

K. Existing and Proposed Zoning and Subdivision Status of the Project Area

The Project Area consists of properties currently zoned PB-2, PO-1 and RAR-90. The existing zoning designations for the Project Area are depicted on Figure 15 (Sheet EZ-1, prepared by BL Companies).

Following approval of the Municipal Development Plan for Storrs Center, the Master Developer and the Mansfield Downtown Partnership will apply to the Mansfield Planning and Zoning Commission for approval of a new zoning district regulation and zoning map designation for all or a portion of the Project Area. The new zoning district will be a special design district (SDD) or similar mechanism. The anticipated provisions of the new SDD regulation are outlined in the attached memorandum entitled “The Storrs Center Municipal Development Plan (MDP) and Permitting Process.”

An important aspect of the new SDD regulations will be the creation of a set of design guidelines applicable to the project. These design guidelines will be incorporated into the SDD regulation that will be presented to the Mansfield Planning and Zoning Commission for its review and approval. A preliminary draft of the design guidelines has been prepared by LRK to demonstrate the range of design issues that the guidelines will cover (a copy is included in the pocket part of this MDP). The guidelines are preliminary and are included for the reader’s general reference and understanding about the project. The guidelines are not submitted as a formal part of this MDP, since they are not required a element and they are subject to change during the local zoning process.

Other local, state and federal permits and approvals will be needed for the project to proceed. The attached memorandum regarding Mansfield MDP Permits and Approvals by URS outlines the permits and approvals that will *potentially* be required for the Project. This list may change and be refined as the project plans evolve and become more specific.

Three additional conceptual site plans for the Project are included in this MDP. First, a rendered Conceptual Site Plan is attached (Figure 16). This conceptual plan shows possible locations of buildings, streets, parking, landscaping and other site features. Second, a future development plan is included (Figure 17). This plan demonstrates potential future development scenarios that would include the properties designated as Assessors Map 18, Block 41, Lots 14 and 15 should these properties be included in the Project at a later date. At the current time, the owners of these properties have not expressed a desire to be involved in the Project. Finally, a large format conceptual site plan is included (Figure 18). The purpose of this plan is to provide additional detail, such as the distances between certain buildings and the width of certain streets. These plan dimensions provide a sense of scale for some of the key public spaces and streetscapes included in the Project.

All of these plans are subject to change as the site planning for the Project evolves and becomes more refined.

The Storrs Center Municipal Development Plan (MDP) and Permitting Process

Introduction

In 2002, the Mansfield Town Council appointed the Mansfield Downtown Partnership as the Town's Municipal Development Agency for Storrs Center. As such, the Partnership has developed a process for preparing, pursuant to Chapter 132 of the Connecticut General Statutes, a Municipal Development Plan (MDP) for Storrs Center and having Storrs Center developed in accordance with the MDP. This process includes key steps which have been taken, such as designation of a Master Developer and drafting the MDP, and other key steps which are proposed. This memorandum outlines the three key, proposed steps for the issuance of permits for the development of Storrs Center:

- 1) the approval of the Municipal Development Plan ("the Plan"),
- 2) the role of the Mansfield Planning and Zoning Commission in legislating special zoning regulations for the Storrs Center area, and
- 3) the special zoning permit process for the Storrs Center area which must be approved by the Mansfield Planning and Zoning Commission.

1. The approval of the Municipal Development Plan.

Under Conn. Gen. Stat. Sec. 8-191(a), the very first statutory prerequisite for adoption of the MDP is that the Mansfield Planning and Zoning Commission find that the Plan is in accord with Mansfield's Plan of Conservation and Development (PCD). The second requirement is that the Windham Region Council of Governments find that the Plan is in accord with the Windham Region Plan of Development. The third requirement is that the Partnership, as municipal development agency, hold at least one public hearing on the Plan. After these requirements have been met, the Storrs Center MDP must also be adopted by the Mansfield Downtown Partnership – which will require approval of The University of Connecticut – and approved by the Mansfield Town Council and the Connecticut Department of Economic and Community Development (DECD). To be legally sufficient, the MDP needs to include, among other things, the following:

- A. Both present and proposed zoning classifications within the Storrs Center project area - including the concept, if not actual proposed regulations, described below;
- B. Guidelines and/or a delineation of planned uses of land – buildings, streets and roads, parking areas, utilities and public spaces – of sufficient detail to

satisfy the Planning and Zoning Commission that the Plan is in accord with the PCD;

- C. A defined listing of permitted land uses within the MDP area;
- D. A defined listing of all necessary or potential federal, state and local permits known at the time of MDP submission;
- E. An outline of building, infrastructure and site improvement design guidelines for a new Storrs Center Special Design District (SDD) in sufficient detail to satisfy the Planning and Zoning Commission that the Plan is – and consistent SDD zoning regulations will be – in accord with the PCD.

2. The role of the Mansfield Planning and Zoning Commission in legislating zoning regulations for the Special Design District.

After adoption of the MDP, the Plan would return to the Mansfield Planning and Zoning Commission (“P&Z”) in the form of a proposed zoning map revision and associated zoning regulations creating the Storrs Center Special Design District. The regulations would specify in greater detail than the MDP the permitted uses in Storrs Center and would include more detailed design guidelines than those included in the MDP. Therefore, the SDD and other zoning regulations legislated by the Planning and Zoning Commission would supercede the MDP, except to the extent the zoning regulations incorporate elements of the MDP, and would be the local law with which Storrs Center would have to comply.

The zoning regulations for the SDD would also set forth in detail the special permitting procedures that would apply within the Storrs Center district, as outlined in section 3, below.

Construction of Storrs Center will not begin until the Planning and Zoning Commission approves the proposed SDD regulations.

3. The special zoning permit process for Storrs Center.

- A. The special design district regulations would designate the Mansfield Town Planner as the official responsible for determining whether project applications (including applications for modification of approved plans) comply with the SDD regulations and all other applicable zoning regulations.

- B. Applicants for zoning permits and modifications of existing permits within the Storrs Center special design district would submit applications to the Zoning Agent and simultaneously provide copies to the Town Planner, to the Partnership as Municipal Development Agency, to the Mansfield Public Library, and to an appropriate library at the University of Connecticut.
- C. Applicants for zoning permits for site plans for new buildings and infrastructure within the Storrs Center special design district would be required by regulation to provide notice, in the same statutory manner required for applications for approval of special permits in general, to the Town Council, the Planning and Zoning Commission, the University of Connecticut, property owners within 500 feet of the site of proposed development, and the public of the following:
- i) the filing of the application and the availability for public inspection of the plans and other documents constituting the application during normal business hours at the Mansfield Public Library, the Mansfield Planning Office, the designated library at the University of Connecticut, and the Mansfield Downtown Partnership office;
 - ii) the date, time and place of the Partnership's public hearing on the application; and
 - iii) written comments will be considered if received by the Partnership before the conclusion of the public hearing.
- D. The respective authorities of the Zoning Agent and the Town Planner would be the same as they are now, except that the SDD regulations would set forth criteria for the Town Planner to exempt from public hearing by the Partnership applications for zoning permits for such details within an *approved* site plan as signage, facades, number, type and location of lights, design of handicapped access, and changes in such details. The Town Planner would have the discretion to refer any design issue to the Partnership for review and comment.
- E. The Mansfield Downtown Partnership, by its Board or a committee appointed by the Board, will hold a public hearing on the application. The Partnership shall not postpone or continue the hearing beyond 14 days

from the original hearing date unless the applicant agrees. Within two weeks of the conclusion of the public hearing, the Partnership will forward its recommendation to the Town Planner, together with one copy of each timely written comment received by the Partnership concerning the application.

- F. The Town Planner, after consideration of the Partnership's recommendation and any accompanying written comments, shall be responsible for determining whether or not the application complies with the SDD regulations' design requirements and all other applicable zoning regulations. The Town Planner shall inform the Zoning Agent of the Town Planner's determination and the Zoning Agent shall issue the appropriate response to the application.
- G. Mansfield's Zoning Agent's authority to issue Zoning Permits subject to compliance with all administrative requirements of the Zoning Regulations would not change.
- H. For projects within the special design district, no meeting of the Planning and Zoning Commission would be required. The only required public meeting concerning applications for zoning permit approval would be the meeting (or meetings) of the Board of Directors of Mansfield Downtown Partnership, or a committee appointed by the Board, to consider whether or not the Partnership should recommend that the Town Planner authorize the issuance of the Zoning Permit.
- I. Proposed improvements within the Storrs Center special design district will remain subject to review and permitting by the Mansfield Wetlands Agency, as required by state law and Mansfield Wetlands Regulations.
- J. Prior to the issuance of a Zoning Permit, the Zoning Agent must find that any required Inland Wetland Permit has been issued and that all other preconstruction permits required by State or Federal Regulations or other provisions of the Zoning Regulations have been issued (or will be issued before a Building Permit is issued). The Town would retain authority to require bonds to help ensure completion of an approved plan.
- K. Issuance of a Zoning Permit would remain a prerequisite for issuance of a Building Permit by the Town Building Official.

- L. Any appeal from a decision on a zoning permit application may be appealed to the Mansfield Zoning Board of Appeals.
- M. There would be no change in the Town's building inspection power or code and zoning enforcement powers: Town staff would address any deviations from permits in accordance with all applicable laws and regulations.

4. Post-construction changes in use.

After issuance of a certificate of occupancy, proposed changes of use or site improvements within the Storrs Center special design district would be subject to review and appropriate action based on the law and regulations applicable at that time.

5. Changes to the MDP.

Any substantial changes to the MDP after its adoption by the Town Council and approval by DECD need to be approved in the manner of approval of the MDP itself. Because the permitting process outlined above is designed to facilitate development of Storrs Center in accordance with the MDP, any changes in the MDP may necessitate changes in the Storrs Center special design district map and/or regulations.

MEMORANDUM

To: Ed Wilson - LRK

From: Peter Sammis

Date: June 13, 2003
Rev 07/24/03 to Address Richard Miller Comments
Rev 10/27/03 With Greg Padick Comments

Subject: *Mansfield MDP*
Town of Mansfield, CT
Project No. 36913850
Permits/Approvals

As a followup to our meeting on June 6, 2003 with Curt Hirsh, Town of Mansfield Zoning Enforcement Officer, and Larry Schilling and Richard Miller, University of Connecticut, the following is our understanding of the permit and approval process that will govern the implementation of this project. This memorandum was generated to clarify the threshold requirements of the various federal/state/local permits that **may** be triggered by the proposed project. Since the MDP has yet to be defined in any detail, this preliminary permit listing is meant to be all inclusive, with the actual project permit requirements determined at a later date, as the project develops (Tasks 8 and 10). The project team anticipates that the project will not be subject to dual regulation. In the case of wetlands, it will be either state or local, and possibly federal depending on threshold limits. The threshold limits for both local and state wetlands permitting requirements have been identified, because the issue of ownership/funding has not yet been resolved, which also determines the governing regulatory body. Once the ownership/funding issue is resolved, the appropriate regulatory agency and permit requirements can be identified.

FEDERAL PERMITS**ACOE Section 404****Programmatic General Permit (PGP)**

- Category I – Does not require notification to ACOE as long as project is regulated by DEP IWRD. Applies to any new fill or excavation discharges into inland waters and wetlands less than 5,000 SF of total area. The impact areas are inclusive of both secondary and permanent impacts.

- Category II – Exceeds the threshold of Category I and the eligibility is determined on a case by case basis by the federal/state screening procedure. Applies to any new fill or excavation discharges into inland waters and wetlands ranging from 5,000 SF to 1 acre of total area. The impact areas are inclusive of secondary and permanent impacts.

Individual 404 Permit

- Projects that do not fall under the criteria for the PGP, projects with substantial wetland impacts, or projects that are controversial may require an Individual 404 permit from the ACOE.

STATE DEP PERMITS**Inland Wetland and Watercourses**

- Covers any disturbances to all fresh water wetlands and watercourses in the state undertaken by a state agency. Wetlands are defined by soil types by a soil scientist. Watercourses are defined as any body of water, standing, flowing, natural or artificial. No buffer zone applies.
- Attachment I – Environmental Report is a required attachment to the DEP Inland Wetlands & Watercourses, Dam Construction, 401 Water Quality Certificate, and Water Diversion permit applications. This Environmental Report requires an initial review of the DEP's "State and Federal Listed Species and Natural Communities" (NDDDB maps) as a screening tool, and a more extensive evaluation if the screening determines that the project is in an area of concern. This report may also be reviewed by DEP's Fisheries and Wildlife Divisions as well as the Natural Diversity Data Base Staff at the DEP discretion. A similar but more extensive environmental report will be a requirement of an ACOE Section 404 permit application.

Section 401 Water Quality Certificate (WQC)

- Any federal 404 permit application is required to first obtain certification from DEP that the proposed activity will not violate applicable State Water Quality Standards. Category I projects carry automatic 401 WQC approval. Category II projects are denied unless impacts are proven to be minimal in nature. Category III projects require individual 401 WQC.

Flood Management Certificate

- Any action proposed by any State agency in or affecting a floodplain or which impacts storm drainage, including but not limited to structures or obstructions, site developments, grants or loans, or any State program regulating flood flows.

General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities

- The discharge of stormwater and dewatering wastewaters from construction activities which result in the disturbance of five or more total acres on a site. Threshold limit anticipated to change to one or more acres in 2003.

- All sites disturbing 10 acres or more at one time require submission of a Stormwater Pollution Control Plan.

Dam Construction Permit

- Regulates the construction, alteration, repair or removal of dams, dikes, reservoirs and similar structures, which by breaking away or otherwise may endanger life or property. Any person or agency proposing to construct a dam, dike, reservoir or similar structure, or to repair, alter or remove an existing dam, dike reservoir or similar structure, must first obtain either a permit from the commissioner or a determination that such permit is not required. The proposed configuration of the stormwater detention/retention facilities may require the construction of a structure which is regulated by this permit.
- The project team is not predisposed to the use of detention ponds over other methods of controlling peak stormwater discharges. However, detention ponds were discussed in the EIE, and should they be utilized to the extent that exceeded the threshold for dam construction, a dam safety permit would be required, in addition to the other permits that may be required. Numerous methods of stormwater management are anticipated to be investigated for this project as it proceeds, and subsequent to the input of other required data (geotechnical).

Water Diversion Permit

- This permit may be required in conjunction with the Dam Construction Permit if the project proposes to relocate, retain, detain, bypass, channelize, pipe, culvert, ditch, drain, fill, excavate, dredge, dam, impound, dike, or enlarge waters of the state. A determination by the commissioner will be made as indicated above.

Stream Channel Encroachment Line Program

- The only waterway in the Town of Mansfield that is regulated by DEP under the Connecticut Stream Channel Encroachment Line Program is the Willimantic River. Encroachments to the intermittent stream on the northern portion of the site would be regulated by the ACOE Section 404, and the DEP Inland Wetlands and Watercourses or the Town of Mansfield Inlands Wetlands permit programs depending on the extent of encroachment limits and ownership/funding issues.

STATE DOT PERMITS

State Traffic Commission (STC) Certificate

- Required of all projects that create over 100,000 SF of building development, or 200 parking spaces in proximity to a state road.

Encroachment Permit

- Regulates all work within the state right of way. Design work will require approval of CT DOT Traffic, Highway, Hydraulics and Drainage Units, as well as the Norwich District Office.

STATE DECD APPROVAL

- Approval of the final MDP subsequent to Town of Mansfield approval.

LOCAL PERMITS – TOWN OF MANSFIELD

Town Council Approval

- Approval of the final MDP.
- Action to follow receipt of recommendations from the Planning and Zoning Commission, Town staff and other Town agencies/committees.

Inland Wetlands Permit

- Approval of the Mansfield Inland Wetland Agency (IWA).
- The IWA regulates any work by a non-state agency within regulated areas (150 feet from wetlands or watercourses) or wherever there are potential impacts to wetlands or watercourses.
- Potential projects should anticipate that the IWA shall require the maintenance of existing surface and groundwater hydrology that supports on site wetlands and watercourses and the incorporation of appropriate buffers. The EIE provides buffer recommendations and it is expected that a minimum of a 50' foot undisturbed buffer will be required along the site's east/west oriented wetland/watercourse areas and that a 100' undisturbed buffer will be required between the vernal pool (Wetland D) and the project development. Appropriately designed roadway/driveway crossings are typically authorized within these buffers and storm water detention facilities or wetland enhancements such as the establishment of a pond or water related landscape feature likely would be authorized.

Public Works Permits

- All work within an existing or proposed Town of Mansfield right of way requires a Town permit issued by the Public Works Department. All applicable Town Standards and Specifications would have to be met.

Individual Building Permits

- A Building Permit issued by Mansfield's Building Official is required for all buildings and structures under the Town's jurisdiction. All applicable State Building, Health and Fire Code requirements must be met before a permit is issued.
- A Building permit is not issued until a Zoning Permit issued by the Mansfield Zoning Enforcement Officer is approved.

Zoning Permits

- Prior to the issuance of a Building Permit a Zoning Permit issued by Mansfield's Zoning Enforcement Officer is required to ensure that a proposed development is in compliance with Mansfield's Zoning Regulations and any conditions or requirements cited in the regulations.

- Certificate of Zoning Compliance - Prior to the issuance of a Certificate of Occupancy Permit issued by the Building Official, the Zoning Enforcement Officer must issue a Certificate of Compliance confirming that the development was completed in compliance with approved plans. Any modifications of approved plans must be authorized pursuant to Zoning Regulation provisions.
- Certificate of Occupancy - Issued by the Building Official upon completion of work under Building Code jurisdiction and receipt of a Zoning Certificate of Compliance.

UNIVERSITY OF CONNECTICUT APPROVALS

- Extension of and/or connection to existing UConn water, sanitary sewer, and storm sewer systems.