

# MEETING NOTICE AND AGENDA

## MANSFIELD PLANNING AND ZONING COMMISSION

Tuesday, January 20, 2015 ▪ 7:15 PM

Or upon completion of Special Inland Wetlands Agency Meeting

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

1. Call to Order
2. Roll Call
3. Approval of Minutes
  - a. December 15, 2014 Regular Meeting
  - b. January 05, 2015 Regular Meeting

### 4. Zoning Agent's Report

### 5. Public Hearings

7:15 p.m.

Scenic Road Alteration, 140 Codfish Falls Road, S. Guyette, PZC File #1329  
Memo from Director of Planning and Development

7:30 p.m.

Re-Subdivision Application, 101 East Road, C. & L. Niarhakos, PZC File #293-2  
Memos from Director of Planning and Development and Assistant Town Engineer

### 6. Old Business

- a. New Subdivision Application, 140 Codfish Falls Road, S. Guyette, PZC File #1329  
Memos from Director of Planning and Development and Assistant Town Engineer
- b. Re-Subdivision Application, 101 East Road, C. & L. Niarhakos, PZC File #293-2
- c. Proposed Tenant Signage, 1659 Storrs Rd, OMS Development LLC., PZC File #1319  
Memo from Zoning Agent
- d. Draft UConn Campus Master Plan
- e. Other

### 7. New Business

- a. Request for Modification, Whispering Glen, 73 Meadowbrook Road, Uniglobe Investment LLC, PZC File #1284-2  
Memo from Director of Planning and Development
- b. Other

### 8. Mansfield Tomorrow | Our Plan ▶ Our Future

- a. Public Hearing Scheduled for Monday, March 2, 2015 at 7:00 p.m.

### 9. Reports from Officers and Committees

Binu Chandy ▪ JoAnn Goodwin ▪ Roswell Hall III ▪ Katherine Holt ▪ Gregory Lewis ▪ Peter Plante  
Barry Pociask ▪ Kenneth Rawn ▪ Bonnie Ryan ▪ Paul Aho (A) ▪ Vera Stearns Ward (A) ▪ Susan Westa (A)

- 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

#### 10. Communications and Bills

- a. 11/26/2014 Memo to Planning and Zoning Commission, Conservation Commission, Economic Development Commission, Agriculture Advisory Committee, Open Space Preservation Committee, Sustainability Advisory Committee, Traffic Authority from Town Manager Hart
- b. 11/20/2014 Memo to Town Manager Hart and Town Planner Painter from Michael Kirk
- c. 12/17/2014 Email to Town Planner Painter from Patricia Suprenant
- d. 12/18/2014 Report on Zoning Referral, Z-2014-115 to Willington Planning and Zoning Commission from CRCOG
- e. 12/22/2014 Memo to Mansfield Town Council from Town Planner Painter
- f. 12/22/2014 Memo to Town Attorney Deneen from Town Planner Painter
- g. 12/23/2014 Release from The Last Green Valley
- h. 01/06/2015 Email to Jessie Shea from Center for Land Use Education and Research
- i. 12/30/2014 Memo to Town Planner Painter, Zoning Agent Vincente, Director Parks and Rec Carrington, Director Public Works, Mansfield Transportation Advisory Committee from Mansfield's "ad-hoc" Bicycle Advocates
- j. DEEP Notice of Tentative Determination
- k. Memo to Chairman of Planning and/or Zoning Commission and Zoning Board of Appeals from Steven Byrne
- l. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter

#### 11. Adjournment

**DRAFT MINUTES**  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, December 15, 2014  
Council Chamber, Audrey P. Beck Municipal Building

Members present: Chairman Goodwin, B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante, K. Rawn, B. Ryan  
Members absent: B. Pociask  
Alternates present: P. Aho, V. Ward, S. Westa  
Staff present: Linda Painter, Director of Planning and Development  
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:12 p.m. and appointed Aho in place of Pociask.

**Approval of Minutes:**

**a. December 1, 2014 Regular Meeting**

Ryan MOVED, Chandy seconded, to approve the 12-1-14 regular meeting minutes as written. MOTION PASSED UNANIMOUSLY.

**b. December 10, 2014 Field Trip Meeting**

Aho MOVED, Ryan seconded, to approve the 12-10-14 Field Trip minutes as written. MOTION PASSED with Goodwin, Holt, Ryan, and Aho in favor and all others disqualified.

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

**Old Business:**

**a. New Subdivision Application, 153 Moulton Road, Mason Brook, LLC, PZC File# 1328**

Holt MOVED, Ryan seconded, to approve with conditions the subdivision application (File #1328) of Mason Brook LLC owned by the applicant located at 153 Moulton Road in an RAR-90 zone, as submitted to the Commission and shown on plans dated August 2014.

Pursuant to Sections 7.5 and 7.6 of the Subdivision Regulations, this approval accepts the applicants proposed lot layout and hereby authorizes the reductions to setbacks as depicted through the proposed Building Area Envelope. These reductions accommodate the existing structures on the property and allows for new structures to be located further from the wetlands and brook.

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

1. **Setback Reductions.** The approved reductions to the front and south side setbacks shall be specifically noted on the plans and on the deeds of the affected and abutting lots. Unless the Commission specifically authorizes revisions, the depicted building envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be specifically noticed on the Land Records.
2. **Plan Revisions.** Final plans shall be revised to:
  - a. Eliminate the "Received for Recording" signature box from Sheet 1.
  - b. Add a signature box for the Inland Wetlands Agency.
  - c. Include signatures and seals of the responsible soil scientist in addition to surveyor and engineer pursuant to Section 6.3.d of the Mansfield Subdivision Regulations.
  - d. Include the month, day and year of the original plan and revision.

- e. Revise the Building Area Envelope to be at least 50 feet from wetlands where possible. Where existing structures are within 50 feet of the wetlands such as the rear corner of the existing barn, the BAE may be less than 50 feet to accommodate the existing structure.
  - f. Increase the distance between the Development Area Envelope and the wetland where the DAE is closest to the edge of wetlands. To accomplish this, the DAE may be reduced to the minimum required 40,000 square feet provided that the width or depth of the DAE is at least 75 feet in all locations.
  - g. Remove the standard setback lines from the final plan to eliminate confusion with the BAE/DAE boundaries.
  - h. Clarify whether the front lot line represents existing conditions or a dedication to meet the required centerline setback. If it represents a dedication, the area to be dedicated shall be clearly identified and enclosed for the distance of the applicant's property.
  - i. Add the following notes to the plan:
    - I. Any new regulated activity in the upland review area or in the wetlands or watercourse will require the owner to obtain an Inland Wetlands license as required by the Town of Mansfield's Inland Wetlands and Watercourses Regulations.
    - II. Open space dedication requirements for any future development of the remaining land identified on the subdivision map shall be based on the combined total acreage of the property (25 acres).
    - III. The depicted BAE includes reductions to the front yard setback and side yard setback along the south property line. The BAE shall serve as the setback lines for all future structures unless modified in the future by the Planning and Zoning Commission.
3. **Quit Claim Deed and Certificate of Title.** If a right-of-way dedication is required, the area to be dedicated must be deeded to the Town and covered by a certificate of title indicating that there are no encumbrances or stating what encumbrances there are and providing a partial release or subordination agreement.
4. **Extent of Approval.** The Planning and Zoning Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety or one hundred and eighty-day filing extension has been granted):
- a. All final maps, including submittal in digital format, right-of-way deeds for Moulton Road (if required), and a Notice on the Land Records to address condition #1 (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;
  - b. All monumentation with Surveyor's Certificate shall be completed pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant. MOTION PASSED UNANIMOUSLY.

**Public Hearings:**

- a. **Re-subdivision Application, Lot 19 Monticello Lane, K. and A. Lessenger, PZC File #223-2**  
 Chairman Goodwin opened the Public Hearing at 7:19 p.m. Members present were Goodwin, Chandy, Hall, Holt, Lewis, Plante, Rawn, Ryan and alternates Aho, Ward and Westa. Aho was seated. Painter read the legal notice as it appeared in The Chronicle on 12/2/14 and 12/10/14 and noted the following communications received and distributed to members: a 12/11/14 memo from Linda Painter, Director of Planning and Development; and a 12/4/14 memo from Jeff Polhemus, Chief Sanitarian from Eastern Highlands Health District.

Ed Pelletier of Datum Engineering and Surveying represented the applicant and explained the proposal. He stated that the applicant is agreeable to the revisions requested by staff; namely the installation of underground utilities and saving the 15" poplar tree by shifting the driveway to the west.

Noting no further comments or questions from the Commission or the public, Rawn MOVED, Ryan seconded to close the Public Hearing at 7:27 p.m. MOTION PASSED UNANIMOUSLY.

**b. Special Permit, Efficiency Unit, 51 Candide Lane, M. Bedore, PZC File #1330**

Chairman Goodwin opened the Public Hearing at 7:28 p.m. Members present were Goodwin, Chandy, Hall, Holt, Lewis, Plante, Rawn, Ryan and alternates Aho, Ward and Westa. Aho was seated. Painter read the legal notice as it appeared in The Chronicle on 12/2/14 and 12/10/14 and noted the following communications received and distributed to members: a 12/11/14 memo from Linda Painter, Director of Planning and Development; a 12/11/14 memo from Curt Hirsch, Zoning Agent; and a 12/10/14 memo from Jeff Polhemus, Chief Sanitarian from Eastern Highlands Health District.

Melissa Bedore, applicant and owner of 51 Candide Lane, was present. She stated her parents intend to move into the efficiency unit which will be located in an existing space in the basement of the house.

Hirsch noted that the driveway apron needed to be paved as stated in his memo, and Painter and Holt noted the need for a walkway between the driveway and the exterior entrance. With no further comments or questions from the Commission or the public, Holt MOVED, Ryan seconded, to close the Public Hearing at 7:34 p.m. MOTION PASSED UNANIMOUSLY.

**Old Business:**

**b. Proposed Tenant Signage, 1659 Storrs Rd, OMS Development LLC., PZC File #1319**

No new information.

**c. Re-subdivision Application, Lot 19 Monticello Lane, K. and A. Lessenger, PZC File #223-2**

Rawn MOVED, Hall seconded, to approve with conditions the re-subdivision application (File #223-2) of Kurt and Anne Lessenger on property owned by the applicant located on Monticello Lane in an RAR-90 zone (Parcels 5, 6, 7 of the Davis Manor Subdivision), as submitted to the Commission and shown on plans dated October 6, 2014 and revised through December 15, 2014 and as presented at a public hearing on December 15, 2014.

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

**1. Plan Revisions. Final plans shall be revised to:**

- a. Revise each sheet to include an official subdivision name.
- b. Revise the western boundary of the Building Area Envelope to be at least 25 feet from the wetland at its closest point.
- c. Include a note allowing for sheds and accessory structures to be located outside the designated Building Area Envelope pursuant to the setback allowances for such structures in Article VIII of the Mansfield Zoning Regulations.
- d. Include a note specifying that Inland Wetlands Agency approval shall be required for all future improvements within 150 feet of the wetland that are regulated activities pursuant to the Mansfield Inland Wetlands and Watercourses Regulations.
- e. The driveway shall be adjusted to the west to preserve the poplar tree along Monticello Lane.

2. **Extent of Approval.** The Planning and Zoning Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety or one hundred and eighty-day filing extension has been granted):
- a. All final maps shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;
  - b. All monumentation with Surveyor's Certificate shall be completed pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

MOTION PASSED UNANIMOUSLY.

d. **Special Permit, Efficiency Unit, 51 Candide Lane, M. Bedore, PZC File #1330**

Hall MOVED, Chandy seconded, to approve the November 20, 2014 application of Melissa Bedore to allow an efficiency dwelling unit at 51 Candide Lane in an RAR-90 zone, as shown on submitted plans and described in other application submissions and as presented at Public Hearing on December 5, 2014.

Pursuant to Article V, Section B.4 of the Mansfield Zoning Regulations, the site plan requirements contained in Section B.3.d are hereby waived as there is no proposed expansion of the building and the information is not needed to determine compliance with the zoning regulations.

This approval is granted because the application is not expected to result in any detrimental neighborhood impacts and is considered to be in compliance with Article X, Section L; Article V, Section B; and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval has been granted for a one-bedroom efficiency in association with a single-family home having up to four additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from the Eastern Highlands Health District and the Planning and Zoning Commission.
2. This approval is conditioned upon continued compliance with Mansfield's Zoning Regulations for efficiency units, which include owner-occupancy requirements, limitations on the number of residents in an efficiency unit and limitations on the number of unrelated individuals that may live in a dwelling unit pursuant to the definition of Family contained in the Zoning Regulations. These limitations apply regardless of the number of bedrooms present in the home. Pursuant to Article X, Section L.2, the applicant shall submit a notarized affidavit certifying owner occupancy and a written statement regarding compliance with efficiency unit regulations every two years, starting on January 1, 2016.
3. The applicant shall install a walkway from the parking area to the exterior door of the efficiency unit. The owner shall use pavers or other materials so as not to require any excavation if located within 150 feet of a wetland. Such design shall be coordinated with the Inland Wetlands Agent to determine if a license is needed.
4. The applicant shall pave the apron of the driveway to bring it into conformance with current standards. A driveway permit from the Department of Public Works shall be required.
5. Applicant shall sign the Statement of Use in the presence of a notary public and submit it to the Planning Office.
6. This special permit shall not become valid until filed upon the Land Records by the applicant.

MOTION PASSED UNANIMOUSLY.

- e. **New Subdivision Application, 140 Codfish Falls Road, S. Guyette, PZC File #1329**  
Tabled pending a 1/20/15 Public Hearing for Scenic Road Ordinance.
- f. **Re-Subdivision Application, 101 East Road, C. & L. Niarhakos, PZC File #293-2**  
Tabled pending a 1/20/15 Public Hearing.

**New Business:**

- c. **Modification Request, 7 Storrs Road, PZC File #916**  
Curt Hirsch, Zoning Agent, summarized his memo of 12/11/14. After discussion about site changes, upgrades and traffic control, Aho MOVED, Chandy seconded, that the Commission approve the 12/7/14 Modification Request of Mohammad Khan to re-establish the retail sale of gasoline and add a convenience store use at 7 Storrs Road. This approval is conditioned upon the following requirements being met:
  1. The accessible parking space shall be marked according to current State Statute requirements, including dimensions, pavement markings and above-grade signs;
  2. Details of the dumpster enclosure shall be reviewed and approved by staff prior to installation;
  3. A detailed landscape plan including the type and size of plant material, shall be submitted for review and approval by the PZC Chairman with staff assistance prior to planting;
  4. All missing and deteriorating asphalt paving shall be replaced and/or resurfaced to the satisfaction of the Zoning Agent.
  5. Any proposed signage shall be submitted to the Zoning Agent for review and approval through the zoning permit process prior to being fabricated.
  6. The driveway shall be striped in accordance with the recommendation of the Engineering Department.MOTION PASSED UNANIMOUSLY.
- a. **Referral from Public Works Re: Four Corners Sewer Project Consistency with State POCD**  
Rawn MOVED, Holt seconded, to authorize the Chair to submit a letter to the Connecticut Department of Energy and Environmental Protection stating that the Mansfield Planning and Zoning Commission has reviewed the proposed Four Corners Sanitary Sewer Service area and in its opinion found it to be consistent with the six growth management principles of the *2013-2018 Conservation and Development Policies: A Plan for Connecticut*. Such letter shall also note that areas designated as Conservation on the Locational Guide Map are designated as Flood Hazard Zones in Mansfield's 2006 Plan of Conservation and Development and current Zoning Regulations; therefore, no development is proposed in these areas. MOTION PASSED with all in favor except Lewis and Goodwin who were opposed, and Hall abstaining.
- b. **New UConn Honors Residence Hall**  
Holt MOVED, Ryan seconded, to authorize the Chair to endorse a letter to UConn expressing the same concerns as was written in a February 21, 2014 letter to Mr. Paul Ferri UConn Office of Environmental Policy. MOTION PASSED UNANIMOUSLY.
- c. **Approval Request: Revised Plans for Paideia Greek Theater Project Exhibit Building, 28 Dog Lane (File #1049-7)**  
No new information.
- d. **Consideration of Citizen Request to Televise IWA/PZC Meetings**  
In response to a citizen request that PZC meetings be televised, the Commission engaged in an extensive discussion of the pros and cons of televising meetings. A "straw vote" was taken about televising the IWA/PZC Meetings. The vote FAILED with Ryan, Lewis and Rawn in favor of televising, and Plante, Hall, Goodwin, and Holt against, and Aho and Chandy abstaining.

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

Holt MOVED, Ryan seconded, to submit copies of the December 2014 public hearing draft of the Mansfield Tomorrow Plan of Conservation and Development to the Mansfield Town Council and the Capitol Region Council of Governments Regional Planning Commission for review and comment in accordance with provisions of C.G.S. Sec. 8-23(g). A public hearing will be scheduled for March 2, 2015 at 7:00 PM. Comments will be taken that evening. Unless concluded earlier, the Commission shall adjourn the hearing for the evening at 11 PM and continue it to another date for additional comment. If testimony is completed and the Commission determines there is no cause to keep the hearing open, the hearing may be closed at any time.

Copies of the draft plan shall also be transmitted to the Town Attorney and the following nearby communities: Ashford, Chaplin, Coventry, Tolland, Willington and Windham. The following Town boards, committees and commissions shall be provided with an electronic copy of the document for their review and comment: Agriculture Committee, Committee on the Needs of Persons with Disabilities, Commission on Aging, Conservation Commission, Economic Development Commission, Four Corners Sewer and Water Advisory Committee, Historic District Commission, Human Services Advisory Committee, Mansfield Tomorrow Advisory Group, Mansfield Board of Education, Open Space Preservation Committee, Parks Advisory Committee, Recreation Advisory Committee, Region 19 Board of Education, Sustainability Committee, Town University Relations Advisory Committee, Transportation Advisory Committee, and other relevant advisory committees.

MOTION PASSED UNANIMOUSLY.

**Reports from Officers and Committees:**

It was noted that the regular IWA and PZC meetings for January 5, 2015 have been cancelled. A Special Meeting of the PZC will be held on January 5, 2015 to discuss the UConn Master Plan.

**Communications and Bills:** Noted.

**Adjournment:** Chairman Goodwin adjourned the meeting at 8:51 p.m.

Respectfully submitted,  
Katherine Holt, Secretary

**DRAFT MINUTES**  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, January 5, 2015  
Council Chamber, Audrey P. Beck Municipal Building

Members present: Chairman Goodwin, R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, K. Rawn, B. Ryan  
Members absent: B. Chandy  
Alternates present: P. Aho, S. Westa  
Alternates absent: V. Ward  
Staff present: Linda Painter, Director of Planning and Development

Chairman Goodwin called the meeting to order at 7:00 p.m. and appointed Westa and Aho in place of Chandy and Lewis. Lewis arrived at 7:04 and Aho was no longer seated.

**UConn Draft Master Plan Review and Discussion**

Painter distributed a summary of her preliminary review comments on the master plan and highlighted various positive master plan elements and concerns. Members discussed various elements and asked questions of Beverly Wood, UCONN Director of Planning. Key themes included:

- Skepticism that the proposed enrollment growth was needed.
- Commendations for positive changes in the planning approach, including the strong focus on sustainability, building within existing footprints instead of growing out, introduction of east/west woodland corridors and the multi-modal approach to addressing congestion on-campus.
- Concern that the plan did not seem to address all of the potential impacts of anticipated growth.
- Concern that the plan did not do enough to address travel to and from campus; efforts to mitigate off-campus traffic impacts and the need to expand regional multi-modal transportation partnerships.
- Need for UConn to identify and construct off-campus bicycle and pedestrian connections to areas with high concentrations of student housing and commercial services.
- Opposition to the siting of a multi-purpose arena at the intersection of Routes 195 and 275; alternative sites suggested: the Depot Campus and south campus along Bolton Road, to the rear of Fine Arts.
- Need for UConn to consider alternative mechanisms for reducing congestion on the main campus such as relocating administrative services to the Depot Campus.
- Desire for UConn to provide incentives to staff, faculty and students to use regional transportation services and outlying park and ride lots.
- Support for campus growth contingent upon UConn and the State of Connecticut resolving transportation impacts to the satisfaction of both the University and the Town.

Painter will prepare a draft letter including comments from other advisory committees for consideration at the January 20, 2015 meeting.

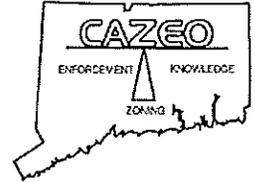
**Adjournment:** Chairman Goodwin adjourned the meeting at 8:57 p.m.

Respectfully submitted,  
Katherine Holt, Secretary

PAGE  
BREAK



# Town of Mansfield



CURT B. HIRSCH  
ZONING AGENT  
HIRSCHCB@MANSFIELDCT.ORG

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

Memo to: Planning and Zoning Commission  
From: Curt Hirsch, Zoning Agent  
Date: January 7, 2015

## MONTHLY PERMIT ACTIVITY for December 2014

### ZONING PERMITS

<u>Name</u>	<u>Address</u>	<u>Purpose</u>
Bobb	840 Wormwood Hill Rd.	add to house & barn
Anthony	54 Mansfield Hollow Rd.	14 x 26 garage
Barstow	139 Woodland Rd.	ground solar array
Newcity	Lot 3 Mulberry Rd.	1 fm dw.
Borucinska	41 Mulberry Rd.	enlarge garage
Lane/Manard	131 Brookside La.	house additions
Knoecklein	74 Higgens Hwy.	10 x 12 shed
Re/Max Destination	1182 Storrs Rd.	free-standing identity sign

### CERTIFICATES OF COMPLIANCE

Dorwart Family Trust	Mulwood West	lot line revision
Lewis	768 Storrs Rd.	shed
Tomanelli	45 Stone Ridge La.	house addition
Dunbar	498 Wormwood Hill Rd.	house additions
Cherrier	93 Moulton Rd.	second floor addition
Schaeffer	30 Old Wood Rd.	replace shed
Samuels	276 Coventry Rd.	3-car garage
Samuels	276 Coventry Rd.	pool and deck
Sauve	54 N. Windham Rd.	garage & foyer

PAGE  
BREAK



# Department of Planning and Development

**Date:** January 15, 2015  
**To:** Planning and Zoning Commission  
**From:** Linda M. Painter, AICP, Director *LMP*  
**Subject:** Alterations to Codfish Falls Scenic Road (File #1010-1)  
Removal of two trees and relocation of stone wall and fence (140 Codfish Falls Road)

---

Steven Guyette has submitted a subdivision application for property located at 140 Codfish Falls Road (File #1329). The proposed subdivision plans include improvements to the existing driveway that currently serves two houses to increase the width to 20 feet to meet the minimum dimensional requirements to serve four lots. As part of the subdivision, the applicants are proposing to remove two trees ( a 15-inch Hemlock located on the east side of the driveway within the Town right-of-way and an 18-inch Hickory located west of the driveway on the subject property) and relocate a portion of a stone wall and fence located on the abutting property to the west to improve sight-line conditions. As Codfish Falls is a designated scenic road, healthy mature trees cannot be removed and stone walls cannot be altered without approval from the Town Council. Prior to Town Council consideration, the Planning and Zoning Commission is required to hold a public hearing on the request and make a recommendation to the Council. If the Council approves removal of trees, the tree within the Town right-of-way would be posted by the Tree Warden, and if objections were received, a separate public hearing would be held. The abutting property owners, Gus and Mary Lou Bradley, have submitted a letter consenting to the alteration of the stone wall and fence and granting of a sight-line easement under the following conditions:

- Prior to the commencement of any work on their property, the applicants must show them a plan of the work to be completed.
- All work must be completed by a licensed and insured contractor approved by the Bradleys; the work must be paid for by the applicant.
- Any and all costs associated with the sightline easement will be the responsibility of the applicant.

A copy of the letter has been provided with my memo on the proposed subdivision.

In reviewing the proposed alterations with the Assistant Town Engineer, he noted that the alterations would improve safety for the existing driveway and should be considered regardless of whether the subdivision is ultimately approved by the Commission.

### **Summary and Recommendation**

In reviewing the proposal, the relocation of the stone wall and fence and removal of two trees do not appear to have a significant impact on the scenic character of Codfish Falls Road. If the Commission concurs with this finding, the following motion would be in order:

\_\_\_\_\_ MOVES, \_\_\_\_\_ SECONDS to communicate to the Town Council that the Planning and Zoning Commission has no objection to the removal of two trees and the relocation of a stone wall and fence as depicted in the Guyette Estates Subdivision Plan dated September 25, 2014 and revised through January 6, 2015 as the proposed alterations will not significantly alter the scenic character of Codfish Falls Road.



# Department of Planning and Development

**Date:** January 15, 2015  
**To:** Planning and Zoning Commission  
**From:** Linda M. Painter, AICP, Director - *mlp*  
**Subject:** Subdivision Application-Christopher and Lindsey Niarhakos (File 293-2)  
Williams Heights Resubdivision -- 101 East Road

---

The applicants are proposing to subdivide a 14.56 acre parcel originally created in 1970 (Parcel A) as part of the Williams Heights Subdivision. The property is zoned RAR-90 and is currently developed with a single-family house in the southwest portion of the property. The following summary highlights the major items reviewed as part of the subdivision; other technical changes needed to comply with the final plan requirements of Section 6.5 (Final Maps) will be provided directly to the applicant.

## *Layout and Design*

- **Lot Size and Frontage.** Each of the proposed lots exceed the 90,000 square foot minimum lot size (Lot 1-4.11 acres, Lot 2-4.53 acres, Lot 3-5.93 acres) and the minimum 200 foot frontage requirement.
- **House Locations.** As depicted on the plans, the proposed houses are located approximately 190 feet from East Road; however, the Building Area Envelopes for each of the 3 lots is located approximately 80 feet from the front property line. Additionally, the Development Area Envelopes extend to the front property line of each lot for almost the entire frontage. As most homes along East Road have large setbacks with natural wooded areas separating them from the road, it is recommended that the DAEs be adjusted to encompass only the driveway and septic improvement to ensure that the natural wooded buffer is retained.
- **Setbacks.** The applicant is proposing 20 foot setbacks for the BAE along the common boundary line between lots 2 and 3. These BAE lines should be adjusted to meet the minimum 35 foot setback and eliminate the need for a setback reduction unless it is determined that the reduction on Lot 2 is needed to allow for a greater setback from the wetland. BAEs and DAEs should also be adjusted to be located as far as possible from wetlands while meeting minimum area and dimensional requirements. (See Jennifer Kaufman memo to Inland Wetlands Agency for more information on changes needed to protect wetland resources).

## *Natural and Cultural Resources*

- **Wetlands.** There are two wetlands located on the property, one in the southwest corner along East Road and a second, larger wetland that bisects Lots 2 and 3. A companion application has been filed with the Inland Wetlands Agency to address any potential wetland impacts.

The Conservation Commission adopted the following comments at their December 17, 2014 meeting:

“The proposed development strikes the Commission as overuse of a very wet area, requiring engineered septic systems which may have a significant impact on wetlands and on the Harpers’ well. 2) Development is likely to impact the Harper property by increasing runoff. 3) The Town should learn the location of wetlands on the Harper property and assess surface water flow onto it. 4) On the developer’s map, wetland appears to occupy more of the open space dedication than the 28% allowed.”

- **Aquifer Protection.** The property is located within the watershed of the Willimantic Reservoir. Both Windham Water Works and the Department of Public Health have been notified as required by state statute; Windham Water Works has indicated that they have no objection provided best management practices and soil and erosion control measures are used during construction.
- **Trees.** The plans do not appear to identify trees over 15 inches in diameter as required by Section 6.5 of the Subdivision Regulations. This information is needed before I can finalize my comments.
- **Stone Walls.** The property has several stone walls located on all three lots. No alterations are proposed; a note should be added requiring the preservation and maintenance of those walls.
- **Drainage.** The Commission has received a detailed letter from an abutting property owner expressing concern that the proposed development will exacerbate existing off-site drainage issues; the letter is accompanied by an assessment from an engineer retained by that abutter. The Assistant Town Engineer has reviewed both the original plans and the revised plans submitted by the applicants and provided comments that need to be addressed in a memo dated January 12, 2015. Additionally, the drainage improvements depicted on the revised plans appear to impact the proposed septic systems as noted in the memo from Jeff Polhemus with the Eastern Highlands Health District dated January 14, 2015. All of these comments need to be addressed to the satisfaction of the Assistant Town Engineer and Eastern Highlands Health District.

With regard to the proposed rain gardens, Sheet 4 needs to include specific maintenance procedures and requirements to ensure that these rain gardens continue to function as intended after construction.

#### *Open Space*

The applicant is proposing to dedicate a 2.75 acre conservation easement along the northwest boundary of the property, abutting University of Connecticut property, which constitutes 18.9% of the property. Wetlands comprise approximately 22% of the property; however, they constitute 38% of the proposed conservation easement. The conservation easement should be adjusted to better reflect the character of the subject property. This objective could be accomplished by following the recommendations of the Open Space Preservation Committee, which include relocation of the proposed conservation easement area along the back of the property be moved to the frontage along East Road to preserve the wooded character that prevails in this section of the road. The OSPC also recommended a conservation easement on the wetland in the southwest corner be considered and suggested that the easement area could be divided between the front and back of the lots if it is not possible to place the entire conservation easement area along East Road.

## Summary

Based on the comments contained in this memo and those received from other reviewers, additional plan revisions are needed. Staff recommends that the Commission open the public hearing as noticed and immediately continue the hearing to February 2<sup>nd</sup> to allow time for the applicant to submit revised plans for staff review.

---

## NOTES

- The analysis and recommendations contained in this report are based on the following information submitted by the applicants:
  - Application submitted November 20, 2014 and received by the PZC on December 1, 2014, including:
    - 4-sheet subdivision plan prepared by Datum Engineering and Surveying LLC dated September 25, 2014 and revised through December 23, 2014.
    - November 20, 2014 DPH notification
    - November 20, 2014 EHHD Application for Plan Review
    - November 20, 2014 Submission to the Office of State Archaeology
    - January 8, 2015 Letter from Civil Engineering Services LLC
- The following correspondence regarding the proposed development has been received:
  - Letter from Mary Harper, 129 East Road, dated November 25, 2014 with attachments
  - Memo from Windham Water Works to the Mansfield Inland Wetlands Agency dated December 2, 2014
  - Letter from Brian D. Jones with the Office of State Archaeology dated November 17, 2014
  - Memo from Jeff Polhemus, Eastern Highlands Health District, dated January 14, 2015
- Neighborhood Notification Forms were required to be sent to abutting property owners in accordance with Section 4.11 of the Mansfield Subdivision Regulations. A copy of the notice and certified mail receipts have been provided; **however, the notice identified the receipt date and not the public hearing date. A revised notice should be sent identifying the continued public hearing date to ensure that adequate notice of the public hearing is provided.**
- The Public Hearing on this item will be opened on January 15, 2015 and must be closed by February 19, 2014 unless a written extension is granted by the applicants.
- Before rendering a decision, the Planning and Zoning Commission must consider other referral reports and public hearing testimony. A decision must be made within 65 days of the close of the Public Hearing unless the applicants grant a written extension.

**TOWN OF MANSFIELD**  
DEPARTMENT OF PUBLIC WORKS



AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599

Engineering Division

From: Derek M. Dilaj, P.E., Assistant Town Engineer  
To: Linda Painter, AICP, Town Planner  
Copy: John Carrington, P.E., Town Engineer  
Date: January 12, 2015  
Date Received: January 8, 2015  
Date Reviewed: January 12, 2015  
Engineering Project #: E-141510  
Re: Re-subdivision Entitled Williams Heights Parcel "A"  
Designer: Edward Pelletier, LS  
Datum Engineering and Surveying, LLC  
132 Conantville Road  
Mansfield, CT 06250  
Plans: "Boundary Plan for Subdivision entitled Williams Heights Parcel "A"  
East Road, Storrs, Connecticut, Owner and Subdivider Christopher W.  
& Lindsey L Niarhakos, 68 Brookside Lane, Mansfield Center,  
Connecticut 06250" 4 Sheets (Unstamped),  
Dated: September 25, 2014 Revised: December 23, 2014 (EHHD  
Comments)  
Reports: Letter with Attachments from Gerald E. Hardisty, PE, Civil Engineering  
Services, LLC to Edward Pelletier, LS, Datum Engineering, LLC  
Regarding Drainage on Williams Heights Parcel "A"

The existing 14.56 acre lot is located at approximately 101 East Road. Property to the north and west is owned by the University of Connecticut, and property to the northeast is owned by Mary and Ross Harper with East Road running on the eastern edge of the parcel. The topography of the parcel slopes from southwest to northeast with an average slope of approximately 8%. The subject parcel is nearly bisected by flagged wetlands.

The applicant is proposing a three lot subdivision of the parcel. Each parcel is in excess of 4 acres in size with a single family home to be located on each lot. The applicant is proposing two rain gardens and stormwater swale on the property to mitigate the proposed work. I have completed a general review of the plan set and letter provided by the applicant. The following are comments realized during the review and should be addressed by the applicant:

1. The rain gardens are presently proposed up-gradient of the proposed septic systems. The applicant should relocate the proposed rain gardens so surface runoff will not be directed over the septic system.
2. Clarify the location of the 10'x15' and 10'x32' rain gardens detailed on Sheet 4.
3. The proposed grading on the driveway for proposed lot #2 does not reflect the detail for driveways on Sheet 4.
4. The utilities for proposed lot #2 are not shown. Clarify their location.

5. The site line for the driveway of lot #2 is hindered by trees near the existing driveway. Please confirm the 250' site line is achieved.
6. The applicant should demonstrate the stability of the proposed driveway for lot #3 due to its proximity to the roadside swale and cross culvert.
7. The limits of disturbance presented for the proposed swale appear too narrow to conduct the grading and clearing work necessary to construct the swale. The proposed grading for the swale shall be shown.
8. The applicant shall provide drainage easements or rights-to-drain for lot numbers 1 and 2 to Lot number 3 in accordance with the engineering standards and specifications.
9. The swale located on Lot #3 would convey runoff from areas located off the project site. The applicant should confirm the proposed swale has adequate capacity to convey this runoff.
10. The letter provided by Civil Engineering Services, LLC documents an increase of peak runoff from the project site of approximately 1.5 cubic feet per second (cfs) as a result of the 10 year event and the proposed improvements. The applicant demonstrates the proposed swale has adequate capacity to handle runoff from the project site and as a result may decrease the peak flow towards East Road and the Harpers property. This runoff is directed towards the stonewall in the northern portion of the site. The applicant should identify if this increase in peak flow may result in impacts downstream.



Eastern Highlands Health District

4 South Eagleville Road • Mansfield CT 06268 • Tel: (860) 429-3325 • Fax: (860) 429-3321 • Web: www.EHHD.org

---

**Subdivision Plan Review Memo**

To: Edward Pelletier, Datum Engineering and Surveying, LLC

From: Jeff Polhemus, RS 

Date: January 14, 2015

Re: Williams Heights Parcel "A" - Proposed 3 Lot Resubdivision

Location: 101 East Road, Mansfield

Plan Dated: September 25, 2014, Revised through December 23, 2014

Owners: Christopher W. & Lindsey L. Niarhakos

The revised plans for the above referenced resubdivision have been reviewed for compliance with the State of Connecticut Public Health Code (PHC) and Technical Standards and we have the following comments:

1. The grass swale proposed uphill of the stone wall on lot 3 appears to terminate directly upslope from the proposed lot 3 well, putting the well in the path of all outflowing water. Can the swale be extended to better protect this well?
2. The existing septic system for lot 1 is shown as an approximate location on the plans. To ensure that the proposed property line between lots 1 and 2 will comply with the required separating distance, the leaching system location needs to be located more accurately.
3. The lot number for the existing house MLSS table on sheet 4 should be lot 1.
4. Due to the high groundwater conditions observed and the large watershed upslope of the proposed system area, a curtain drain should be considered with the lot 2 sewage disposal system design plan.

Please address these comments and submit revised plans to the health district for final review. If you have any questions, please call the health district Mansfield office at 860-429-3325. Thank you.



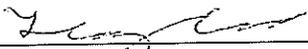
# TOWN OF WINDHAM WATER WORKS

174 Storrs Road  
Mansfield Center, CT 06250  
Tel. 860-465-3075 • FAX 860-465-3085

- Inland Wetlands Commission
- Zoning Commission
- Planning & Zoning Commission
- Zoning Boards of Appeals

TOWN:       Ashford       Chaplin       Eastford  
               Hampton       Mansfield       Pomfret  
               Union       Willington       Windham  
               Woodstock

INSPECTED BY:

  
\_\_\_\_\_  
*Troy Quick      W.W.W. Watershed Inspector*

DATE:                      December 2, 2014 WW file #M1414

The Windham Water Works has received notification of a proposed project per the requirements of Public Act 89-301.

### PROJECT DESCRIPTION:

3-lot subdivision with existing dwelling & 2 proposed lots for single family dwellings with on-site septic systems & wells.

Applicant: Datum Engineering & Surveying LLC

### COMMENTS:

The Windham Water Works has reviewed the proposed project and with best management practices and with proper soil and erosion control measures throughout the duration, we would have no objections, we will monitor accordingly.



November 17, 2014

Edward Pelletier, L.S.  
Datum Engineering & Surveying, LLC  
Mansfield Center, Connecticut 06250

R.E Williams Heights Parcel "A" Resubdivision, 101 East Road, Mansfield, CT

Dear Mr. Pelletier,

Thank you for the information and subdivision plans regarding the above-named proposed resubdivision. As noted in the plans you provided dated September 25, 2014, the resubdivision proposal involves the creation of two new lots within the existing Walter and Frances Williams property. Lot #1, with the existing Williams house, will be reduced to include 4.11 acres fronting East Road, Lot #2 will consist of 4.53 acres, and Lot #3 will consist of 5.93 acres. The property was walked on December 17, 2014. No significant above-ground historical features were noted beyond stone fences, which based on the plans provided, should not be affected by the proposed undertaking. The parcel lies about 0.5 miles north of the Spring Hill local historic district and about 0.25 miles southwest of the historic Shubnel Freeman farm house, but will have no effect on either.

The proposed building area envelope of Lot #2 is located on a gentle easterly slope. The topography and conditions suggest probable use as an area of historic pasture, but the very stony Paxton and Montauk (or Charlton-Chatfield depending on the soils reference) soils in this area make it unlikely that the soil was ever tilled. This is also indicated by the abundance of large surface stone. The rather poorly-drained, stony conditions also make it unlikely that the location was used in the past by Native Americans for habitation purposes.

The building area envelope of Lot #3 is located in an area Woodbridge (or Sutton) very stony very. As in the area of proposed Lot #2, boulders are visible at the surface. The stony, rather poorly-drained terrain indicates that it is unlikely that Native American archaeological sites are located in this area. The area was likely used historically as pasture, as supported by the presence of the stone fence adjacent to the proposed building area envelope. As a remnant of the historical landscape, efforts should be made to preserve this stone fence in place.

Based on the above information, the proposed resubdivision at 101 East Road, Mansfield is expected to have no effect on significant historical or archaeological resources of the town. Thank you for the opportunity to review this subdivision proposal. Should you have any questions, I can be contacted most directly by cell at 860-299-5769. My office number is 860-486-5248, and I can be reached by email at [brian.jones@uconn.edu](mailto:brian.jones@uconn.edu).

Sincerely,

Brian D. Jones

cc. Town of Mansfield PZC

Connecticut State Museum of Natural History  
Connecticut Archaeology Center  
2019 HILLSIDE ROAD, UNIT 1023  
STORRS, CT 06269-1023  
PHONE 860.486.4460  
FAX 860.486.0827  
[www.mnh.uconn.edu](http://www.mnh.uconn.edu); [www.cac.uconn.edu](http://www.cac.uconn.edu)

OPEN SPACE PRESERVATION COMMITTEE  
DRAFT Minutes of January 5, 2015 special meeting

Members present: Jim Morrow (chair), Quentin Kessel, Ken Feathers, Roberta Coughlin, Michael Soares, Vicky Wetherell, Sue Harrington (Parks Advisory Committee), Jennifer Kaufman (staff).

Meeting was called to order at 7:30.

Vicky was appointed acting secretary.

Minutes of the December 16, 2014 meeting were approved.

**Old Business**

*Discussion of UConn Master Plan* Quentin shared comments from the Conservation Commission. The Committee discussed items in the proposed plan and their comments will be forwarded to the Town Council by January 16. Sue Harrington left after this discussion.

**New Business**

*PZC Referral – Niarhakos 3-lot re-subdivision on East Road* The Committee recommended that the proposed conservation easement area along the back of the property be moved to the frontage along East Road to preserve the wooded character that prevails in this section of the road. They also recommended a conservation easement on the wetland in the southwest corner be considered. Perhaps the easement area could be divided between the front and back of the lots if it is not possible to place the entire conservation easement area along East Road.

*Mansfield Tomorrow POCD Review Schedule* Jennifer updated the committee about the project. The Committee's comments are due by February 25. Review of this Plan was scheduled for the Committee's regular meetings on January 20 and February 17.

*Fanwort Removal in Eagleville Lake* Jennifer updated the committee on this project and concerns about sources of funding, which were discussed at a previous meeting.

**Executive Session** The committee voted to go into Executive Session at 9:15 and to come out of Executive Session at 9:25. Recommendations will be forwarded to the Town Council.

The meeting was adjourned at 9:30.

# CIVIL ENGINEERING SERVICES, LLC

203 BOSTON HILL ROAD, ANDOVER CT 06232 PH: (860) 742-0364 FAX: (860) 742-0364

JANUARY 8, 2015

MR. ED PELLETIER, L.S.  
DATUM ENGINEERING & SURVEYING, LLC  
325 CONANTVILLE ROAD  
MANSFIELD CENTER CT 06250

RE: DATUM PROJECT 214057  
WILLIAMS HEIGHTS PARCEL "A"  
EAST ROAD STORRS CT  
CHRISTOPHER & LINDSEY NIARHAKOS

DEAR MR. PELLETIER;

THIS LETTER IS INTENDED TO ACCOMPANY THE DRAINAGE MAPS AND CALCULATIONS I HAVE USED TO DETERMINE THAT THE REFERENCED DEVELOPMENT CAN BE ACCOMPLISHED WITHOUT ANY NEGATIVE IMPACT ON DOWN-GRADIENT NEIGHBORS.

## EXECUTIVE SUMMARY:

THE AREA COMPRISING THE PROPOSED DEVELOPMENT IS ON THE WEST SIDE OF EAST ROAD IN STORRS, AND SLOPES RATHER UNIFORMLY TO THE NORTH AND NORTHEAST, DRAINING THE HILLSIDE TOWARD THE FENTON RIVER VALLEY. THE AREA HAS A LARGE WETLANDS THAT WILL REMAIN UNDISTURBED, AND A NUMBER OF STONEWALLS THAT AFFECT THE SURFACE WATER DRAINAGE. TWO OF THE STONE WALLS WHICH MEET AT A ROUGHLY 90 DEGREE ANGLE, FORM AN IMPOUNDMENT OF THE SURFACE WATER IN THE NORTHERN CORNER OF THE PROPERTY. FROM THERE THE WATER SEEPS INTO THE GROUND AND MOST PROBABLY EMERGES IN A SPRING FEEDING THE DISTINCT SWALE RUNNING NORTH ALONG THE OUTSIDE OF THE STONEWALL.

DRAINAGE PATTERNS OF THE LAND PROPOSED FOR DEVELOPMENT RESULTS IN A TOTAL OF 5 DISTINCT AREAS; THREE OF WHICH DISCHARGE TO EAST ROAD, ONE OF WHICH TERMINATES AT A LOW AREA ADJACENT A STONEWALL JUST UPHILL OF THE ABUTTING NEIGHBOR'S WELL TO THE NORTH OF THE PROPERTY, AND THE FIFTH AREA TERMINATES AT THE STONEWALL ENCLOSURE REFERENCED ABOVE.

THE DEVELOPMENT OF THE SUBJECT PROPERTY WILL NECESSARILY RESULT IN AN INCREASE IN THE RUN-OFF COEFFICIENT IN THE DEVELOPED AREAS. TO MITIGATE THE EFFECTS OF THIS INCREASE IN RUN-OFF, WE PROPOSE TO IMPLEMENT AN INTERCEPTING SWALE TO ROUTE A SMALL PORTION OF THE DRAINAGE CURRENTLY RUNNING TOWARD EAST ROAD, TO THE AREA THAT IS CONTAINED BY THE ABOVE REFERENCED STONE WALLS. THE END RESULT IS THAT THERE SHOULD ACTUALLY BE A DECREASE IN THE VOLUME OF PEAK RUN-OFF TO ONE OF THE CROSS-CULVERTS,

AND TO THE WEST SIDE OF EAST ROAD WHERE IT MEETS THE EXISTING DRIVEWAY OF THE ABUTTING PROPERTY TO THE NORTH. A COMPARISON OF THE "PRE-DEVELOPED" AND "POST-DEVELOPED" CONDITION PEAK RUN-OFF QUANTITIES ARE AS FOLLO:

DRAINAGE	DA-1	DA-2	DA-3	DA-4	DA-5
PRE-DEVELOPED		1.20 CFS	0.45 CFS	1.65 CFS	3.52 CFS
POST-DEVELOPED		1.11 CFS	0.19 CFS	1.06 CFS	6.00 CFS*

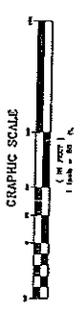
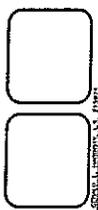
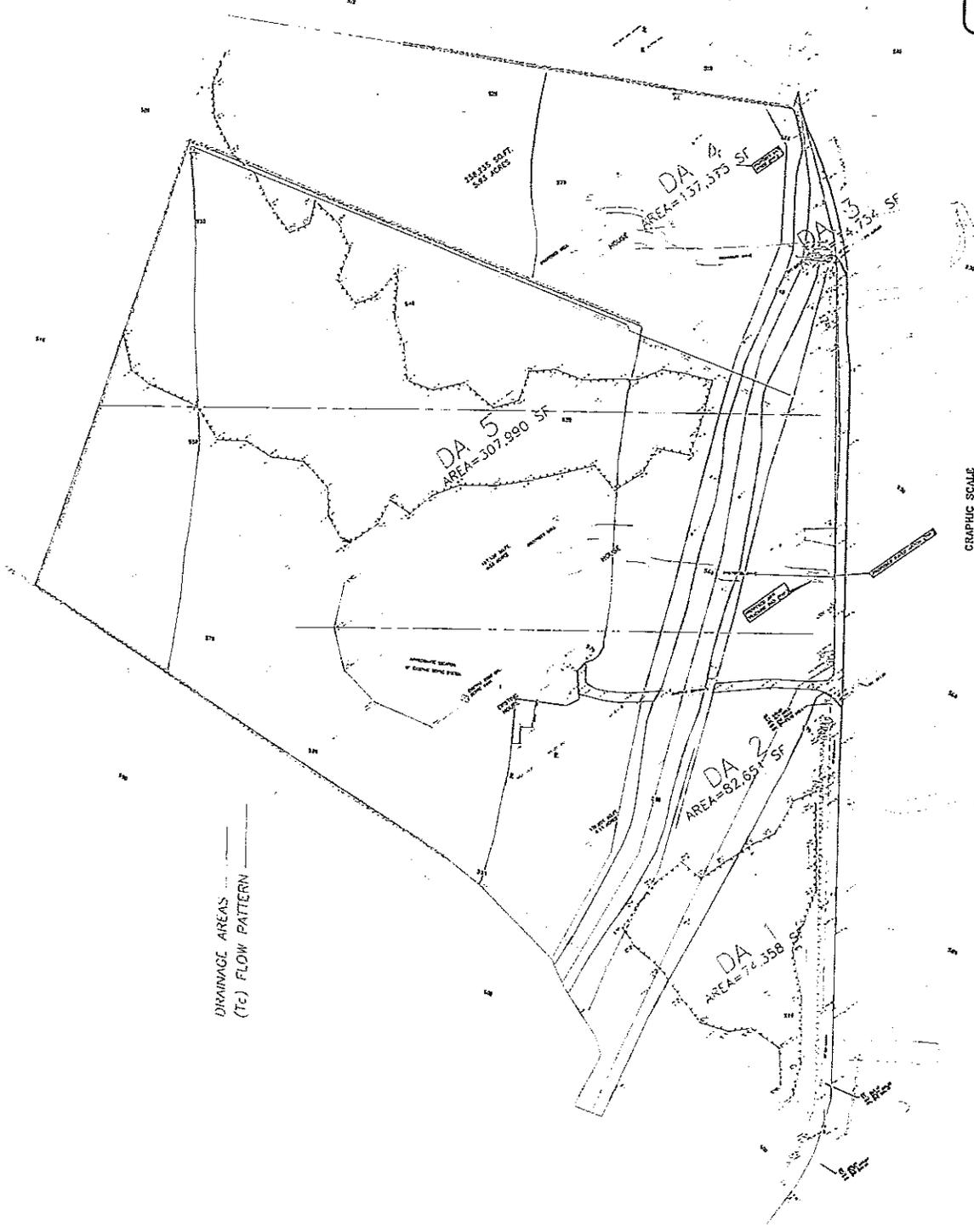
DRAINAGE CALCULATIONS:

THE "PRE" AND "POST" DEVELOPED CONDITIONS AREAS WERE DETERMINED MANUALLY BASED ON THE CONTOURS PROVIDED THROUGH AERIAL PHOTOGRAPHY AND IN AN AUTOCAD FILE FORMAT. THE CALCULATIONS USED TO DETERMINE THE PEAK RUN-OFF VALUES FOR EACH OF THE DRAINAGE AREAS WERE BASED ON THE RATIONAL METHOD, WITH SIMPLIFIED COEFFICIENTS OF RUN-OFF BEING 0.9 FOR PAVED OR "IMPROVED" AREAS, AND A COEFFICIENT OF 0.2 FOR WOODED AREAS WHICH WE HAVE CONSIDERED ALL OTHER AREAS. TIMES OF CONCENTRATION WERE BASED ON TR-55 CALCULATIONS WHICH ASSUME A MAXIMUM OVERLAND FLOW LENGTH OF 300 FEET.

SINCERELY,

GERALD E. HARDISTY, P.E.

<p>General Notes</p>	<table border="1"> <tr><td>No.</td><td>Description/Feature</td><td>Date</td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	No.	Description/Feature	Date				<p>EXISTING DRAINAGE AREAS RESUBDIVISION WILLIAMS HEIGHTS PARCEL "A"</p>	<p>EAST ROAD STORERS, CT</p>	<p><b>Civil Engineering Services, LLC</b> 201 EASTON HILL ROAD MILFORD, CT 06455 TEL: (860) 349-0204</p>	<p>Sheet 214057 Date JAN 5, '15 Scale 1" = 50'</p>
No.	Description/Feature	Date									



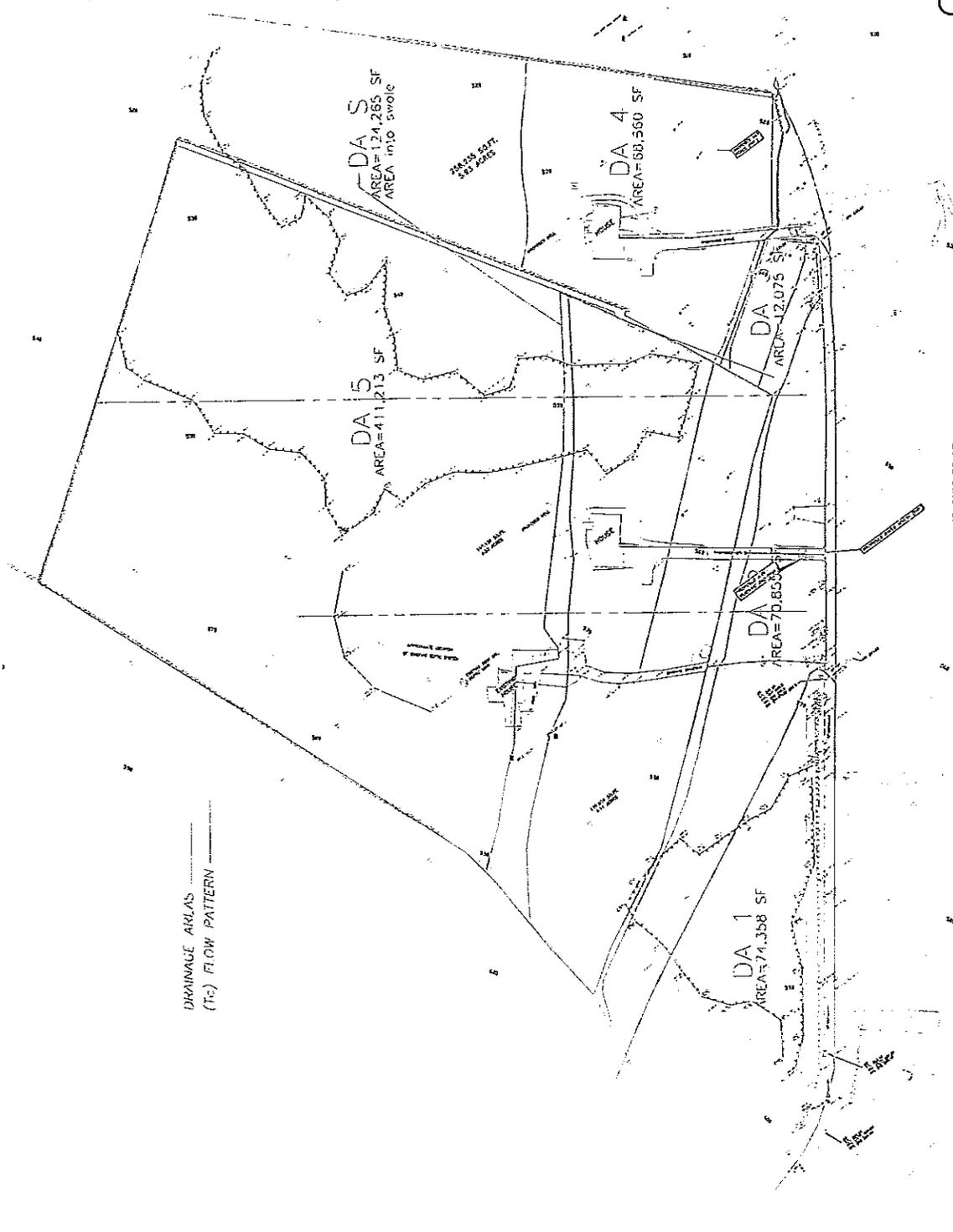
General Notes

No.	Revision/Date	Date

PROPOSED CONDITIONS  
DRAINAGE AREAS  
RESUBDIVISION  
WILLIAMS HEIGHTS PARCEL  
"A"  
EAST ROAD  
STORRS, CT

**Civil**  
**Engineering**  
**Associates, LLC**  
200 W. MAIN ROAD  
MIDDLETOWN, CT 06457  
PH: 860.737.4200

214057  
Date: JAN 5, '15  
Sheet: 2 OF 2  
Scale: 1" = 50'



PROJ. NO. 214057

Overview: 5 distinct drainage areas:

DA 1: southern end of project. Pt of interest is southern cross-culvert. No part of area is in area of disturbance, so DA 1 pre = DA 1 post development.

DA 2: Drainage to cross-culvert (15" CMP). Area ~ 82,651 SF. Only 1250 SF of "improvement" area - no change in time of concentration.

DA 3: Drainage to gutter flow along west side of road. Point of interest to be existing driveway on west side of road at north end of project.

DA 4: Largest "impact" area. Entire area though is contained within stone walled field - no outlet for surface run-off. Time of concentration will not change.

DA 5: Largest area - also surrounded by stone walls - no outlet. Pt of impact is northern corner of stonewall.

DA 1:  $A = \frac{74,358}{32,651} \text{ SF} + \text{ - no change}$

DA 2:  $A = 32,651 \text{ SF} = 1.9 \text{ AC}$   
(Pre-dev)

$T_c = 300' @ 7.6\% \text{ overland } 36.5 \text{ min}$   
 $615' @ 7.8\% \text{ shallow concntr } 2.27 \text{ min}$

Pre dev. area: woods:  $76,501 \text{ SF} = 1.76 \text{ AC}$   $33.8 \text{ min}$   
pave/drive:  $6,150 \text{ SF} = 0.14 \text{ AC}$

Pre-dev. peak run-off:  $Q = \sum C_i A_i$

$i(38 \text{ min})_{10 \text{ yr}} = 2.5 \text{ in/hr}$

$\sum C_i A_i = (0.9)(0.14) + (0.2)(1.76) = .126 + .352 = .478$

$Q_{\text{max}(10 \text{ yr})} = 2.5 \text{ in/hr} \cdot 0.478 = 1.20 \text{ cfs}$

Post-dev. area: (Add 1260 SF driveway)

woods:  $75,241 \text{ SF} = 1.73 \text{ AC}$   
pave/drive:  $7410 \text{ SF} = 0.17 \text{ AC}$

$\sum C_i A_i = (0.9)(0.17) + (0.2)(1.73) = .153 + .346 = .499$

Post  $Q_{\text{max}} = 2.5 \text{ in/hr} \cdot 0.499 = 1.25 \text{ cfs}$

DA 3:  $A = 34,734 \text{ SF} = 0.80 \text{ AC}$

$T_c = 300' @ 7.7\% \text{ overland } 36.4 \text{ min}$   
 $673' @ 8.9\% \text{ shallow } 2.3 \text{ min}$   
38.7 min

Pre-developed areas: woods:  $33540 \text{ SF} = 0.770 \text{ AC}$   
pavement:  $1194 \text{ SF} = .027 \text{ AC}$

$\sum C_i A_i = (0.9)(.027) + (0.2)(.770) = .024 + 0.154 = 0.178$

A 3:

pre-developed peak run-off:

$$i_{(10\text{yr})(38\text{m})} = 2.5 \text{ in/hr}$$

$$Q_{\text{max}} = 2.5 \text{ in/hr} \cdot 0.178 = \underline{0.445 \text{ cfs}}$$

post-developed areas: Woods: 32,400 SF = 0.74 AC  
(added 1140 SF paving) paved: 2334 SF = 0.054 AC

$$\Sigma CA = (0.9)(0.054) + (0.2)(0.74) = .049 + .148 = .197$$

$$Q_{\text{max}} = 2.5 \text{ in/hr} \cdot 0.197 = \underline{0.493 \text{ cfs}}$$

A 4: A = 137,375 SF

pre-developed: paved/imp.: 1755 SF = 0.04 AC

Woods: 135,620 SF = 3.11 AC.

$$T_c = 300' @ 7.9\% = 36 \text{ min}$$

$$640' @ 8.9\% \quad 22 \text{ min} \quad 38.2 \text{ min}$$

$$i_{(38\text{m})} = 2.5 \text{ in/hr}$$

$$\Sigma CA = (0.9)(0.04) + (0.2)(3.11) = .036 + .622 = 0.658$$

$$Q_{\text{max pre-developed}} = 2.5 \text{ in/hr} \cdot 0.658 = 1.645 \text{ cfs}$$

developed condition: Add 5764 SF imp. area

paved/imp.: 7519 SF = 0.173 AC

Woods: 129,856 SF = 2.98 AC

$$\Sigma CA_{\text{max developed}} = (0.9)(0.17) + (0.2)(2.98) = 0.153 + 0.596 =$$

## CALCULATIONS BASED ON INCLUSION OF SWALE UPGRADIENT OF HOUSE ON LOT

DA 1 - no change in any conditions

DA-2 - Installation of swale results in small reduction of drainage area, both wooded and impervious.

$$DA 2 = 70,855 \text{ SF}$$

$$\begin{aligned} \text{paved} &= 7379 \text{ SF} = 0.17 \text{ AC} \\ \text{wooded/lawn} &= 63,476 \text{ SF} = 1.46 \text{ AC} \end{aligned}$$

Time of concentration won't change,  
intensity won't change

$$Q_{\text{max}} = CIA, \quad I = 2.5 \text{ in/hr}$$

$$\sum CIA = (0.9)(0.17) + (0.2)(1.46 \text{ AC}) = .153 + .292$$

$$Q_{\text{max}} = 2.5 \text{ in/hr} \cdot 0.455 = 1.11 \text{ cfs}$$

$$< 1.20 \text{ OK}$$

DA-3 - Installation of swale will result in a ~~near doubling of the size of DA 3~~.  
significant reduction in size of DA 3:

$$DA-3 = 12,075 \text{ SF}$$

DA 3 (developed):  $Q_{max} = CIA$

$$\Sigma'CA = (0.9)(.027 ac) + (0.2)(0.25 ac) = .074$$

Time of concentration: not affected;  $i = 2.5 \text{ in/hr}$

$$Q_{max} = 2.5 \text{ in/hr} \cdot 0.074 = 0.185 \text{ cfs}$$

$$< 0.445 \text{ cfs}$$

DA 4 (developed): DA 4 ALSO reduced significantly by installation of swale:

$$DA 4 = 68,660 \text{ SF}$$

paved/imp. <sup>small reduction</sup> (no change): 4796 SF = 0.11  
woods/Lawn: 63,864 SF = 1.466 ac

$$\Sigma'CA = (0.9)(0.11) + (0.2)(1.47 ac) = 0.392$$

$$Q_{max} = T_C = 33.7 \text{ min (TR-55) use } 33$$

$$i_{(33)(10yr)} = 2.7 \text{ in/hr}$$

$$Q_{max} = 2.7 \text{ in/hr} \cdot 0.392 = 1.058 \text{ cfs}$$

DA 5 (developed): DA 5 = 411,213 SF = 9.44 ac

imp./paved: 10,217 SF = 0.234 ac  
wooded: 400,996 SF = 9.206 ac

DA 5 (developed):  $T_c = 43.4$ ,  $i = 2.4$  in/hr

$$\sum iCA = (0.9)(0.234) + (0.2)(9.21) = 2.05$$

$$Q_{max} = 2.4 \text{ in/hr} \cdot 2.05 = 6.0 \text{ cfs}$$

DA 5 pre-development:  $T_c = 43$  min

$$\text{DA 5} = 307,990 \text{ SF}$$

$$\text{paved/imp.} : 3724 \text{ SF} = .08 \text{ AC}$$

$$\text{woods/lawn} : 304,266 \text{ SF} = 6.98 \text{ AC}$$

$$\sum iCA = (0.9)(.08) + (0.2)(6.98) = .072 + 1.396$$

$$Q_{max} = 2.4 \text{ in/hr} \cdot 1.468 = 3.52 \text{ cfs}$$

DA into swale: 124,265 SF

$$\text{paved/imp.} : 4384 \text{ SF} + 5833 \text{ SF} = 10,217 \text{ SF} = 2$$

$$\text{woods/lawn} : 114,048 \text{ SF} = 2.62 \text{ AC}$$

$$T_c = 37 \text{ min}, \quad i = 2.6 \text{ in/hr.}$$

$$Q_{max} = iCA; \quad \sum iCA = (0.9)(0.23) + (0.2)(2.62) = 0.73$$

$$Q_{max} = 2.6 \text{ in/hr} \cdot 0.73 = 1.90 \text{ cfs}$$

Swale; grassed @ 2.07% slope will carry 1.92 cfs

@ 0.77 ft/sec and depth of 0.58' (7"). OK

PAGE  
BREAK

129 East Road  
Storrs, CT 06268

November 25, 2014

Ms. Jo Ann Goodwin, Chair  
Planning and Zoning Commission  
Audrey Beck Municipal Building  
4 South Eagleville Road  
Mansfield, Connecticut 06268

Dear Ms. Goodwin,

I am writing to express my concern that the proposed three-lot Williams Heights resubdivision development, at 101 East Road, as presented in the Abutters' Notice I received on November 22, 2014, will adversely affect my property at 129 East Road. My husband and I believe the proposed development will create major increases in water and stormwater runoff that will have a deleterious effect on our property. We are not opposed to development, but we request that the Town take action to ensure that our property is not negatively affected by the proposed resubdivision.

Our property abuts the eastern border of 101 East Road, the former Trainor property. The proposed resubdivision would occupy all of the Trainor property, which is moderately sloped in its western half but then drops off in a steep gradient to our lot line. Our driveway begins at the corner of our lot where it adjoins 101 East Road, and then slopes downward where it opens to a wide parking area at the base, in front our house, adjacent to our lawn. Our septic tanks are at the base of the driveway, with our leaching field just beyond our front house yard, down a gentle hill. Both of our wells are uphill just inside of our property line near the abutting border. East Road makes a steep drop and bend just west of our lot, with a town drain cut into the edge of 101 East Road just uphill of our property line, which passes under the road to outlet water across the street.

There is a large wetland at the rear of our property, which adjoins a large wetland on 101 East Road. Ditches have been built to drain a portion of the substantial open agricultural field owned by the University of Connecticut, which are on a rise above 101 East Road, and they carry substantial quantities of water across the rear of the former Trainor property which then runs across the back of our lot. The volume of water channeled downslope of the fields to the ditches is enormous; the ditch at the rear of our lot, as can be seen in the enclosed photographs, carries so much water there is a serious erosion problem. Despite these ditches, much of the Trainor property is wet, due to topographic, hydrologic, and soil conditions. East Road itself experiences a significant drainage problem, with water overrunning the one town drain and deeply gouging the roadsides.

Despite the location of our property at the lower part of the steepest gradient adjacent to 101 East Road, and the water runoff from the UConn fields and rain, we had no water problems

until 2000. When I bought our property in 1992, runoff from the Trainor property, uphill to the west, was minimal, and was completely controlled and contained by a single pipe passing beneath our driveway, which diverted rainwater and runoff from the Trainor slope to an area in front of our house near the street. Our driveway, despite being moderately steep, did not experience excessive water runoff; in fact, our leaching field directly abutted the driveway base to the south, and the septic tank was ten feet from the base to the east in the front lawn. There was even a deeply dug sandbox for children at the junction of the drive and its wide base, which stayed continually dry. Runoff from the Trainor lot's slope to the backyard of our house was contained by a stone-lined drain which directed runoff underground to the east side of our property.

In the spring of 1996 we had our gravel driveway, which had worn tire ruts, surface-graded and some gravel added to make it level. In the fall/winter of 1997/1998 Frank Trainor logged the eastern part of his land adjacent to our lot, removing all but very small trees, right up to our property line. In the spring of 1998 there was massive water and silt runoff from the Trainor property, which flooded over our driveway, overrunning the drainage pipe, and washing over and down the drive with such force that it cut a three-foot-deep and one-foot-wide crevasse in it. Surface springs erupted at many places on the Trainor property, and along our side of the property line. Our driveway contractor confirmed that the problem was caused by the logging, which had removed the vegetation that had absorbed water previously, leaving a thinly wooded area of hardpan that could not contain water or snowmelt. We repaired the driveway, but throughout 1998 water from the Trainor property cascaded down our driveway and down the side of the drive on the side of the steep slope adjacent to the Trainors', as well as down the slope to the side and back of our house, flooding the yard. Water runoff regularly flooded the driveway base and ran onto our leaching field. We dug ditches and created berms, but by 1999 we were experiencing plumbing problems that culminated in the failure of our leaching field in the spring of 2000. Our contractor, Richard Garrison, determined that the field failed due to the flooding caused by the excessive runoff from the Trainor property. Moreover, the septic tank was also found to be cracked due to water runoff. We were forced to replace the entire septic system, and the only place on our property that could accommodate a new leaching field was a raised bed system east of our house; the replacement septic tanks were installed in the same area at the base of our drive.

To protect the new septic system from the water runoff problem, a second, 6" pipe was added beneath our drive to direct water from the Trainor property into the wooded area in front of our house; in addition, a trench was created between our drive and the Trainor lot, to divert runoff to the pipe. This helped, but did not solve, the water runoff problem, which continued to cascade down the driveway side adjacent to the Trainor lot, flooding the driveway base close to our new septic tanks, surrounding our two wells, which are on the slope adjacent to the Trainor lot line, and flooding our backyard. The water came down into our property in sheets, with surface springs bubbling up every spring and water gushing onto our property. We ran out of money for any professional contractor help, and spend several years digging dikes and channels by hand. The silt buildup on the driveway and along the hill next to the Trainor property was regularly visible. By 2009 our main well failed completely due to the silting from the continued runoff and we had to have it fracked. By 2011 we had to give up our do-it-yourself efforts to ameliorate the runoff from the Trainor property, and hired Garrison to build a large riprap-lined

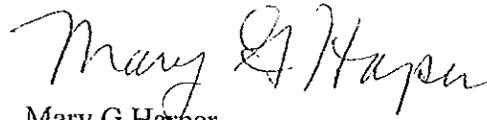
ditch and swale along our drive, with a catch basin at the base, which intercepts runoff from 101 East Road, and outlets beneath the drive to the front of our property through a large pipe (in the former dry sandbox location). This last effort seems to have stabilized our drainage problems in the front of our house, but just barely. The ditches on the side of the drive still are filled with water from the Trainor property. We still have excess-water problems along the side slope of our house, and in the back yard.

It may seem hard to believe that such damaging runoff problems from our neighbor's logging could have continued and still continue over more than a ten-year period, but it is true. To my husband and me, it was clear that the logging of the Trainor property somehow completely upset a sort of ecological balance that had been present for so long before. We now know that we are correct, and we know why. UConn professor Robert Thorson, who is familiar with the geology and hydrology of this specific area, explained that between the removal of the forest canopy and the trees that once absorbed rainfall and snowmelt, and the hardpan that comprises much of the Trainor lot, water no longer has anywhere to go but straight downhill to our lot. Moreover, according to Professor Thorson (his letter report is enclosed), the logging likely rerouted water runoff to an underground "piping" path in what he believes is a permanent (100-year) pattern. The surface springs have appeared in abundance because water cannot be absorbed. Lacking the once-dense live forest canopy and roots, water now barrels down, driven by gravity, to our property. In order to protect ourselves from further water runoff damage, we hired Towne Engineering to determine the cause and effect of past and current problems, and help us avoid future problems. Towne has determined that any further removal of trees or ground-disturbing activities on the Trainor property would increase current water runoff to our property by 200 to 300%, directly impacting our wells, septic tanks and leaching field, and our home site (Towne's report is enclosed). The runoff/drainage-control trenches, swales and pipes we have already installed will not be sufficient to handle any additional runoff from the 101 East Road property, nor can we install any additional protective features due to the topography of our lot and the location of our wells and septic system. Any control of additional runoff would have to occur on the former Trainor property.

We have spent a great deal of money in mitigating the effects of runoff resulting from tree removal on the 101 East Road property and have been marginally successful. What we have now is a precarious balance because the forest has not grown back and the water runoff is therefore excessive and in a permanent pattern. We have done all that we can do on our property to protect ourselves from runoff from 101 East Road. Any more runoff will damage our well, septic and home and any change to 101 East Road may cause excessive runoff. We ask that the Town ensure that the proposed Williams Heights resubdivision be designed in such a way that there will be a zero-runoff effect on our property, and that any runoff from the construction of the resubdivision be drained to a street outlet or in a manner than runoff will be contained and drained without reaching our property. We recognize the right of the project proponents to develop their land, but we request that any development be done responsibly, taking into account the adverse impacts we have already experienced due to clearing and the resultant runoff on the 101 East Road property, and the perhaps unique environmental features (soil, topography, hydrology, wetlands, and location downslope of large agricultural fields) of the property that make development without creating excessive runoff difficult.

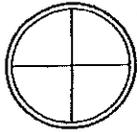
We also request a public hearing by the Planning and Zoning Commission, and for sufficient opportunity for Towne Engineering, our consultant, to review the proposed Williams Heights Resubdivision Plan, before the PZC proceeds with its formal review.

Sincerely,

A handwritten signature in cursive script that reads "Mary G Harper".

Mary G Harper

Enclosures: Towne report  
Thorson letter  
Sketch plan with photographs



# TOWNE ENGINEERING, INC.

PROFESSIONAL ENGINEERS • LAND SURVEYORS • EXPERT WITNESS

MAIL: P.O. BOX 162 SOUTH WINDHAM, CT 06266

OFFICE: 1 RICHMOND LANE, WILLIMANTIC, CT 06226

860-423-6371 • 860-889-2100 • Fax 860-423-5470

DONALD R. AUBREY, PE., L.S.

JOSEPH H. BOUCHER, M.S., L.S.

MATTHEW D. MAYNARD, PE.

April 25, 2014

Mary Harper  
129 East Road  
Storrs, CT 06268

Refer: 101 East Road, Mansfield, CT  
TEI Job #14-019

Dear Mrs. Harper,

At your request, we conducted a preliminary review of your existing site improvements and the potential impacts of the pending development into 4 residential lots (per Health District notations) of the **101 East Road property** located immediately up gradient of your property along East Road to the west as evidenced by a timber harvest which you indicated had occurred several years ago, the noticeable test holes dug this spring, and wetland delineation efforts now seen from the road; and offer the following commentary:

- 1) **Both your property and 101 East Road property lie within a sizable lengthy uphill watershed of 2250 feet more or less running largely parallel to East Road which carries significant surface water and groundwater flows through the development which exists and what may be proposed on this property soon.**
- 2) **Some limited portions of the uphill watershed flows pass currently to East Road and the very limited Town drainage facilities present; some of these flows pass into wetland areas to the rear of each property, and a significant portion of the existing stormwater and groundwater flows pass through both yours and the owner of 101 East Road existing house sites, which are then are partially intercepted and redirected by each home site's grading, driveways, and any interior drainage measures already in place to manage these significant flows to limit the impact to each dooryard currently.**
- 3) **You indicated that stormwater flows and seepage flows had increased due in your view to a timber harvest conducted on the uphill (101 East Road) property several years ago and with the heavy equipment movements associated with the recent test pits performed immediately uphill of your home. The land abutting your property uphill lies at a relatively steady**

moderate slope for a very long distance which creates an extensive uphill watershed in admittedly high water table soils. As this slope reaches your property it accelerates down a much steeper slope beginning on the uphill property which continues downhill into your home's level development pad and then your property's grade levels off more gently heading east into an onsite wetlands area. With such a large uphill surface and subsurface watershed persistently traveling easterly and then flowing down such a steep slope downhill onto your gently sloping developed site area and property, **there would be the tendency for the shallow seasonal water table to erupt to the surface in many places periodically** in the steep change in slope area during the seasonal high water table season, and following significant rain fall events since the more gentle grading below would tend to back up the more rapid uphill subsurface flows traveling just above the hardpan layer, sheet flowing downhill just below the surface which would cause these flows to surface as a temporary spring in various relief locations following a measurable rain event or sudden snow melt or thaw. Removal of any significant amount of trees uphill would increase your surface stormwater flows, while heavy equipment rutting up the surface uphill would either speed up the surface flows, or dam them up and increase uphill infiltration which could increase downhill groundwater flows into your site depending on the actual equipment travel routes and degree of soil compaction, especially during freeze/thaw and high water table periods. In order to verify your observations, an interior site assessment would have to be done carefully within the uphill site. It is notable that such a condition as you have seemingly observed would from our experience be clearly likely given the unique uphill watershed character, as well as the land clearing and equipment disturbances that you have observed to date both some time ago and recently.

- 4) **The soils present include high groundwater table affected Paxton and Woodbridge Soils along with Ridgebury Wetland Soils.** Both of the high seasonal water table soils (Paxton and Woodbridge) are very stony at the surface, and frequently include small wetland areas with a myriad of surface undulations which temporarily store and slow down stormwater runoff markedly while they lie protected under a significant undisturbed forest canopy. **Paxton Soils exhibit a seasonal high water table at 24 inches,** while the **Woodbridge Soils exhibit a seasonal high water table at an average depth of 20 inches.** The wetlands soils identified on site would exhibit a high seasonal water table from zero (0) to 10 inches below the

surface from the fall to spring. As the land uphill is cleared and ultimately further developed, the surface stormwater storage will be significantly reduced. **Any regrading of the uphill surface following the complete removal of the forest canopy to provide for the full development of new home sites could increase the stormwater flows directed toward your interior downhill home site by as much as 200 to 300 percent, unless permanent drainage sensitive site measures are proposed including surface grading diversions of any new development site pad's stormwater flows from the uphill interior watershed currently influent to your existing home site to both East Road and to the interior wetland areas along with adequate detention measures proposed to mitigate these flows permanently, recommendedly to pre-development conditions.** We would normally recommend adequate stormwater detention and release measures in such a problematic groundwater and surface water site in any of the Towns that we review land development projects in our role as the Consulting Town Engineer that could potentially cause such a domino effect.

- 5) **With slopes in the range of 8 to 15 percent, new development in these highly erodible and seasonally wet soils, given the large uphill watershed that is influent to their and your property, will require above average efforts to control drainage flows during construction and require more than average care in detailing, installing and maintaining soil and erosion controls during construction in order to avoid soil transport off of the site and into any of the sensitive wetlands present. Disturbing or leaving any new home site totally unstabilized during the seasonal high water table period would be significantly problematic and should actually be avoided in our opinion. This same concern is somewhat amplified due to the fact that these properties lie within the watershed of the Fenton River and thus a concern to the Town of Windham Water Works reservoir watershed which in itself warrants more than normal caution.**
  
- 6) **Developing a number of new home site pads within the long and narrow watershed influent to your property and home site in a direct line could create a growing adverse effect on the stormwater and groundwater flows influent to your property which will need to be addressed and properly mitigated by any Applicant proposing a subdivision on this very sloping uphill site. If 3 or 4 septic systems including the existing home on the**

101 East Road property for instance were established within your immediate uphill watershed with most of the uphill stormwater diverted well away from each new home development site and from your site to the road and rear wetland area, groundwater and surface water flows to the developed portion of your property could be significantly lower than you currently experience, a likely benefit; but ammonia and nitrogen levels for groundwater entering your property could be potentially increased above current drinking water quality standards which could adversely affect your current drinking water supplies. Very careful individual site designs, avoiding the stacking of all of the septic disposal areas topographically, and realistic density limits could ease this impact and control this potential problem within reason so long as adequate stormwater mitigation measures are actually deployed.

- 7) **If a detention basin was proposed for some design reason immediately uphill of your home site in your site's watershed, groundwater flows to your home site would increase and be seasonally prolonged** from our experience. If such a basin was installed to the rear, out of your immediate household watershed area and it received most all of the uphill increased development flows, the stormwater and groundwater flows into your development pad could decrease below current levels which could be a benefit to your existing developed site and your active use of it. Flows however to your rear wetland areas would however likely be prolonged.
  
- 8) Currently, your driveway slopes steeply from the road down to your home with a **significant rip rap swale** recently upgraded along the west side of your driveway discharging to a **cross-culvert** bypassing these flows under your driveway and around your front yard, and then discharging the flows harmlessly easterly away from your home site. This swale has obviously been constructed to receive and manage the significant stormwater and some persistently emitting groundwater flows you already receive from your westerly neighbor's property at 101 East Road, in spite of the stonewall running north and south along the westerly abutting property line now proposed for likely residential development. **Any significant drainage and/or groundwater flow increases due to any up gradient property development not properly mitigated, could negatively affect the developed portion of your property, including your current water supply and septic system in our opinion.**

- 9) **Your home is currently served by both a shallow well and a drilled well** located uphill westerly of your home toward the abutter's property line and both lie within the large watershed influent from that property. Any septic system located westerly on the abutting property will need to be located at least 75 feet from your drilled well, and at least 100 feet from your shallow well if it is still available for domestic consumption. The Surveyor and Engineer responsible for the final development plan for the adjoining property should locate both of your wells and verify that the necessary separating distances from any new septic system proposed have been provided for.
- 10) Your home is currently served by a "filled or mounded" septic system which as we understand it is the second septic system installed to service your home which was installed per Health District records in 2000. That is a septic system whose leaching bed has been placed on "raised ground" assumedly using septic quality fill to raise the leaching elements at least 18 inches above any seasonal high groundwater table evident in that location. This system is also protected surfically by an uphill swale above your driveway which is diverted through a culvert under your driveway by and around your yard area including the septic leach field to an immediately downhill release area well away from the leach field. Any significant increase in groundwater or surface water flows into your door yard area could however adversely impact your septic system in our opinion.
- 11) We contacted the **Eastern Highlands Health District** and verified that recent soil testing had been conducted on the neighboring site as observed by the Health District on March 12, 2014, although percolation testing had not been reported as yet (see attached). Some of the test pit results reported appeared to be reasonable for development design purposes subject to providing final suitable percolation tests apparently to be conducted by the Applicant's Engineer, a final location plan submitted to be used for a yet to be received subdivision plan proposal, a B100a compliance demonstration for the existing home and its potentially reduced home site, and a final Engineered plan to be provided at the time of construction for each new home site due to the high water table found to be present, with any sewage system sizing to be based on the actual percolation testing, the design flows for the actual homes proposed to be constructed, and final Subdivision proposal yet to be submitted for review. **We did note however that in 5 of the test pits results we reviewed that the actual groundwater level observed**

(seepage) on the day of the testing was higher than the mottling reported and that within 2 test pits results, the seepage or groundwater level that day were shallower than the groundwater limitations imposed by the State Health Code which under normal circumstances would require seasonal groundwater monitoring to be conducted for at least all of the current high water table season before a septic system and/or lot could be approved (see circled test pit results).

- 12) We did note during our site walk along your westerly property line that significant wetland areas exist to the rear of both properties and that when we walked the East Road frontage we also noticed that significant wetland areas were recently flagged along the frontage of your neighbor's property uphill of the driveway servicing the existing home where the current Soil Base mapping available online details Paxton Soils instead of wetlands soils.
- 13) Any development of your uphill neighbor's property does potentially create significant consequences to East Road and its limited drainage system, your own downhill property, and the wetlands surrounding the developable land down gradient within the neighbor's property which the Town and Developer should be sensitive enough to provide and/or require reasonable mitigation for. Clearly the adjoining site is developable in various areas based on the soil testing results we reviewed to date, but until more adequate detailed plans are available for our review with or without the regulatory process started at the local level, it would be premature to offer any further concerns or mitigating recommendations in your behalf.
- 14) Following receipt of your email dated April 23, 2014 which provided a sketch of your site improvements prepared by your husband and included pictures your husband took following more recent stormwater events, I revisited your property and conducted a careful reconnaissance of the uphill slope westerly of your home up to the wall located at the common property line. I could see the nearest recent test hole just up gradient on your neighbor's property, noted that the groundwater was seeping out of that test hole and noted that erosion and a soil plume was directed straight downhill towards your property. I also noted evidence of at least two stormwater flow paths heading towards the wall from the west with numerous ponding and/or emanating spring locations evident within the very steeply sloped area common to both your

property and your uphill neighbor's that had recently dried at the surface. The property line stone wall appears to act as an infiltration point for stormwater flows when it holds back temporarily stormwater sheet flows that can't pass easily through the wall and then acts as an infiltration point for stormwater which clearly re-erupts further downhill to the surface as individual springs in addition to the predictable rise in the groundwater levels that also may breach the ground surface in various other areas ultimately leading to ponding in the yard around your home as detailed in the pictures provided. At our office we noted that our last significant 24 hour rain event with our rain gauge was logged in on April 16<sup>th</sup> for the previous 24 hour period, when we measured 2 $\frac{3}{8}$  inches of rain. Clearly from the field observations I made, the uphill watershed to your site is very responsive to rain events both on the surface and subsurface, and apparently persists for several days following such a stormwater event. It will be very difficult to defend your property and its water supply and septic system from any significant increase in flows resulting from the development likely proposed uphill without significant mitigation measures taken including a diversion of both stormwater and groundwater flow increases uphill of your property by at least excavating an adequately sloped swale sufficiently into the hardpan layer which would simultaneously divert the expanding stormwater flows partially into the East Road storm drainage system and then the rest to the rear of the first site to be proposed next to your property which will otherwise be directed towards your property. Clearly surface and subsurface flows will need to be very positively redirected and carefully managed by the Developer to avoid damage to your site and its supporting facilities. There is not adequate room to completely successfully defend your yard area given the close proximity and steep slope that your site amenities have been clustered together so close to the common property line in the high water table soils present.

We would urge you to be vigilant in monitoring the agendas and the actual meetings since agendas can be added to at the meeting for both the Mansfield Planning and Zoning Commission and Inland Wetlands Agency. Often times during the planning process an Applicant may be required to address the PZC with preliminary plans before making a formal final application which may provide a good forum to raise your concerns early in the process, when they are more likely to be considered and acted on seriously by both the Town and the Developer.

April 25, 2014  
Mary Harper  
Refer: 101 East Road, Mansfield, CT  
TEI Job #14-019  
Page 8 of 8

Very Truly Yours,

A handwritten signature in cursive script that reads "Donald R. Aubrey". The signature is written in black ink and is positioned above the printed name and title.

Donald R. Aubrey, P.E., L.S.  
President  
Towne Engineering, Inc.

Enc.



Eastern Highlands Health District

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

March 13, 2014

James Newcity  
20 Concord St  
Chicopee, MA 01020

RE: 101 East Rd Mansfield

Dear applicant:

Based on the soil testing and site investigation conducted at the above referenced property on March 12, 2014, we have the following observations and conclusions to report to you. The soil test data and location drawing are provided on the attached form.

Special Conditions

- System design larger than 2,000 GPD
- Water supply watershed
- Possible seasonal high ground water
- Water Course, Marsh or Pond
- Possible seasonal flooding
- Limited suitable area
- Excessive slope (over 25%)
- Marginal soil
- Shallow ledge (less than 5 ft)
- Underlying tight soil (less than 4 ft)
- Other (see note below)

Conclusions

- Suitable for sewage disposal
- Unsuitable for sewage disposal
- Additional investigation required
- Retest during wet season
- Monitor ground water though wet season
- Engineers plan required

Testing for: ( Subdivision )

Design recommendations: Existing /proposed use Divide 14.8 ac lot into 4 lots  
 # bedrooms or Design Flow: \*      Percolation Rate: \* min./in.  
 Max. depth into existing grade: \* inches      Effective leaching area required \* sq. ft.

Additional Notes;

Percolation tests by Engineer. Soil test locations to be shown on plans. Data to be used for subdivision proposal and for B100a compliance demonstration for reduced area of occupied lot.  
 \* system sizing to be based on perc testing and subdivision proposal.

Sewage disposal system designs for new systems and repair systems must comply with the requirements of CT Public Health Code section 19-13-B103 and must be designed to address the specific soil and site conditions noted above.

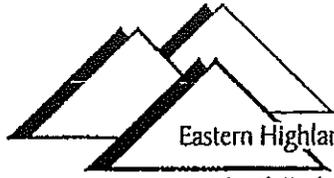
System design plans must be submitted to the health district for review and approval. An approved plan and Permit to Construct are required for any system construction or repair.

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

Sincerely,



Geoffrey W. Havens  
Sanitarian II



Eastern Highlands Health District

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

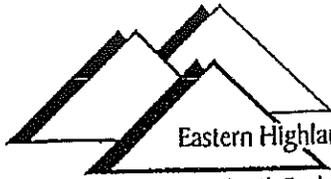
Town: MANSFIELD

**INVESTIGATION FOR SEWAGE DISPOSAL SYSTEM**

Owner: NEWCITY  
 Location: 101 EAST RD

Date: 3/12/14  
 Soils Tests Observed By G HAVENS, RS

Test Pit..... 1	Depth ..... 71	Test Pit..... 2	Depth..... 80
Ledge..... N	Seepage ..... 40	Ledge..... N	Seepage..... 33
Mottling ..... 30	Roots..... 34	Mottling ..... 27	Roots..... 41
Depth	Observation	Depth	Observation
0 - 12	..... TS	0 - 8	..... TS
12 - 30	..... Brown Fine Sandy Loam	8 - 27	..... Brown Fine Sandy Loam, some rocks
30 - 71	..... Olive-brown Medium Sand with gravel	27 - 80	..... Olive-brown Medium Sand, gravel
Test Pit..... 3	Depth ..... 76	Test Pit..... 4	Depth..... 80
Ledge..... N	Seepage ..... 28	Ledge..... N	Seepage..... 20
Mottling ..... 27	Roots..... 28	Mottling ..... 25	Roots..... 21
Depth	Observation	Depth	Observation
0 - 9	..... TS	0 - 10	..... TS
9 - 28	..... Brown Fine Sandy Loam	10 - 25	..... Brown Fine Sandy Loam
28 - 76	..... Olive-brown Medium Sand, gravel Slightly Firm	25 - 80	..... Olive-brown Medium Sand, gravel Slightly Firm
Test Pit..... 5	Depth ..... 72	Test Pit..... 6	Depth..... 74
Ledge..... N	Seepage ..... 26	Ledge..... N	Seepage..... 17
Mottling ..... 31	Roots..... 28	Mottling ..... 18	Roots..... 19
Depth	Observation	Depth	Observation
0 - 9	..... TS	0 - 5	..... TS
9 - 31	..... Brown Fine Sandy Loam	5 - 18	..... Brown Fine Sandy Loam
31 - 72	..... Olive-brown Medium Sand, gravel Slightly Firm	18 - 74	..... Olive-brown Medium Sand, gravel Slightly Firm
Test Pit..... 7	Depth ..... 75	Test Pit..... 8	Depth..... 76
Ledge..... N	Seepage ..... 27	Ledge..... N	Seepage..... 47
Mottling ..... 26	Roots..... 28	Mottling ..... 32	Roots..... 32
Depth	Observation	Depth	Observation
0 - 9	..... TS	0 - 9	..... TS
9 - 26	..... Brown Fine Sandy Loam	9 - 32	..... Brown Fine Sandy Loam
26 - 75	..... Olive-brown Medium Sand, gravel Slightly Firm	32 - 76	..... Olive-brown Medium Sand, gravel Slightly Firm



Eastern Highlands Health District

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

Town: MANSFIELD

**INVESTIGATION FOR SEWAGE DISPOSAL SYSTEM**

Owner: NEWCITY  
 Location: 101 EAST RD

Date: 3/12/14  
 Soils Tests Observed By G HAVENS, RS

Test Pit..... 9	Depth ..... 76	Test Pit..... 10	Depth..... 77
Ledge..... N	Seepage ..... 66	Ledge..... N	Seepage..... 35
Mottling ..... 56	Roots..... 49	Mottling ..... 26	Roots..... 39
Depth	Observation	Depth	Observation
0 - 8 ..... TS		0 - 8 ..... TS	
8 - 39 ..... Brown Fine Sandy Loam		8 - 26 ..... Red-Brown Fine Sandy Loam	
39 - 76 ..... Olive-brown Medium Sand,gravel Slightly Firm		26 - 77 ..... Olive-brown Medium Sandy Loam, gravel, Slightly Firm	
Test Pit..... 11	Depth ..... 74	Test Pit..... 12	Depth..... 72
Ledge..... N	Seepage ..... 13	Ledge..... N	Seepage..... 27
Mottling ..... 20	Roots..... 20	Mottling ..... 36	Roots..... 36
Depth	Observation	Depth	Observation
0 - 8 ..... TS		0 - 9 ..... TS	
8 - 20 ..... Brown Fine Sandy Loam		9 - 36 ..... Brown Fine Sandy Loam	
20 - 74 ..... Olive-brown Medium Sand,gravel Slightly Firm		36 - 72 ..... Olive-brown Medium Sand,gravel Slightly Firm	
Test Pit.....	Depth.....	Test Pit.....	Depth.....
Ledge.....	Seepage.....	Ledge.....	Seepage.....
Mottling.....	Roots.....	Mottling.....	Roots.....
Depth	Observation	Depth	Observation
0		0	
Test Pit.....	Depth.....	Test Pit.....	Depth.....
Ledge.....	Seepage.....	Ledge.....	Seepage.....
Mottling.....	Roots.....	Mottling.....	Roots.....
Depth	Observation	Depth	Observation
0		0	

TO: Mary Harper  
129 East Road, Storrs, CT 06268

FROM: Robert M. Thorson  
9 Storrs, Heights Road, Storrs, CT 06268

RE: Drainage problems and future development above your house.

DATE: April 17, 2014

---

I write this letter in support of your self-evident concern that housing development above your property, especially the adjacent lot at 101 East Road, will greatly aggravate your present, persistent problems caused by excess surface runoff and seepages of groundwater.

I write:

- As an informed neighbor with no conflict of interest associated with either property. As you know, I'm not being paid for my opinions or advice.
- With considerable experience regarding the hydrogeology of Spring Hill, both as a long-term resident of Storrs Heights (since 1984), a consulting geologist (since 1976) who has worked on drainage/landslide/erosion problems for clients, and as a professor at UConn (since 1984) who has brought students to the vicinity to show them a challenging situation for runoff. Prior to my Ph.D. in geology in 1979, I took courses in engineering geology and hydrology.
- With the specific conditions of the site in mind, having visited it with you within the last month, and having seen the original aerial photographs and the plan of development of the site.
- With no numerical data on flow rates, rainfall intensities, seepage pressures, etc. My remarks are qualitative, informed only by my own experience and observations during the site visit.

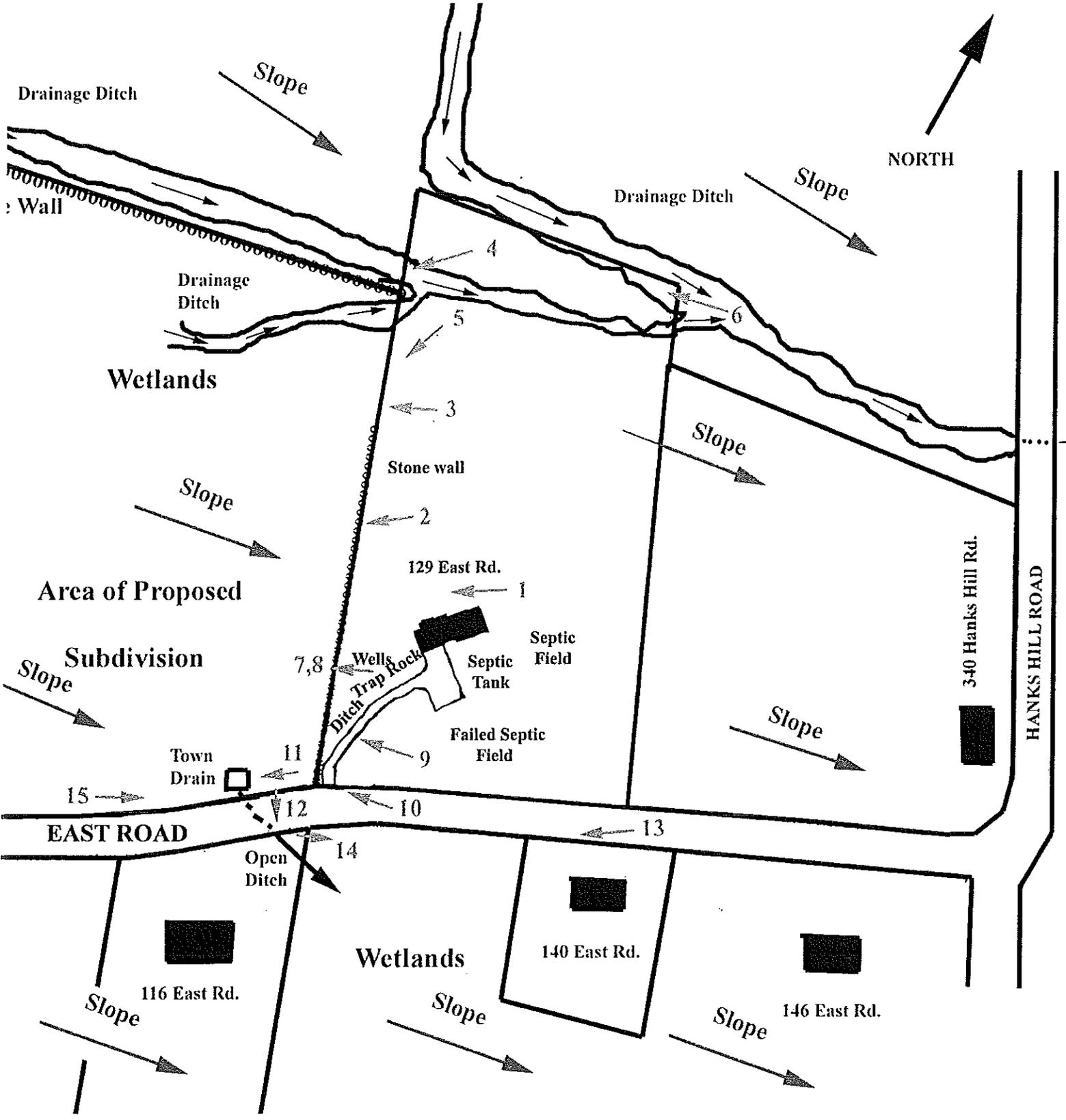
**BACKGROUND:** It is clear from the aerial photographs and satellite imagery that the natural drainage courses cross from the lot under development onto your lot. There, one can find three independent drainage problems that converge somewhere in the vicinity of your site. (1) Most volatile is the subsurface storm flow (and lingering seepages) that travel above the shallow hardpan (subglacial traction till) and which sum in the direction of hillslope length. (2) Most local is the abrupt decrease in the natural slope in the vicinity of your property. This decline in gradient forces what water is traveling (due to problem#1) to back up and emerge as surface springs. (3) Finally, somewhere in the vicinity of your property, the surface cap of hardpan thins to zero, meaning that

groundwater from the deeper aquifer under pressure (in which your water-supply well is located) is driven up to the surface.

**HISTORY:** I accept your statements that the logging done by your former neighbor, the late Frank Trainor, exacerbated your drainage problems. Though the specific facts are not at my disposal, one good explanation is that interception by the forest is lower. Another is that the die-back of roots increased the size and connectivity of macropores in the soil, leading to piping, and probably causing a permanent (at the century scale) increase in the rate of subsurface flow. You have reported multiple water problems (silt in your well, washouts of your driveway, and soaking of your septic system), all due to this. This makes sense to me.

**FUTURE:** Putting another house and septic drain field above your property will enhance these problems. In theory, the terracing of the land for a new driveway, houselot, and septic field will cause more rainfall to infiltrate down to the hardpan than before. When combined with the subsurface storm flow traveling above the hardpan, this will increase the flow on your property by adding to it and steepening the gradient just above your property.

Please feel free to show this letter to whomever.

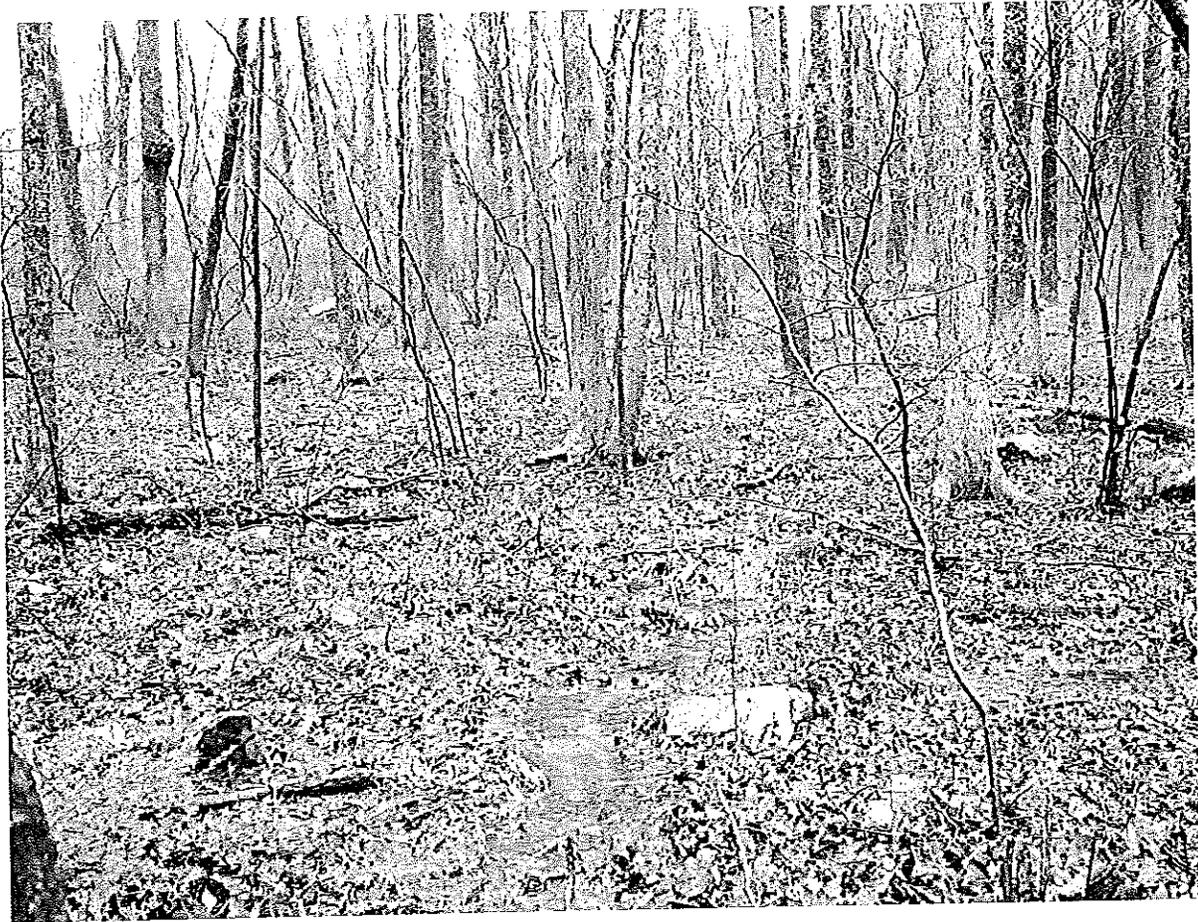




Photograph 1: Water flow behind the house at 129 East Road taken on May 1, 2014. Camera facing west toward proposed Williams Heights Subdivision. The wells are in the background before the stone walls.



Photograph 2: Photograph taken on May 1, 2014 of water flow from proposed Williams Heights subdivision at 101 East Road onto the west side of property at 129 East Road, camera facing west.



Photograph 3: Photograph taken on May 1, 2014 of water flow from proposed Williams Heights subdivision area on 101 East Road onto the west side of property at 129 East Road, camera facing west.



Photograph 4: Photograph of water flow from the northeast corner of the proposed Williams Heights subdivision on 101 East Road onto the property at 129 East Road. Photograph taken on May 1, 2014, camera facing southwest.



Photograph 5: Photograph of water flow from property of proposed Williams Heights subdivision at 101 East Road onto the property at 129 East Road. Photograph was taken on May 1, 2014, camera facing southwest.



Photograph 6: Drainage ditch at the back of the property at 129 East Road taken on May 1, 2014, camera facing west.



Photograph 7: Test pit located at proposed Williams Heights subdivision property at 101 East Road, taken from stone wall on west side of property at 129 East Road. This test pit is located directly upslope of the wells at 129 East Road, camera facing west.



Photograph 8: Close up of test pit located at proposed Williams Heights subdivision property at 101 East Road, taken from stone wall on west side of property at 129 East Road, camera facing west.



Photograph 9: Water seepage into ditch along driveway at 129 East Road. The proposed Williams Heights subdivision at 101 East Road is in the background beyond the stone wall. Photograph was taken on May 1, 2014, camera facing west.



Photograph 10: Water sheeting down driveway apron at 129 East Road. The area of the proposed Williams Heights subdivision lies beyond the stone wall at 101 East Road. The photograph was taken on May 1, 2014, camera facing northwest.



Photograph 11: The town drain located west of the driveway off the 129 East Road and on the north side of East Road. The area of the proposed Williams Heights subdivision at 101 East Road is in the background. The photograph was taken on May 1, 2014, camera facing west.



Photograph 12: The town drain on the south side of East Road where it outlets at 116 East Road. The photograph was taken from East Road on May 1, 2014, camera facing south.



Photograph 13: The driveway at 140 East Road and down slope of the town drain outlet. The photograph was taken on May 1, 2014, camera facing southwest.



Photograph 14: Erosion on the south side of East Road at 116 East Road. The driveway at 129 East Road is on the left. The town drain is directly behind the photographer. The photograph was taken on August 15, 2014, camera facing east.

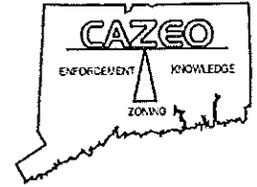


Photograph 15: Erosion on the north side of East Road and in front of the proposed Williams Heights subdivision at 101 East Road. The town drain is in the background at the top of the hill. To the right and on the south side of East Road is the property at 116 East Road. The photograph was taken on August 15, 2014, camera facing east.

PAGE  
BREAK



# 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: January 15, 2015

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

On 9/16/13, the PZC approved a special permit for OMS Development, LLC, for an expansion of the existing convenience store (c-store) with a drive-thru window component at 1659 Storrs Road. The permit noted that sign details and locations shall be submitted for Commission approval. The site has been under construction for about six months and is nearing the completion of approved improvements. While the PZC approval required full Commission review of the 'by right' types of site signage, there are also three additional identity signs being requested which can be authorized by the Commission under the regulations. I will discuss these two 'groupings' of signs separately below.

I have received a signage package dated 1/13/15 from Bill Gavigan, Jr., representing Poyant Signs for Dunkin Donuts, a tenant at 1659 Storrs Road. The package includes an 11-page packet of proposed signage for all uses of the site, including free-standing signs, building identity signage, traffic control signage and other signage and structural elements related to the drive-thru operation. By right, the site is permitted one free-standing sign, which can include a single tenant or may list each of the tenants within the same 32 sq. ft. sign area (Art, X.C.5.a). There is an existing free-standing sign on the site that will remain. Each building tenant may also have by right, a sign mounted to the front façade of the building, having one sq. ft. of area for each lineal foot of the tenant's space within the building. Sheet 6B.1 of the sign packet shows the three proposed tenants. *It is important to note here that the PZC has not given any authorization for the third tenant space. Per the special permit application, the c-store was to expand into the space now proposed to be Pizza Mike's. I am expecting a request soon to modify the special permit to permit Mike's.* The cumulative area of the three proposed signs is less than the maximum permitted for the front façade of the building. The signs for the c-store and Mike's will have halo-illuminated letters, which is the predominant type of sign illumination used throughout the Storrs Center development. The Dunkin Donuts sign is proposed as internal LED illumination.

Due to the buildings location on a corner lot having site access off of two roads and the building itself not oriented 'squarely' to the adjoining roads, three additional identity signs are being requested. Section C.6 of Article X permits the requested signs in this situation provided the PZC

“determines that said signs will clearly promote traffic safety, the public convenience and excellence in design and aesthetic character”. The Commission has approved this type of additional signage specifically for Dunkin Donuts at the Xtra Mart at Routes 32 and 195, and just in November for a new business on the adjacent property at 625 Middle Turnpike. The submitted sign packet contains a proposed building sign for Dunkin Donuts to be located on the façade oriented toward east-bound traffic on Middle Turnpike, and a sign for Mike’s on the façade oriented toward south-bound traffic on Storrs Road. Both signs are to be internally illuminated. Each proposed sign is in compliance with allowable sign area. A second, free-standing, monument-type sign is being requested at the new site access driveway off of Storrs Road. According to the graphic submitted on sheet 1A.1, the top of the sign would be 5 ½ ‘ above grade and the support structure would be within a low brick or stone wall with some landscaping material. There are no details on the wall or landscaping but if the Commission is supportive of this sign, those details could be finalized by staff and required through any approval action. If the second free-standing identity sign is approved, an existing free-standing gasoline pricing sign will be removed.

The submitted sign package also contains details on the structures proposed as part of the authorized drive-thru use on the site and are shown on sheets 10A.1, 12A.1 and 3A.1& A.2. These structures are located along the drive-thru lane substantially out of public view from the street. They incorporate a speaker tower & height clearance bar, a menu board and an awning over the drive-thru window.

Substantial revisions have been made by the applicant in response to staff comments since the initial sign package was presented for review. I believe the current signage proposal is consistent with the aesthetic design that the regulations are striving for in the Four Corners area. I recommend that the PZC approve the proposed signage for 1659 Storrs Road submitted by Poyant Signs, dated 1/13/15, as required by the special permit approval granted to OMS Development, with the following conditions:

1. There is no authorization for an additional tenant to occupy the site. Signage for Pizza Mike’s shall not be authorized until the Commission has approved a modification to the special permit;
2. Further details on materials and landscaping for the monument sign shall be submitted to the Planning Office for review and approval prior to the construction of this sign;
3. During the construction of the monument sign, the gasoline pricing sign shall be removed;
4. Per Article X.C.11 of the zoning regulations, signs shall be lighted only during the hours open for business or until 11:00 p.m., whichever is later.



# Department of Planning and Development

**Date:** January 15, 2015  
**To:** Planning and Zoning Commission *glp*  
**From:** Linda M. Painter, AICP, Director  
**Subject:** Whispering Glen – Request for Modification to Special Permit (File 1284-2)  
Uniglobe Investment LLC  
73 Meadowbrook Lane

---

The attached application for modification to the special permit for Whispering Glen was received on January 14, 2015. Staff will review the application and provide comments to the Commission for the February 2, 2015 meeting.

## ATTACHMENTS

- Request for Site/Building Modification form dated January 12, 2015
- 11-sheet plan set prepared Development Solutions LLC dated January 15, 2015

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

**APPLICANT/OWNER SECTION**

1. Owner(s): Jack Yang Telephone (516) 545-1289  
(please PRINT)

Address 30 Old Kings Hwy South Town Darien CT Zip 06820

2. Applicant(s) Richfield Real Estate Invest Telephone \_\_\_\_\_  
(please PRINT)

Address: same as owner Town \_\_\_\_\_ Zip \_\_\_\_\_

3. Site Location 73 Meadowbrook Lane

4. Reference any approved map(s) that would be superseded if this request is approved:  
Whispering Glen, 50 unit Residential Development, 73 Meadowbrook Lane, Mansfield, Connecticut, Lakeway Farms, L.P. (owner/applicant) 2 Birch Street, Ledyard, CT 06339, December 10, 2011 prepared by Development Solutions, LLC.

5. Reference any new map(s) submitted as part of this request:  
Modifications of Whispering Glen, 50 unit Residential Development, 73 Meadowbrook Lane, Mansfield, Connecticut, Richfield Real Estate Investment (owner/applicant) 30 Old Kings Highway South, Darien, CT 06820, January 15, 2015 prepared by Development Solutions, LLC

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

- Changes to the Architectural features of the units
- Changes to the unit layout
- Addition of more visitor parking
- Relocating six (6) units out of the 120 ft. front yard setback

7. [Signature] Agent date 1/12/15  
Applicant's signature

→ Correct owner name: Uniglobe Investment LLC per conversation w/ Jack Yang on 1/14/15 (over)



# Department of Planning and Development

Date: January 15, 2015  
To: Planning and Zoning Commission  
From: Linda M. Painter, AICP, Director   
Subject: Subdivision Application-Stephen Guyette (File 1329)  
Guyette Estates Subdivision – 140 Codfish Falls Road

---

Steven Guyette, applicant, and Elaine Guyette, owner, are proposing to subdivide a 55.22 acre parcel into three lots. The property is zoned RAR-90, with the westernmost portion located within a Flood Hazard Zone. No development is proposed on the western portion of the property. The property is currently developed with a single-family house occupied by Elaine Guyette and a driveway that provides access to both her house and a lot previously divided from the property that is owned by Ron and Merrilyn Guyette. They have indicated their support for the subdivision and willingness to provide an easement for the portion of the driveway located on their property (see letter dated November 14, 2014).

## *Layout and Design*

- **Lot Size and Frontage.** The proposed subdivision uses the existing driveway to provide access to the two proposed lots. Each of the proposed lots greatly exceed the 90,000 square foot minimum lot size (Lot 1-13.21 acres, Lot 2-6.92 acres, Lot 3-35.08 acres.) If the use of a common driveway is authorized by the Commission, frontage waivers for Lots 2 and 3 will be required in accordance with Section 7.6 of the Subdivision Regulations. While the lots exceed minimum requirements, the proposed development area envelopes are much smaller, preserving the vast majority of the property in a natural state.
- **House Locations.**
  - *Lot 1.* The proposed house site for Lot 1 is located approximately 300 feet from the common driveway in the more gently sloped portion of the lot and within the 40,000 square foot area free of encroachment on resources as described below. Staff questioned whether the house site could be moved closer to the common driveway to improve clustering. The applicant has indicated that the site was chosen due to its location on top of a hill with a level area for the back yard. Moving the house closer to the driveway would also locate it closer to wetlands and require a pumped septic system.
  - *Lot 2.* The Zoning Regulations (Article 8, Section 6.a) require that each lot have at least 40,000 square feet of land that does not include visible ledge, existing slopes exceeding 15%, drainage easements, conservation easements or other easements that will limit or restrict onsite uses, or any waterbodies, watercourses, or inland wetland soils. While the stated purpose of this requirement is to ensure that new lots have adequate land for a house and associated improvements without encroachment on natural resources, the regulations do not explicitly state that the house shall be placed within that area. In the case of Lot 2, the buildable area that meets the aforementioned requirements is located away from the common driveway, approximately 100 feet from the southern property line. The applicant is

proposing to place the house adjacent to the common driveway in an area that has slopes exceeding 15%. The justification provided to staff for the proposed house site is the close proximity to the existing driveway and utilities and staying beyond the drainage area contributing to the vernal pool. The septic area at the proposed location does not require any fill, thus reducing the area of disturbance. The Commission will need to make a determination that the proposed house site is acceptable based on the site conditions.

- *Lot 3.* The existing house is located in an area outside of the minimum buildable area as defined above, also due to slopes.
- **Setbacks.** With the exception of the proposed Building Area Envelope for Lot 2, all of the proposed BAEs meet standard setback requirements. To eliminate the need for a setback reduction, the BAE for Lot 2 should be located at least 35 feet from Lot 3. Alternatively, the Commission could approve the proposed 5 foot reduction as it is interior to the site. If the setback is reduced, it will need to be noted in Note 3 on Sheet 2.

#### *Natural and Cultural Resources*

- **Wetlands.** There are two wetlands located on the property. A companion application has been filed with the Inland Wetlands Agency to address any potential wetland impacts. There are two streams traversing the northwest portion of the property.
- **Aquifer Protection.** The property is located within the watershed of the Willimantic Reservoir. Both Windham Water Works and the Department of Public Health have been notified as required by state statute; Windham Water Works has indicated that they have no objection provided best management practices and soil and erosion control measures are used during construction. Additionally, a portion of the property is located within the Level A Aquifer Protection Area for UConn's Fenton River wellfield. In consultation with the Department of Energy and Environmental Protection, I confirmed that the proposed subdivision is not an activity regulated by the Aquifer Protection Agency.
- **Flood Hazard Area.** The westernmost portion of the property is located within a 100 Year Flood Zone as identified by FEMA; no development is proposed within the flood zone or in its vicinity.
- **Trees.** The applicant is proposing to remove two mature trees along Codfish Falls Road to improve sight visibility (see memo on scenic road alteration for more information). Additionally, five trees over 15 inches in diameter would be removed to accommodate the driveway improvements and seven trees over 15 inches in diameter would be removed to accommodate the proposed house and associated improvements (well, septic, driveway) on Lot 1. Trees to be retained as identified on the plans need to be protected during construction, particularly where they are in close proximity to the common driveway. These trees shall be clearly marked/noted and a detail provided for protection during construction.
- **Stone Walls.** Portions of stone walls exist along the property frontage on Codfish Falls Road as well as interior to the property. No alterations to the walls on the subject property are proposed; however, the applicant is proposing to relocate a portion of a stone wall on the abutting property to improve sight distance for the driveway. The proposed alteration must be approved by the Town Council due to the scenic road designation.
- **Drainage.** The stream on the property is a tributary to Fishers Brook. The Assistant Town Engineer has recommended that the applicant provide a drainage easement in favor of the Town of Mansfield for the watercourse. It is also recommended that the applicant consider installing rain gardens as a way to mitigate runoff from the new houses.

### *Common Driveway*

Section 7.10 of the Subdivision Regulations authorizes the Commission to approve a common driveway serving four lots if the following criteria are met and if approved by a  $\frac{3}{4}$  vote (7 members) of the Commission:

- The common driveway promotes design objectives outlined in Section 5.1;
- The Commission finds that the use of a common driveway would significantly:
  - Reduce impacts on wetlands, steeply sloped areas, significant vegetation or other natural resource features; or
  - Enhance vehicular and or pedestrian safety; or
  - Protect and preserve natural and manmade features, scenic views and vistas, interior forests and/or other potential conservation areas identified in the Plan of Conservation and Development (see map 21) or
  - Promote cluster development and other design objectives of these regulations (see Section 5.1).

The applicant has submitted a yield plan demonstrating that a cul-de-sac roadway could be constructed to serve the four lots if necessary. Construction of a roadway would have a direct impact on the wetland located at the front of the property and would significantly change the character of Codfish Falls Road, which is a scenic road. It should also be noted that the proposed driveway is not new, it currently serves two houses. The driveway would be widened to twenty feet and improved in areas with slopes over 10% to comply with the standards outlined in the subdivision regulations. No extension of the driveway beyond its current terminus on Lot 3 is proposed. The applicant should clarify prior to final PZC action as to whether he plans to complete the driveway prior to recording the subdivision map or bond the improvements.

The Conservation Commission endorsed the letter submitted to the Commission by Quentin Kessel which suggests that the layout should include greater clustering to conform to the design objectives of Section 5.1. As noted previously, the Commission will need to determine whether the justifications for the proposed house locations are sufficient, particularly with regard to Lot 1, as well as whether the proposed design meets the criteria identified above.

If the Commission approves the use of a common driveway, the applicant will need to submit an easement and maintenance agreement for review and approval by staff prior to recording of the plans.

### *Open Space*

Mrs. Guyette, as described in a January 13, 2014 letter, plans on transferring two of the lots to her sons for no consideration and retain the third lot for herself. In accordance with state statutes and Section 13.1.8 of the subdivision regulations, subdivisions which are created for the purpose of conveying lots to certain family members for no consideration are exempt from open space dedication requirements. In this particular instance, the lot with the existing house would be transferred to one of her sons and she would construct a new house on one of the newly created lots. It is anticipated that there may be a financial transfer to account for the value of the house and other improvements on Lot 3. Provided remuneration is limited to the value of the improvements and does not include the value of the underlying land, the transfer

would appear to be consistent with the letter and intent of the statutory provisions. Sheet 2 includes the following note: "Open space dedications may be required in future developments of this site or if lots are conveyed to non-family members."

---

## NOTES

- The analysis and recommendations contained in this report are based on the following information submitted by the applicants:
  - Application submitted October 29, 2014 and received by the PZC on November 3, 2014, including:
    - 6-sheet subdivision plan prepared by Datum Engineering and Surveying LLC dated September 25, 2014 and revised through November 18, 2014\*
    - 2-sheet yield plan dated September 6, 2014 and revised through January 6, 2015
    - October 28, 2014 DPH notification
    - October 28, 2014 EHHD Application for Plan Review
    - October 28, 2014 Submission to the Office of State Archaeology
    - October 1, 2014 memo from John Alexopoulos, Landscape Architect
- The following correspondence regarding the proposed development has been received:
  - Letter from Quentin Kessel, 97 Codfish Falls Road, dated November 3, 2014 with an email addendum
  - Letter from Olivia M. Deveraux, 99 Summit Road, dated November 11, 2014
  - Memo from Windham Water Works to the Mansfield Inland Wetlands Agency dated November 14, 2014
  - Letter from Ron and Merylyn Guyette, 144 Codfish Falls Road, dated November 14, 2014
  - Letter from Brian D. Jones with the Office of State Archaeology dated November 17, 2014
  - Memo from Jeff Polhemus, Eastern Highlands Health District, dated November 25, 2014
  - Email from Steven Guyette dated November 25, 2014 granting a one month extension
  - Memos from Derek Dilaj, Assistant Town Engineer, dated December 17, 2014 and January 14, 2015
  - Memos from Fran Raiola, Fire Marshal, dated November 20, 2014 and January 13, 2015
  - Letter from Elaine Guyette, owner, dated January 13, 2015
  - Letter from Guy and Mary Lou Bradley, 146 Codfish Falls Road, dated January 10, 2015
- Neighborhood Notification Forms were required to be sent to abutting property owners in accordance with Section 4.11 of the Mansfield Subdivision Regulations. A copy of the notice and certified mail receipts have been provided.

\*As these plans reflect changes in response to staff comments provided in December, it appears that the revision date should have been updated to January 6, 2015 consistent with the updated revision date on the yield plan.



**TOWN OF MANSFIELD**  
DEPARTMENT OF PUBLIC WORKS

Engineering Division

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599

From: Derek M. Dilaj, P.E., Assistant Town Engineer  
To: Linda Painter, AICP, Town Planner  
Copy: John Carrington, P.E., Town Engineer  
Date: January 14, 2015  
Date Received: January 8, 2015  
Date Reviewed: January 14, 2015  
Engineering Project #: E-141506  
Re: Guyette Estates Subdivision  
Designer: Edward Pelletier, LS  
Datum Engineering and Surveying, LLC  
132 Conantville Road  
Mansfield, CT 06250  
Plans: "Subdivision entitled Guyette Estates, Codfish Falls Road, Owner and Subdivider Elaine Guyette 140 Codfish Falls Road, Storrs, CT 06268" 6 Sheets (Unstamped), Dated: September 25, 2014 Revised: November 18, 2014 (EHHD Comments)  
Reports: Comment Response Letter from Edward Pelletier, LS, Datum Engineering, LLC to Linda Painter, Director of Planning and Development

The existing 55.2 acre lot is located at approximately 140 Codfish Falls Road. A common driveway currently services two single family homes at 140 and 144 Codfish Falls Road. Properties to the north are owned by John Gollsneider and Lisa Harris, to the east is owned by Olivia Deverux, to the south is Quentin and Margaret Kessel, and to the west is Guy and Marylou Bradley.

The applicant is proposing a three lot subdivision of the parcel. Each parcel is in excess of 6.9 acres in size with a single family home proposed on each lot. The existing driveway currently services two single family homes and the applicant is proposing two additional homes along the same driveway. The applicant is increasing the width of the driveway and providing vehicle turn-arounds. The following are comments realized during the review and should be addressed by the applicant:

1. Tree clearing in the vicinity of the driveway should be completed in order to achieve proper site line distances. It should be noted this work may have been completed in any case because the existing driveway is serving two single family homes.
2. The applicant should include a drainage easement in favor of the Town of Mansfield for the watercourse traversing Lot Number 1 in accordance with Section 10.4 of the subdivision regulations.
3. The applicant may consider installation of rain gardens as means to mitigate runoff from the proposed homes.



**TOWN OF MANSFIELD**  
DEPARTMENT OF PUBLIC WORKS

Engineering Division

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599

From:	Derek M. Dilaj, P.E., Assistant Town Engineer
To:	Linda Painter, AICP, Director of Planning and Development
Copy:	John Carrington, P.E., Town Engineer
Date:	December 17, 2014
Date Received:	December 1, 2014
Date Reviewed:	December 12, 2014
Re:	Subdivision Entitled Guyette Estates Codfish Falls Road Owner and Subdivider: Elaine Guyette 140 Codfish Falls Road Mansfield, Connecticut

The Town of Mansfield Engineering Division completed a general review of the above referenced subdivision plans based upon the Town of Mansfield's Zoning Regulations, Subdivision Regulations, and Engineering Standards and provides the following comments:

1. Plans shall be stamped and signed by a Surveyor and a Professional Engineer currently registered in the State of Connecticut as required by Section (6.3)(b) of the Subdivision Regulations.
2. Plans shall be endorsed by a Certified Wetlands Scientists as required in Section (6.3)(d) of the Subdivision Regulations.
3. Aquifer Protection Areas shall be illustrated on the Site Plans as required in Section (6.5)(h).
4. The applicant should clarify Boundary Note 1 on sheet 2 of 6 regarding highway clearance setbacks per Article 8 Section (B)(9) of the Zoning Regulations.
5. The common driveway and private driveways have slopes in excess of 10%. It is recommended the Planning and Zoning Commission requires the construction of these portions by the Applicant and installation of bituminous concrete in accordance with the Town of Mansfield Engineering Standards.
6. The common driveway serving Lot Nos. 2 and 3 should be illustrated to identify widened areas and loadbearing shoulders.
7. The Applicant should clarify the proposed El. 398 and El. 400 contours in the vicinity of the driveway and septic system for Lot #1.
8. The Applicant should illustrate clearing limits for the proposed improvements.
9. The Applicant should include installation of haybale check dams along the common driveway swale.
10. The applicant should consider installation of drainage improvements in the saddle of the common driveway or approximately 430 feet from the common driveway intersection with Codfish Falls Road. The applicant shall confirm stability and capacity existing driveway swale.
11. The Applicant shall illustrate the location of signage required in Section (7.10)(h).
12. The Applicant shall locate an adequately sized turnaround area that will accommodate a fire truck as required in Section (7.10)



# Town of Mansfield Mansfield Fire Department



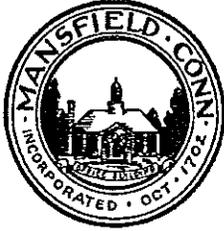
**To:** Planning and Zoning Commission  
**From:** Fran Raiola, Deputy Chief/Fire Marshal *FR*  
**CC:** Linda Painter, Director of Planning  
**Date:** January 13, 2015  
**Re:** Guyette Subdivision

PZC #1329

---

After reviewing the revised plans dated November 18, 2014 for the above referenced project for compliance with the Town of Mansfield Regulations for Fire Lanes and Emergency Vehicle Access, I have the following comments.

1. The proposed common driveway appears to meet the applicable regulations.
2. The scope of this review is for compliance with The Town of Mansfield Fire Lane Regulations to ensure adequate access for emergency vehicles only. The applicant is required to apply for a building permit and submit plans and specifications to the Building Department and the Office of the Fire Marshal, to determine compliance with Fire and Building codes.



# Town of Mansfield Mansfield Fire Department



**To:** Planning and Zoning Commission  
**From:** Fran Raiola, Deputy Chief/Fire Marshal *FR*  
**CC:** Linda Painter, Director of Planning  
**Date:** November 20, 2014  
**Re:** Guyette Subdivision

PZC #1329

---

After reviewing the plans dated September 25, 2014 for the above referenced project for compliance with the Town of Mansfield Regulations for Fire Lanes and Emergency Vehicle Access, I have the following comments.

1. The proposed common driveway does not appear to meet §7.11b of the Subdivision Regulations. Pull-off areas are required to be provided at 300 foot intervals. The distance between the entrances to Lot 2 and Lot 3 appear to exceed the 300 foot maximum. In addition, the driveway to Lot 1 exceeds 300 feet in length and also requires a pull-off area.
2. The proposed plan does not appear to meet the requirements for a turn-around for Lot 1. §7.11c
3. All sections of the common driveway that have a slope of 10 percent or greater are required to have an appropriate surface. §7.10c
4. The scope of this review is for compliance with The Town of Mansfield Fire Lane Regulations to ensure adequate access for emergency vehicles only. The applicant is required to apply for a building permit and submit plans and specifications to the Building Department and the Office of the Fire Marshal, to determine compliance with Fire and Building codes.



Eastern Highlands Health District  
4 South Eagleville Road • Mansfield CT 06268 • Tel: (860) 429-3325 • Fax: (860) 429-3321 • www.ehhd.org

---

MEMO

To: Mansfield Planning and Zoning Commission  
Cc: Edward Pelletier, L.S. – Datum Engineering and Surveying, LLC  
Gerald Hardisty, P.E.  
From: Jeff Polhemus, Chief Sanitarian   
Date: November 25, 2014  
  
Re: PZC File# 1329: Guyette Estates – 3 Lot Subdivision  
Property Location: Codfish Falls Road  
Applicant: Steve Guyette

---

We have reviewed plans of the above referenced subdivision prepared by Datum Engineering and Surveying, LLC, dated September 25, 2014 and revised through November 18, 2014, for compliance with the requirements of the Connecticut Public Health Code. Based on our review, we have the following comments:

1. Proposed lots 1 appears to be suitable for development as proposed with a private water supply well and on-site subsurface sewage disposal system serving a 4-bedroom single-family home.
2. Proposed lots 2 appears to be suitable for development as proposed with a private water supply well and on-site subsurface sewage disposal system serving a 3-bedroom single-family home.
3. Lot 3, with the existing house served by an on-site private well and subsurface sewage disposal system, complies with all requirements of Connecticut Public Health Code Section 19-13-B100a for this proposed lot size reduction.
4. Additional soil testing may be required for final subsurface sewage disposal system design approval.

January 13, 2015

Mansfield Planning and Zoning Commission  
South Eagleville Road  
Storrs, CT 06268

Dear PZC Members,

I am the owner of the property known as 140 Codfish Falls Road, a 55-acre parcel that is currently under consideration for a proposed three-lot subdivision with an associated common driveway that will service a total of four residential lots. The purpose of this letter is to inform the commission that any future transfer of the lots to be created will be to one of my three sons for no monetary consideration.

Lot #1 will be transferred to my son Steven and his wife Alaina. They intend to construct a single family home for themselves and their three sons. My intention is to construct a new home on Lot #2 and transfer Lot #3 to my youngest son Gary.

My late husband Dennis and I had always hoped to be able to subdivide this land for the benefit of our sons. We have designed this subdivision to have as little impact on the rural nature of the land as possible. This is a wonderful place to raise a family and I am hopeful that I can provide that opportunity for my children and grandchildren.

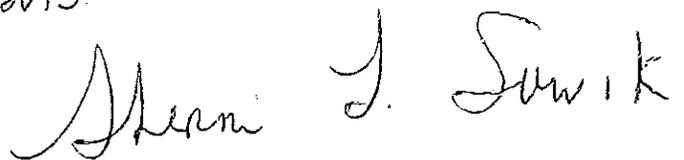
Sincerely,



Elaine Guyette  
140 Codfish Falls Road  
Storrs, CT 06268

State of Connecticut ss: Storrs

Subscribed and sworn to before me this  
13<sup>th</sup> day of January, 2015.



Sherri L. Sowik  
Notary Public  
My Commission Expires 4/30/2017

January 1, 2015

Mansfield Planning and Zoning Commission  
South Eagleville Road  
Storrs, CT 06268

Dear PZC Members,

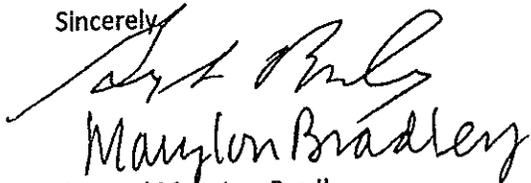
We currently reside at and own the property known as 146 Codfish Falls Road. Our property abuts the property owned by Elaine Guyette known as 140 Codfish Falls Road, which is currently under consideration for subdivision. The subdivision application requires us to agree to the following:

- Sight line easement to be granted in favor of the abutting property. The easement is located at the southeast corner of our property (146 Codfish Falls Road).
- Alteration of the stone wall and fence located at the southeast corner of our property. A portion of the stone wall will be relocated to allow for the required sightline for the proposed common driveway at 140 Codfish Falls Road.

We have reviewed and discussed the subdivision application with Elaine Guyette, specifically the two items above that require our consent. We agree to grant the sight line easement and allow the alteration of the stone wall and fence under the following conditions:

- Prior to the commencement of any work on our property, the Guyette's must show us a plan for the work to be completed.
- All work must be completed by a licensed and insured contractor that we approve of and will be paid for by Elaine Guyette.
- Any and all costs associated with the sightline easement will be paid by Elaine Guyette.

Sincerely,

 1/10/15  
Marilyn Bradley 1/10/15

Guy and Mary Lou Bradley  
146 Codfish Falls Road  
Storrs, CT 06268

November 14, 2014

Mansfield Planning and Zoning Commission  
South Eagleville Road  
Storrs, CT 06268

Dear PZC Members,

Our nephew Steven and his wife Alaina, along with our sister-in-law Elaine have jointly submitted a subdivision application for 140 Codfish Falls Road that is currently subject to your review. We reside at 144 Codfish Falls, which abuts the property under consideration and also shares a driveway with the property.

The subdivision application is for a three lot subdivision of 140 Codfish Falls Road that includes a common driveway that will service the three lots as well as our home. We have reviewed the application with Steven and fully support the subdivision as it has been presented. A portion of the common driveway is on our land and we are willing to grant any necessary easements for access to the future lots.

We hope that the Commission considers that the intention of the subdivision is to transfer the land between immediate family members and also to keep the impact to the rural nature of the land to a minimum. We hope that the application is approved as it has been presented and we would gladly welcome our new neighbors.

Sincerely,

Ron & Marilyn Guyette  
144 Codfish Falls Road  
Storrs, CT 06268

*Ron & Marilyn Guyette*  
*Marilyn Guyette*

November 17, 2014

Edward Pelletier, L.S.  
Datum Engineering & Surveying, LLC  
Mansfield Center, Connecticut 06250

R.E. Guyette Estates Subdivision, 140 Codfish Falls Road, Mansfield

Dear Mr. Pelletier,

Thank you for the information and subdivision plans regarding the Guyette Estates Subdivision, at 140 Codfish Falls Road, Mansfield. As noted in the plans you have provided dated September 25, 2014, the subdivision proposal involves the creation of two new lots within the existing Elaine Guyette property. Lot #1 includes 13.21 acres fronting Codfish Falls Road, Lot #2 consists of 6.92 acres accessed from a shared easement, and Lot #3 consists of 35.08 acres, including the existing house. The property was walked with Steven Guyette on November 11, 2014. No significant above-ground historical features were noted beyond low stone fences and one area with small stone piles, neither of which should be affected by the undertaking.

The proposed building area envelope of Lot #1 is located on a small terrace overlooking wetlands draining to the southwest. The topography suggests potential use as a Native American hunting station, but the very stony Charlton-Chatfield soils in this area make it unlikely that a National Register eligible site is located here. The location of the proposed septic field lies on a slope where archaeological sites are unlikely to exist.

The building area envelope and septic field of Lot #2 is located on the north side of a hill. This area consists of Charlton-Chatfield and Canton and Charlton very stony soils. The relatively steep, stony terrain indicates that it is highly unlikely that archaeological sites are located in this area.

Based on the above information, the proposed subdivision at, 140 Codfish Falls Road, Mansfield is expected to have no effect on significant historical or archaeological resources of the town. Thank you for the opportunity to review this subdivision proposal. Should you have any questions, I can be contacted most directly by cell at 860-299-5769. My office number is 860-486-5248, and I can be reached by email at [brian.jones@uconn.edu](mailto:brian.jones@uconn.edu).

Sincerely,



Brian D. Jones

Office of State Archaeology  
State Museum of Natural History  
University of Connecticut  
Storrs, Connecticut 06269-1023

Connecticut State Museum of Natural History  
Connecticut Archaeology Center  
2019 HILLSIDE ROAD, UNIT 1023  
STORRS, CT 06269-1023  
PHONE 860.486.4460  
FAX 860.486.0827  
[www.mnh.uconn.edu](http://www.mnh.uconn.edu); [www.cac.uconn.edu](http://www.cac.uconn.edu)

cc. Town of Mansfield PZC



# TOWN OF WINDHAM WATER WORKS

174 Storrs Road  
Mansfield Center, CT 06250  
Tel. 860-465-3075 • FAX 860-465-3085

- Inland Wetlands Commission
- Zoning Commission
- Planning & Zoning Commission
- Zoning Boards of Appeals

TOWN:       Ashford       Chaplin       Eastford  
               Hampton       Mansfield       Pomfret  
               Union       Willington       Windham  
               Woodstock

INSPECTED BY:

  
\_\_\_\_\_  
*Troy Quick      W.W.W. Watershed Inspector*

DATE:                      November 14, 2014 WW file #M1514

The Windham Water Works has received notification of a proposed project per the requirements of Public Act 89-301.

### PROJECT DESCRIPTION:

3-lot subdivision with existing dwelling and proposed 2 lots for single family dwellings with on-site septic systems and wells

Applicant: Steven Guyette

### COMMENTS:

The Windham Water Works has reviewed the proposed project and with best management practices and with proper soil and erosion control measures throughout the duration, we would have no objections, we will monitor accordingly.

Mansfield Planning and Zoning Commission  
South Eagleville Road  
Storrs, CT 06268

Re: Guyette Estates, 140 Codfish Falls Road

Dear PZC Members:

I met with the applicant, Steven Guyette, before he applied for a Zoning Variance. At that time he was planning for the addition of only one additional house on the Guyette property, and I agreed not to contest the variance he was applying for. I did express some frustration at not knowing exactly where his house was to be located, but was told it was Zoning Board of Appeals first, to be followed by the PZC application later. I urged him to place his house as close to his uncle's house as possible (i.e., to cluster the housing as best they can and to place the house as far away from the Kessel property line as possible!)

At that time, I did my best to explain that three houses on a shared driveway should be acceptable to you and discussed the Town's subdivision open space requirements. I pointed out that the Guyette property is almost completely surrounded by permanently preserved open space, the Town easement on the end lot of Ellise Road and Joshua's Trust easements on the other three sides of the Guyette property (Kessels' along Codfish Falls Road and the Guyette's southerly boundary, and Deveraux along the easterly boundary). I noted that the subdivision regulations give priority to providing additional buffers to existing open space. I suggested that they might like to include an open space dedication that would provide such a buffer around the boundary of the Guyette property, perhaps along the lines of the Ellise Road lot which protects Fisher's Brook and a section of the old road that started at the Storrs Congregational Church and led to Ashford.

I was later informed by Elaine Guyette, the owner of the property, that she wished to add an additional house and lot to the subdivision. As I was not clear with regard to how the regulations would deal with a fourth house on a shared driveway, I urged her to contact the PZC office. It was later that I discovered that the State exempts family subdivisions from local open space requirements; however, I still hoped that their final plans would include a voluntary open space dedication, but it does not.

This brings me to the purpose behind the regulation that allows more than one house on a shared driveway. **As stated in 7.10, the use of a common driveway is not a right, but may be authorized where it would promote the design objectives of Section 5.1.** That is a question the PZC must address, I feel that this subdivision plan, with its four houses on a shared driveway, could do a much better job of respecting and promoting these objectives. These objectives include, 7.10.3, protection of scenic views and vistas, interior forests and/or potential

conservation areas identified in the Plan of Conservation and Development. Section 7.10.4 states that the common driveway will promote cluster development. To earn the right of having four houses on a shared driveway, I feel the Guyettes should demonstrate a commitment to the design objectives of Section 5.1 before being granted a common driveway for three or four houses; a voluntary dedication of open space would demonstrate such a commitment.

Section 5.1 includes the following as benefits of shared driveways:

b.

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

c.

*The protection and enhancement of natural and manmade features, including wetlands, watercourses, aquifer areas, agricultural lands, hilltops or ridges, historic sites and features, expanses of valley floors, interior forests, significant trees and scenic views and vistas on and adjacent to the subdivision site. Wherever appropriate, site features shall be protected through a clustering of streets and house sites and the identification and preservation of significant open space areas including agricultural lands, interior forests and other land without physical limitations.*

A conservation easement on the undeveloped northerly portion of the Guyette's property would serve several purposes. Perhaps the most important is the protection of the Fisher's Brook watershed. This is a public water supply watershed and in the POCD it is listed as a "Significant Conservation and Wildlife Resource." A stream through the Guyette property enters the old mill pond which is a part of the Fisher's Brook watercourse, which in turn is part of UConn's Level-A mapped aquifer protection area. Fisher's Brook enters the Fenton River between UConn's wells A and D and the Fenton later enters the Willimantic Reservoir.

A conservation easement on the northerly side, including the area overlooking the mill pond, would also preserve a scenic view and vista. At least from Codfish Falls Road, the view of the northeasterly portion of the property, together with its reflection in the mill pond, can be spectacular at certain times of year. I assume the reverse view from the property is also a good one, probably providing views of Horsebarn Hill, too. Additional housing there, if viewable from Codfish Falls Road would not add to the appeal of this portion of this Town-designated Scenic Road.

Buffering easements along the easterly and southerly property lines would assist in their neighbors' efforts to preserve interior forests. These neighbors have sacrificed to preserve their land as open space, which definitely adds value to "Guyette Estates" subdivision. Fortunately the westerly boundary, along the Scenic Road is already protected by wetlands, so one could argue that further protection is not needed there. On the other hand, because it is of no development value, it would not deprive the Guyettes of very much to include a buffer along the Scenic Road, too.

The boundary notes on sheet 2 raise questions in my mind.

Note 1. Codfish Falls Road may be a "collector road" for which a 40 foot ROW from the center line may be appropriate. However, this road is a "two-rod" road, with the Town ROW being confined to the area between the stone walls (where they remain). Are the Guyettes giving up something unnecessarily here?

Note 3. This note states (and the map indicates) that the northerly Guyette boundary line lies along the northerly side of the old road, essentially claiming that the Guyettes own all of the land that once comprised the old road's ROW. This is either an "abandoned" Town Road or a "discontinued" Town Road. If it is abandoned, my understanding is that the Town may continue to have some rights over the ROW. If it has been discontinued, it is my understanding that each neighboring owner owns to the centerline of the old ROW. In the late 1800s the Town did discontinue some roads "east of the school" and so the road in question probably was discontinued, but as far as I know, this is still an open question.

As justification for the Guyettes owning the full ROW, the map refers to probate papers entered in Volume 398, p. 85 of the Mansfield Land Records. I cannot find this justification on p.85, but p.86 clearly states, "The above described parcel is conveyed together with whatever right, title and interest to that portion of the old roadway southeasterly and adjacent to the parcel as may exist as a result of any past or future abandonment or discontinuance of said old roadway." I see no evidence of John Golschneider giving, or selling, his half of the ROW to the Guyettes, but perhaps he has.

Mansfield's PZC should not accept this map without first confirming the Guyette's claim to ownership of all of the old road.

Note 4 states, "A boundary line agreement is required along land now or formerly of Ronald E & Merrilyn W Guyette to correct errors in the original survey." I suspect, but don't know, that the original survey was correct and extended the Guyette land only to the centerline of the abandoned road. The Guyettes might be wise to delay whatever transfer/agreement might be appropriate to some future time. Including a change to the Guyette's free "first cut" might change the proposed three-lot subdivision into one that now includes the Ronald and Merrilyn Guyette lot, i.e., change this into a four-lot subdivision application.

In summary, I urge the PZC to remain true to the original goals of the shared driveway provision. It is to cluster housing and in doing so, to protect natural resources such as water supplies, views, vistas and interior forests.

Thank you for your consideration of these points.

 November 3, 2014  
Quentin Kessel  
97 Codfish Falls Road  
Storrs, CT 06268

**Jessie Shea**

---

**Subject:** FW: Addendum to my Nov. 3, 2014 letter

Hi Linda,

Thank you for your advice with regard to my Nov. 3, 2014 letter to the PZC. It never occurred to me that my letter, using my home address and not written on Conservation Commission letterhead, should have the usual qualifications one gives at a public hearing. So for the record: I serve on both the Mansfield Conservation Commission and as the Commission's representative to the Mansfield Open Space Preservation Committee. Furthermore, when the Guyette application came before the Conservation Commission, I recused myself and left the meeting before the discussion began. Please attach this statement to my letter before it is distributed to the PZC.

At the same time, let me note (as indicated in the Conservation Commission minutes) the questions I raised relating to the boundary notes (notes 3 and 4) have been answered, at least partially. Ed Pelletier tells me that if you go back far enough in the deeds, that when the current Guyette property was separated from its northerly neighbor, the full ROW was deeded along with what is now the Guyette property. Depending on whether the old road was discontinued or abandoned (in which case, the Town might still have an interest in the ROW), the seller may, or may not have had the right to include the ROW in the deed.

Thank you for your consideration of my Nov. 3, 2014 letter and this Addendum.

Sincerely yours, Quentin Kessel

November 11, 2014



Attention Planning and Zoning Commission,

This is to inform you that I received by certified mail notice of a subdivision application of the Guyette property at 140 Codfish Falls Rd. on 10/29/2014. I have met and talked with Steven Guyette a couple of times about the proposed plans for said property.

My property, located at 99 Summit Rd., abuts that of Elaine Guyette at 140 Codfish Falls Rd. This is also to let you know that I have no objection to any of the proposed future plans for the Guyette property. I admire that family's desire to sustain family unity and support; I think these are commendable traits of that family. I find comfort in knowing they will be my neighbors.

Sincerely,

*Olivia M. Devereux*

Olivia M. Devereux

PAGE  
BREAK

# 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, Conservation Commission, Economic Development Commission, Agriculture Advisory Committee, Open Space Preservation Committee, Sustainability Advisory Committee, Traffic Authority  
CC: John Carrington, Jennifer Kaufman, Linda Painter, Virginia Walton  
From: Matt Hart, Town Manager  
Date: November 26, 2014  
Re: Referral: Draft UCONN Campus Master Plan

---

As expected, at its meeting held on November 24, 2014, the Town Council referred the draft UCONN Campus Master Plan to your commission or advisory committee for review and comment.

UCONN has activated its master plan website and posted the draft documents on the site. The website is located at [www.masterplan.uconn.edu](http://www.masterplan.uconn.edu), and the documents are uploaded to the "documents" tab under Storrs campus. The executive summary, located at [http://paes.uconn.edu/MasterPlan/111814\\_Draft\\_Executive\\_Summary\\_web.pdf](http://paes.uconn.edu/MasterPlan/111814_Draft_Executive_Summary_web.pdf), does provide a good starting point for your review. We will also keep a limited number of hard copies in the Planning and Zoning Department, which you can access as needed.

UCONN now plans to present the draft master plan to its Board of Trustees in February 2015. UCONN planning staff will make a presentation at the Town Council's regular meeting on December 8, 2014 and attend the meetings of our various commissions and committees to assist with any questions you may have concerning the draft plan.

Our schedule is to present a draft set of consolidated comments to the Town Council for its January 26, 2015 meeting. In order to meet that schedule, please submit the comments from your commission or advisory committee to my office by Friday, January 16, 2015.

I have attached for your reference a transmittal letter from Michael Kirk, UCONN's Deputy Chief of Staff.

Your assistance with this matter is greatly appreciated.

Attach: (1)



Office of the President  
Michael Kirk  
Deputy Chief of Staff

November 20, 2014

Mr. Matt Hart  
Ms. Linda Painter  
Town of Mansfield  
4 South Eagleville Road  
Mansfield, CT 06268

RE: LETTER OF TRANSMITTAL: DRAFT Campus Master Plan Review

Dear Matt and Linda:

The University has opened a review period for the Draft Campus Master Plan which will run through January 27, 2015, and we have activated a dedicated website for people to access the documents. They can be found at: [www.masterplan.uconn.edu](http://www.masterplan.uconn.edu)

We are currently working on the Draft Executive Summary of the Campus Master Plan, and hope to have it uploaded to the website later this week or early next week. The Draft Executive Summary will contain multiple site options for the following proposed projects:

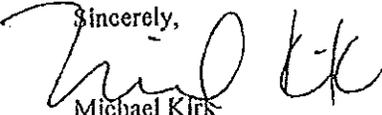
1. A Student Recreation Center
2. New Residential Development
3. A Hockey Arena
4. Science Facilities

The multiple site options for these projects will remain open for discussion throughout the review period, and we would request that all Town Boards and Committees are made aware of the options that are presented in the Executive Summary as they are still being actively considered for these projects.

We understand that the Town Council will refer these documents to the appropriate committees for review. We would like to have University representatives at meetings where the Draft Master Plan is discussed. When you have determined the schedule of meetings, please let us know we will make arrangements to have someone there. As always, if you have questions feel free to contact me or Beverly Wood in University Planning to discuss this review and the master plan documents.

The University will review the comments from the University community and the Town Council, amend the Draft documents if necessary and prepare a briefing for the Board of Trustees at their February meeting.

Sincerely,



Michael Kirk

352 MANSFIELD ROAD UNIT 1040  
STORRS, CT 06269-1049  
PHONE 860.486.2337  
FAX 860.486.2627

Jessie Shea

---

Subject:

FW: PZC Video Request to PZC

From: Patricia Suprenant [mailto:patsuprenant@earthlink.net]  
Sent: Wednesday, December 17, 2014 3:00 PM  
To: Linda M. Painter  
Cc: Matthew W. Hart  
Subject: PZC Video Request to PZC

Good Afternoon-

In the interest of the public, I am asking that the request to provide both an audio and video recording of all PZC meetings be reconsidered.

While audio tapes are available, an individual must first have "knowledge" of their existence. I discovered the existence of the audio tapes only through regular attendance at PZC meetings and because a PZC member had been absent and acknowledged that he had listened to the tape in order to cast his vote on the minutes. Second, because the audio tape must first be requested, the PZC is actually creating an impediment or obstacle to an open and transparent government. Minimally, there should be a link online for the audio tape and available to any and all members of the public without first requesting the link through the town hall. *(Let the record show that the staff are prompt and courteous when asked for the audio tape. That is not the problem.)* Third, contrary to some members' objections to being on television or photographed, it is important to document who is actually speaking. Since the PZC does not adhere to Roberts Rules, anyone listening to the audio would have difficulty determining who is actually speaking on the audio tape. An individual has to regularly attend to recognize voices. Fourth, cost is not a factor: The system already exist. PZC meetings on TV would be a great service to those in our community who do not have any form of transportation and would also be a great service to the old and the handicapped in our community. I hope you will take this up again at the next meeting and reconsider your opposition to the request.

Thank you.

Regards,  
Pat Suprenant

**Jessie Shea**

---

**Subject:**

**FW: Post Script To Request**

Just as a post script, some on the PZC objected to televising the meetings, because the handouts or plans would not be available to the public watching at home. Please remind the PZC that even less can be seen on an audio tape.

Thank you, again.

Pat Suprenant

December 18, 2014

**TO: WILLINGTON PLANNING AND ZONING COMMISSION**

**REPORT ON ZONING REFERRAL Z-2014-115: Proposed zoning regulation amendment to Section 5.07.03.01 pertaining to setbacks. Proposed amendment would reduce setback from 200' to 100' to make the required setbacks consistent with allowable yards for the Designed Community Residential (DCR) zone in Table 8.02 of the zoning regulations.**

**COMMISSIONERS:** Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**COMMENT:** The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

Questions concerning this referral should be directed to Lynne Pike DiSanto.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. The public hearing date has been scheduled for 1/13/2015.

**DISTRIBUTION:** Planner: Tolland, Ellington, Stafford, Mansfield, Coventry, Ashford, Union, Northeastern COG

Respectfully submitted,  
Sandra Bobowski, Chairman  
Regional Planning Commission

Karl Robert Profe, Vice Chairman  
Regional Planning Commission



Lynne Pike DiSanto, AICP  
Senior Planner and Policy Analyst



Town of Mansfield  
Department of Planning and Development

Date: December 22, 2014

To: Town Council  
Mary Stanton, Town Clerk

REC'D DEC 22, 2015 - M EC

From: Linda M. Painter, AICP, Director *LM*

Copy: Planning and Zoning Commission  
Matthew Hart, Town Manager

Subject: Mansfield Tomorrow Plan of Conservation and Development: Referral of Public Hearing  
Draft

---

On Monday, December 15, 2014, the Mansfield Planning and Zoning Commission adopted the following motion to refer the Mansfield Tomorrow draft Plan of Conservation and Development to the Town Council for review and comment:

*typo - 7:00 pm*  
"To submit copies of the December 2014 public hearing draft of the Mansfield Tomorrow Plan of Conservation and Development to the Mansfield Town Council and Capitol Region Council of Governments Regional Planning Commission for review and comment in accordance with the provisions of C.G.S. Sec. 8-23(g). A public hearing shall be scheduled for Monday, March 2, 2015 at 7:30 p.m. Comments will be taken that evening. Unless concluded earlier, the Commission shall adjourn the hearing for the evening at 11:00 p.m. and continue it to another date certain for additional public comment. If testimony is completed and the Commission determines there is no cause to keep the hearing open, the hearing may be closed at any time.

Copies of the draft plan shall also be transmitted to Town Attorney and the following adjoining communities: Ashford, Chaplin, Coventry, Tolland, Willington and Windham. The following Town boards, committees and commissions shall be provided with an electronic copy of the document for their review and comment: Agriculture Committee, Committee on the Needs of Persons with Disabilities, Commission on Aging, Conservation Commission, Economic Development Commission, Four Corners Sewer and Water Advisory Committee, Historic District Commission, Human Services Advisory Committee, Mansfield Tomorrow Advisory Group, Mansfield Board of Education, Open Space Preservation Committee, Parks Advisory Committee, Recreation Advisory Committee, Region 19 Board of Education, Sustainability Committee, Town University Relations Advisory Committee, Transportation Advisory Committee and other relevant advisory committees."

A copy of the plan is hereby submitted to you with this memo.

In accordance with Section 8-23(g)(2), Connecticut General Statutes, the public hearing has been scheduled for Monday, March 2, 2015 to provide the Town Council with at least 65 days to review and comment on the draft plan. As part of your review, you may elect to hold a public hearing independent of the public hearing held by the PZC. The Council may endorse or reject the entire plan or a portion thereof and may submit comments and recommended changes to the Commission. Any portion or recommendation of the plan that is not endorsed by the Town Council may only be adopted by Commission by a vote of not less than 2/3 of the members.

#### Next Steps

- **Town Council Review.** Staff will work with the Town Managers office to schedule workshops to discuss the draft plan. The Town Council also has the option of holding its own public hearing on the plan prior to submitting formal comments to the PZC
- **Community Input.** Copies of the draft plan are available for review in the Town Clerk's office, Senior Center, and Community Center. Additionally, copies are available to borrow from the Mansfield Public Library as part of their circulation system. The attached flyer identifies a series of community information meetings as well as an open house that are scheduled for January and February.

Please let me know if you have any questions.

SHARE YOUR THOUGHTS ON THE PROPOSED

# MANSFIELD TOMORROW

*Plan of Conservation and Development*

View the plan online at [www.mansfieldtomorrow.com](http://www.mansfieldtomorrow.com).

Hard copies of the plan can be viewed at the Office of the Town Clerk, Mansfield Community Center and Mansfield Senior Center, or borrowed from the Mansfield Public Library.

## Community Information Meetings

PRESENTATION AND DISCUSSION OF PLAN

Thursday, January 15, 2015

7:00 p.m.

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

*This meeting will be broadcast on Charter Cable Channel 191 and streamed live on-line at [www.mansfieldct.org](http://www.mansfieldct.org).*

Wednesday, January 21, 2015

2:30 p.m.

Mansfield Senior Center  
303 Maple Road

Thursday, February 5, 2015

7:00 p.m.

Mansfield Middle School Cafeteria  
205 Spring Hill Road

## Open House

INFORMAL DROP-IN EVENT VIEW MAPS  
AND DISCUSS PLAN

Saturday, January 31, 2015

10 am - 12:30 pm

Buchanan Center Auditorium  
Mansfield Public Library  
54 Warrenville Road

## Public Hearing

HEARING BEFORE ZONING COMMISSION MEMBERS  
PUBLIC COMMENTS ON THE PLAN

Monday, March 2, 2015

7:00 p.m.

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

*The hearing may be continued to another date and time if there are more people present than can be heard prior to 11:00 p.m.*

Please call Project Manager Jennifer Kaufman at (860) 429-3015 x6204 with any questions.



Mansfield Tomorrow is a Town project funded by the U.S. Department of Housing and Urban Development (HUD) Office of Economic Resilience.

[www.MansfieldTomorrow.com](http://www.MansfieldTomorrow.com)

 Mansfield Tomorrow



# Town of Mansfield

## Department of Planning and Development

Date: December 22, 2014

To: Kevin Deneen, Town Attorney

From: Linda M. Painter, AICP, Director *LMP*

Copy: Planning and Zoning Commission  
Matthew Hart, Town Manager

Subject: Mansfield Tomorrow Plan of Conservation and Development: Referral of Public Hearing Draft

---

On Monday, December 15, 2014, the Mansfield Planning and Zoning Commission adopted the following motion to refer the Mansfield Tomorrow draft Plan of Conservation and Development for review and comment:

*7:00 PM* "To submit copies of the December 2014 public hearing draft of the Mansfield Tomorrow Plan of Conservation and Development to the Mansfield Town Council and Capitol Region Council of Governments Regional Planning Commission for review and comment in accordance with the provisions of C.G.S. Sec. 8-23(g). A public hearing shall be scheduled for Monday, March 2, 2015 at *7:30* p.m. Comments will be taken that evening. Unless concluded earlier, the Commission shall adjourn the hearing for the evening at 11:00 p.m. and continue it to another date certain for additional public comment. If testimony is completed and the Commission determines there is no cause to keep the hearing open, the hearing may be closed at any time."

Copies of the draft plan shall also be transmitted to Town Attorney and the following adjoining communities: Ashford, Chaplin, Coventry, Tolland, Willington and Windham. The following Town boards, committees and commissions shall be provided with an electronic copy of the document for their review and comment: Agriculture Committee, Committee on the Needs of Persons with Disabilities, Commission on Aging, Conservation Commission, Economic Development Commission, Four Corners Sewer and Water Advisory Committee, Historic District Commission, Human Services Advisory Committee, Mansfield Tomorrow Advisory Group, Mansfield Board of Education, Open Space Preservation Committee, Parks Advisory Committee, Recreation Advisory Committee, Region 19 Board of Education, Sustainability Committee, Town University Relations Advisory Committee, Transportation Advisory Committee and other relevant advisory committees."

A copy of the plan is hereby submitted to you with this memo. It would be helpful to receive a formal opinion from you by Monday, February 22, 2015 for inclusion in the packet provided to the PZC in advance of the hearing. You can also download a pdf at [www.mansfieldtomorrow.com](http://www.mansfieldtomorrow.com).

Please let me know if you have any questions.



December 23, 2014

For Immediate Release...

Contact: Lois Bruinooge  
Executive Director  
860-774-3300  
Lois@tlgv.org

### Good News for The Last Green Valley!

The Last Green Valley, Inc. (TLGV) is pleased to announce that Congress has taken a significant step to ensure the future of this special place. Because we are blessed with significant natural, cultural, and historic resources of national importance, Congress has extended the National Heritage Corridor's ability to receive federal funds through 2021. While this measure does not guarantee any dollar amount in a given year, it reaffirms that The Last Green Valley National Heritage Corridor is eligible and worthy of continued federal investment.

The same legislation, which was signed into law by President Obama on December 19, also formally changed the Corridor's name from the hard-to-remember "Quinebaug and Shetucket Rivers Valley National Heritage Corridor" to a more apt moniker, "The Last Green Valley National Heritage Corridor." Green by day and dark by night, The Last Green Valley is still 77% forest and field.

The Last Green Valley, Inc. is grateful for the support of Senator Richard Blumenthal, who introduced the legislation in the Senate, and Congressman Joseph Courtney, who introduced the legislation in the House. Senator Blumenthal noted, "The Last Green Valley is a name that honors the deep heritage, history and beauty of this region -- indeed the last large stretch of forestland and wilderness remaining in the densely developed Boston to Washington corridor. Through their tremendous work, the stewards and caretakers of this proud National Heritage Corridor have protected and celebrated this

P 860-774-3300 E mail@tlgv.org thelastgreenvalley.org  
P.O. Box 29, 111 Main Street, Danielson, CT 06239-0029 P.O. Box 186, Southbridge, MA 01550

pristine landscape, and I hope this name change will help advance those efforts for generations to come.” Congressman Courtney remarked, “The officially-renamed Last Green Valley is one of eastern Connecticut’s most important natural treasures. From pastoral rolling farmland to wild, wooded forests, this area helps define the character of our region, which is why I sponsored the original legislation to preserve the National Heritage Corridor. I am pleased that the six-year reauthorization approved last week as part of the defense authorization bill, which I voted for, will ensure that the Corridor will continue to receive federal support and protection in the future.”

The Last Green Valley, Inc. would also like to thank Senators Elizabeth Warren and Christopher Murphy, and Congressmen Richard Neal and James McGovern, for co-sponsoring this legislation and for their continued support of our National Heritage Corridor.

The Last Green Valley National Heritage Corridor is the last stretch of dark night sky in the coastal sprawl between Boston and Washington, D.C. The Last Green Valley, Inc. works for you in the National Heritage Corridor. We help you to care for it, enjoy it and pass it on!

###

Jessie Shea

**From:** Center for Land Use Education and Research <clear@uconn-clear.ccsend.com> on behalf of Center for Land Use Education and Research <bruce.hyde@uconn.edu>  
**Sent:** Tuesday, January 06, 2015 11:14 AM  
**To:** Jessie Shea  
**Subject:** March 21, 2015: Connecticut Land Use Law Conference

Having trouble viewing this email? [Click here](#)

You're receiving this email because of your relationship with the University of Connecticut Center for Land Use Education and Research.

You may [unsubscribe](#) if you no longer wish to receive our emails.



University of Connecticut Center for Land Use Education and Research



**Land Use Law  
Conference for Municipal Boards & Commissions**



**Land Use Academy**

The Connecticut Bar Association Planning and Zoning section is hosting its annual land use seminar *Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions*. This is a terrific, comprehensive all-day course team-taught by an all-star lineup of prominent land use attorneys!

**Date: Saturday, March 21**

**Time: 8:30 - 4:30**

**Place: Wesleyan University**

**GET THE**

**Quick Links**  
[Academy Website](#)  
[Online Academy](#)

 [Join CLEAR](#)



# CONFERENCE BROCHURE

*See you there!*

Sincerely,

**Bruce Hyde**

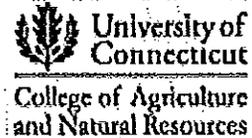
*Land Use Academy Director, Land Use Educator*

[bruce.hyde@uconn.edu](mailto:bruce.hyde@uconn.edu)

phone: 860-345-5229

[Land Use Academy Website](#)

The Land Use Academy is a program of the University of Connecticut Center for Land Use Education and Research (CLEAR). Academy partners include the CT Office of Policy and Management Office of Responsible Growth, the CT Bar Association, and the CT Chapter of the American Planning Association.



**Forward email**

SafeUnsubscribe

This email was sent to sheajf@mansfieldct.org by [bruce.hyde@uconn.edu](mailto:bruce.hyde@uconn.edu) ;  
[Update Profile/Email Address](#) | Rapid removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).



Center for Land Use Education and Research | 1066 Saybrook Road | PO Box 70 | Haddam | CT | 06438

MEMO  
12/30/14

To: ✓ Linda Painter, Director of Planning, Curt Vincente, Director of Parks and Recreation, John Carrington, Director of Public Works, Mansfield Transportation Advisory Committee  
From: Mansfield's "ad-hoc" Bicycle Advocates (see below) *WLB*  
Re: Requested Additional Bike Routes in Mansfield

As you are aware, members of Mansfield's bicycling community who are interested in promoting bicycling in Town have formed an advocacy group. We have met several times this fall, and plan to continue to meet to further this cause.

At our meeting on November 5<sup>th</sup>, we examined the Town's existing system of bike routes from the perspective of avid cyclists – people who ride their bikes frequently in Mansfield – and would like to suggest additions that will make the bike route system more aligned with existing bicycling practices. Accordingly, we recommend the following additions to the current bike route system.

While all bicycle advocates want and appreciate separate bicycle paths (as have been constructed in recent years), this particular recommendation only deals with designating these additional bike routes, signing them and painting sharrows on the road surfaces so that other vehicles are made aware of the bicycles they may encounter on these road segments. Members of the cycling community are available to explain the particulars of these requests ... but as stated above, these are the sections of roadways that are commonly used by bike riders and commuters in Mansfield.

**Recommended Additional Town Road Bike Routes:**

All of the Storrs Center roadways, including  
*Dog Lane to the Greek Center*  
*Charles Smith Way*  
*Wilbur Cross Way*  
*Bolton Road Extension*  
*Royce Circle*

*Eastwood Road and the East Leg of Hillside Circle (connecting to the UConn campus)*  
*Westwood Road and the West Leg of Hillside Circle ( " " )*  
*Bassetts Bridge Road*  
*Browns Road from 195 to Mansfield City Road*  
*Clover Mill Road (South loop from 195 and to Spring Hill Road)*  
*Dodd Road*  
*Mulberry Road*  
*Wormwood Hill Road from 89 to Mulberry*

**Recommended State Highway Bike Designations:**

(Recognizing that the state will have to approve and participate in these designations)

*Route 195 from 32 to 44*  
*195 from North Eagleville Road to South Eagleville Road*  
*Route 195 from Clover Mill Road to Puddin Lane*  
*Route 89 from 195 to Mulberry*

cc: Bicycle Advocates (R. Manizza, D. Baxter, M. Dean, M. Taylor, S. Santasiere, D. Palmer, Tim Weinland, Y. Zaffou, & L. Hultgren crafting this recommendation, 13 others supporting it); BAC file



**Notice of Tentative Determination to Approve an Application for  
Diversion of Water Permit  
And Intent to Waive Public Hearing  
Applicant(s): The Connecticut Water Company, The University of Connecticut  
Application No.: DIV- 201404187  
City/Town: Ellington, Vernon, Tolland, Coventry, Mansfield**

The Commissioner of the Department of Energy and Environmental Protection ("DEEP") hereby gives notice that a tentative determination has been reached to approve the following application for a permit to divert the waters of the state. The Commissioner also intends to waive the requirement for public hearing pursuant to Section 22a-371 provided that a hearing may be held if the Commissioner determines that the public interest will best be served thereby, or shall hold a hearing upon receipt of a petition as more thoroughly described below.

Application Number:	DIV-201404187
Applicant's Name and Address:	The Connecticut Water Company 93 West Main Street, Cheshire, CT 06413-0562
Contact Name and Phone No.:	David Radka 860-669-8630
Applicant's Name and Address:	The University of Connecticut 31 LeDoyt Road, Unit 3055, Storrs, CT 06269-3055
Contact Name and Phone No.:	Jason Coite 860-486-9305
Type of Permit:	Diversion of Water
Relevant statute(s)/Regulation:	Section 22a-365 through 22a-378
Project Description:	Interconnection and transfer of a maximum of 1.85 million gallons per day of water from Connecticut Water Company public water system in Tolland to the University of Connecticut and Town of Mansfield
Project Location:	Along Route 195 from intersection with Anthony Road/Baxter Street in Tolland through Mansfield Four Corners to its intersection with Towers Point Road in Mansfield

Water(s):

Shenipsit Reservoir, Hockanum River, Willimantic River

### **COMMISSIONER'S FINDINGS/REGULATORY CONDITIONS**

The proposed activity includes the following: 1) transfer a maximum of 1.85 million gallons of water per day from The Connecticut Water Company's Northern Operations Western System to the University of Connecticut's public water system via a proposed regional 5.3 mile pipeline along Route 195, and 2) installation of a 0.5 mile potable water distribution main emanating from the aforementioned regional pipeline westerly along Route 44 from Mansfield Corners to the vicinity of the Jensen's Mobile Home Park. The proposed activity will affect the Shenipsit Reservoir, Hockanum River, and Willimantic River.

Pursuant to Section 22a-371 of the CGS, the Department has found that the application is complete and has determined that the proposed diversion 1) is necessary, 2) will not significantly affect long-range water resources management, and 3) will not impair proper management and use of the water resources of the State. Accordingly, the Commissioner hereby publishes notice of intent to waive the requirement for a public hearing, provided if the Commissioner receives a petition requesting a hearing signed by 25 persons on or before the deadline for receipt of written comments specified at the end of this notice, a hearing will be held. Notice of any hearing will be published in a newspaper having general circulation in the area where the proposed diversion will take place or have effect.

### **INFORMATION REQUESTS/PUBLIC COMMENT**

This application has been assigned No. DIV-201404187; please use this number when corresponding with DEEP regarding this application. Interested persons may obtain a copy of the application from the applicant's contact noted above. The application and supporting documentation are available for inspection at DEEP, Bureau of Water Protection and Land Reuse, 79 Elm Street, Hartford, CT from 8:30 am to 4:30 pm Monday through Friday by contacting Carol Ladue of the Inland Water Resources Division at (860) 424-3828. Questions may be directed to Doug Hoskins, of the Inland Water Resources Division at (860) 424-4192.

Before making a final decision on this application, the Commissioner shall consider written comments on the application from interested persons. Written comments on the application should be directed to Doug Hoskins, Bureau of Water Protection & Land Reuse, Inland Water Resources Division, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, or may be submitted via electronic mail to: Douglas.Hoskins@ct.gov no later than thirty (30) days from the publication date of this notice.

### **PETITIONS FOR HEARING**

Petitions shall be signed by at least twenty five persons and should include the application number noted above and also identify a contact person to receive notifications. Petitions may also identify a person who is authorized to engage in discussions regarding the application and, if resolution is reached, withdraw the petition. Original signed petitions may be scanned and sent electronically to [deep.adjudications@ct.gov](mailto:deep.adjudications@ct.gov) or may be *mailed or delivered* to: DEEP Office of Adjudications, 79 Elm Street, 3<sup>rd</sup> floor, Hartford, CT 06106-5127. All petitions must be received within the comment period noted above. If submitted electronically, original signed petitions must also be mailed or delivered to the address above within ten days of electronic submittal. If a

hearing is held, timely notice of such hearing will be published in a newspaper of general circulation.

~~December 16~~, 2014  
Publication Date



Cheryl A. Chase, Director  
Inland Water Resources Division  
Bureau of Water Protection and Land Reuse

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action and Equal Opportunity Employer that is committed to complying with the Americans with Disabilities Act. To request an accommodation contact us at (860) 418-5910 or [deep.accommodations@ct.gov](mailto:deep.accommodations@ct.gov)

# CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES

STEVEN E. BYRNE  
EXECUTIVE DIRECTOR

BUILDING #2  
790 FARMINGTON AVENUE  
FARMINGTON, CONNECTICUT 06032  
TELEPHONE (860) 677-7355  
FAX (860) 677-5262



## SAVE THE DATE!

TO: Chairman of Planning and/or Zoning Commissions  
and Zoning Boards of Appeal

FROM: Steven E. Byrne, Executive Director

SUBJECT: CFPZA Annual Conference—March 26, 2015

This year's Annual Conference will take place on Thursday, March 26, 2015 at the Aqua Turf, Southington, CT. Please consider attending this year's Annual Conference of the Connecticut Federation of Planning and Zoning Agencies. The night is sure to be both enjoyable and informative. Our speaker will be presenting information on Idea Factories: being proactive rather than reactive. Idea Factories offer an alternative to the usual way municipal land use agencies operate in implementing planning and development concepts, goals and plans. They are part of a process that can be utilized by land use agencies to address the changing needs of their communities in regard to housing, commercial, and mixed use development so as to better obtain development that meets these needs. Workshops, public hearings, public events and interactive websites are all part of this process which seeks to get public involvement in the formulation of a plan instead of public comment after the plan has been approved.

I know that many commissions require an education component for their commission members. At a cost of only \$43.00 per individual, this conference is a cost effective way to satisfy this requirement while providing an opportunity to socialize with commission members from other towns.

In addition, Length of Service awards will be presented to commission members who have served in any capacity for 12 or 25 years. If you have a commission member who is eligible for this recognition, please submit his or her name. Nomination forms will be included in the registration packet that will be sent to your commission in the coming weeks.

I hope to see you and members of your commission at this worthwhile event!

# CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES

## QUARTERLY NEWSLETTER

Winter 2015

Volume XIX, Issue 1

### STATE APPELLATE COURT DEFINES STATUTORY AGGRIEVEMENT

A planning and zoning commission was conducting a comprehensive review of its zoning regulations. On its own application, it amended certain sections while leaving others untouched. An owner of land zoned for single family use had sent a letter requesting that, during this review, his property be re-zoned to multifamily use. When the commission failed to do so, this property owner appealed.

The Appellate Court found that the property owner was not statutorily aggrieved. He had not filed an application but instead appealed a decision by the commission of its own application to not change the zone of his property. In making its ruling, the court looked closely at the language and purpose of Section 8-8(a)(1) of the General Statutes.

Statutory aggrievement pursuant to this statute is intended to benefit a narrow class of property owners. The court found that when interpreting this statute, it should not be used to confer jurisdiction [right to appeal] on a class of property owners that constitute a large portion of the town. Allowing this owner to appeal a zoning commission's inaction with respect to a particular parcel on which no zoning application has been submitted would improperly broaden the class of person able to take an appeal pursuant to Section 8-8(a)(1).

*See Greenwood Manor v. PZC, 150 Conn. App. 489 (2014).*

### JURISDICTION OVER WIND TURBINES RESOLVED

The State Supreme Court put to rest an interesting argument raised by opponents of a proposed windfarm that was to be located in Colebrook Connecticut. The argument raised was that the Connecticut Siting Council did not have jurisdiction over wind turbines because the turbines did not come under the statutory definition of a regulated facility.

The term 'facility' is defined by Connecticut General Statute Sec. 16-50i to include any electric generating facility using fuel. The wind turbine opponents argued that since wind is not a fuel, wind turbines didn't come within the statutory definition of a facility and thus were not regulated by the Siting Council. The State Supreme Court declined to accept this argument, finding that the term fuel should not be defined in such a way so as to exempt these electric generators from Siting Council jurisdiction. *See Fairwind Inc. v. Connecticut Siting Council, SC 19090 (9/23/14).*

### HOW TO MEASURE A SEPARATION DISTANCE

An owner of a shopping plaza appealed the issuance of a certificate of zoning compliance by the zoning enforcement officer. A liquor store

Written and Edited by  
Attorney Steven E. Byrne  
790 Farmington Ave., Farmington CT 06032  
Tel. (860) 677-7355  
Fax. (860) 677-5262  
[attysbyrne@gmail.com](mailto:attysbyrne@gmail.com)  
[cfpza@live.com](mailto:cfpza@live.com)

# CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES

## QUARTERLY NEWSLETTER

Winter 2015

Volume XIX, Issue 1

tenant in his plaza had moved to a recently constructed retail plaza less than 500 feet away. Due to required separation distances, this would prevent the owner from obtaining another liquor store tenant for his plaza. The basis for the appeal was that the new location of the liquor store was within 500 feet of a church, something not permitted by the zoning regulations. The Zoning Board of Appeals declined to hear the application, claiming it was untimely. A court action followed.

The shopping plaza owner was allowed to continue his appeal as a private zoning enforcement action. Under Connecticut law, there is a cause of action for private zoning enforcement. Where the person bringing the action proves there is a zoning violation and that he or she is personally harmed by the violation.

In this case, there was personal harm as the plaza owner would be deprived of a liquor store location for his plaza. As for the zoning violation, when measuring a separation distance, the straight line [or as the crow fly's] method must be used. The zoning enforcement officer had measured the distance between the new store location and the church by measuring along sidewalks and driveways. Because the zoning regulations did not specify how to measure the distance, the only reasonable way that would render consistent results would be to use the straight line method. See *Steroco v. Syzmanski*, 58 Conn. L. Rptr. 593 (2014)

### APPEAL OF A DECISION BY TOWN PLANNER CAN GO TO COURT

A revised set of subdivision plans was submitted to the land use administrator who served as the town's planner and enforcement officer. The original set of plans had been recorded and this new set was submitted as certain lot lines had been changed. The town official determined that the revised plans did not constitute a resubdivision and approved them for recording.

A resident of the subdivision found out about this revised map and approached the town official to change his mind. The resident believed that the revised map did constitute a resubdivision as a street was moved and an additional lot was created. When the official refused to reconsider his decision, the resident petitioned the planning and zoning commission to address whether a resubdivision had taken place. The commission refused.

When the resident appealed the commission's refusal to hear his petition to the superior court, the commission moved to dismiss the appeal. The commission believed that since the appeal concerned a decision by the town land use official, an appeal to the zoning board of appeals should have been taken first before filing an appeal in court. The court disagreed.

In finding that the resident was correct to take an appeal to court, the court recognized that the statutory scheme for land use controls clearly

Written and Edited by  
Attorney Steven E. Byrne  
790 Farmington Ave., Farmington CT 06032  
Tel. (860) 677-7355  
Fax. (860) 677-5262  
[attysbyrne@gmail.com](mailto:attysbyrne@gmail.com)  
[cfpza@live.com](http://cfpza@live.com)

# CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES

## QUARTERLY NEWSLETTER

Winter 2015

Volume XIX, Issue 1

delineates two distinct regulatory areas: planning and zoning. The fact that many towns have one commission that performs these two functions and one town official who acts both as a planner and a zoning enforcement official does not erase this separation of powers. In this case, whether or not the revised subdivision map was in fact a resubdivision constituted a planning function. Under 8-6 of the general statutes, a zoning board of appeals has no authority to review a planning decision. Thus, this matter could not be appealed to the board, leaving an appeal to court as the only option. See *Mandable v. PZC*, 58 Conn. L. Rptr. 749 (2014).

### MOTORIZED DIRT BIKE NOT AN ACCESSORY USE

To the general relief of many suburbanites, a trial court judge found that children riding motor-dirt bikes on their parent's residential property is not an accessory use for a single family home. Of most importance to this finding was that the zoning enforcement officer had consistently, over several years, always issued cease and desist orders on such activities. See *Cavaciuti v. ZBA*, 58 Conn. L. Rptr. 779 (2014).

### ANNOUNCEMENTS

#### ANNUAL CONFERENCE

The Federation's annual conference will take place on MARCH

26, 2015 at the Aqua Turf Country Club in Southington Connecticut. The price per person for attending will remain at \$43.00. In addition to the wonderful food and company that is always part of this event, you will be treated to a presentation on IDEA FACTORIES. Idea Factories offer an alternative to the usual way municipal land use agencies operate when implementing planning and development projects and goals. Idea Factories get members of the public involved in the planning process at the beginning, before a formal plan is made, instead of at the end. Workshops, public hearings, public events and interactive websites are all part of this process which seeks to get public involvement in the formulation of a plan.

#### Workshops

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

#### 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.*

Written and Edited by  
Attorney Steven E. Byrne  
790 Farmington Ave., Farmington CT 06032  
Tel. (860) 677-7355  
Fax. (860) 677-5262  
[attysbyrne@gmail.com](mailto:attysbyrne@gmail.com)  
[cfpza@live.com](http://cfpza@live.com)

**BOOK ORDER FORM**

Name of Agency: \_\_\_\_\_

Person Making Order: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Purchase Order No.: \_\_\_\_\_

"PLANNING AND ZONING IN CONNECTICUT"  
at \$25.00 each for members                      Copies \_\_\_\_\_ \$ \_\_\_\_\_  
at \$30.00 each for non-members

"CONNECTICUT ZONING BOARD OF APPEALS"  
at \$20.00 each for members                      Copies \_\_\_\_\_ \$ \_\_\_\_\_  
at \$25.00 each for non-members

"WORKSHOP BOOKLETS"  
at \$9.00 each for members  
at \$12.00 each for non-members  
Planning & Zoning Commissions                      Copies \_\_\_\_\_ \$ \_\_\_\_\_  
(Newly Combined Edition)  
Zoning Board of Appeals                              Copies \_\_\_\_\_ \$ \_\_\_\_\_  
Inland Wetlands & Watercourses                Copies \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL DUE: \_\_\_\_\_ \$ \_\_\_\_\_

*Please make check payable to:*  
*Connecticut Federation of Planning & Zoning Agencies*

CONNECTICUT FEDERATION OF  
PLANNING & ZONING AGENCIES  
2B Farmington Commons  
790 Farmington Avenue  
Farmington CT 06032

06268 2574 C002  
PA  
2015



Mansfield Planning & Zoning Commission  
4 South Eagleville Road  
Mansfield, CT 06268

