



**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *Matt H*  
**CC:** Maria Capriola, Assistant to the Town Manager; Linda Painter, Director of Planning and Zoning  
**Date:** June 27, 2011  
**Re:** Sale of Town-Owned Property on Maple Road

---

**Subject Matter/Background**

On February 16, 2011, I received a letter from Anthony Kotula requesting reconsideration of his request to purchase a 0.15 acre open space parcel that is adjacent to his property on Maple Road (Attachment 1). This request was originally considered by the Open Space Preservation Committee in 2008, which recommended that the request be denied. This recommendation was based on the belief that the sale would not provide a clear benefit to the Town, and would set a precedent of transferring open space dedications to an abutting lot in the subdivision (Attachment 2).

The parcel Mr. Kotula is interested in purchasing was originally conveyed to the Town as an open space dedication as part of the Maplewoods subdivision. The original intent was that the parcel be used for parking for the proposed trail along Old Bennet Road, which runs along the southeast boundary of Mr. Kotula's property (Attachment 3).

Section II.C of the Planning, Acquisition and Management Guidelines for Mansfield Open Space, Park, Recreation, Agricultural Properties and Conservation Easements addresses the sale of Town-owned properties (approved by the Town Council on November 13, 1995; revisions approved August 25, 1997 and August 24, 2009):

*In general, it is the Town's policy not to sell land or conservation restrictions acquired by the Town through purchase, donation or as a result of a PZC/IWA subdivision application process. In some instances, a deed restriction may prevent the Town from selling Town-owned land. In the unusual instances where Town lands and easements may be transferred to private ownership, clear benefit to the Town must be demonstrated. In these instances, the Town Council shall refer the property to PZC pursuant to Section 8-24 of the Connecticut General Statutes, and hold a Public Hearing to receive public comment regarding the proposed sale. In addition, staff shall notify neighboring property owners of the proposed sale.*

Prior to bringing this request to the Town Council for official consideration, I referred the request to the Open Space Preservation Committee and for their review. The Open Space Preservation Committee subsequently referred the request to the Planning and Zoning Commission (PZC).

- The Open Space Preservation Committee reviewed the request at their March 15, 2011 meeting and recommended that the request be denied (Attachment 4).
- The Agriculture Committee reviewed the request at their April 6, 2011 meeting and recommended that the request be denied (Attachment 5).
- The PZC reviewed the request at their March 21, 2011 meeting and recommended that the request be approved subject to conditions that specify the land only be used for agriculture purposes and that there be no disturbance to the stone walls on site (Attachment 6). It should be noted that the PZC did not have the benefit of the Agriculture Committee's recommendation when they considered this request. Mr. Kotula submitted an email to the PZC with his responses to the concerns expressed by the Open Space Preservation Committee (Attachment 7).

At this point, the Council has conflicting recommendations from the two advisory committees and the PZC regarding this request. The primary concerns noted by the Open Space Preservation Committee and Agriculture Committee in their recommendations to deny Mr. Kotula's request include the following:

- The potential for setting a precedent to allow changes to open space dedications.
- The parcel in question is not designated as prime farmland according to the Lands of Unique Value project.
- The parcel in question is designated as part of the Dunham Forest interior forest tract.
- The applicant owns several acres that could be used to expand his agricultural operation.
- Sale of the land would not add significantly enough to the scope of the applicant's agricultural operation to justify the sale of Town land to a private individual.

The Planning and Zoning Commission noted the following as part of their recommendation to approve the request:

- An existing irregular lot configuration would be made uniform by the conveyance.
- Due to sightline issues, the subject parcel is not appropriate for parking for an old Bennet Road trail.

In addition to the issues raised by the various committees, it must be noted that the proposed sale would increase the frontage of Mr. Kotula's property along Maple Road. This increase would give Mr. Kotula or future owners the frontage needed to create an additional lot, whereas currently the frontage is insufficient. While there is a prohibition against future subdivision of Mr. Kotula's property that was applied when the lot was originally created, there is nothing preventing Mr. Kotula or a future owner from requesting that the PZC remove that restriction. This should be considered when

determining value of the parcel to be sold unless a conservation easement is applied to the entirety of Mr. Kotula's property.

### **Financial Impact**

There are various expenses associated with land sales, including legal, survey and appraisal fees. If the Council should decide to pursue sale of this property to Mr. Kotula, staff recommends that the purchaser assume responsibility for these costs. Due to the small size of the parcel in question, the increase in property tax revenue is expected to be nominal.

### **Legal Review**

The Town Attorney reviewed this issue in 2007 and determined that the sale of land acquired through a subdivision open space dedication is legally permissible. Pursuant to Mr. O'Brien's December 14, 2007 letter, while a conveyance of the property is legally possible, the Town is "free to determine that any such transfer would be inconsistent with the intent of the state statutes and the rights that led to the conveyance of this land to the Town."

### **Recommendation**

In accordance with the Planning, Acquisition and Management Guidelines, staff recommends that the Council schedule a public hearing to receive public comment regarding the proposed sale. Notice of the public hearing will be provided to neighboring property owners as well as the Open Space Preservation Committee, Agricultural Committee and the PZC.

If the Council supports this recommendation, the following motion is in order:

*Move, effective June 27, 2011, to schedule a public hearing for 7:30 p.m. at the Town Council's regular meeting on July 25, 2011, to solicit public comment regarding the proposed sale of town-owned property on Maple Road.*

### **Attachments**

- 1) Location Map showing parcel in question
- 2) June 6, 2007 Letter from A. Kotula to M. Hart
- 3) December 14, 2007 Letter from D. O'Brien to M. Hart
- 4) February 27, 2008 Letter from M. Hart to A. Kotula
- 5) February 16, 2011 Letter from A. Kotula
- 6) March 15, 2011 Open Space and Preservation Committee Referral to PZC
- 7) April 6, 2011 Agriculture Committee Memo to Town Council
- 8) April 25, 2011 Letter from A. Kotula to M. Hart

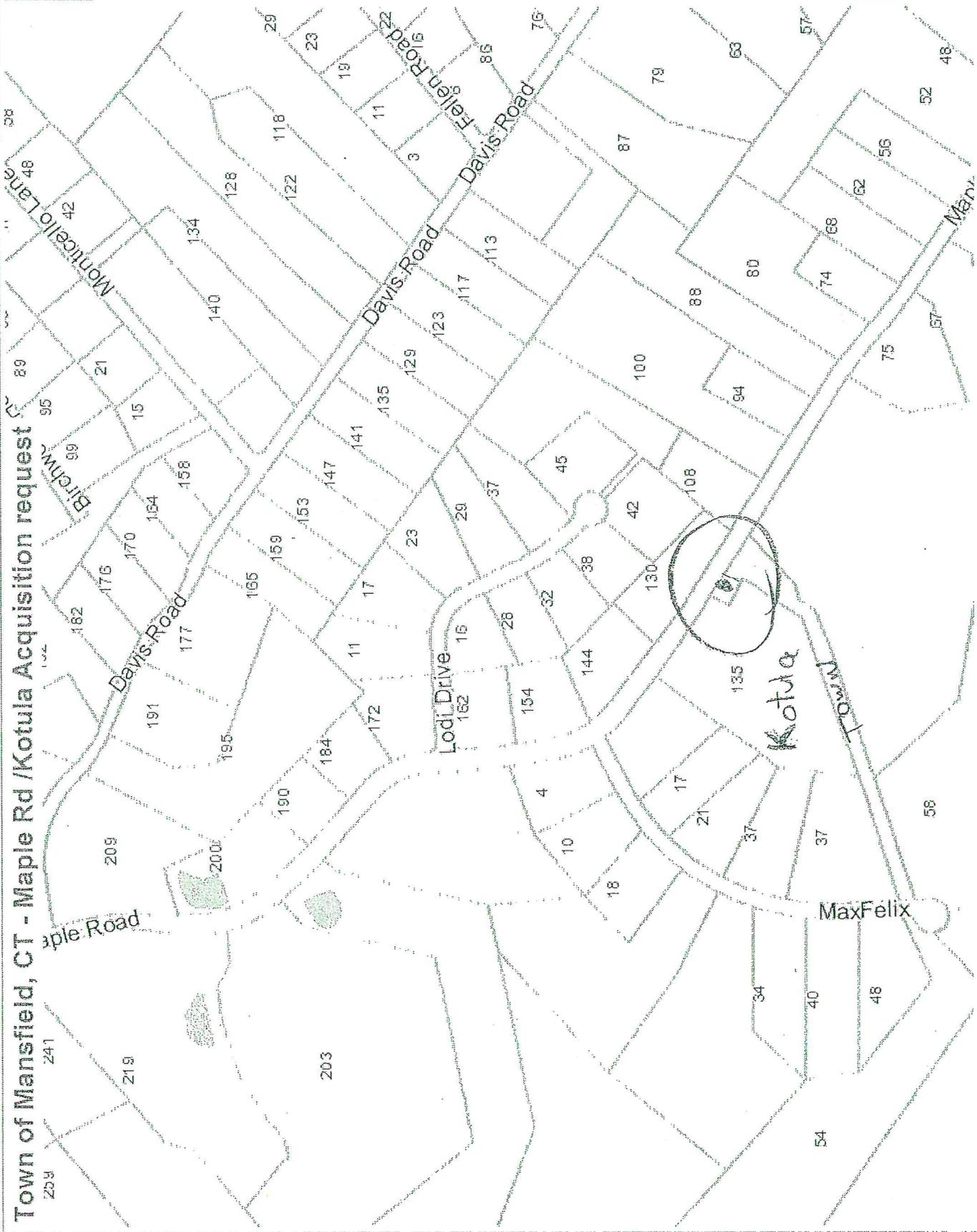


- M MapGrid
- M towns
- A Dimensions
- A Address
- A ParcelID
- A Area
- A Streets
- A Parcels
- powerlines
- water
- wetlands
- Town
- roads
- highways



1 in = 465.09 ft

Printed:  
3/28/2011



MainStreetGIS, LLC - [www.mainstreetgis.com](http://www.mainstreetgis.com) / [info@mainstreetgis.com](mailto:info@mainstreetgis.com)  
 Disclaimer: This map is for assessment purposes only. It is not valid for use as a survey or for conveyance.

6 June 2007

Mr. Matthew Hart  
Town Manager  
4 South Eagleville Road  
Storrs, Ct. 06268

Dear Mr. Hart:

We request that you, the Town Council, and the appropriate Mansfield Town Officers, consider our request to purchase .1548 acres which abut our property and appear to be no longer needed by the Town of Mansfield.

Enclosure Number 1 describes Lot 7A on Maple Road which is owned by Anthony W. and Joan R. Kotula. The land which we desire to purchase is coded in red, and represents an area of 65 feet by 103.74 feet, located at the East corner of Lot 7A. This parcel of land was obtained by the Town of Mansfield to serve as a parking lot to allow neighbors to use the "Old Bennet Road" as a hiking trail.

Enclosure Number 2 describes an additional parcel of land, coded in blue, which was deeded more recently to the Town of Mansfield. This deeded 1.91 acres provides adequate land for a parking lot if one is desired in the future.

The sale of the .1548 acres to Anthony W. and Joan R. Kotula will benefit the Town of Mansfield and us in the following manner.

1. The establishment of a parking lot on the .1548 acre parcel would require the stone wall shown on Enclosure Number 3 to be destroyed partially to gain access to the parcel, and that is not desirable.

2. The elevation of Maple Road changes from 660 feet at Lot 7A to 591 feet at the lowest level. "Old Bennet Road" is located on that steep hill and a large parking lot could become a safety hazard.

3. We have been planting fruit trees on our property and have appropriate concern now since some of the fruit trees have started producing fruit, that a large parking lot in this area would cause our fruit trees to be irresistible to vandals. While we were building our house, vandals repeatedly disrupted our landscaping by driving four-wheel-vehicles through our seeded lawn after rains. We were obliged to have costly regrading of the land each time.

4. To date, we have planted about 100 fruit and nut trees, 200 blueberry bushes, 250 linear feet of red raspberries, rhubarb, and other vegetables. We would welcome the additional .1548 acres because that would allow further development of our farm. We have no objection to placing a conservation easement on the parcel of land in question, as long as agricultural uses were permitted.

Sincerely,

Anthony W. and Joan R. Kotula  
135 Maple Road  
Storrs, CT 06268  
Phone: 429-9264

N / F PATRICIA G. PLAGE  
 130 MAPLE ROAD  
 22 / 58 / 19-1  
 MAIL 306 HIGHCREST ROAD  
 WETHERSFIELD, CT. 06109

N / F DENIS J. & MEGAN  
 106 MAPLE ROAD  
 22 / 58 / 18-0

N / F ANTHONY W. & JOAN R. KOTULA  
 135 MAPLE ROAD  
 22 / 55 / 2-7A

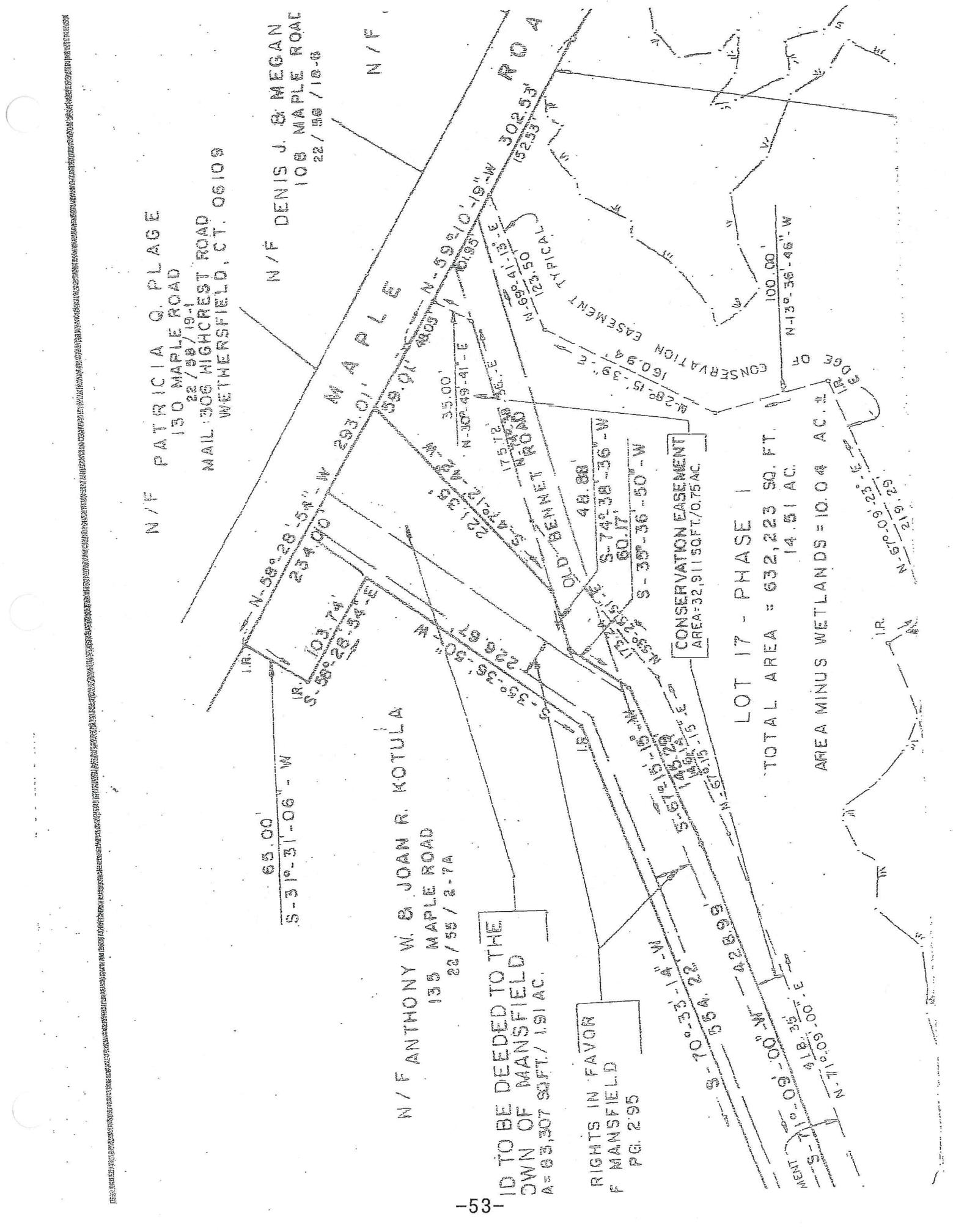
TO BE DEEDED TO THE  
 OWN OF MANSFIELD  
 A= 63,307 SQFT / 1.91 AC.

RIGHTS IN FAVOR  
 OF MANSFIELD  
 PG. 295

CONSERVATION EASEMENT  
 AREA= 32,911 SQFT / 0.75 AC.

LOT 17 - PHASE I  
 TOTAL AREA = 632,223 SQ. FT.  
 14.51 AC.

AREA MINUS WETLANDS = 10.04 AC. ±



CONN. GRID NORT,  
1927 DATUM

LAND OF DEPOT ASSOCIATES

S-08°-23'-57"-W  
270.00'

IRON ROD  
SET (TYP)

TREES

THIS LOT SHALL NOT BE  
RESUBDIVIDED IN THE  
FUTURE

LOT 7A

228,311.88 SQ. FT.  
5.24 AC.

554.22'

RIGHT OF WAY TO BE DEEDED  
TO THE TOWN OF MANSFIELD

APPROXIMATE LOCATION OF  
OLD BENNETT ROAD

N-70°-33'-14"-E

EXISTING  
FOOTINGS

WELL

RESERVE  
FIELD

RAISED  
BED

MARPLE  
CHICKENS

STRAWBERRIES  
RASPBERRIES  
RAISED BEDS  
RHUBARB

FRUIT TREES  
BLUEBERRIES  
STONE WALLS

TREES

TREES

TREES

TREES

BE PH SC RE SE 89 HO PL

December 14, 2007

Matthew W. Hart  
Town Manager  
Town of Mansfield  
Four South Eagleville Road  
Mansfield, CT 06268

Re: Sale of Town Land acquired by Open Space Dedication

Dear Matt:

You have informed me that local residents have inquired about the possibility of purchasing a small parcel of land adjacent to their property which was acquired by the Town of Mansfield via an open space dedication from a subdivision. You have asked me for an opinion whether any such transaction is legally possible.

In response to your request, I have reviewed State of Connecticut statutory and case law and the Town of Mansfield Subdivision Regulations, and did not find any provision barring a sale of open space land by a town. I also looked at the pertinent subdivision file with the assistance of Mansfield Director of Planning Gregory Padick and reviewed the legal documents by which the town obtained the subject open space parcel, and I found no prohibition against a sale.

My conclusion is that it is legally possible for the Town of Mansfield to grant the request of these residents and sell the adjacent open space parcel to them. Nevertheless, it is important to note that although a conveyance in this instance is legally possible, the Town of Mansfield is free to determine that any such transfer would be inconsistent with the intent of the state statutes and the rights that led to the conveyance of this land to the Town. Before any conveyance may happen, it would of course be necessary for the Town Council to approve the sale. Prior to acting on any resolution to sell this land, Connecticut General Statutes section 8-24 requires the Council to refer the matter to the Planning & Zoning Commission for a report. If the PZC report disapproves the proposed sale, a two-thirds vote of the Town Council would be necessary to approve it.

Please let me know if you need any more from me on this.

Very truly yours,

Dennis O'Brien  
Town Attorney

TOWN OF MANSFIELD  
OFFICE OF THE TOWN MANAGER



Matthew W. Hart, Town Manager

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599  
(860) 429-3336  
Fax: (860) 429-6863

February 27, 2008

Anthony W. Kotula  
Joan R. Kotula  
135 Maple Road  
Storrs, CT 06268

Dear Mr. Kotula and Ms. Kotula:

At its January 15, 2008 meeting the Open Space Preservation Committee considered your request to sell an acre of Town-owned land abutting your property on Maple Road. The committee understands that you would be willing to place a conservation easement on this land and that you are proposing to use this acre for agricultural purposes, such as Christmas Trees.

At the meeting, committee members recommended that Town lands and easements not be transferred to private ownership unless there is a clear benefit to the Town. Open space dedications in subdivisions are a special concern, because, once a transfer of Town open space takes place, a precedent has been set for other subdivision residents to make similar requests. The Open Space Preservation Committee views this type of transfer as a benefit to the private owner rather than to the Town.

After reviewing your request in great detail, the committee recommended against the sale of this Town-owned land. They did not see that this sale would provide a clear benefit to the Town and, as mentioned above, that this sale would set a precedent of transferring an open space dedication to an abutting lot in a subdivision. I hope that you can appreciate the committee's perspective on this matter.

We thank you for bringing this request before the committee. Should you have any further questions, please contact my office at 429-3336.

Sincerely,

Matthew W. Hart  
Town Manager

CC: Gregory Padick, Director of Planning  
Open Space Preservation Committee  
Conservation Commission  
Jennifer Kaufman, Parks Coordinator  
Curt Vincente, Director of Parks and Recreation

16 February 2011

Mr. Matthew Hart  
Town Manager  
4 South Eagleville Road  
Mansfield, CT 06268

Dear Mr. Hart.

Ms. Jennifer Kaufman and I spoke at a Farmer's Market about my previous unsuccessful attempt to purchase 0.1548 acres of Open Space that is adjacent, on two sides, to my property. She recommended that you, Gregory Padick, and she, meet with me, and my daughter Kathy, to discuss my continuing desire to purchase this parcel of land. Please advise me when such a meeting can be arranged.

Enclosed you will find a copy of:

1. My letter to you, with attachments, dated 5 June 2007, requesting the Town of Mansfield sell me a parcel of land adjacent to mine.
2. Your letter of 27 February 2008 indicating the Open Space Committee recommended against the sale.
3. A copy of a letter from Town Attorney, Dennis O'Brien, dated 14 December 2007, indicating the Town of Mansfield has the legal authority to sell me that parcel of land.

The Open Space Committee cited several reasons for not approving the sale.

- A. The Open Space Committee "recommended that Town land and easements not be transferred to private ownership unless there is a clear benefit to the Town". In response I suggest:

1. The Town Council repeatedly stated in 2010 that small farms are a valuable asset to Mansfield residents, and should be preserved at all costs. The 0.1548 acres is vacant land and if owned by me would allow me to increase the productivity of fruits and vegetables significantly, because I would be able to combine that parcel with my property and use my 24 horsepower Yanmar tractor to work the land, instead of using a rotospader, shovel and hoe. I will be 82 years old this June and seek means to continue to farm with less manual effort. My ownership of the parcel would provide Mansfield residents with farm fresh fruits and vegetables, "Grown in Connecticut".

2. The sale of this parcel of land would provide Mansfield with additional funds, a onetime benefit for the land, and an increase in property tax. Amounts are to be determined by the Assessor. Though miniscule by comparison with the Town budget, in these days of frugality, any increase is helpful.

3. In 2010, my USDA recognized farm, "The Maple Crest Farm" obtained Mansfield and state permits to sell products from our farm. We also obtained Liability Insurance. We were able to sell raspberries, rhubarb, and plants. Some farm produce that was available before the Liability Insurance came through, as well as some we were unable to sell, was donated to the elderly, sick, and others. Donated produce amounted to \$2,164.31. Our Liability Insurance does

not cover eggs because of the extensive recall from large producers. We have had to give them away freely. Truly, that is a benefit, particularly to the elderly.

4. The very strong endorsement of Sustainable Agriculture by the Town Council last year might justifiably lead one to believe they would act positively, to increase Sustainable Agriculture whenever possible.

B. They stated "Open Space dedications on subdivisions are a special concern, because once a transfer of Town Open Space takes place, a precedent has been set for other subdivision residents to make similar requests." We submit the following concepts of interest.

1. The parcel of land is adjacent only to my property, not other residents'.

2. The "Potter" property was sold last year instead of being dedicated to Open Space. Thus the precedent of selling land instead of creating Open Space, has been set.

3. If the Town is fearful that a developer may wish to purchase Open Space for building a residence or other structure, that concern does not apply to the present circumstances. I have 5.24 acres, thus I would not need additional land to sub divide my land. However, that is not our intention. My daughter Kathy will live on the farm after my wife Joan and I pass on.

4. The Town has the authority to decline the offer of any individual who they believe may wish to subvert the reason for the purchase. We previously said, and repeat, an easement can be placed on the purchased parcel to require it to never be utilized for the construction of any buildings.

5. Does the Town Council actually wish to support unequivocally, a policy that excludes resident purchase of any Town land, regardless how beneficial it is to the Town and the resident?

General:

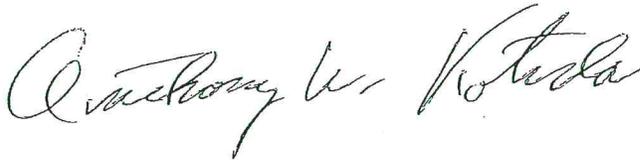
In your letter of 27 February 2008, you referred to the parcel of land as an acre. Indeed, it is only 0.1548 acres.

We believe we have provided ample, valid examples of the "clear Benefit" that will accrue to the Town and its residents, by the sale of this parcel to Anthony W. and Joan R. Kotula.

Hopefully, during our meeting my daughter and I will further resolve any additional concerns that might be raised.

Sincerely,

Anthony W. Kotula  
135 Maple Road  
Mansfield CT 06268  
Phone: (860) 429-9264



cc: Gregory Padick ✓  
Jennifer Kaufman

OPEN SPACE PRESERVATION COMMITTEE

Comments on Kotula Request

March 15, 2011

To: Mansfield Planning and Zoning Commission, Greg Padick

At the OSPC's March 15, 2011, meeting, Anthony Kotula presented a request that the Town sell to him 0.15 acres of Town land. Town ownership of this land resulted from an open space dedication along Old Bennett Road as part of the Maplewoods subdivision. Mr. Kotula proposed using the area for agricultural purposes.

COMMENTS

The committee discussed Mr. Kotula's request and is now referring it to PZC for the following reason. In 2010, PZC ruled on a request from the Weiss family to change part of the Old Bennett Road open-space dedication (in this case to remove a conservation easement located farther west along the road). PZC denied this request, and OSPC supports that decision. Mr. Kotula is also requesting a change in an open-space dedication. We recommend that PZC review Mr. Kotula's request with reference to their decision in 2010.

OSPC recommends that his request be denied because it would set a precedent to allow changes to open-space dedications. Many subdivision residents throughout town have land abutting Town-owned open-space dedications. OSPC is concerned about the potential for these residents to attempt to annex these Town lands to their properties if Mr. Kotula's request is approved.

Additional notes:

The committee appreciates Mr. Kotula's interest in agricultural projects. However, several items should be noted.

The 0.15-acre parcel is not prime farmland, as stated in his request.\*

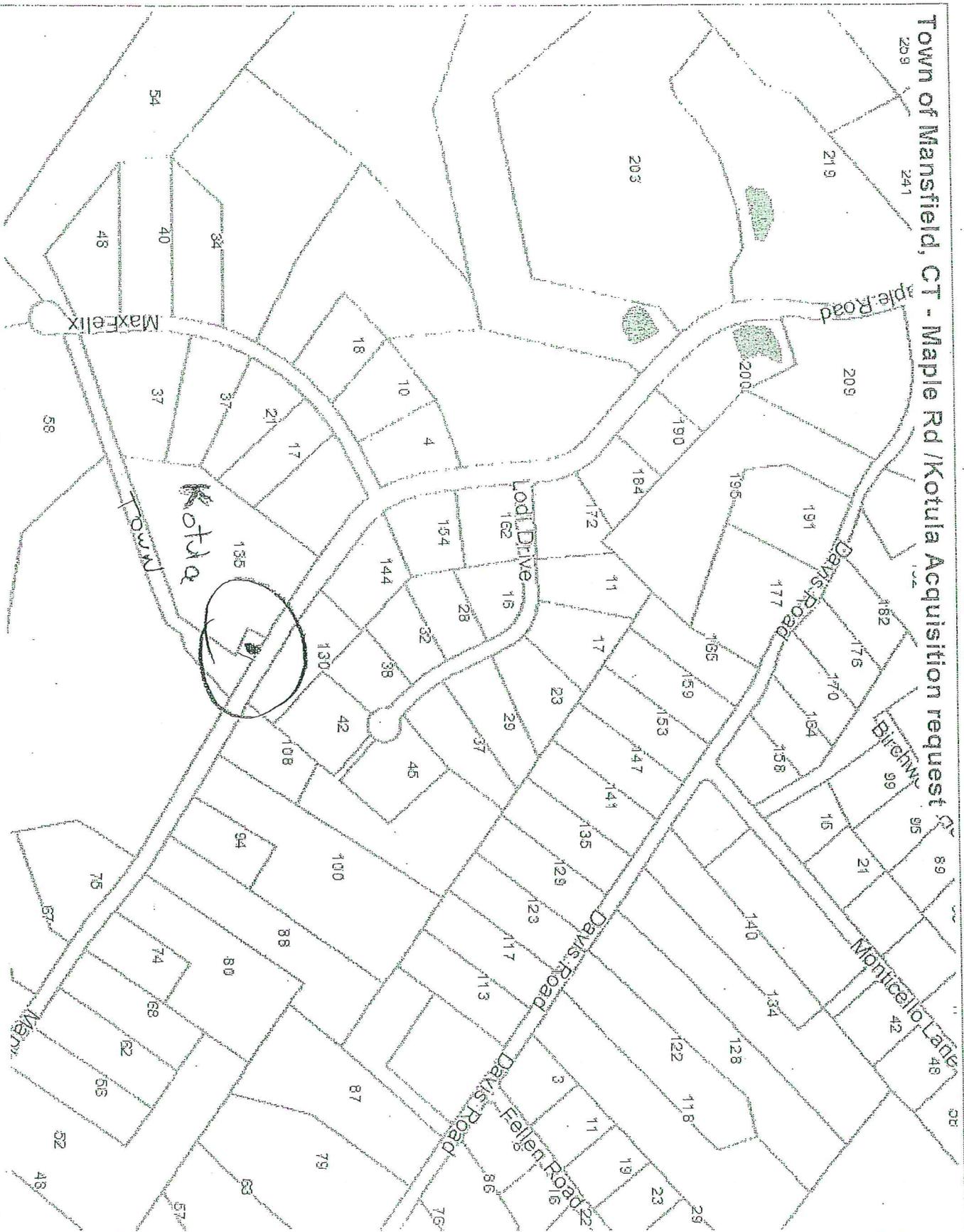
The Town Plan does not designate the 0.15-acre parcel as farmland, rather as part of the Dunhamtown Forest interior forest tract. Removing trees in this parcel would not be consistent with the interior forest designation.

Mr. Kotula owns several more acres that he could clear to expand his agricultural area, but he has stated that he does not wish to cut down more trees on his property.

The sale of the Potter property was cited as a precedent in his request. However, this property was conveyed to an abutter in a tax sale, in which the Town owned the land briefly as part of the tax sale process.

\*According to the prime farmland map produced for the Lands of Unique Value project. Also, the Tolland County Soil Survey indicates the parcel's soil type as CrC (Charlton very stony fine sandy loam, rated VIs-1), which is "best suited for forestry and pasture".

# Town of Mansfield, CT - Maple Rd /Kotula Acquisition request



- MapGrid
- towns
- Dimensions
- Address
- ParcelID
- Area
- Streets
- Parcels
- powerlines
- water
- wetlands
- Town
- roads
- highways

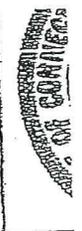
1 in = 465.09 ft

Printed:  
3/28/2011

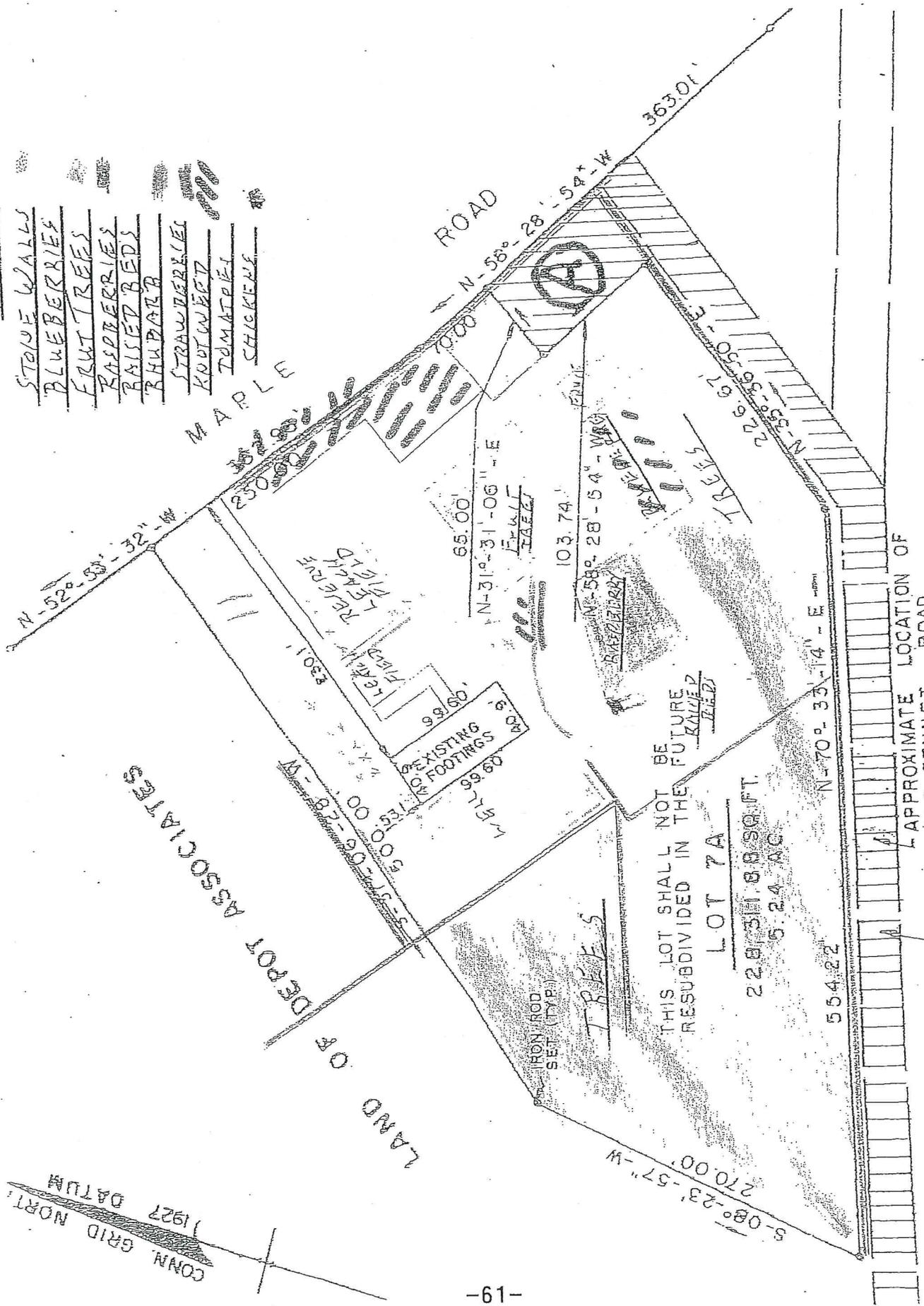


BE PH SC RE SE 89 HO PL

F... T V F L S



- TREES
- STONE WALLS
- BLUEBERRIES
- FRUIT TREES
- RAISED BEDS
- RHUBARB
- STRAWBERRIES
- KOOTWEEED
- TOMATOES
- CHICKEN



LAND OF DEPOT ASSOCIATES

THIS LOT SHALL NOT BE RESUBDIVIDED IN THE FUTURE

LOT 7A

228,311.88 SQ. FT.  
5.24 AC

APPROXIMATE LOCATION OF OLD BENNET ROAD

LAND OF DEPOT ASSOCIATES

RIGHT OF WAY TO BE DEEDED TO THE TOWN OF MANSFIELD FOR MIKING TRAIL.

CONN. GRID NORTH  
1927 DATUM

Date: April 6, 2011

To: Mansfield Town Council

From: Mansfield Agriculture Committee

Re: Request of A. Kotula to acquire existing Town land on Maple Road

Mr. Kotula presented his request to the committee at their April 5, 2011, meeting. The committee reviewed Mr. Kotula's presentation and materials. After discussion, Ed Wazer moved (Al Cyr seconded) that the committee recommend to the Town Council that they not approve Mr. Kotula's request to purchase 0.15 acres from the Town. The committee voted unanimously in favor of this motion:

The committee recommends against selling the 0.15-acre Town parcel to Mr. Kotula because his ownership of it would not add significantly enough to the scope of his agricultural operation to justify the sale of Town land to a private individual. The committee also notes that there is a sizeable amount of Mr. Kotula's land currently not in agricultural production that is available for expansion of his agricultural activities.

25 April 2011

Mr. Matthew Hart  
Town Manager  
4 South Eagleville Road  
Mansfield, CT 06268

Dear Mr. Hart:

Please share this letter, including the accompanying enclosures, with the Town Council, in executive session, to inform them of my desire to purchase 0.1548 acres, (65 feet by 103.74 feet), of Town farmland. Enclosure 1, the Holmes and Henry diagram of Lot 7A, shows my property and the Town parcel marked "A" next to my property, at 135 Maple Road.

The parcel of land marked "A" was part of the original Gardner dairy farm. Enclosures 2 and 3 show that the parcel of land has a contiguous stone wall on Maple Road that extends onto Bennet Road trail. The whole Northern side of my Lot 7A is separated from Maple Road with a stone wall, except where the barn burned down. There is no wall on the South and West of parcel "A", Enclosure 4. Thus the 'Minutes' of the meeting of the Planning and Zoning Commission are accurate when they say "He distributed a map showing that this land was "carved" from his lot to accommodate parking for the old Bennet Road trail. However, parking was located elsewhere because of site-line issues." The Planning and Zoning Commission noted that with the sale of parcel "A", the irregular configuration of my lot would be made uniform. The Commission decided leasing the land is not practical when long-term plants such as rhubarb, asparagus and grapes are involved. The Commission listened, asked questions, discussed opinions, some changed their mind in favor of the sale and then the Planning and Zoning Commission adopted by a 7 to 2 margin, the following motion:

"That the Planning and Zoning Commission recommend that the Town Council authorize Mr. Anthony Kotula's proposed acquisition of a .15 acre portion of existing Town owned Open Space land on Maple Road subject to conditions that specify that the land only be used for agriculture purposes and that there be no disturbance to the stone walls on site." Enclosure 5

This recommendation by the Commission satisfies the one condition for the sale by the Town Council, which was expressed by the Town Attorney. It states "Prior to acting on any resolution to sell this land, Connecticut General Statutes section 8-24 requires the Council to refer the matter to the Planning and Zoning Commission.

My correspondence to Mr. Padick dated 21 March 2011 (Enclosure 6) and 11 April 2011 (Enclosure 7), reply to the concerns of the Open Space and Agriculture Committees, respectively. Both committees made reference to the plethora of trees on my land. The Open Space Committee, suggested I cut down trees for more planting space. The Agriculture Committee mentioned I have "a sizeable amount of land not currently in agricultural production". Neither Committee understood, nor did they question, whether the "underutilized" land was suitable for agriculture. Had I been asked to discuss their concerns at that time, they would have learned that

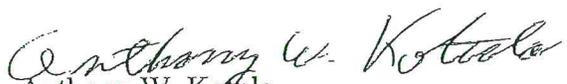
the topographical map shows most of my mature trees grow on a slope that drops 20 feet in 140 feet. The Chinese and Japanese grow crops on the side of mountains, but that takes generations of effort to accomplish. Further, I am blessed with ledge out croppings throughout my lot, which limit areas of productivity. The land South of my home contains my well and the land North of my home contains the leach field and the reserve leach field. Neither are suitable areas for planting of long-term plants. We do not wish to contaminate the aquifer with fertilizer by planting near our well, nor do we wish to move well-established plants if and when the leach field needs attention.

The report of the Agriculture Committee indicated "his ownership of it would not add significantly enough to the scope of his agricultural operation to justify the sale of Town land to a private individual". The parcel in question does indeed lend itself to the production of rhubarb, asparagus, and possibly grapes, all of which are important crops. It would be the lowest farmable land suitable for those crops, on my property. It has the highest amount of water throughout the year, and rhubarb requires abundant water for a profitable crop. Three hundred plants could produce 3,000 pounds of rhubarb annually. Water is so scarce in our aquifer that at least three newly constructed houses on MaxFelix Road, adjacent to us, have had to drill second wells within a year of occupancy. My well produces only ½ gallon per minute. We do not use well water for our crops. Rather, we use rain collected from the roof of our home. During the summer, when rain is not available, the crops suffer. Even some newly planted fruit trees do not survive the dry season, and need to be replaced.

The sale of parcel "A" will benefit Mansfield and its citizens. The Town Plans, as well as the Town Council, endorse sustainable agriculture. Converting this fallow land into productive agricultural land supports these goals. Locally produced fruits and vegetables are less likely to contain *Escherichia coli O157-H7*, *Toxoplasma gondii*, or other potentially pathogenic microorganisms. Local food supplies are very desirable in the event of storm or other damage. A productive farm provides a rural experience for all of Mansfield citizens and especially for the citizen/taxpayer who owns it, and for the many generations which will follow.

Hopefully, the Town Council will agree that I have justified the merits of the proposed sale and will schedule a public hearing so we can proceed with the transaction.

Sincerely,

  
Anthony W. Kotula

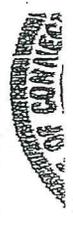
135 Maple Road  
Mansfield, CT 06268  
Phone: (860-429-9264  
Email: [awkotula@msn.com](mailto:awkotula@msn.com)

cc: g. padick ✓

Enclosure #1

BE PH SC RE SE 89 HO PL

F... 14 FCS



TREES

- STONE WALLS
- BLUEBERRIES
- FRUIT TREES
- RASPBERRIES
- RAISED BEDS
- BHUPAR
- STRAW BERRIES
- KNOTWEED
- TOMATOES
- CHICKENS

M A R L W

ROAD

363.01'

N-58°-28'-54"-W

226.67'

N-35°-36'-50"-E

N-52°-31'-32"-W

250.00'

65.00'

N-31°-31'-06"-E

Fruit Field

103.74'

N-58°-28'-54"-W

RASPBERRY

TREES

THIS LOT SHALL NOT BE RESUBDIVIDED IN THE FUTURE

RAISED BEDS

LOT 7A

228,311.88 SQ. FT.

5.24 AC.

N-70°-33'-14"-E

554.22'

APPROXIMATE LOCATION OF OLD BENNET ROAD

LAND OF DEPOT ASSOCIATES

RIGHT OF WAY TO BE DEEDED TO THE TOWN OF MANSFIELD FOR MIKING TRAIL.

LAND OF DEPOT ASSOCIATES

IRON ROD SET (TYP.)

TREES

S-08°-23'-57"-W

CONN. GRID NO. (1927 DATUM)

ENCLOSURE 2

PARCEL A

DESNET ROAD

MAPLE ROAD

BEJUMET ROAD

PARCEL "A"

MAPLE ROAD

ENCLOSURE 4

SOUTH HILLS

BERNE

PARCEL "A"

AND 1

WEST

Enclosure 5

PLANNING AND ZONING COMMISSION  
TOWN OF MANSFIELD

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CONNECTICUT 06268  
(860) 429-3330



To: Town Council  
From: Planning and Zoning Commission  
Date: Wednesday, March 23, 2011  
Re: Proposed Acquisition of a Mansfield Owned 0.1548 acres on Maple Road

A handwritten signature in cursive script, which appears to read "Audrey P. Beck".

At a meeting held on 3/21/11, the Mansfield Planning and Zoning Commission adopted the following motion:

"That the Planning and Zoning Commission recommend that the Town Council authorize Mr. Anthony Kotula's proposed acquisition of a .15 acre portion of existing Town owned Open Space land on Maple Road subject to conditions that specify that the land only be used for agriculture purposes and that there be no disturbance to the stone walls on site."

This action was taken after considerable deliberation. The Commission noted that an existing irregular lot configuration would be made uniform by this conveyance and that the subject .15 acre area is not acceptable for parking for an old Bennet Road trail due to sightline problems.

If you have any questions, please contact Gregory J. Padick, Director of Planning at (860) 429-3329.

"Anthony Kotula" <awkotula@msn.com>  
<PadickGJ@mansfieldct.org>  
Monday, March 21, 2011 3:25 PM  
Planning and Zoning Commission Meeting

Padick:

few hours I have to prepare a reply to the Open Space Committee report about my purchase of 0.1548 acres of land from the Town of Mansfield, I submit the following:

Concerns of the Open Space Committee are presented in black type and my responses in blue.

The Zoning Board is asked to refer to the 2010 request by the Weiss family to terminate the hunting and hiking rights in a portion of the Weiss' property.

Response: In our letter dated 6 June 2007 to Mr. Matt Hart we stated "We have no objection to placing a conservation easement on the parcel of land in question, as long as agricultural uses were permitted." Therefore our request is completely different from that of the Weiss family.

The Zoning Board is requested to deny making a favorable decision to allow the sale of the parcel because it would set a precedent.

Response: The Town of Mansfield has the authority to deny proposals based on their merit and the merits thereof. Is it now the intent of the Town to deviate from the Plan of Development and the Policy Goals and Objectives: "to discourage non-agricultural uses on prime farmland and prime agricultural soils."

The Open Space Committee states the 0.15 acres is not prime land.

Response: When the Plan of Development was being prepared, a map on the wall outside the office of the Town Planner listed the land on both sides of MaxFelix Road as prime farmland. It included my Lot 7. The parcel in question may be listed otherwise, not as prime farmland; it is not prime farm land, rather because it was part of the forest of Lot 17. I have been able to use adjacent land for farming successfully, thus it is productive farm land.

The Open Space Committee states that "Removing trees in this parcel would not be consistent with the interior forest designation".

Response: I have no desire to remove any trees from the parcel in question. The trees currently grow along Maple Road and Old Bennett Road. I invite representatives of the various committees to visit the parcel. I am certain rhubarb and asparagus can be grown successfully on the parcel of land.

Some have suggested I destroy some of my trees.

Response: Probably all agree that trees, especially such mature trees add to the rural nature of the field and additionally provide benefits by themselves.

The sale of the Potter land is mentioned by the Open Space Committee as being a precedent for the sale of the parcel in question.

Response: We agree it was not open space, however we do suggest the Town had options and they decided on one which was most beneficial to the Town.

I respectfully submit that the Town of Mansfield is capable of making educated decisions based on the unique criteria surrounding each proposed sale.

11 April 2011

Mr. Gregory Padick  
Director of Planning  
Town of Mansfield  
4 South Eagleville Road  
Mansfield, CT, 06268

Dear Mr. Padick:

Enclosure #1 is the response from the Agricultural Committee concerning my desire to purchase 0.1548 acres of land from the Town of Mansfield.

I respectfully disagree with their unanimous decision to recommend that the Town deny my request for the purchase of the 0.1548 acres.

The Committee provided two reasons for their recommendation for denial of the sale.

1. "because his ownership would not add significantly enough to the scope of his agricultural operation to justify the sale of Town land to a private individual".

Response: The 0.1548 acres is 65 feet by 103.74 feet. In that space I can easily plant 300 rhubarb plants, some asparagus, and possibly some grapes. Once mature, as some of my other rhubarb plants, each plant will produce annually ten marketable stalks that are three feet long, about 1 1/4 inches in diameter, and each weigh at least one pound. At a sale price of \$1.00 per pound, the rhubarb will provide a minimum income of \$3,000 per year. My fruit trees are mostly immature and will require many years to become highly productive. In order to qualify for the State of Connecticut Farmer Tax Exemption Permit, I am required to produce farm products having a value of \$2,500. The rhubarb will provide that amount of produce much sooner than the fruit and nut trees. The asparagus and grapes will add to the income.

Of equal importance, the rhubarb bed will provide about 3,000 pounds of delicious, healthy rhubarb. The asparagus and grapes are also important crops. We have been planting fruits and vegetables that require care but need not be planted each year. Our farm is structured to provide crops that do not compete directly with most offerings at the Farmer's Markets.

We are recognized by the United States Department of Agriculture as an operating farm and have the ID Number 09300163140, and MUST complete periodically the United States Census of Agriculture. (see enclosure #2) The United States Department of Agriculture supports our farming efforts, as indicated by their interest in what we produce.

2. "The Committee also notes that there is a sizable amount of Mr. Kotula's land currently not in agricultural production that is available for expansion of his agricultural activities."

**Response:** We have planned the use of land frugally. Last week we received an additional shipment of 26 fruit trees, which we are in the process of planting (enclosure #3). We have additional plants on order. We are attempting to provide for our children, grandchildren, etc., a farm life experience in perpetuity.

When we met with The Agriculture Committee, they did not question how we are utilizing our land, nor did they indicate that our proposed use of the parcel we wish to buy, would conflict with the goals of The Agriculture Committee, the Town of Mansfield, nor any other entity. If questioned, we would have been pleased to provide further explanations of our agricultural initiatives.

We question why the Agriculture Committee denied our request. They are charged with enhancing agriculture in Mansfield. We have demonstrated how fallow land, which is of no use to the Town, and was carved out of Lot #7 (my lot), can become productive agricultural land without destroying trees, stone walls, or other agricultural structures. Their decision, conflicts with their charge as a Committee, the decision of the Planning and Zoning Commission, the stated goals of Mansfield Plans, and the stated goals of the Mansfield Town Council.

We respectfully request the Town Council abide by the recommendation of the Planning and Zoning Commission to sell the parcel of land in question, to Joan and Anthony Kotula.

Sincerely,

Anthony W. Kotula  
135 Maple Road  
Mansfield, CT, 06268  
Phone: (860) 429-9264  
Email: awkotula@msn.com