjacent to the Southeast Park Football Field;~~
  - (c) ~~Adjacent to the playing fields at the Liens Club Memorial Park; and~~
  - (d) ~~Around the interior perimeter of the fence at the Mansfield Skate Park.~~
- (3) Duration. Signs/Banners permitted under this subsection may be erected or displayed permanently on scoreboards and for the duration of the season around the perimeter of the ballfields. Signs/Banners around the ballfields must be removed following the conclusion of the season.[Amended 5-14-2007, effective 6-11-2007]
- (4) Construction. Signs/Banners permitted under this subsection must be single-sided, non-illuminating, ~~temporary or portable in design,~~ and constructed with weather-proof material.
- (5) Size. Signs/Banners permitted under this subsection cannot exceed 32 square feet in area or for scoreboards, cannot exceed thirty-three percent of the total scoreboard area.
- (6) Color/Format. Signs/Banners permitted under this subsection must be consistent in format and have a dark background. Wording on signs/banners permitted under this subsection is limited to the name, phone number, website and logo of the program sponsor. Sign/color format of any Sign/Banner is subject to the reasonable approval of the Department of Parks and Recreation.

(7) Enforcement. The Parks and Recreation Department shall administer and enforce the requirements of this subsection.

(8) Other. Subject to the conditions expressed herein, the Parks and Recreation Department has the discretion to develop additional location requirements at the four sites defined in Subsection J(2) above, and other restrictions and guidelines for signs/banners permitted under this subsection impose reasonable restrictions and develop guidelines for program sponsorship signs consistent with these Regulations. [Amended 9-14-2009, effective 10-9-2009]

### § A194-2 Prohibited activities.

Prohibited activities shall be as follows:

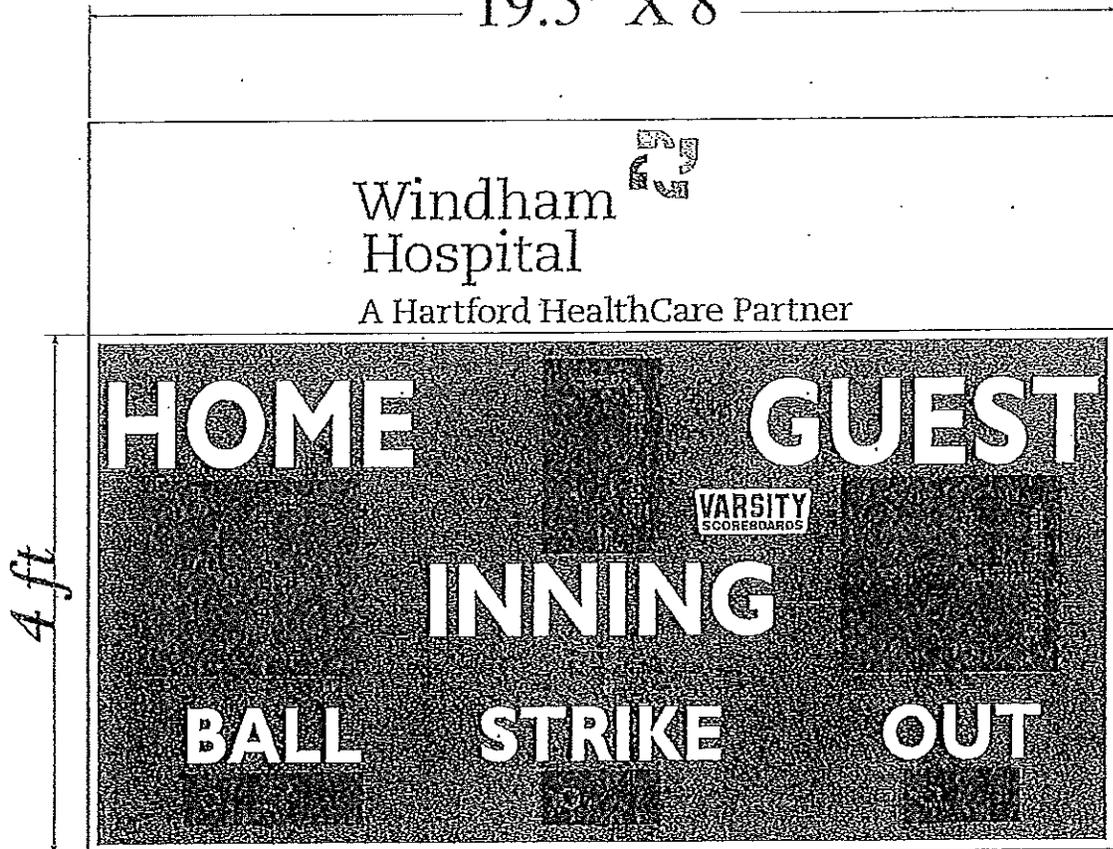
- A. Commercial advertising, except for temporary program sponsorship signs/banners as permitted in § A194-1J above. [Amended 1-27-2003, effective 2-25-2003]
- B. Vending or soliciting of any type except as authorized by the Town Council.
- C. Littering.
- D. Removal of or injury to trees, shrubs, flowers and/or other plants.
- E. Molesting of birds and/or other fauna.
- F. Destruction, misuse and/or defacement of park property.
- G. Use or possession of explosives, firearms and/or fireworks.
- H. Hunting and/or trapping.
- I. Pets in swimming area.
- J. All motorized vehicles except on designated public access roads and parking areas.
- K. Use of the park, including parking areas, between sunset and sunrise without proper permit.
- L. Disorderly conduct or any other illegal activity.
- M. Drinking or possession of alcoholic beverages. [Added 3-10-1975, effective 3-19-1975]
- N. Golfing. [Added 7-28-1997, effective 8-23-1997]
- O. Smoking and use of tobacco/nicotine products.

**Graphics Authorization Form**

MODEL - VSBX314

SPONSOR AREA

19.5" X 8'



Graphic Artist's Notes to Customer

None.

Sales Rep Name  
 Tassie Pace  
 Sales Rep Email  
 tassiepace@scoreboard1.com  
 Client Name or Contact  
 TODD HODRINSKY  
 Model Number

Customer Name

[Empty text box for Customer Name]

Approval/Disapproval

Approved  Disapproved

Reason for Disapproval (if applicable)

[Empty text box for Reason for Disapproval]

Please review carefully. Changes once graphics approval is submitted may result in additional charges. Colors are for proofing only and may vary on different printers, monitors and finished products.

RECEIPT OF APPLICATION FOR AMENDMENT TO THE ZONING REGULATIONS:

\_\_\_\_\_, MOVE and \_\_\_\_\_ seconds to receive the application

submitted by East Brook F, LLC

to Amend Article 6, Section B.23.g.2; Article 8 Schedule of Dimensional Requirements and Notes; Article 10, Section D.6 , D.20 (new), and H.5.e

of the Mansfield Zoning Regulations, File #1326

as submitted to the Commission, to refer said application to the staff, Conservation Commission and Town Attorney for review and comment and to set a Public Hearing for July 7, 2014.

PAGE  
BREAK

APPLICATION TO AMEND THE ZONING REGULATIONS  
(See Article XIII of the Zoning Regulations)

File # \_\_\_\_\_

Date \_\_\_\_\_

1. APPLICANT East Brook F LLC

(Please PRINT)

*Susan A. Hays agent*  
(Signature)

Street Address c/o Updike, Kelly & Spellacy, PC Telephone (860) 548-2600

Town 100 Pearl Street, Hartford Zip Code 06103

2. AGENT who may be contacted directly regarding this application:

Susan A. Hays

Name (please PRINT)

Updike, Kelly & Spellacy, P.C.  
100 Pearl Street, Hartford, CT 06103

Address

(860) 548-2640

Telephone number

3. List article(s)/section(s) of Zoning Regulations to be amended:

(Consideration should be given to interrelated sections that must also be modified to ensure consistency within the Regulations)

Article 6, Section B.23;q.2; Article 8 Schedule of Dimensional Requirements and Notes;

Article 10, Section D.6; Article 10, Section D.20 (new); Article 10, Section H.5.e

4. Exact wording of proposed amendment(s) – use separate sheet if necessary:

See Attached

5. Statement of Justification addressing approval considerations of Article XIII, Section C and

- (1) substantiating the proposal's compatibility with Mansfield's Plan of Development;
- (2) the reasons for the proposed amendment (including any circumstances or changed conditions that justify the proposal and how the amendment would clarify or improve the Zoning Regulations);
- (3) the effect the change would have on the health, safety, welfare and property values of Mansfield residents

(use separate sheet if necessary)

See Attached

(over)

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

Application fee

N/A Reports or other information supporting the proposed amendment (list or explain):

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

(end of applicant's section)

\*\*\*\*\*

(for office use only)

Date application was received by PZC: \_\_\_\_\_ Fee submitted \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_ Date of PZC action \_\_\_\_\_

Action: Approved \_\_\_\_\_ Effective \_\_\_\_\_

Denied \_\_\_\_\_

Comments:

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

\_\_\_\_\_  
Chairman, Mansfield Planning & Zoning Commission

\_\_\_\_\_  
Date

**PROPOSED AMENDMENTS TO MANSFIELD ZONING REGULATIONS**

1. **Article Six, Section B. 23. q. 2.:** Delete the first three sentences of the subsection and replace with the following: "The Commission shall have the authority to require up to a 75 foot wide landscaped buffer area where a site abuts a more restrictive zone or an existing residential use. In addition, the Commission shall have the authority to require a landscaped buffer area when a commercial, industrial, multi-family or other non-residential use abuts a historic structure or a cemetery. The width of the buffer for commercial, industrial, multi-family or other non-residential use that abuts a historic structure or cemetery shall be determined with reference to the existing physical characteristics of the property, such as topography, adjacent flood hazard, the location of existing structures, existing non-conforming lot characteristics, the nature of the activity or the nature of the landscaping plan but in no event may the Commission require more than a 75 foot wide buffer. Buffers for a commercial, industrial, multi-family or other non-residential use that abuts an environmentally sensitive feature such as a river, brook, pond or wetland area shall be as determined by the Inland Wetland Agency."

2. **Article 8:** Modify the chart in Article 8 Schedule of Dimensional Requirements to replace the row regarding PB-1, PB-2, PB-3, PB-4, PB-5 and I with the row shown on Exhibit A attached hereto. Add a new Note 22 to Notes of Schedule of Dimensional Requirements as follows:

22. If a property in one of the listed zones abuts a residentially zoned property, then the yard that is adjacent to such residentially zoned property shall meet the following applicable requirement: Front Yard – 100 feet; Side Yard – 50 feet; Rear Yard – 50 Feet.

3. **Article 10, Section D. 6.**

Delete Subsection V and modify Subsection U to read as follows:

U	Retail, personal services, restaurant and other similar uses within a building or buildings on a site that contains not less than 250,000 SF of gross floor area in all buildings	Four spaces per 1,000 sq. ft. of net retail floor area. Interior pedestrian walkways between tenant spaces shall not be included as net retail floor area
---	---	---

4. **Article 10, Section D.** Add new Subsection 20 as follows: **Deferred Construction.** In a commercial development in a Planned Business Zone, an applicant may defer construction of not more than ten percent (10%) of the required parking spaces provided it indicates on its site plan the location where such parking shall be constructed should actual use indicate a need for such parking spaces and provided further that it provides a parking study as part of its application to demonstrate that the deferral of construction of

such spaces will not adversely impact the operation of the development. If, at any time, the zoning enforcement officer determines that the deferred parking spaces (or a portion thereof) are required for the operation of the property in a safe manner, the owner shall construct such deferred parking spaces within a reasonable period of time of receipt of written notice from the zoning enforcement officer and, in any case, not less than 180 days from receipt of such notice.

5. Article 10, Section H.5.e – Delete the existing provision and replace with the following: If any excavation shall take place within fifty (50) feet from a property line, the applicant shall give notice of the application to the owner(s) of property from which such fifty (50) feet is measured within seven (7) days following the Commission's receipt of the application. Said notification, which shall be sent by Certified Mail, shall include the applicant's Statement of Use and mapping that depicts areas of proposed activity. The notice shall also reference the fact that the complete application is available for review in the Mansfield Planning Office.

EXHIBIT A

Article Eight  
SCHEDULE OF DIMENSIONAL REQUIREMENTS

Zone	Minimum Lot Area/Acres See Notes (3)(4)(18)	Minimum Lot Frontage/FT See Notes (4)(6)(7)(13)(16)	Min. Front Setback Line (in Feet) See Notes (4)(8)(9)(15)(16)(17)(21)	Min. Side Setback Line (in Feet) See Notes (4)(10)(11)(15)(16)(17)(21)	Min. Rear Setback Line (in Feet) See Notes (4)(15)(16)(17)(21)	Maximum Height See Note (14)(17)	Maximum Building Ground Coverage (17)
PB-1, PB-2, PB-3, PB-4, PB-5, I, See Note (1)	See Note (5)	300	26 (See Note 22)	16 on at least one side; other side may be zero; for buildings with a height in excess of 30 feet one side yard must be at least 26 (See Note 22)	16; for buildings with a height in excess of 30 feet rear yard must be 26 feet (See Note 22)	40 (see Note 19)	(PB-1) 25% 20%

STATEMENT OF JUSTIFICATION

As the Commission is aware, the decision on the application of East Brook F LLC ("East Brook") for the expansion of the East Brook Mall was appealed by an adjacent property owner. That appeal was decided in favor of the appellant and the judge in the case ordered that a new hearing be held on the application with proper notice being given. East Brook is prepared to submit plans for a new hearing on the Michael's expansion. However, in the time between the approval of the original application and the judge's decision, a case, called MacKenzie v. Planning and Zoning Commission of the Town of Monroe, was decided by the Connecticut Appellate Court that impacts the application. The defendants in the MacKenzie case did not seek further review in the Supreme Court. Therefore, it is binding precedent.

As the Commission may be aware, the MacKenzie case essentially held that a regulation that purports to vest in a planning and zoning commission the authority to waive compliance with (or to vary or modify the requirements of) a regulation that is otherwise applicable to a particular land use application is unauthorized by the Connecticut General Statutes and is invalid. When approving the East Brook application for the Michael's expansion, the Commission did so utilizing regulatory provisions that could be considered waivers. Under MacKenzie, those actions would now be deemed invalid. Thus, in order to allow for the approval of the plans as presented and as constructed, certain provisions of the Mansfield Zoning Regulations need to be modified.

In this application, the Applicant has addressed as few of the regulations as is possible to enable the Commission to re-approve the Michael's expansion application. The Applicant understands that the Zoning Regulations are currently undergoing a comprehensive review and that addressing all of the issues raised by MacKenzie will be a part of that process. However, the timing of that process will not fit in with the timing that will likely be required by the court on the remand of this case. We have reviewed the Zoning Regulations with staff and counsel and have made the minimal changes required to address the issues while also staying true to the assumed intent of the provisions being modified and retaining, to the extent possible, the particular powers provided in those provisions.

These modifications are needed so that the Zoning Regulations can comply with the law as it now stands. As they are not significant substantive changes to the Zoning Regulations but a reworking of existing regulations or codification of intent and past practices, we believe that the proposed modifications, as with the existing Zoning Regulations, are compatible with the Mansfield Plan of Development and that the changes would not impact the health, safety, welfare or property values of the Mansfield residents. Rather, the modifications will continue to allow the orderly development of property in Mansfield in substantially the same manner as currently prevails.

On May 14, 2014 the Mansfield Zoning Board of Appeals took the following action:

Approved the application of Deborah Dancy for a Variance of Art VIII, Sec B.4.c to construct a mud room and one-car garage addition onto an existing residence where the garage will be 14' 7" from the side property line where 25' is required at 56 Farrell Rd, as shown on submitted plan.

In favor of approving application: Accorsi, Gotch, Katz, Shaiken, Stearns

Reasons for voting in favor of application:

- Location of septic system
- Topography – difficult shape of property
- Will improve property values

Application was approved.

Approved the application of Steven Guyette for a Variance of Art VIII, Sec A to divide a 56 acre parcel of land into two lots, one having 137' of frontage where 200' is required at 140 Codfish Falls Rd, as shown on submitted plan.

In favor of approving application: Accorsi, Gotch, Katz, Shaiken, Stearns

Reasons for voting in favor of application:

- Topography – hilly, rocky, swampy land

Application was approved.

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

Dated May 15, 2014

***Sarah Accorsi***  
***Chairman***

PAGE  
BREAK

# CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Spring 2014

Volume XVIII, Issue 2

## STATE SUPREME COURT CONFIRMS APPEAL PERIOD FOR ZEO DECISION

A zoning enforcement officer issued zoning permits to a property owner so that renovations and additions could be made to an existing residential dwelling. Notices that these permits were issued were published in a local newspaper. Approximately 6 months after the publication of the notice, a neighbor sent a letter to the land use administrator claiming that the permits had been issued in error as the proposed construction and the permits did not comply with numerous sections of the zoning regulations and state statutes. No response was given.

Several months later, the neighbor filed an appeal with the Zoning Board of Appeals seeking review of the zoning enforcement officer's lack of action on her claims that the zoning permits were issued in error. The zoning board of appeals dismissed the appeal finding it did not have jurisdiction. In so doing, it decided that the operative act was the issuance of the zoning permits and more than 30 days had passed since their issuance. An appeal to court followed, which found its way to the State Supreme Court.

The State Supreme Court agreed with the zoning board of appeals that the neighbor's letter was nothing more than an appeal of the issuance of the zoning permits. Simply asking a zoning enforcement officer to re-visit an earlier decision does not amount to an

additional decision that would give rise to another 30 day period to take an appeal. To rule otherwise would allow for an indefinite period of time to challenge a zoning permit and lead to uncertainty, something the court found unacceptable.

*See Reardon v. ZBA, 311 Conn. 356 (2014).*

## DOES A ZONING BOARD OF APPEALS HAVE WETLANDS JURISDICTION

After obtaining approval from the inland wetlands commission, a property owner proposing a 4 lot subdivision sought a variance from the zoning board of appeals. Several of the proposed lots would be served by a common driveway which would abut a wetlands area. Having a wetlands permit in hand, the property owner sought a variance from a zoning regulation which prohibited, among other things, the location of a driveway within 50 feet of a wetland or watercourse. The property owners also stated to the Board that it did not have jurisdiction as this proposed use was already approved by the inland wetlands commission. Nonetheless, the board denied the application.

The reviewing court addressed first the jurisdictional issue. While jurisdiction over regulating activities in wetlands and watercourses is statutorily given to an inland wetlands commission, the court stated that this jurisdiction is not exclusive. Thus, it was proper for

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CONNECTICUT FEDERATION OF  
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QUARTERLY NEWSLETTER

Spring 2014

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the zoning commission to adopt the regulation prohibiting certain activities within 50 feet of a wetland or watercourse. One reason for this is the different purposes of the regulations. While the inland wetlands regulations serve to protect these areas from harm, the zoning regulations served to protect uses and structures from being harmed by flooding. Once it was established that the zoning regulation in question was valid, it was clear that the board had jurisdiction over whether to issue a variance for this regulation. See *Frances Erica Lane Inc. v. ZBA*, 149 Conn. App. 115 (2014).

PENDING ZONING APPEAL  
EXTENDS DURATION OF  
COMPANION WETLAND PERMIT

Among other issues addressed by the State Appellate Court in this appeal of the issuance of a wetlands permit, was the extension of said permit by the wetlands commission. The permit at issue was approved by the commission so that the applicant could construct a home located partially within a regulated area. The applicant had also sought two variances from the zoning board of appeals related to the same project. The variance applications were denied, leading to an appeal of this denial to court. While these zoning appeals were pending, the applicant's attorney sent a letter requesting that the wetlands permit be extended by operation of law because the related zoning appeals stayed the running of time on the wetlands permit.

The wetlands commission, without a hearing and without any notice, agreed to extend the wetlands permits.

A neighbor complained of this process and appealed this decision to the court. In denying this appeal, the court found that the Commission's actions were valid. No hearing was needed to extend the period of time that the wetlands permit was valid as this extension was done by operation of law. It is now well settled that, where a wetlands permit application is accompanied with a zoning application, the duration of the wetlands permit is automatically extended when the accompanying zoning permit application is involved in an appeal to court.

See *Bochánis v. Sweeney*, 148 Conn. App. 616 (2014)

WHAT MAKES A STORAGE SHED A  
BUILDING

This question was addressed in a tax appeal involving movable storage hangers for airplanes that for several years, the town assessed as personal property. When the assessment of these hangers was switched to the real property grand list, the owners protested. The town brought the matter to court for a declaratory ruling as to whether these movable hangers were personal property or real property.

The resolution of this issue centered on whether these hangers were a movable trailer or whether they were more akin to a storage shed or building.

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A site review by the court showed that the hangers were anchored to the ground and had electricity service and that they could only be moved with difficulty, such as partial deconstruction. Not being readily movable, they were more like a shed or storage building and thus part of the real property.

This case provides some guidance as to whether a portable storage unit is really a building or is more akin to a movable structure and not protected by Connecticut General Statute Section 8-13a and its 3 year statute of limitations. See *Town of Stratford v. Jacobelli*, 57 Conn. L. Rptr. 1 (2014).

CO-OP HORSE BARN ESCAPES  
ENFORCEMENT AS IT IS DEEMED  
NOT COMMERCIAL

Just what constitutes the commercial boarding of horses was addressed at length by a trial court. A cease and desist order had been issued to the owner of a 6 acre parcel of land. The land had a barn, paddocks and a riding circle. Initially, only the owner's 2 horses were kept on the property. However, this use expanded to include an additional 6 horses that were owned by friends of the property owner. While no fees were charged, the expenses of keeping and feeding the horses were shared. In addition, several of the horse owners took riding lessons on the property from another person.

The zoning regulations prohibited the use of a lot of less than 10 acres in size from being used as a

commercial horse boarding facility. Thus, if this use could be characterized as commercial, it was not permitted and the issuance of the cease and desist order was correct. Since the term 'commercial' was not defined in the zoning regulations, the court followed the well established principle of looking to other sources for a commonly accepted definition. This was done by looking to dictionaries as well as other zoning regulations.

The court eventually decided that in order for a use to be considered commercial, it must be undertaken for a profit motive. It is not important that a profit be made, only that the business owner intended to make a profit from his activities. In this case, the intent of the property owner was not to make a profit. Instead, it was a cost sharing arrangement with others for the primary purpose of the recreational keeping and riding of horses. Thus, the cease and desist order should not have been issued. See *Brady v. ZBA*, 56 Conn. L. Rptr. 763 (2013).

ABOUT THE EDITOR

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

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- CT ECO Lidar Maps
- Tree Warden School
- Geospatial Training

# CLEARSCAPES



A Newsletter of the Center for Land Use Education and Research at the University of Connecticut.

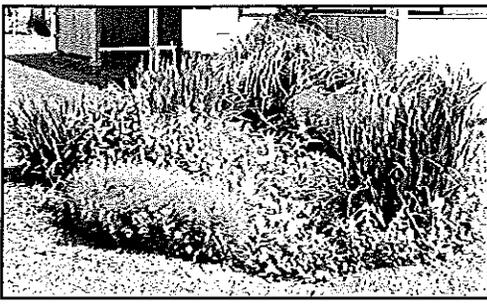
## Outreach

### Rain Garden Smartphone App Goes National

The popular NEMO Rain Garden smartphone “app” will now be expanded to cover at least a dozen more states around the nation, thanks to a grant from the USDA Water Program. The app, developed last year as a fun and portable helper for those wishing to build gardens that reduce runoff, elicited a number of enquiries from around the country, which ultimately resulted in the effort to obtain funding for a “national” version.

The creators of the app, CT NEMO Director Mike Dietz and National Programs Coordinator Dave Dickson, are already working with an advisory group of interested colleagues from other states on the collection of location-specific soil, plant,

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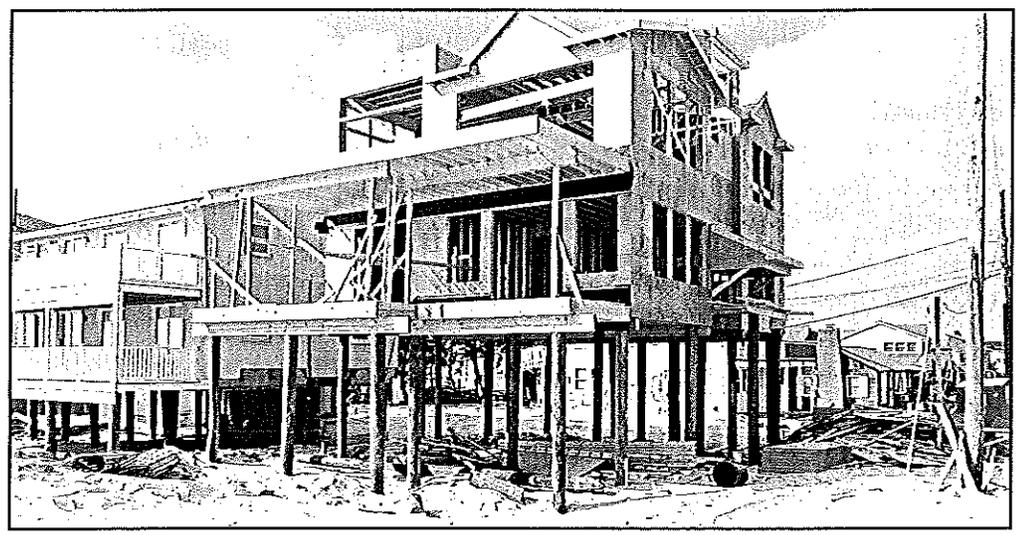


### Adapting to Climate Change: CIRCA 2014

January saw the announcement of a new institute at UConn dedicated to providing answers and assistance to Connecticut communities as they strive to adapt to the impacts of climate change. The **Connecticut Institute for Resilience and Climate Adaptation**, or CIRCA, is a partnership of UConn and CT DEEP. The Institute was created by the state Legislature in direct response to a number of legislative fact-finding efforts initiated after the state was pummeled in recent years by Irene, Sandy, and the October ice storm.

CIRCA has three main (but overlapping) areas of applied research: environment, climate and coasts; energy and infrastructure, and; human dimensions (legal, social, financial). As noted, CIRCA also has a considerable emphasis on outreach to the state’s municipalities, and CLEAR is very much involved. While much of the research will come from Marine Sciences, Civil Engineering and the social sciences, the CIRCA outreach effort is largely based on expanding ongoing activities of CLEAR-

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Signs of recovery from Hurricane Sandy in the form of new construction, elevated to the new standards, are seen in Beach Haven, NJ. Photo by Liz Roll/FEIMA

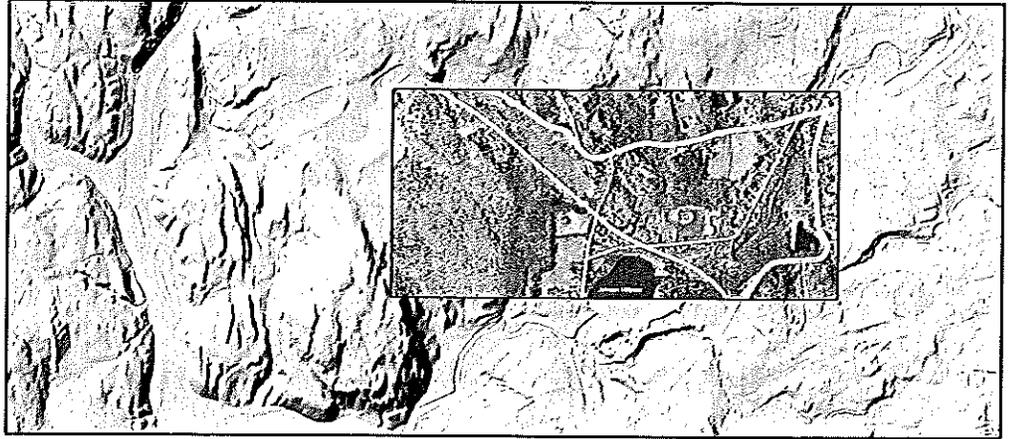


# Program Updates

## ► CT ECO Helps to Organize Connecticut's High-Tech Elevation Data

Light Detection and Ranging, or Lidar, is a remote sensing technique that uses lasers to collect elevation data about the earth's surface. Lidar has a wide range of applications for natural resource management and engineering, but is increasingly being used in other disciplines like archeology. Connecticut is in the unique (and unenviable) situation that, instead of one seamless Lidar dataset, there are eight datasets that each cover parts of the state—and even then, not all of Connecticut is covered.

Thanks to a lot of hard work by CLEAR's Emily Wilson, this confusing patchwork of datasets is now explained in map and detailed form on the CT ECO Lidar help page. CT ECO is the **Connecticut Environmental Conditions Online** website, a partnership between the University of Connecticut CLEAR and the Connecticut Department of Energy and Environmental Protection (DEEP) to share Connecticut's natural resource geographic information with the public.



# CT ECO

Lidar shaded relief of the Moodus, CT area (Salmon River on left). A portion of a terrain map is superimposed to highlight the fine detail of the lidar image.

The Lidar helppage includes an interactive map with informational pop-ups and the ability to zoom in to a location and determine which data set or sets, if any, occur there. Also available are links to documents and metadata. Although this site will mostly be of help to GIS professionals, CT ECO

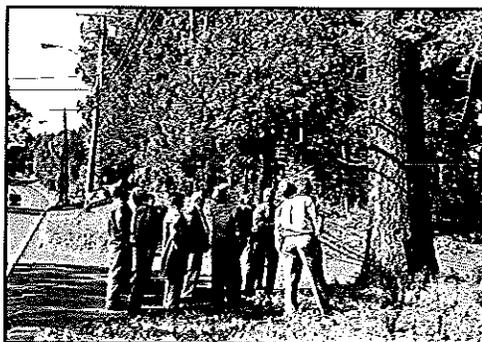
will soon be hosting map services of Lidar-derived maps (like hillshade, slope and aspect) that will be available in easy-to-use viewers designed for everyone. Contact Emily Wilson at [emily.wilson@uconn.edu](mailto:emily.wilson@uconn.edu) or call 860-345-5226 for more information, or visit the CT ECO website at [cteco.uconn.edu](http://cteco.uconn.edu). ☺

## ► New Law Mandates Tree Warden School for all Towns

The Connecticut tradition of tree wardens dates back well over a century, when in 1901 the Connecticut legislature passed a law mandating the appointment of a “tree warden” in all municipalities. Tree wardens are town officials that have care and control over all municipal and public trees and shrubs in a community. The 1901 law still guides the roles and responsibilities of the tree warden, but in 2013 the state legislature revised the law to require that each city and town appoint a “qualified” person. *Qualified*, in this case, means that the tree warden or deputy warden must either be a Connecticut Licensed Arborist, or have successfully

completed the Tree Warden School.

The Tree Warden School was created in 1998 by Bob Ricard of UConn Extension, in cooperation with the Tree Wardens’



Students participating in a tree risk assessment class at the Tree Warden School.

Association of Connecticut, Inc. Over 300 tree wardens, deputy tree wardens, community forestry volunteers, arborists, landscape architects, and elected and appointed officials have completed the program. Per the revisions to the state law, anyone who took the course during or prior to 2013 will be regarded as meeting the qualifications of the new law, but for those others there is Tree Warden School. Tree Warden School is conducted each fall, and we are proud to now have it under the CLEAR banner. For information visit the Tree Warden section of the CLEAR website, or contact Robert Ricard at 860-570-9257 or email [robert.ricard@uconn.edu](mailto:robert.ricard@uconn.edu). ☺

## By the Numbers

### Nigerian Professors Take CLEAR GIS Course to Help Track Parasitic Disease

In December 2013 the Geospatial Training Program (GTP) was host to two researchers from the Nigerian Defense Academy (Nigeria's equivalent of West Point), who traveled 5200 miles from home to attend the GTP's 3-day *Introduction to GIS* training course. Dr. Maikaje, a specialist in protozoology, and Dr. Umar, who specializes in molecular parasitology, are conducting epidemiological studies about the incidence of trypanosomiasis, a parasitic disease more commonly known as 'sleeping sickness' that affects both animals and humans. They are also studying liver fluke, a parasite carried by



CLEAR's Cary Chadwick and Emily Wilson at their GIS class with Drs Maikaje and Umar.

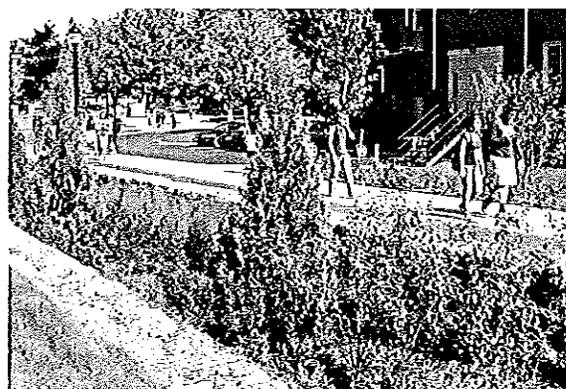
snails that live in fresh water supplies frequented by cattle and other animals. They took the course to enable them to map field sampling stations and environmental factors in an attempt to decipher why different species of host snails are found in some areas and not others. We are happy to report that they did not freeze to death (although it was close). In fact, they were model students, great guests, and are continuing correspondence with GTP's Cary Chadwick. Contact Cary Chadwick at [cary.chadwick@uconn.edu](mailto:cary.chadwick@uconn.edu) or call 860-345-5216 for more information about the Geospatial Training Program. ☺

### LID on Campus As Green Infrastructure Blossoms on the UConn Campus, NEMO Keeps Track

In the last 5 years the main campus of UConn has become somewhat of a showcase for the innovative stormwater practices known as "low impact development" (LID) or "green infrastructure". These practices are designed to accept and infiltrate stormwater, thereby reducing the flooding, erosion, and water pollution frequently caused by runoff. The campus now sports green roofs, pervious asphalt parking lots, plazas and walkways made of pervious concrete pavers, and many vegetated depressions both large (called "bioretention") and small (called rain gardens).

have been "disconnected" from directly draining into campus streams. The resultant spreadsheet is large enough to wallpaper your dining room with, but the output is in the form of just two numbers. What are they, you ask? See the *By the Numbers* box, right column, for the answers.

Our new "Do It Yourself IC-TMDL" website has a detailed photo gallery of LID throughout Connecticut, including the UConn campus, as well as a virtual tour of campus practices. Visit [nemo.uconn.edu/ic-guide](http://nemo.uconn.edu/ic-guide), and go to Step 3. ☺



Students walk by a large bioretention basin behind Oak Hall, Storrs, CT.

During this same period, UConn has gotten very good at tracking its many green initiatives, culminating in the University being ranked #1 by the Sierra Club last year in a list of the ten most environmentally active schools in the country. But stormwater reduction is somewhat trickier to keep track of than, say, electrical or water usage, which are routinely metered. Enter Dr. Mike Dietz, Director of the CT NEMO Program, who has devised a system that combines technical information on each LID practice with daily rainfall data to derive cumulative estimates of both the amount of stormwater put back into the ground, and the area of impervious surfaces that

165

towns represented by people trained by the Geospatial Technology Program in the past 3 years (out of 169)

148

towns represented by people trained by the Land Use Academy in the past 3 years (out of 169)

21,528

different individuals visiting the CLEAR website in 2013

31,800

visits to the CLEAR website in 2013

24,762

different individuals visiting the CT ECO website in 2013

43,960

visits to the CT ECO website in 2013

39.9 million

gallons of stormwater treated by UConn LID practices through 2013

7.3 football fields

the area of impervious surfaces "disconnected" from campus streams by LID

# Outreach continued...

*Rain Garden Smartphone App Goes National continued from pg 1...*

and rainfall information. With this in place, a smartphone user only has to let their phone's GPS do its thing to get rain garden guidance and information specific to his or her location.

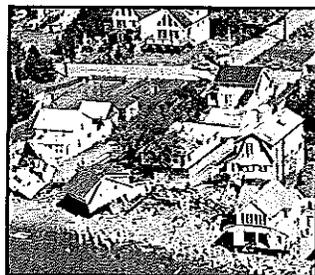
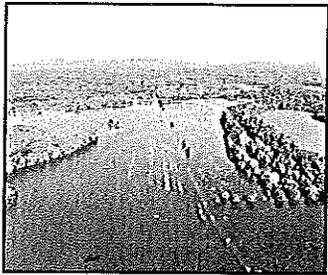
In fact, the expansion of the app is already well underway. The latest version now reaches to the Mid-Atlantic coast, covering the states of New Jersey, Maryland and Delaware. The new version is a collaboration with Rutgers University Extension Water Program, the Maryland Department of Natural Resources, University of Maryland Sea Grant Extension, and University of Delaware Extension.

The grant will also fund a new app to grow the National NEMO Low Impact Development (LID) Atlas, an interactive web map with information on almost 1000 LID practices around the country. The app will allow users to upload information about a new green roof, pervious parking lot or rain garden (for example) directly from their phone to the Atlas, including pictures and locational information. Previously, entries could only be made



through a web form accessible to a comparatively short list of registered users, which included NEMO Network projects, several regions of the EPA, and some state agencies. "The Atlas is a great resource and we're hoping that the new Atlas App will create a burst of new entries. We're shooting for 10,000 – the more the better!" says Dave.

Learn about and download the Rain Garden App at [s.uconn.edu/rgapp](http://s.uconn.edu/rgapp). Visit the National LID Atlas at [lidmap.uconn.edu](http://lidmap.uconn.edu). ©



Hurricane Irene and Sandy left their mark on Connecticut communities, as seen in these photos. (Left to right) Irene floods tobacco fields in the Windsor Locks area; damaged homes along the East Haven shore; a coastal community after Sandy. *Photos courtesy of the CT National Guard.*

*Adapting to Climate Change: CIRCA 2014 continued from pg 1...*

related faculty in the Department of Extension and Connecticut Sea Grant. This includes Land Use Educator Bruce Hyde and Sea Grant Educator Juliana Barrett, who have been teaming up in recent years on projects focused on coastal communities impacted by Irene and Sandy. It also includes Joel Stocker, a CLEAR Geospatial Specialist who has been working with Sea Grant and CT DEEP to track changes in the Connecticut coastline over time. On the energy side of resiliency, Extension Professor Tom Worthley has been working with Civil Engineering and the Natural Resources and the Environment Department on *Stormwise* ([stormwise.uconn.edu](http://stormwise.uconn.edu)), a

new outreach program focused on improving the stability and resiliency of forest edges where they intersect power lines.

The first outreach program under the CIRCA umbrella, the **Climate Adaptation Academy**, a one-day workshop for local officials loosely patterned after CLEAR's long-running Land Use Academy, was held on May 3<sup>rd</sup>. Watch for a recap and reviews in future CLEAR publications, websites and blog. Visit the Climate Adaptation Academy website at [clear.uconn.edu/climate](http://clear.uconn.edu/climate). Contact Juliana Barrett at [juliana.barrett@uconn.edu](mailto:juliana.barrett@uconn.edu) or call 860-405-9106. Visit the CIRCA website at [circa.uconn.edu](http://circa.uconn.edu). ©

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