

**AGENDA**  
**MANSFIELD PLANNING AND ZONING COMMISSION**  
Regular Meeting, Monday, May 3, 2010, 7:15 p.m.  
Or upon completion of IWA Meeting  
Council Chambers, Audrey P. Beck Municipal Building

**Minutes**

4/19/10

**Scheduled Business**

**Zoning Agent's Report**

- A. Monthly Activity Report
- B. Enforcement Update
- C. Hall Property Old Mansfield Hollow Rd; DeBoer Property, Storrs Rd
- D. Other

**7:30 p.m. Public Hearing**

**Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs, PZC File 907-32**

Reports from Director of Planning, Town Attorney

**8:00 p.m. Public Hearing**

**Special Permit Application, Permanent Agricultural Retail Sales, 483 Browns Road, o/a B. Kielbania, File #1292**

Reports from Director of Planning, Assistant Town Engineer, EHHD

**Old Business**

1. **Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, PZC File 907-33**
  - a. Rezoning of Industrial Park Zone and Associated Regulation Revisions
  - b. Aquifer and Public Water Supply Protection Regulations
  - c. Invasive Plant Species Regulations  
(Public Hearing Scheduled for 6/7/10)
2. **Other**

**New Business**

1. **Special Permit Modification Request Mansfield Hollow Hydro Project, 114 Mansfield Hollow Rd, File #1243**  
Memo from Director of Planning
2. **Request for Bond Release- Pine Grove Estates, File #1187-2**  
Memos from Director of Planning and Assistant Town Engineer
3. **Request for Shed within Development Area Envelope, 37 Adeline Place, File #1187-2**  
Memo from Zoning Agent
4. **Other**

**Reports from Officers and Committees**

1. Chairman's Report
2. Regional Planning Commission
3. Regulatory Review Committee-meeting scheduled for Tuesday, 5/11/10 at 2p.m. in Conf. Room B.
4. Other

## **Communications and Bills**

1. Spring 2010 Planning Commissioners Journal
2. Land Use Academy Basic Training, Saturday May 22, 2010-UConn Storrs Campus
3. Reinventing the Commercial Strip Workshop, Chaplin Fire Station, 5-17-10
4. 4/19/10 Memo from Town Clerk Re: Policy Regarding Advisory Committee Communications with Outside Agencies
5. 4/21/10 Letter from Director of Public Works to Joshua's Trust Re: Stone Mill Bridge Project
6. Spring 2010 Willimantic River Review
7. Other

## DRAFT MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, April 19, 2010

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, R. Hall, K. Holt, G. Lewis, B. Pociask (7:02), B. Ryan  
Members absent: J. Goodwin, P. Plante  
Alternates present: F. Loxsom, K. Rawn, V. Stearns (7:02)  
Staff Present: Gregory Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:01 p.m. and appointed alternates Loxsom and Stearns to act in the absence of Goodwin and Plante.

#### Minutes:

4-5-10- Hall MOVED, Ryan seconded, to approve the 4/5/10 minutes as written. MOTION PASSED with all in favor except Stearns and Loxsom who disqualified themselves.

4-14-10- Hall MOVED, Beal seconded, to approve the 4/14/10 field trip minutes as written. MOTION PASSED with Beal, Favretti, Hall and Holt in favor and all others disqualified.

#### Zoning Agent's Report:

The Zoning Agent's Monthly Enforcement Report was noted. Hirsch stated that he has issued Hall a Notice of Assessment, adding that the next step is to file on his deed in the Land Records the amount owed in fines, and then begin working with the Town Attorney to file a lawsuit.

Hirsch noted that he and the Chairman signed off on a modification at Southeast Park for a scoreboard at the field, and one at Hunting Lodge Apartments for a basketball and volleyball court.

#### New Business:

##### 4. Modification Request -Proposed Office, Motor Vehicle Driving School, 699 Storrs Rd, File #554-3

Holt MOVED, Ryan seconded, that the PZC approve the 4/12/10 Request for Modifications by Maximo Garcia for driver's education classroom instruction, as submitted and described by the applicant with the condition that class size is limited to a maximum of ten students and that if the Zoning Agent determines that the existing parking is insufficient for the combined uses of the site, class size shall be reduced or additional parking spaces shall be proposed and reviewed and approved by the PZC. MOTION PASSED UNANIMOUSLY.

##### 5. Request for Utility Work within Conservation Easement Area, Adeline Place, File #1187

Hirsch's memo was discussed. Concern was expressed about setting a precedent if approval were granted. Beal MOVED, Pociask seconded, that the PZC approve the 4/14/10 request of Pine Grove Estates, LLC to perform the described work within a conservation easement area as shown on the submitted plan and that the disturbed area be restored with a vegetative ground cover satisfactory to the Zoning Agent. Hall MOVED, Holt seconded to table the motion. MOTION FAILED with Hall, Holt and Stearns in favor of tabling, and all others opposed. After discussion, members determined that the change would not create any significant impact. MOTION on the floor moved by Beal, seconded by Pociask, PASSED with all in favor except Hall who was opposed. Favretti then asked the Director of Planning to investigate the possibility of charging fines when regulations are violated without modification approval.

#### Public Hearing:

##### Special Permit Application, Permanent Agricultural Retail Sales, 483 Browns Road, B. Kielbania o/a, File #1292

Chairman Favretti opened the Public Hearing at 7:35 p.m. Members present were Favretti, Beal, Hall, Holt, Lewis, Pociask, Ryan and alternates Loxsom, Rawn and Stearns. Favretti appointed Loxsom and Stearns to act. Gregory Padick, Director of Planning read the legal notice as it appeared in the Chronicle on 4/6/10 and 4/14/10 and noted the following communications distributed to all members of the Commission: a 4/15/10 report from G.

Padick, Director of Planning; a 4/15/10 report from G. Meitzler, Assistant Town Engineer; a 4/5/10 report from J. Jackman, Fire Marshall; and a 4/6/10 report from the Agriculture Committee.

The applicant's representative, Wes Wentworth, P.E., Soil Scientist, Wentworth Civil Engineers, LLC, distributed revised plans dated 4/19/10. Wentworth reviewed the changes to the plans based on staff comments, and discussed the reduction in driveway widths with a one-way traffic flow and elimination of the second easterly driveway exit. Wentworth noted that the farm stand will be open three days a week, from April to December (based on demand). There is a stone wall under construction along the western front boundary of the property, to then be supplemented by evergreen trees and shrubs, to act as a landscape buffer for the abutting neighbor to the west.

Members raised questions regarding the traffic, road conditions, sight lines, winter parking, handicapped signage and accessibility, parking layout, hours of operation, lighting and products that are to be sold.

Chairman Favretti opened the discussion for members of the public.

Raluca Mocanu, 253 Maple Road, asked the applicant to explain how this proposal will be sustainable, environmentally safe and what will be grown on site. She also referenced comments from Bill Palmer of the Agriculture Committee and his concern that the agricultural deed covenant be upheld. (To clarify this point, Wentworth submitted a 2-19-10 email correspondence from J. Dippel, Director Farmland Preservation Program, Connecticut Department of Agriculture.)

Gus Loukas, Browns Road, the abutter to the west, expressed concern for the value of his property, traffic, parking and the safety of his children noting the proximity of his property to the barn and driveway entrance. He stated that when the former owner opened his corn maze to the public, there were cars parked along the road, in his driveway and on his lawn. Often cars would turn around in his driveway, making it unsafe for his children to play there.

Edward Weiser, member of the Agriculture Committee, feels that the type and quantity of product that can be brought in from off-site should be clearly defined. He wanted to know which of Kielbania's fields will be actively cultivated this year and in the future.

There were no further comments or questions from the Commission or the public. Holt MOVED, Hall seconded, to continue the public hearing until 5/3/10. MOTION PASSED UNANIMOUSLY.

#### **Old Business:**

1. **Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs**  
Item tabled, pending a public hearing scheduled for 5/3/10.
2. **Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, dated 4/14/10, regarding:**
  - a. Rezoning of Industrial Park Zone and Associated Regulation Revisions
  - b. Aquifer and Public Water Supply Protection Regulations
  - c. Invasive Plant Species Regulations

Padick referenced his 4/15/10 memo and reviewed in detail the associated 4/14/10 draft revisions.

Holt MOVED, Hall seconded, that a public hearing be scheduled for June 7, 2010 to hear comments on the attached 4/14/10 draft revisions to the Zoning Map and Zoning and Subdivision Regulations. The draft regulations shall be specifically referred to the Town Attorney, WINCOG Regional Planning Commission, the adjacent municipalities, Town Council, Zoning Board of Appeals, Conservation Commission, Open Space Preservation Committee, Agriculture Committee and Design Review Panel.

MOTION PASSED UNANIMOUSLY.

#### **New Business:**

1. **8-24 Referral, 2010-11 Capital Improvement Budget**

Ryan MOVED, Holt seconded, that the PZC approve, subject to the condition below, the proposed 2010-11 Capital Improvement Program.

Several items are land-use-regulated and may require PZC and/or IWA approvals before implementation. The PZC respectfully requests that the departments involved with land-use projects coordinate plans with the Director of Planning and Inland Wetlands Agent and that the Commission/Agency be given adequate time to thoroughly review and act upon final plans for all projects that require PZC or IWA approval.

The PZC also recommends that the Town Council include in the 2010-11 Capital Improvement Budget funding for open space acquisition and management. MOTION PASSED UNANIMOUSLY.

2. **Request to Extend Special Permit Approval, Gibbs Oil Company, 9 Stafford Rd, PZC File #404-3**  
Holt MOVED, Ryan seconded, that the Planning and Zoning Commission approve a third extension of the period of time to begin construction of the Gibbs Expansion Project on property located at 9 Stafford Road. The new date to begin construction is October 1, 2011 unless an additional extension is requested and approved. MOTION PASSED UNANIMOUSLY.
3. **Request to Extend Special Permit Approval, St. Paul's Collegiate Church, 1768 Storrs Rd, File #1275**  
Holt MOVED, Hall seconded, that the Planning and Zoning Commission approve an extension of the period of time to begin construction of the expansion at St. Paul's Collegiate Church on property located at 1768 Storrs Road. The new date to begin construction is May 7, 2011 unless an additional extension is requested and approved. MOTION PASSED UNANIMOUSLY.

**Reports of Officers and Committees:**

None noted.

**Communications and Bills:**

Noted.

**Adjournment:**

Chairman Favretti declared the meeting adjourned at 9:05 p.m.

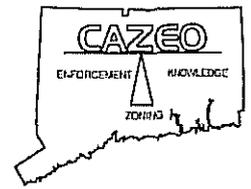
Respectfully submitted,

Katherine Holt, Secretary

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# 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: April 29, 2010

## MONTHLY ACTIVITY for April, 2010

### ZONING PERMITS

<u>Name</u>	<u>Address</u>	<u>Purpose</u>
Gray	93 Mansfield Hollow Rd.	reconstruct shed
Curran	57 Bundy La.	10 x 12 shed
Anniello	15 Longview Dr.	14 x 24 deck
Marcus	78 Ellise Rd.	8 x 12 shed
Shafer Properties	534 Storrs Rd.	parking lot
Rose	10 Pinewoods La.	18- above pool
Simonsen	43 Chatham Dr.	12 x 12 deck
Charles River Laboratory	67 Baxter Rd.	10 x 21 shed
Valley View LLC	57 Marybell Dr.	replacement home
Dube	28 Hill Pond Dr.	10 x 10 shed
Chen	53 Crane Hill Rd.	shed and enlargement of deck
Kotula	135 Maple Rd.	temp. farm stand

### CERTIFICATES OF COMPLIANCE

Hadden	34 Fern Dr.	shed
Crossen	95 Monticello Rd.	1 fm-dw
Beaudoin Const.	39 Liberty Dr.	1 multi-fm unit

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**TOWN OF MANSFIELD**  
**OFFICE OF PLANNING AND DEVELOPMENT**

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GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Planning & Zoning Commission  
From: Gregory J. Padick, Director of Planning   
Date: April 29, 2010  
Re: 5/3/10 Public Hearing on PZC-proposed revisions to the Zoning Regulations:  
Definitions of Family and Boarding House; Political Signs, File #907-32

**General**

Please find attached a copy of the legal notice for the May 3, 2010 Public Hearing. This notice provides a summary of the proposed revisions. At Monday's meeting, I will make a brief presentation outlining the proposed revisions and rationale for considering the proposed revisions. I also will address any questions from Commission members and the public. After receiving public comments, the PZC will have to recess the hearing to receive comments from the WINCOG Regional Planning Commission which meets on May 5<sup>th</sup>. May 17<sup>th</sup> and June 7<sup>th</sup> are potential dates for the continued public hearing. Once the Hearing is closed, only technical assistance from staff may be received by the Commission. Current state statutes authorize the PZC to modify the proposed revisions prior to adoption, but to minimize any potential procedural issues, an independent Hearing should be considered for any significant alterations.

In addition to the referral to the WINCOG Regional Planning Commission, the proposed revisions have been referred to the Town Clerks of neighboring Towns and they have been filed with the Mansfield Town Clerk. The proposed revisions also have been posted on the Town's web site and communicated to all individuals who have signed up for the Town's Registry which was established pursuant to state statutes. Referrals also have been sent to the Town Attorney, Town Council, Zoning Board of Appeals and American Civil Liberties Union of Connecticut. All communications received prior to 4:30 p.m. on Monday, May 3<sup>rd</sup> will be copied and distributed to PZC members.

As with any Zoning or Subdivision regulation amendment, the PZC must weight anticipated public and private benefits versus anticipated public and private costs. All municipal land use regulations should be designed to serve a community need while protecting the public's health, safety, convenience and property values. The Commission has the legislative discretion to determine what is best for the Town as a whole, and zoning districts and land use regulations can and should be modified to meet changing circumstances or address a recognized public need. Sections 8-2 and 8-25 of the CT General Statutes and Articles I and XIII of our Zoning Regulations provide information on the legislative basis, procedure and criteria for considering Zoning Map and regulations revisions. Collective reasons for PZC legislative actions should be clearly documented, and Section 8-3.a of the State Statutes requires the Commission to make a public finding regarding the consistency of the proposed revisions with respect to the Municipal Plan of Conservation and Development.

**Review Considerations**

In reviewing the proposed regulation revisions, a number of factors must be considered. These factors include policies, objectives and recommendations contained in Mansfield's Plan of Conservation and Development and state and regional land use plans and legal appropriateness. Article XIII, Section D includes or references additional information regarding approval considerations. I will initially comment on the proposed revisions to the Zoning Definition of Family and Boarding House and in a separate portion of this memo, I will comment on the proposed political sign revisions.

## **PROPOSED DEFINITION OF FAMILY; BOARDING HOUSE**

Mansfield's current definition of Family, which has not changed since 1972, is used to regulate the occupancy of dwelling units in Town. It particularly affects the occupancy of single-family homes and can significantly affect the overall character of single family neighborhoods. Since 1972, there have been significant demographic changes in the nature and character of American families and dwelling unit occupancy. Associated with these changes, there have been a number of court cases that have altered and refined a Planning and Zoning Commission's right to regulate the occupancy of dwelling units. The attached 2001 article: "Connecticut Family Values" by Attorney Dwight Merriam and 2008 article: "Its all in the Family" by Attorney Mark Branse provide insight into the legal background and challenges related to regulating family occupancy. A report from Mansfield's Town Attorney will specifically address the legal appropriateness of the 4/8/10 draft revisions to the Zoning Definition of Family and Boarding House. It is noted that the proposed boarding house revision is needed to be consistent with the proposed definition of families category for unrelated individuals.

The proposed definition of family contains five categories that define acceptable occupancy as a family. These categories are considered necessary to address specific issues that have arisen regarding the current definition, its legal appropriateness and the ability to enforce its provisions.

Categories one and two define acceptable occupancy based on blood relations, marriage or civil union, authorized custodial relationships or relationships among couples with children from prior unions. The current definition does not specifically recognize many of these occupancy arrangements. To facilitate enforcement of the blood relations provisions, the proposed definition more specifically defines the extent of the blood relationship that would qualify. This approach has been used in other municipalities.

Category three authorizes up to three (3) unrelated individuals, which is a decrease from the current provision which is interpreted to allow up to four (4) unrelated individuals to automatically qualify as a family. This change is expected to help reduce neighborhood impact issues that have occurred due to occupancy by unrelated individuals, to help reduce the number of new locations where single family dwelling units are occupied by unrelated persons and to facilitate the future enforcement of residential occupancy requirements. The proposed revision is designed to help protect the character of Mansfield's single family neighborhoods. Since 1992, Willington's Zoning Regulations have limited the number of unrelated persons to three (3).

Over the past decade Mansfield has experienced a significant increase in the number of single family dwelling units that have been rented to unrelated individuals, particularly students enrolled at the University of Connecticut or Eastern Connecticut State University. In many cases, the occupancy of single family dwellings by unrelated persons have resulted in ongoing neighborhood impacts including excessive noise, partying during late night/early morning hours, frequent emergency service visitations, trespassing, parking on lawns and unsafe areas and poor property maintenance. This situation has detrimentally affected the public's health, safety and welfare. Since the year 2000, the Zoning Agent's "watch list" of dwelling units occupied by unrelated individuals that have violated, or reportedly violated, zoning regulations and occupancy provisions has increased from twenty-one (21) to eighty-five (85) sites. Reducing the number of unrelated individuals to three is expected to facilitate enforcement of the occupancy provision of the Zoning Regulations.

Since Mansfield adopted a Housing Code and Landlord Registry in 2006, there has been an increase in the number of single family dwellings occupied by unrelated individuals. Based on Housing Department records, there have been approximately forty (40) new occupancies of single family dwellings by unrelated individuals in the last three (3) years. By reducing the number of unrelated individuals to three

(3), it is expected that fewer absentee landlords will find economic benefit in purchasing single family dwellings for the purpose of renting to unrelated individuals.

Category four is designed to recognize that groups of unrelated individuals can live together and maintain a permanent and stable common household that in effect functions in the same manner as those related by blood, marriage, civil unions or custodial relationships. Specific criteria have been proposed based on regulations used in other communities, particularly college towns including Ann Arbor Michigan and Ames, Iowa.

Category five recognizes federally protected groups subject to documentation that "reasonable accommodation" criteria have been met. This section was drafted based on research conducted by the Town Attorney with assistance from other Town representatives.

The subject definition of Family regulation revision has been under review for many years. Recently Mansfield's Community Quality of Life Commission (see 3/11/10 letter) endorsed the proposed reduction of unrelated individuals to three (3). Many other college towns throughout the country have utilized two (2). It also is important to note that if the new definition is approved, all existing single family uses that comply with the current definition of family but would not comply with the new definition would be allowed to continue the use as a non-conformity. Documentation of any non-conforming use may be required. Based on non-conforming use protections, the proposed definition revisions would primarily affect any new occupancies.

One of the four (4) policy goals of Mansfield's 2006 Plan of Conservation and Development is "To strengthen and encourage a sense of neighborhood and community throughout Mansfield". Similar goals and objectives are contained in regional and state land use plans. Under this goal, objective e on page 51 includes a recommendation that the Zoning definition of family be reviewed and as appropriate revised. Based on this statement, the proposed revision is considered compatible with Mansfield's Plan of Conservation and Development. It also is noted that in Mansfield's 2008 "A Unified Vision Strategic Plan" under the Housing Vision Point there is an action item entitled "Promoting neighborhood cohesion/preventing blight problems/reduction in property maintenance problems". A specific action step under this section is to "redefine occupancy rules (categories) to three unrelated people".

A minor misspelling in Category 5 needs to be addressed. Pursuant should be changed to pursuit.

### **POLITICAL SIGNS**

The proposed change to the political sign regulations was prompted by American Civil Liberties Union of Connecticut concerns that Mansfield's existing regulations were illegal. After review with the Town Attorney, it was determined that existing standards for political signs on private property should be eliminated. The proposed provision would retain a provision that prohibits political signs on public property except for street right-of-way areas adjacent to private lots where prior approval of the abutter has been obtained. The draft includes recommendations designed to help reduce neighborhood impact and potential litter problems.

### **Summary/Recommendation**

The proposed regulation revisions present policy issues for the Commission's legislative discretion. The PZC must determine that the proposed revisions are legally appropriate, promote goals, objectives and recommendations contained in municipal, regional and state land use plans and in general promote the public's health, safety and welfare. The statutory provisions of Sections 8-2, 8-18 and 8-25 and the regulatory provisions of Article XIII, Section D of Mansfield's Zoning Regulations provide a legal basis and procedural guidance for making this determination. Pursuant to Section 8-3 (a) of the State Statutes, any approved revisions must include a finding with respect to compatibility with the Mansfield Plan of Conservation and Development. The PZC must consider all communications received during the Public Hearing process, but once the Hearing has been closed, no additional input shall be received except for technical assistance from staff. The PZC has the right to modify the proposed revisions prior to adoption, but any significant alterations should be presented through an additional Public Hearing review process. If the Commission decides to approve the regulation revisions, explanatory notes provided with the draft regulations and information contained in this report and associated attachments should be considered in preparing reasons for approval.

As previously noted, the Public Hearing must be extended to a future meeting to allow time for referral comments from the WINCOG Regional Planning Commission.

## LEGAL NOTICE

Mansfield Planning and Zoning Commission

The Mansfield PZC will hold a Public Hearing on Monday, May 3, 2010 at 7:30 p.m. in the Council Chambers, A.P. Beck Bldg., 4 S. Eagleville Rd, to hear comments on PZC-proposed revisions to the Mansfield Zoning Regulations: definition of family and boarding house and political signs.

The proposed 4-8-10 draft revisions to Mansfield's definition of family update and refine existing provisions, particularly with respect to blood relations; incorporate new provisions that authorize "functional families"; incorporate new provisions that authorize legally recognized living arrangements that qualify as "reasonable accommodation"; and reduce the number of unrelated individuals who automatically qualify as a family from four (4) to three (3). All existing single family uses that comply with the existing definition of family, but would not comply with the proposed definition of family, would become non-conforming uses if the new definition is adopted. The proposed revisions to Mansfield's definition of Board House are necessary to be consistent with the proposed definition of family. The proposed 3-10-10 draft revisions to the political sign regulations would eliminate current standards for political signs on private property which include restrictions on the number, size and period of time for display and limit the nature of a political sign. The proposed amendment retains an existing provision that prohibits political signs on public property but does authorize political signs along street rights-of-way provided abutting private property owners have granted permission.

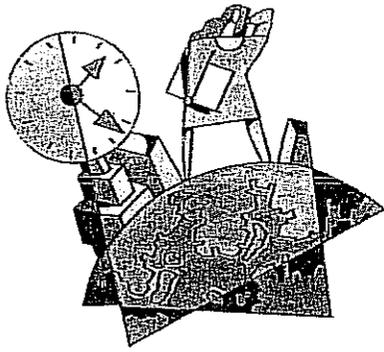
At this Hearing, interested persons may be heard and written communications received. No information from the public shall be received after the close of the Public Hearing. Additional information is available in the Mansfield Planning and Town Clerks Offices and at [www.mansfieldct.org](http://www.mansfieldct.org).

R. Favretti, Chair  
K. Holt, Secretary

TO BE PUBLISHED Tuesday, April 20, and Wednesday, April 28, 2010

**\*\*PLEASE CHARGE TO THE MANSFIELD PZC/IWA ACCOUNT**

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# Connecticut Family Values

By Dwight H. Merriam, AICP

## INTRODUCTION

What is a "family?" Can we preserve "family values" through zoning? Is "single family zoning" defensible?

Both public policy and the law are added in this sensitive area. The American family today is certainly much changed from the "Father Knows Best" and "Ozzie and Harriet" families of the 1950s.

Nationally, and the same numbers seem to follow in Connecticut, the average household size has decreased over the last twenty-five years from 3.14 persons per household to 2.65 persons.<sup>1</sup> Smaller households mean more dwelling units are required for the same population. Even a town with zero population growth needed to increase its number of housing units by about fifteen percent over the last twenty-five years simply to keep up with the rate of household formation.

Recently, the *New York Times* reported that for the first time in decades, more than half of households with children at home had both parents in the work force.<sup>2</sup> Additionally, the trend is definitely toward families with a single parent head-of-household.<sup>3</sup> The percentage of families with a mother and father at home with two or more children in the same household has gone from forty percent in 1970 to a mere twenty-five percent today. Look, for example, at the statistics on children born to unmarried women. Today, some thirty-two percent of children are born to women who are not married, and those women are increasingly affluent and white.<sup>4</sup> Marriage, even if we factor in the powerful movement in the gay and lesbian community for civil unions and marriages,<sup>5</sup> is a

greatly weakened institution. Divorce rates continue at high levels.<sup>6</sup>

## THE LAW OF FAMILY

The definitions of "family" that we find across the country and in this state reflect a bygone era. Here is the definition from the U.S. Supreme Court decision in *Village of Belle Terre* in 1974:

One or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.<sup>7</sup>

Similar definitions show up throughout Connecticut. Here are three picked at random, identified by town:

*Middlefield:* One or more persons related by blood, marriage or adoption living and cooking together on the premises as a single housekeeping unit, and may include servants living in or not more than (2) paying lodgers or boarders.<sup>8</sup>

*Trumbull:* A "family" shall be one or more persons living together as a housekeeping unit of whom at least three quarters shall be related by blood, marriage or adoption.<sup>9</sup>

*Willington:* (a) Any number of individuals related by blood, marriage, or adoption, living together as a single housekeeping unit; or (b) A group of not more than three (3) persons, not so

related by blood, marriage, or adoption, living together as a single housekeeping unit.<sup>10</sup>

What is common to these definitions is that they require a single family to be persons related by blood, marriage or adoption and up to some small number of additional, unrelated people. A definition such as Willington's, which allows up to three additional, unrelated people would allow a single-family residence to have one person not related to any other by blood, marriage or adoption and up to three additional people for a total of four unrelated persons living in a single-family residence.

The most restrictive regulations are found in at least two communities that limit families to those related by blood, marriage or adoption:

*Bridgeport:* Persons related by blood, marriage or adoption.<sup>11</sup>

*New Canaan:* Any number of individuals, related by blood or legal adoption or by marriage, living and cooking together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding or rooming house or hotel.<sup>12</sup>

Even in towns with less restrictive definitions of family, a gay and lesbian extended family with foster children cannot live together if there are more than four; even though they are functionally a family; they share immutable bonds of love and affection; they are a shared economic enterprise; they shop and prepare food and dine together — they are a family, but not under the zoning laws in most towns in this state.

(Please see page 6)

## CONNECTICUT FAMILY VALUES

(CONTINUED FROM PAGE 4)

We tell planners and land use lawyers who want to make clever conversation at parties to ask this question:

Under the definition of family in most municipalities in this country, seven nuns cannot live together, because they are not related by blood, marriage or adoption, and there are more than the usual requisite of three or four unrelated persons. However, as a matter of federal law, the seven nuns can live together in virtually any single-family house in any municipality, regardless of local zoning. Under what conditions can seven nuns live together?

Under the Fair Housing Act,<sup>12</sup> seven nuns can live together if they are deemed "handicapped," which includes physical handicaps, mental health handicaps, mental retardation and the recovery from drug and alcohol abuse. Seven nuns cannot live together in most municipalities in this country, including those of Connecticut, as a matter of right unless they are handicapped, as defined by federal law.<sup>13</sup>

## THE CONNECTICUT LAW OF FAMILY

The law of the definition of family, outside of Fair Housing Amendments Act cases, is thin. One notable case in which I was involved in a minor way in assisting Philip D. Tegeler, Legal Director of the Connecticut Civil Liberties Union, is *Dinan v. Board of Zoning Appeals*.<sup>15</sup> We had been looking for a case to challenge the restrictive definition of family.<sup>16</sup> The first case to present itself was this instance of ten bachelors sharing two apartments, each with their own room and each paying rent separately to the landlord. The outcome was perhaps predictable — the superior court found that there was nothing unconstitutional about these bachelors sharing an apartment and no indicia of their operating as a single family. The Supreme Court upheld the trial court's decision.

Judge Robert A. Fuller, now in private

practice and the author of the treatise, *Land Use Law and Practice*,<sup>17</sup> cited *Dinan* in a decision he wrote shortly after *Dinan* was decided. He held six hockey players of the New Haven Nighthawks were not a family.<sup>18</sup>

## FEDERAL AND STATE LITIGATION

The leading case at the federal level is *Village of Belle Terre v. Boraas*,<sup>19</sup> in which the U.S. Supreme Court upheld the definition of family that is quoted earlier. The court found that the ordinance reasonably addressed family needs explaining that the ordinance was not aimed at transients and neither violated equal protection nor infringed upon a "fundamental" right guaranteed by the Constitution. The opinion also focused on the city's legitimate interest in protecting traditional family life and preserving the atmosphere of the neighborhood.<sup>20</sup>

A handful of state courts, however, have rejected the *Belle Terre* rule under their *state* constitutions. Some have observed that this split among the states has created, at least superficially, an irreconcilable line of decisions. But the outcomes in the cases can generally be predicted by how closely the household in question resembles a family. It boils down to this: Where a group of unrelated persons is the functional equivalent of a family, a court is likely to strike down a traditional definition as applied to the group, but when the group does not resemble a family, *e.g.*, a group of college students, the ordinance will usually be upheld.<sup>21</sup>

## COMMUNITY SOLUTIONS

Assuming you believe that the highly restrictive definition of family is inappropriate as a matter of public policy, given the evolving demographics of the family, what might you do?

First, you probably would want to think through the unintended consequences or counterintuitive results of changing the definition of family. One of the biggest concerns that is voiced is whether single-family neighborhoods would be destroyed by homes being con-

verted to rooming houses or, worse yet, in the eyes of some, college students would move in and take over the neighborhoods.

At the same time, how is a community to address its responsibilities under the Fair Housing Act? That is a complex subject we must leave for another day, but it's one that local governments can't duck.

Second, if we believe in the core of *Belle Terre* — that it is a proper purpose of zoning to preserve family values and single-family zoning — how can we do that without fundamentally changing our neighborhoods?

In rewriting the regulations for Ames, Iowa, the home of Iowa State University, and in a current project to rewrite the regulations for Chapel Hill, North Carolina, where the University of North Carolina-Chapel Hill is located, we have had to confront this definitional problem.

As to student housing, which is also beyond the scope of this article, our basic approach has been to identify areas close to campus and zone those for single-room occupancy and shared apartments specifically targeted for student housing. The idea is to provide a sufficient supply to meet the demand for student housing and to prevent that demand from cascading out into the single-family neighborhoods beyond.

For the definition itself, we decided we needed to identify what was a functional family — a group of individuals with shared bonds of love and affection, economic commitment and mutually supportive household responsibilities.

Here is the definition we wrote for Ames, Iowa:

Family means a person living alone, or any of the following groups living together as a single nonprofit house-keeping unit and sharing common living, sleeping, cooking and eating facilities:

- (1) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;
- (2) two unrelated people;

(Please see page 8)

## CONNECTICUT FAMILY VALUES (CONTINUED FROM PAGE 6)

(3) two unrelated people and any children related to either of them;

(4) [state and federal fair housing definitions]...

(5) three or more people who are granted a Special Use Permit as a "functional family" pursuant to [the special use permit procedures section] of this ordinance.

Exceptions — "Family" does not include:

any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization;

any group of individuals whose association is temporary or seasonal in nature;

any group of individuals who are in a group living arrangement as a result of criminal offenses.

Unbeknownst to us when we were working in Ames, Ithaca, New York and Ann Arbor, Michigan already had adopted similar "functional family" regulations.<sup>23</sup> Planners in both cities report that the definitions have not caused any unintended consequences and have worked to enable these emerging types of families to be integrated fully into traditional, single-family neighborhoods.

## CONCLUSIONS

The Connecticut Civil Liberties Union continues to be on the lookout for a good case to challenge the traditional definition of family. How much better it would be if just a few towns in Connecticut could start out on their own by adopting an alternative definition of family similar to the ones we have described. Those towns will almost certainly find that their traditional, single-family neighborhoods are not damaged and that they might even be strengthened by making it more difficult for unaffiliated individuals to create ersatz rooming houses. They would help caring, committed, loving, stable families to enjoy

being an integral part of traditional, single-family neighborhoods without the threat of a zoning enforcement action and without having to live illegally, as if they were likely to blight their neighbors' properties.

• • • • •

*Dwight H. Merriam, AICP, is head of the Land Use Group and a partner at the Hartford office of Robinson & Cole LLP. This article reflects the views of the author and not necessarily those of Robinson & Cole LLP's clients.*

## NOTES

1. United States Census Bureau, "HH-6. Average Population per Household and Family: 1940 - Present." Found on the Census Bureau's web site at <http://www.census.gov/population/socdem/olhh-fam/htabHH-6.txt>.
2. Lewin, Tamar, *Now A Majority: Families With Two Parents Who Work*, N.Y. Times, October 24, 2000 at A20.
3. United States Census Bureau, "FM-2. All Parent/Child Situations, by Type, Race, and Hispanic Origin of Householder or Reference Person: 1970 - Present." Found on the Census Bureau's web site at <http://www.census.gov/population/socdem/olhh-fam/htabFM-2.txt>.
4. See *The State of Our Unions 2000: The Social Health of Marriage in America* (National Marriage Project, June 2000).
5. See, for example, the State of Vermont's recently enacted statute recognizing same-sex bonds as "civil unions," 18 V.S.A. §§ 5160 et seq. (Effective July 2000.)
6. See National Center for Health Statistics' "Faststats" web site at <http://www.cdc.gov/nchs/divorce.htm>.
7. *Village of Belle Terre v. Boraas*, 416 U.S. 1, 3 (1974).
8. Town of Middlefield Zoning Regulations, Section 02.06.01 (Oct. 1, 2000).
9. Town of Trumbull Zoning Regulations, Section 2 (July 1993).
10. Town of Willington Zoning Regulations Section 3.54 (Apr. 15, 2000).
11. City of Bridgeport Zoning Regulations Section 2-2 (Aug. 1996).
12. City of New Canaan Zoning Regulations Section 60-25.1 (Nov. 1997).
13. 42 U.S.C. §§ 3601 et seq.
14. Robert J. Sitkowski, AIA, AICP, a lawyer in my office, and I wrote on this issue a year ago. See Merriam, Dwight H., and Sitkowski, Robert J., *The Seven-Nun Conundrum: Seeking Divine Guidance in the Definition of "Family,"* Land Use L. & Zoning Dig., June 1999.
15. 220 Conn. 61 (1991).
16. Previously, with the help of the CCLU, we successfully challenged non-occupancy based minimum floor areas in *Builders Service Corporation v. Planning and Zoning Commission of the Town of East Hampton*, 208 Conn. 267 (1988).
17. Fuller, Robert A., *Connecticut Practice Series: Land Use Law and Practice* (2d ed. 1999).
18. *Dimenstein v. Zoning Board of Appeals of City of Milford*, 1991 Conn. Super. LEXIS 1933 (1991). Bob Fuller is a hockey player himself, so he reveled in writing this decision which is a delight to read and contains many useful citations. Other cases of interest are *The Stewart B. McKinney Foundation, Inc. v. Town Plan and Zoning Commission of the Town Fairfield*, 790 F.Supp. 1197 (D.Conn. 1992), *Shea v. Windsor Locks Zoning Board of Appeals*, 1992 Conn. Super. LEXIS 3337 (1992), and *Meyers v. Zoning Board of Appeals of the Town of Groton*, 1997 Conn. Super. LEXIS 1546 (1997).
19. 416 U.S. 1 (1974).
20. There are three later cases at the U.S. Supreme Court of interest but not fully on point: *Moore v. City of East Cleveland*, 431 U.S. 494 (1977) (invalidating on substantive due process grounds a local housing code provision that restricted the number of related individuals who could live together); *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985) (invalidating the denial of a conditional use permit for a group home for the mentally handicapped under the rational relationship standard of equal protection review); and *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725 (1995) (holding that a zoning ordinance limiting the number of unrelated persons who may live together in a single family residence, but not limiting the number of related persons, is not exempt from the Fair Housing Act's requirement that municipalities make "reasonable accommodations" for group homes for the handicapped). See also Fuller, Robert A., *Connecticut Practice Series: Land Use Law and Practice* § 4.16 (2d ed. 1999); Tondro, Terry J., *Connecticut Land Use Regulation* 106-09 (2d ed. 1992).
21. See, e.g., Cholewa, Matthew J., *Single-Family Residential Zoning — Towards a Legislative Definition of "Functional Family,"* 36 Mun. Att'y 10 (1995). The states include California, Michigan, New Jersey, New York, and Pennsylvania.
22. Readers may get copies by contacting the author at [dmerriam@rc.com](mailto:dmerriam@rc.com) or (860)275-8228.

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# CONNECTICUT PLANNING



Journal of the Connecticut Association of Planners

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April-June 2008

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## Lead Story

The definition of "family" in zoning regulations has always presented difficulties, but never more than it does in the "love makes a family" era in which we live.

www.ccapa.org

## It's All In The Family

by Mark Branse

So where the heck is that? The definition of "family" in zoning regulations has always presented difficulties, but never more than it does in the "love makes a family" era in which we live. Most zoning regulations have zones that restrict residential uses to "single-family dwellings" where they are a permitted use as of right. Even where multi-family dwellings are allowed, they usually require that only one "family" reside in each unit. Many regulations also describe and allow, under certain circumstances, a "boarding house," "tourist home," or "bed and breakfast" in which transients or boarders may reside in addition to the "family." It is typical for such land uses to require occupancy by the owner or operator, or, a "family" plus boarders or transients.

So what is the "family" that is the starting point of this analysis? Black's Law Dictionary dedicates almost four pages of fine print to the definition of "family." Connecticut courts have been willing to use practical definitions of "family," where the regulations do not contain one, *Planning & Zoning Commission of Town of Westport v. Synanon Foundation, Inc.*, 153 Conn. 305 (1966) (large number of unrelated persons living together was not a "family.") However,

nearly all zoning regulations today define a "family," and they typically use a definition such as: "One or more persons related by blood, marriage, or adoption living together as a single housekeeping unit, or up to \_\_\_ persons not so related." The number in the blank varies, but is usually in the range of 2 or 3.

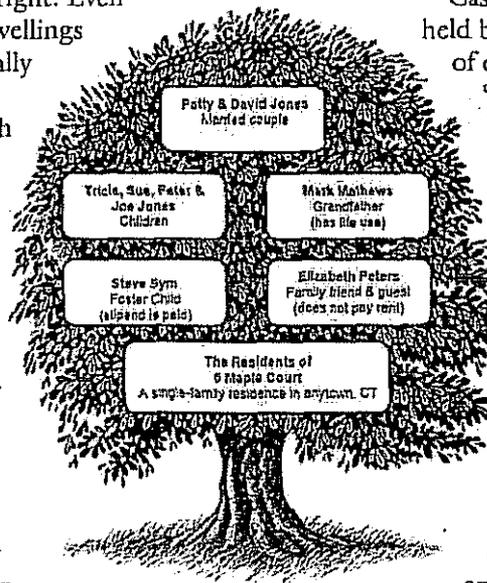
Case law has long upheld both the restriction of dwellings to a single "family" and the restriction of the numbers of unrelated persons who can constitute a "family." In *Belle Terre v. Bornas*, 416 U.S. 1 (1974), the United States Supreme Court upheld a zoning regulation that restricted a "family" to persons related by blood, marriage, or adoption and no more than two

persons not so related. The Connecticut Supreme Court issued a similar ruling in *Dinan v. Board of Zoning Appeals of Stratford*, 220 Conn. 61 (1991).

Black's Law Dictionary, Rev. 4th Ed. (1968), defined "family." "In most common use, the word implies father, mother and children, immediate blood relatives." That "common use" of 1968 seems outmoded today.

First, Connecticut law now expressly recognizes "civil unions." Conn. Gen.

(continued on page 4)



## All in the Family — Lessons Learned:

### 1) Review your regulations.

Examine your current zoning regulation and be sure that it addresses civil unions, foster parents, and any other situations that you can think of. Ambiguities in your regulation will make enforcement difficult, if not impossible.

2) Don't bring enforcement actions for "close calls." If there is a mom and a dad (or two moms or two dads or whatever) and a couple of kids, there is no reason to delve into the relationship. It is enough like a conventional family in terms of its impact on the neighborhood that there is no reason to push the envelope.

3) Pay attention to other state and federal laws. Be aware of the FHA/ADA "disabled persons" aspect and tread softly when you have a residential facility for persons in some form of recovery. Except as provided in Conn. Gen. Stats. §8-3e, homes for disabled persons are not exempt from zoning, but zoning must make a "reasonable accommodation" for the needs of disabled persons. What that "reasonable accommodation" may be has been the subject of extensive case law and is very fact specific. This is one of those situations where you want to involve your town attorney very early in the game.

(continued next page)

## All in the Family, cont'd

Stats. §§ 46b-38aa - 46b-38pp. Therefore, every zoning regulation in the State should be revised to include "civil unions" among the class of permitted legal relationships.

Second, the Statutes now recognize a number of group settings that, while not alleged to constitute a family, must be treated as such by local zoning regulations. Conn. Gen. Stats. §8-3e extends such protection to community residences for 6 or fewer mentally retarded persons, plus staff; child-care facility for 6 or few children with mental or physical disabilities, plus staff; and community residences for 6 or fewer persons receiving mental health or addiction services, plus staff. Note that Conn. Gen. Stats. §8-3f prohibits such community residences within 1000 feet of each other without the consent of the municipal zoning commission.

Another component of community residences is the extent to which they are providing residential treatment for "disabled persons" under the Fair Housing Act, 42 U.S. §§ 3601, *et. seq.* (1995), which now extends fair housing protection to disabled persons as defined in Americans with Disabilities Act. Many people do not realize that a "disabled person" under ADA includes far more than the stereotypical person in a wheelchair. Under the ADA, "[t]he term "disability" means, with respect to an individual (A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such impairment." 42 U.S.C. § 12102(2) (1990). This has been held to include a wide range of disabilities, including mental disabilities *as a result of drug or alcohol addiction* (although the *addiction itself* is not classified as a disability.)

Third, most zoning regulations do not address homes for foster children. There is no Connecticut case law on this issue, and authority in other states is split. In some jurisdictions, foster children living in a "family" setting assume the status of "children" of the foster "parent," even though that parent is being paid to pro-

vide that service. In other jurisdictions, foster homes are not considered "families" and may not inhabit "single family dwellings." (See 83 Am. Jur. 2d Zoning and Planning § 180).

Fourth, there can be complex relationships that make the "no more than \_\_\_ unrelated persons" difficult to apply. The June Connecticut Bar Exam included an essay question that posed the situation of an unmarried man and woman living together and having two children together. Local zoning allowed no more than two unrelated persons. The answer, of course, was that there *weren't* more than two persons unrelated by blood because both children were related by blood to both parents; only the parents were unrelated by blood or marriage, and they were within the two-person limit.

In *People of the State of New York v. Hyland*, 2008 NY Slip Op 50716U, 2008 N.Y. Misc. (Sup. Ct. Suffolk County April 2, 2008), the defendant lived with his mother and minor son, his girlfriend and sometimes her minor son, and at least two unidentified veterans who did not pay "rent" *per se*, but contributed to household expenses as they were able. The Town of Babylon Code does not define "family" but defines a "lodging house" where lodging is provided for compensation. The court ruled that the defendant was operating a "lodging house" because the veterans were "compensating" the owner for their lodging.

Business arrangements can present the same ambiguities. The Old Lyme Zoning Regulations require that a Bed & Breakfast be occupied by the owner. A person who owned and operated one B & B wanted to open a second one, but obviously could not occupy both premises at once. The owner created a corporation to own both B & Bs, and then made the resident manager of both facilities minority stock holders. Thus, each B & B was occupied by an "owner" of the premises. The zoning commission bought it.

But in Willington, a property owner would only have a *written lease* with three students (the maximum number of unrelated persons), but with a wink told the students that they could occupy the

(continued next page)

## All in the Family, cont'd

house with whoever it would hold. In the enforcement action, the owner said that he had no idea where the additional occupants had come from and he had no control over the situation. The Superior Court did not buy it. *Willington v. Skorupski*, J.D. of Tolland at Rockville (1992).

Naturally, there are problems of proof in an enforcement action. Is the Zoning Enforcement Officer going to require DNA testing if a couple claims that the minors living with them are their children? How do you prove "compensation" when boarders frequently pay in cash?

In the case of students, how do you prove how many people are actually *living* in the house, as opposed to overnight visitors and other guests? In the *Willington* case, we hired an investigator to pose as a student seeking to rent one of Skorupski's houses, and telling him that she had to have at least 5 people to share the rent with her. Skorupski recited his usual line about only three people on the written

lease, and then the other occupants could split the rent however they wished. The investigator was ready to testify when Skorupski claimed that he had no idea where the additional occupants had come from.

Also in the Skorupski case, the next door neighbor was trying, without success, to sell her home. Prospective buyers saw the cars and beer legs next door and realized it was a student "crash" house. So the neighbor was motivated to take down license plate numbers, count occupants, and otherwise document the use of the house in preparation for trial.

By comparison, we had a situation in Griswold where the alleged zoning violation was occurring at 5 or 6 in the morning and on weekends, but the neighbors who complained refused to testify in court. Remember, that in an enforcement case you will have the benefit of discovery, and can require the production of tax returns, birth certificates, marriage licenses, and other evidence of relationship and compensation.

As always, check with your legal counsel to update your regulations and to keep track of the changing statutory and case law. We no longer live in the simple realm of the 1968 Black's Law Dictionary: "father, mother and children, immediate blood relatives." ■

## Lessons Learned, continued...

4) **Nail down the facts before you take any action.** If the neighbors are complaining about the number of occupants in a house, explain to them that you can't camp out on the front lawn day and night to see who lives there. They have to be your eyes and ears and be ready to testify in court. If they don't want to testify, tell them point blank that there may be nothing that you can do. This is also a case where direct contact with the alleged violator may be in order: a polite letter saying that you've gotten complaints about the number of occupants and could they please explain their living arrangement. Maybe the family just has a lot of kids, and then wouldn't you feel foolish issuing a Cease and Desist Order?

5) **Use common sense.** If the family is sheltering refugees from Darfur until they can get on their feet, or a few exchange students for the school year, think how that would look to a judge in an enforcement action. You must have bigger fish to fry! ■

### *The Pellegrino Law Firm*



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**TOWN OF MANSFIELD**  
**Community Quality of Life Committee**

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Memo to: Mansfield Planning and Zoning Commission  
From: Community Quality Of Life Committee  
Date: March 11, 2010  
Re: Definition of Family

The Community Quality Of Life Committee unanimously voted to recommend that the Planning and Zoning Commission consider and approve a revised definition of family for the purpose of preserving the residential character of residential neighborhoods in Mansfield, including a reduction from 4 unrelated persons to 3 unrelated persons in rental properties in residential areas as defined in the expanded definition of family, February 26, 2010 draft.

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MEMORANDUM

TO: Town Council, Planning&Zoning Commission and Quality of Life Committee, Town of Mansfield

FROM: David G. Edens, 24 Birchwood Heights Road, Storrs *DGE*

DATE: April 29, 2010

SUBJECT: The Half-Mile Radius Rule

The purpose of this memorandum is to call your attention to the advantages a policy based on the subject rule would provide. For your convenience I quote from the last item in my March 17 memorandum to the Town Council and the Quality of Life Committee:

“...On a town map pick an existing student rental property and from the center of that property mark with a compass a half-mile radius and draw a circle. The rule would mean that no additional student rental could be permitted within the resulting circle. The result would be wide but thinly spread student renting. Concentrated student neighborhoods, as on Hunting Lodge Road, would be avoided. If not applied retroactively, the status quo could be maintained but future concentration would be avoided....”

By accepting the *status quo* in terms of number of unrelated occupants, the landlords could be mollified. The reduction of the number of authorized unrelated occupants per household from four to three, as is now being considered, would have a limited impact on the growth of "party houses", while it would have major negative impact on the landlords' income. Reducing the allowed number of unrelated occupants from four to three may not be cost-effective, i.e. social costs may exceed social benefits.

Another advantage of a spacing rule is its simplicity - it could be accomplished by zoning regulation. At the present time a minimum distance of 1,000 feet is required between the permitted premises of all stores involved in selling alcoholic beverages.<sup>1</sup> In principle, if a 1,000-foot spacing requirement is applied to package stores, why not a 2,640-foot requirement for student occupied housing? If 2,640 is too cumbersome a number, just round it off to 2,500 feet. This would approximate the half-mile rule and accomplish its purposes well enough.

Finally, in a letter to Gregory Padick, Director of Planning, the Town Attorney, Dennis O'Brien, rendered an opinion that the Poughkeepsie, New York approach for defining "family" and treating students as a separate land use class is legally defensible in the State of Connecticut.<sup>2</sup> If the criteria used to define the term "student" were made explicit and students were treated as a separate land use class in Connecticut zoning law, a simple spacing rule for student housing in residential areas could be implemented, thus providing some protection against the degradation residential neighborhoods that otherwise will occur, while meeting the needs of students and the ambitions of landlords as well.

The purpose of zoning regulations is to balance the conflicting rights of different classes of land use. The half-mile radius rule would do just that.

1 Zoning Regulations, Article 10, Section I

2 O'Brien, Dennis to Padick, Gregory, "Community Quality of Life Committee Initiatives", 10/01/2009

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**TOWN OF MANSFIELD  
OFFICE OF PLANNING AND DEVELOPMENT**

GREGORY J. PADICK, DIRECTOR OF PLANNING

---

Memo to: Mansfield Planning and Zoning Commission  
From: Gregory Padick, Director of Planning   
Date: April 29, 2010  
Re: Special Permit application, proposed agricultural product retail sales use, 483 Browns Rd, Enviro Enterprises, LLC o/a, File #1292

This memo updates and supplements my 4/15/10 report. It considers revised plans submitted by the applicant and testimony at the April 19<sup>th</sup> public hearing. The current site plans are dated 3/22/10 as revised to 4/19/10. The following comments are organized based on the format of my 4/15/10 report.

**Sanitary**

- A report is expected from the Eastern Highlands Health District.
- The revised plans include a restroom in the barn/sales area and a new septic system and well. Any approval should reference the need for final authorization from the Eastern Highlands Health District.

**Traffic/Driveway/Parking**

- See a 4/28/10 report from the Assistant Town Engineer who indicates that previously raised issues have been addressed suitably.
- The revised plans eliminate a drive that would serve the overflow parking area and reduce the width of proposed entry and exit drives. As currently proposed, a 24 foot wide westerly drive would provide one-way access to the farm stand area and a 20 foot exit drive (about 80 feet east of the entry drive) would be used for exiting traffic, including any vehicles parking in the grass overflow area. Details for proposed on-way signage are included on sheet 4.
- Due to the width of the drives, which also serve farm vehicles, it is recommended that additional one-way signage be posted closer to the parking areas.
- Advance warning signs are now identified along Browns Road on both sides of the site driveways.
- The plan now depicts a handicap parking space with signage adjacent to the pedestrian walkway to the retail area. To meet Zoning and Building Code requirements, this handicap space must be widened to sixteen (16) feet and the area adjacent to the space and the linear area providing access to the retail area must be paved or surfaced with stone dust or equivalent surface. The plan notes that the pedestrian access is to be graded with 2 inches of DOT Class C processed trap rock or other material suitable for wheelchair access. It must be confirmed that this is acceptable. This accessibility issue should be addressed in any approval motion.
- Landscape timbers are now depicted to delineate parking spaces adjacent to the barn and a removalable chain and landscape timber barrier are depicted to regulate access to the overflow parking area.
- As previously noted the PZC must determine that approval criteria for safe vehicular and pedestrian access have been met and that a parking space setback waiver from Browns Road is appropriate.

**Environmental Impacts**

- At the 4/19/10 public hearing, the applicant's engineer provided a verbal estimate of the amount of material that will need to be brought to the site for grading and parking improvements. Based on Zoning Regulation requirements, the estimated amount of fill needs to be included on the plans. This can be addressed in any approval motion.

### **Architectural Plan/Signage/Landscaping/Lighting**

- The revised plan depicts a restroom in the barn/retail sales area. Building Code requirements will address accessibility requirements.
- The location of the proposed identity sign is now included. It will be positioned between the two driveways.
- Directional sign locations need to be addressed. Zoning Regulations require PZC approval for directional signs.
- At the 4/19/10 public hearing, the applicant's engineer indicated that evergreen plantings could be added along the westerly property line to help reduce potential impacts for the abutting residence. The current plans do not include any landscaping buffers. This issue should be reviewed with the applicant and addressed in any approval motion.

### **Neighborhood Impact**

- Concerns over potential neighborhood impacts were raised at the 4/19/10 public hearing. As noted in my 4/15/10 report, the PZC must determine that applicable neighborhood impact criteria have been addressed suitably and the PZC can impose conditions to help ensure compliance with these criteria.

### **Summary**

The revised plans address many of the technical issues raised in staff review reports. Remaining mapping issues can be addressed with appropriate conditions of approval. The primary issue for the PZC is a determination that neighborhood impact criteria have been addressed suitably. The public hearing can be continued until May 17<sup>th</sup> but any continuation beyond this date will necessitate an applicant request and PZC authorization.

Memorandum:

April 28, 2010

To: Planning & Zoning Commission  
From: Grant Meitzler, Assistant Town Engineer  
Re: Enviro Enterprises, LLC. - Farm Stand, Sales - Browns Rd

plan reference: dated revised 4.19.2010

This plan revision has revised parking layout and access for improved traffic circulation both in and out of the site, and in the interior parking areas.

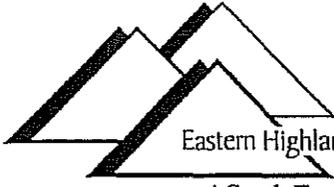
The parking along the front of the barn is now a parallel layout that encourages the enter/exit signing scheme.

Public access/egress directly to Browns Rd at the overflow parking area has been reduced to a gated farm access only.

The interior access to the overflow parking is to be blocked with a chain indicating direct control for the use of the overflow area.

Specific signing details have been indicated for the exit/enter signing.

Sight distance to and from the two Browns Rd drives now shown is very good being over 6 seconds in each direction for both driveways.



Eastern Highlands Health District

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

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## Memo

To: Mansfield Planning and Zoning

From: Geoffrey Havens, RS

CC: Curt Hirsch, Greg Padick

Date: 4/29/2010

Re: 483 Browns Rd

---

I have reviewed the Statement of Use, revised April 15, 2010, regarding the development plan for the referenced property, as well as supporting documentation from the applicant's engineering consultant. In addition, I have conducted soil testing at the referenced site.

Based on this information, I conclude that the site is capable of supporting systems for the provision of potable water and for the sanitary disposal of sewage to a degree consistent with the Statement of Use and in compliance with the Public Health Code.

WENTWORTH CIVIL ENGINEERS, LLC

177 West Town St.  
Lebanon, CT 06249  
Tel. (860) 642-7255  
Fax. (860) 642-4794

Mr. Curt Hirsch  
Zoning Enforcement Officer  
Town of Mansfield  
4 South Eagleville Road  
Mansfield, CT 06268

Re. Twin Ponds Farm Stand  
483 Browns Road  
Storrs, CT 06268

**Sanitation Report**  
**Revised - April 19, 2010**

Dear Curt:

I am writing to you on behalf of my client, Enviro Enterprises, LLC in regards to the above referenced Special Permit application. This report is for the proposed permanent farm stand currently before the Town Planning & Zoning Commission for approval. The farm stand is proposed to be located in an existing barn located at 483 Browns Road.

A new well is being proposed as part of this proposal to provide irrigation water for plants being grown and displayed onsite. The same well will be connected into the barn & farm stand to indoor plumbing fixtures.

There is one accessible bathrooms proposed in the building for public & employee use. These fixtures will be connected to an onsite subsurface septic system.

Please contact me if you have any comments or questions. Thank you for your attention to this matter.

Sincerely,



Wesley J. Wentworth  
P.E., Soil Scientist

**From:** bkielbania KIELBANIA [bkielbania@msn.com]  
**Sent:** Monday, April 19, 2010 4:35 PM  
**To:** Kielbania, Bryan F UTCHQ  
**Subject:** FW:

Received at  
4/19/10  
public hearing  
JDP

---

**Subject:** RE:  
**Date:** Fri, 19 Feb 2010 11:05:29 -0500  
**From:** [Joseph.Dippel@ct.gov](mailto:Joseph.Dippel@ct.gov)  
**To:** [bkielbania@msn.com](mailto:bkielbania@msn.com)  
**CC:** [Lance.Shannon@ct.gov](mailto:Lance.Shannon@ct.gov)

Hi Brian - Per our phone call this morning. I took a quick look at your structure construction application requests. I do not envision any problems with the agricultural hay barn, farm equipment storage building and existing barn addition. Nor do I envision any issues with the existing farm stand expansion and addition of two green houses up near the former dairy barn. We have to measure and evaluate the soils impact of all of them, but it appears they will be within the parameters of the deed covenant. I will be in contact should we require additional information and the unit will provide a formal reply once we have completely evaluated. Thank you. - J. Dippel

PS - Thank you for providing copies of the easements to be reviewed.  
I expect to get together with you in March to go over all these matters and address any other questions you may have.

---

**From:** bkielbania KIELBANIA [mailto:bkielbania@msn.com]  
**Sent:** Thursday, February 18, 2010 1:20 AM  
**To:** Dippel, Joseph  
**Subject:**

Hi Joe-just following up on voice mail I left you-can you call me on Thursday to discuss farm buildings I need to construct and covenants I sent to you-if I'm not there when you call let me know a good time to call you back  
Thanks Bryan

---

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**SITE DEVELOPMENT PLAN**  
 PREPARED FOR  
**ENVIRO ENTERPRISES, LLC**  
**TWIN PONDS FARM STAND**  
 483 BROWNS ROAD  
**MANSFIELD, CONNECTICUT**

INDEX TO SHEETS

COVER SHEET	SHEET 1
SURVEY MAP	SHEET 2
SITE PLAN	SHEET 3
EROSION & SEDIMENTATION NOTES & DETAILS	SHEET 4

OWNER / APPLICANT: ENVIRO ENTERPRISES, LLC  
 PO BOX 8208  
 MANSFIELD, CT 06340  
 TEL. (860) 428-7119

REV. 1-18-10 TOWN COMMENTS


**ROB HELLSTROM**  
**LAND SURVEYING**  
 32 MAIN STREET  
 HEURON, CT.  
 P.O. BOX 497  
 COLUMBIA, CT. 06237-0497  
 (860) 828-8683

**WENTWORTH CIVIL ENGINEERS, LLC**

177 WEST TOWN STREET  
 LEDAICH, CT 06248  
 PHONE (860)-842-7258

DATE: MARCH 21, 2010

FILE NO. W02017

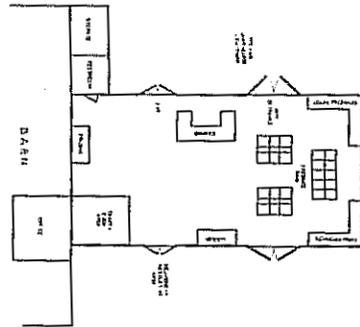
TITLE: SUDWY

SHEET 1 OF 4

MAP NO. 10-021-10



NOTES:  
 1. ALL DISTANCES ARE TO BE MEASURED FROM THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.  
 2. ALL DISTANCES ARE TO BE MEASURED FROM THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.  
 3. ALL DISTANCES ARE TO BE MEASURED FROM THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.  
 4. ALL DISTANCES ARE TO BE MEASURED FROM THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.  
 5. ALL DISTANCES ARE TO BE MEASURED FROM THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

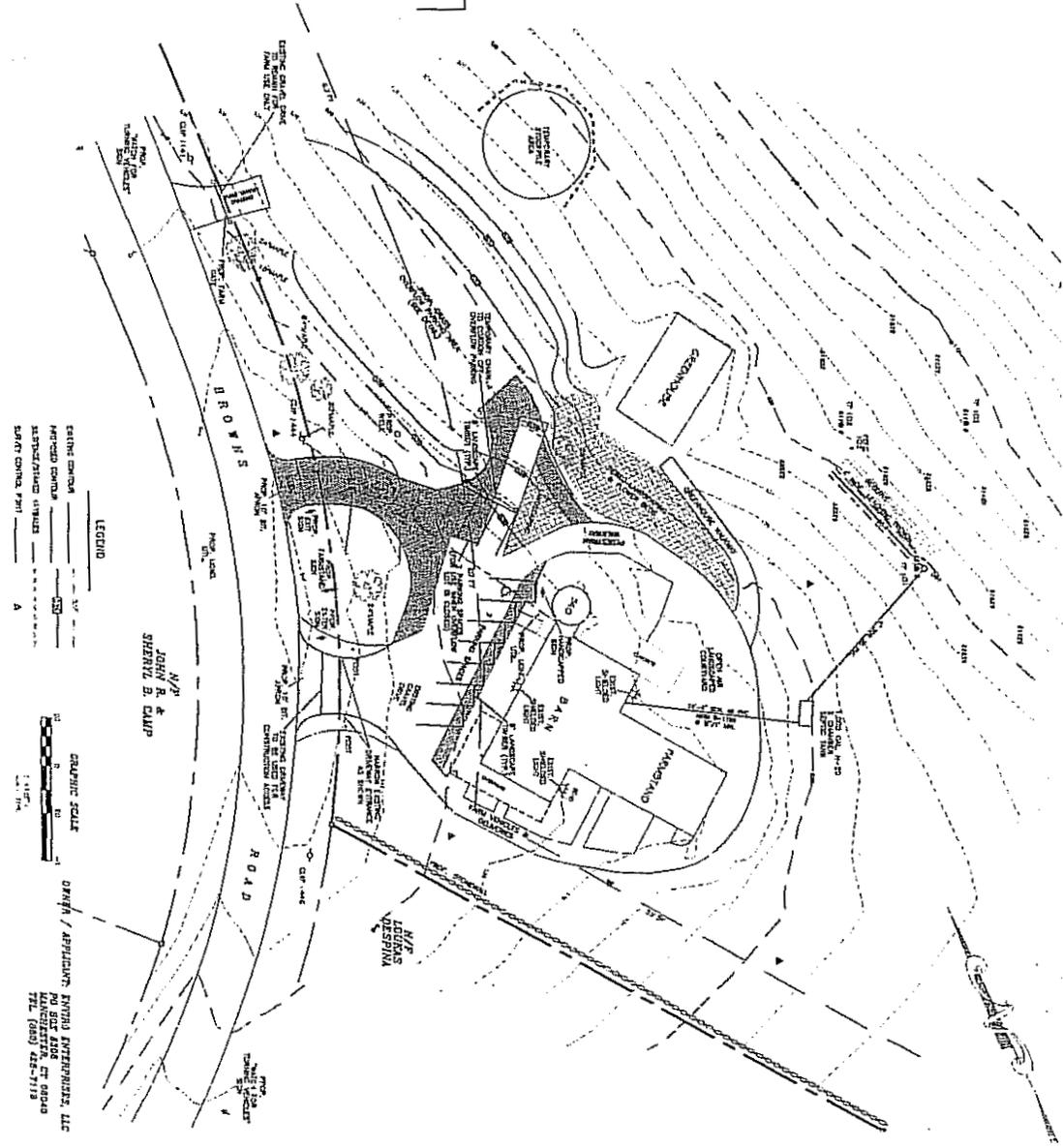


FARMSTAND OPERATIONS DETAIL  
 SCALE: 1/4" = 1'-0"

**MARKING TABLE**

BOUNDARY MARKERS  
 = 1/2" DIA. / 1/2" HIGH ALUMINUM RODS  
 = 1/2" DIA. / 1/2" HIGH ALUMINUM RODS  
 = 1/2" DIA. / 1/2" HIGH ALUMINUM RODS

PROPERTY MARKERS  
 = 1/2" DIA. / 1/2" HIGH ALUMINUM RODS  
 = 1/2" DIA. / 1/2" HIGH ALUMINUM RODS  
 = 1/2" DIA. / 1/2" HIGH ALUMINUM RODS



LEGION  
 CENTER CORNER  
 PROPERTY CORNER  
 ADJACENT PROPERTY  
 SPOT CORNER PVI



OWNER / APPLICANT: ENVIRO ENTERPRISES, LLC  
 70 WEST ROAD  
 WASHINGTON, CT 06040  
 TEL: (860) 529-7119

REV. 6-19-15 TOWN COMMENTS

DATE	3-14-16
SCALE	1/4" = 1'-0"
DATE	1-27-16
DATE	1-27-16

SITE PLAN  
 PREPARED FOR  
**ENVIRO ENTERPRISES, LLC**  
 TWIN PONDS FARM  
 483 BROWNS ROAD  
 STORRS, CONNECTICUT

WENTWORTH CIVIL ENGINEERS, LLC  
 177 WEST TOWN STREET  
 LEDGION, CT 06249  
 PHONE (860)-648-7255

DESIGNER: [Signature]  
 CHECKED: [Signature]  
 DATE: 3-14-16



**TOWN OF MANSFIELD  
OFFICE OF PLANNING AND DEVELOPMENT**

---

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Planning and Zoning Commission  
From: Gregory Padick, Director of Planning  
Date: 4/29/10  
Re: Modification request: Proposed Hydropower Facility Revision, 114 Mansfield Hollow Rd (formerly Kirby Mill site) S&M Shifrin o/a, File #1243



**Modification Request**

The subject modification request seeks approval for revisions to plans approved by the IWA and PZC in 2006 (PZC approved motion attached). These proposed site modifications are depicted on a 4/26/10 site plan prepared by Datum Engineering and Surveying, LLC and a 4/20/10 Power House rendering and are described in a 4/27/10 letter from Sam and Michelle Shifrin. On April 3, 2006, the PZC conditionally approved the proposed hydropower facility. Subsequently, the project was reviewed and approved by the Federal Energy Regulatory Commission (FERC). The project also has been reviewed and approved by the Mansfield Historic District Commission. It is understood that the above named agencies have been informed of the proposed revisions and that any needed modification approvals will be secured before any construction begins. The subject modifications have been submitted to the Inland Wetland Agency for review.

**Analysis**

The provisions of Art. V, Sec. B.9 and Art. XI, Sec. D authorize the PZC to approve site modifications without the submission of a new special permit application, provided the proposed revisions are not considered a significant alteration having potential land use impacts that must be evaluated through a new special permit process. I have reviewed the proposed revisions with respect applicable regulatory requirements and the following review comments are presented for the PZC's consideration.

- The subject plans necessitate IWA approval. Subject to this approval, the proposal is not considered a significant alteration or intensification of use.
- The proposed revision shifts the turbine house to the southwest to eliminate the need for significant blasting and removal of ledge. This shifting and associated rotation of the building necessitates a southerly shifting of the concrete penstock and a reconfiguration of the rip-rap tail race. These changes will not significantly alter the amount of material to be removed or brought into the site. Accordingly, there will not be a significant change in potential traffic impact or neighborhood impact.
- The relocated powerhouse has been moved to the edge of the 100 year flood elevation but is not within the regulated flood hazard zone.
- The proposed revisions are not closer to neighboring residences.
- The proposed revisions are not conflict with any of the 4/3/06 conditions of approval which will remain in effect if the subject modification is approved.
- The submitted plan depicts a fifty (50) foot setback line from the southerly property line which runs through the new power house structure. After discussion with the Assistant Town Engineer, it appears that this depicted setback line is fifty (50) feet from the river edge and not from the center of the river which is the likely property line. Based on Town mapping, the river is about one-hundred (100) feet wide in this area and if the property line is the center of the river, the proposed powerhouse will not be within the required RAR-90 setback. The current regulations do not include a setback exemption for hydro facilities. This setback issue should be reviewed with the applicant and addressed in any approval motion.

## Summary

Subject to Inland Wetlands Agency approval, my review indicates that the proposed work is not expected to have significant land use impact and therefore, pursuant to Art. V, Sec. B.9 and Art. XI, Sec. D, can be authorized through the modification process. Conditions may be included in a modification approval. Provided the plans are approved by the IWA, the following motion is recommended:

**That the PZC Chairman and Zoning Agent be authorized to approve the modification request of S and M Shifrin for revisions to the planned Mansfield Hollow Hydro Facility at 114 Mansfield Hollow Road, as depicted on a 4/26/10 site plan as prepared by Datum Engineering and Surveying, LLC and 4/20/10 Power House rendering, and as described in other application submissions, subject to the following conditions:**

1. **All conditions cited in the Planning and Zoning Commission's April 6, 2006 approval shall remain in effect.**
2. **All necessary permit modifications from other agencies having jurisdiction over this project shall be obtained prior to construction.**
3. **No Zoning Permit shall be issued until it is confirmed that rear line setback requirements have been complied with. Final plans shall incorporate any appropriate changes in the depicted rear line setback.**

TOWN OF MANSFIELD  
PLANNING AND ZONING COMMISSION



AUDREY P. BECK BUILDING  
4 SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599  
(860) 429-3330

1908

April 5, 2006

Sam and Michelle Shifrin  
114 Mansfield Hollow Rd.  
Mansfield, CT 06250

Re: Planning & Zoning Commission approval for hydropower project at Kirby Mill  
114 Mansfield Hollow Rd., Mansfield Center, CT, file 1243

Dear Mr. and Mrs. Shifrin:

At a meeting held on April 3, 2006, the Planning and Zoning Commission approved the following motion:

"to approve with conditions the special permit application (file1243) of Sam and Michelle Shifrin for a hydropower facility and related site work on property located at 114 Mansfield Hollow Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 1/31/06 as revised to 3/6/06 as prepared by Datum Engineering & Surveying, LLC and as described in a 1/31/06 Statement of Use and associated attachments and other application submissions, and as presented at Public Hearing on 3/6/06. Approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. All Inland Wetland Agency permit requirements shall be met prior to the issuance of a Zoning Permit;
2. All permit requirements of the Mansfield Historic District Commission, Eastern Highlands Health District, and all State and Federal agencies having independent jurisdiction shall be met prior to the issuance of a Zoning Permit;
3. Any revisions required by other agencies shall be resubmitted to the Commission for review and approval. Unless significant alterations are required, revisions may be approved through the town's modification process and a new special permit approval shall not be required;
4. All construction traffic shall travel to and from the site using Bassetts Bridge Road and Mansfield Hollow Road Extension;
5. Approved hours of site construction activity shall be limited to 7 a.m. to 9 p.m., Monday through Saturday and Sundays from 9 a.m. to 9 p.m., unless, due to specialized construction circumstances, extensions are authorized in advance by the PZC Chairman, with staff assistance;
6. All excess material to be removed from site shall be deposited at an authorized site in Mansfield or another municipality. All necessary deposition permits shall be secured in advance;
7. To help address potential site restoration emergencies, a cash site development bond in the amount of \$5,000, with bond agreement approved by the PZC Chairman, with staff assistance, shall be filed before any site work begins. This requirement may be modified or eliminated by the PZC Chairman if alternative measures to address site development problems are required by other permitting agencies;

(continued)

8. All onsite excavation shall be monitored, and if buried debris or hazardous materials are uncovered, the applicant shall immediately notify Mansfield's Zoning Agent and Inland Wetlands Agent. Any debris or hazardous materials shall be removed under the direction of the appropriate municipal or State official;
9. Final plans shall incorporate an inlet design that prevents entry by humans and pets, and addresses all required State and Federal permit provisions;
10. As recommended by the Windham Water Works, all fueling, lubrication and/or maintenance of construction vehicles shall be performed in a designated area significantly distant from the wetlands or watercourses, and an emergency spill response kit shall be kept on site at all times within a designated area;
11. This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records."

As stated above, your special permit will not become valid and no work may be done until you obtain the permit form from the Planning Office and file it on the Land Records in the Town Clerk's Office. It is suggested that you call the Planning Office in advance to make sure the form is ready for filing. If you have any questions regarding this action, please call the Planning Office at 429-3330.

Very truly yours,



Katherine K. Holt, Secretary  
Mansfield Planning & Zoning Commission

cc: Datum Engineering & Surveying

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

APPLICANT/OWNER SECTION

1. Owner(s) SAM & MICHELLE SHIFRIN Telephone 860-423-7800 (DAY)  
860-423-3731 (HOME)  
(please PRINT)  
Address 78 BRICKTOP RD Town WINDITAM Zip 06280

2. Applicant(s) SAME AS OWNER(S) Telephone \_\_\_\_\_  
(please PRINT)  
Address \_\_\_\_\_ Town \_\_\_\_\_ Zip \_\_\_\_\_

3. Site Location 114 MANSFIELD HOLLOW RD, MANSFIELD CTR, CT (KIRBY MILL)

4. Reference any approved map(s) that would be superseded if this request is approved:

MANSFIELD HOLLOW HYDRO, SITE PLAN, DATED JAN 31, 2006, REV 3/6/06  
REF - INLAND WETLANDS APPROVAL 4/6/06 FILE W1339  
REF - PSE APPROVAL 4/5/06 FILE 1243

5. Reference any new map(s) submitted as part of this request:

MODIFICATION PLAN, MANSFIELD HOLLOW HYDRO DATED APRIL 26, 2010

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: -

PLEASE SEE ATTACHED LETTER FROM S. SHIFRIN  
TO: O&E & INLAND WETLANDS

7. Sam Shifrin date 4/27/2010  
Applicant's signature

Michelle Shifrin

4/27/2010

(over)

**ZONING AGENT'S SECTION**

After reviewing this application with respect to provisions of the Mansfield Zoning Regulations, including Article XI, Section D and Article V, Sections A.8 and B.9, the following determination has been made:

1. The subject modification request does not contain adequate information and is therefore denied. Applicable comments are listed below.
2. The subject modification is denied for reasons listed below.
3. The subject modification request has been reviewed with the PZC Chairman and we have concurred that the requested modification is minor in nature. Subject to any special conditions or comments noted below, the subject modification request is approved.
4. The subject modification request has been reviewed with the PZC and, in accordance with PZC action on \_\_\_\_\_, the subject modification request is approved, subject to any special conditions or comments noted below.
5. The subject modification request has been reviewed with the PZC and, in accordance with PZC action on \_\_\_\_\_, the subject modification request is considered a significant alteration of the approved plans and/or site, and shall require the submittal and processing of a new site plan or special permit application.
6. Other (see comments below)

Special conditions/comments/reasons for denial:

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\_\_\_\_\_  
Zoning Agent's signature

date \_\_\_\_\_

\_\_\_\_\_  
PZC Chairman's signature (items 3 and 4 above)

date \_\_\_\_\_

Sam and Michelle Shifrin  
78 Bricktop Rd.  
Windham, CT 06280  
April 27, 2010

Mansfield Planning and Zoning Commission & Inland Wetland Agency  
Chairman, Mr. Rudy Favretti  
Audrey P. Beck Municipal Building  
4 South Eagleville Road  
Mansfield, CT 06268

Subject: Minor modification to Hydropower License at the Kirby Mill.

Dear Chairman Favretti,

We are continuing to pursue the installation of hydropower at the Kirby Mill. As you know, this has taken a significant effort for a very long period of time (initial contact with PZ&Wetlands Commissions was October of 2004).

Although all permits are in place, while finalizing construction drawings in preparation for acquiring building permits, it has become apparent that we need to make some minor modifications to the approved site plan. The modifications are needed in order to reduce the amount of ledge removal, and to reduce the overall project costs to a feasible level. The changes are shown on the attached "Modification Plan, Mansfield Hollow Hydro, dated April 26, 2010" and as shown on the "Power House renderings dated April 20, 2010". They include:

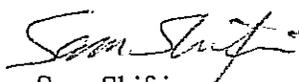
- Adjustment to the location of the power house.
- Adjustment of the location of the head race to the power house.
- Reduction in power house building size and height.

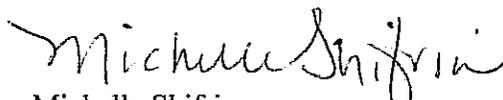
If you would like, I would be very pleased to meet with you at the Kirby Mill to review the modifications. Mr. Grant Miesler has had the opportunity to visit the site and I am sure would be able to provide you his opinion of our request.

We are still planning to begin construction this spring. Should you approve the modifications, we will need to develop construction drawings and have them reviewed / approved by FERC (already done on the current design). Because of this required effort and the encroaching schedule, timing is important for us and as such, we hope you will be able to approve this modification quickly through office / staff action.

If you need any additional information or would like to discuss this request, we would be very pleased to meet with you (or others) at your convenience. Thank you very much for your consideration in this matter. We can be reached at 423-7800 (day) or 423-3731 (evening) and look forward to hearing from you.

Sincerely,

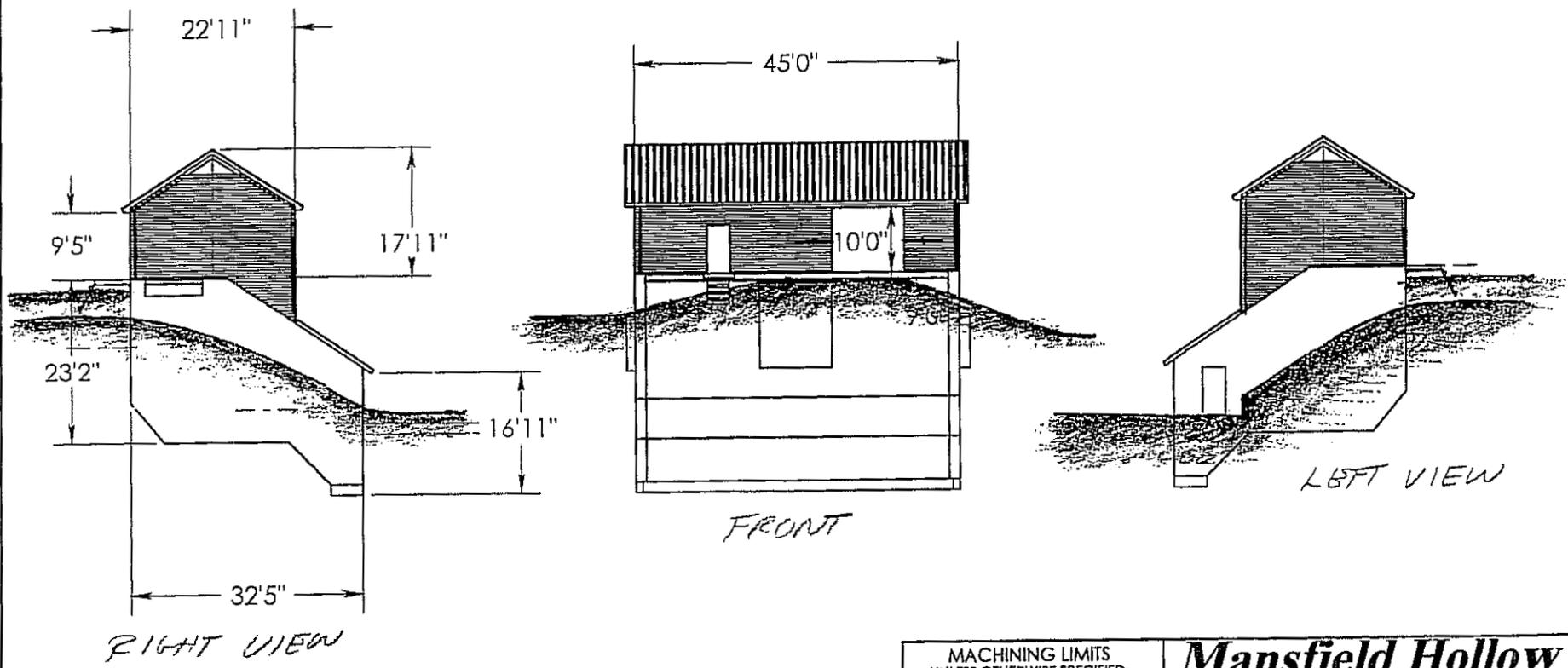
  
Sam Shifrin

  
Michelle Shifrin

Cc: Mr. Gregory Padick, Director of Planning  
Mr. Grant Miesler, Wetlands Agent

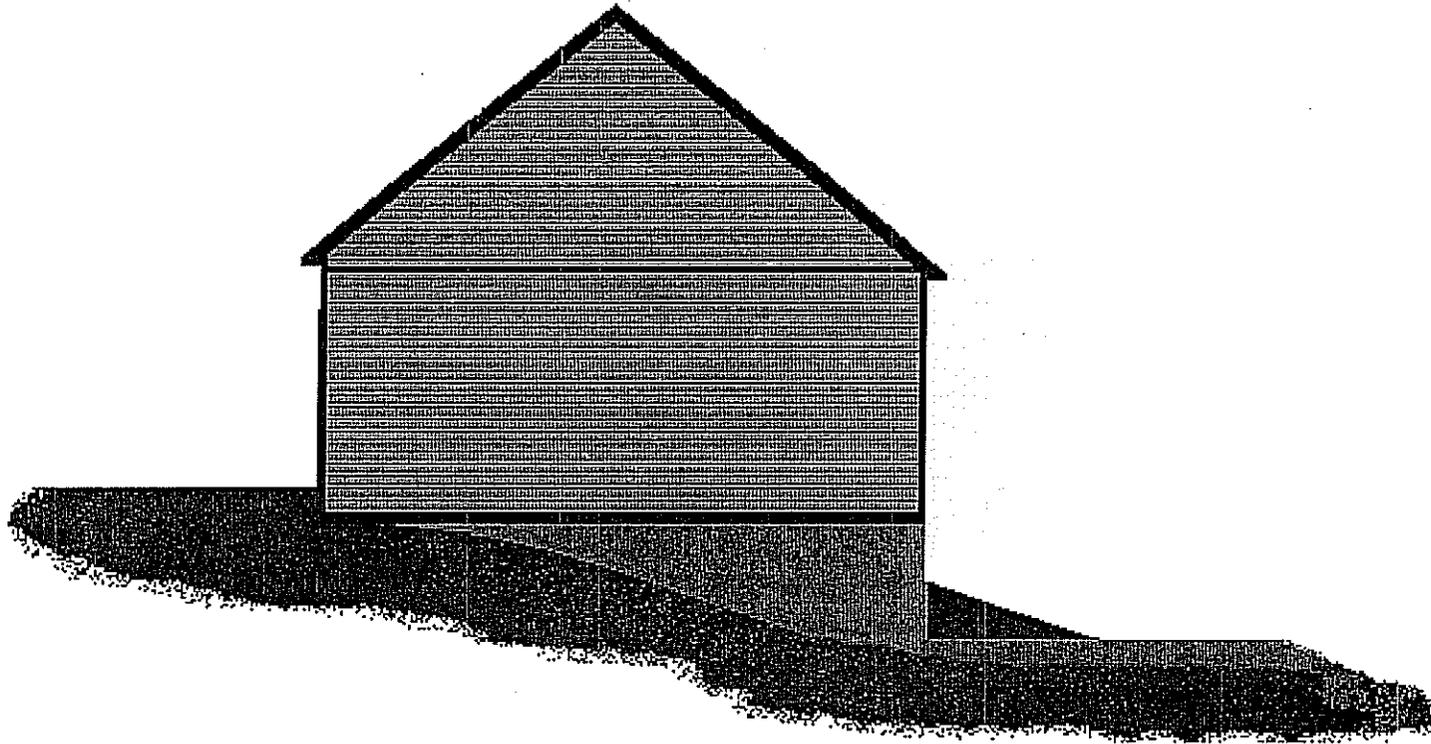
ENGINEERING CHANGE

DESCRIPTION	REV.	INIT.	DATE



MACHINING LIMITS UNLESS OTHERWISE SPECIFIED:	<b>Mansfield Hollow Hydro</b>		
	TITLE: <i>POWER HOUSE</i>		
MATERIAL	SCALE	NONE	DATE <i>4/20/10</i>
	HARDNESS	DRAWN BY	SJS
	FINISH	DWG. NO.	SHT NO.
THIS DOCUMENT IS THE PROPERTY OF <i>Mansfield Hollow Hydro</i> WINDHAM, CONN. AND IS NOT TO BE REPRODUCED OR USED TO FURNISH INFORMATION TO ANYONE EXCEPT WHERE PROVIDED FOR BY AGREEMENT WITH Mansfield Hollow Hydro		REV	

2006 Power house Plans as depicted on  
PZC approved  
plans



## **MANSFIELD HOLLOW HYDRO**

**POWER HOUSE RIGHT VIEW**

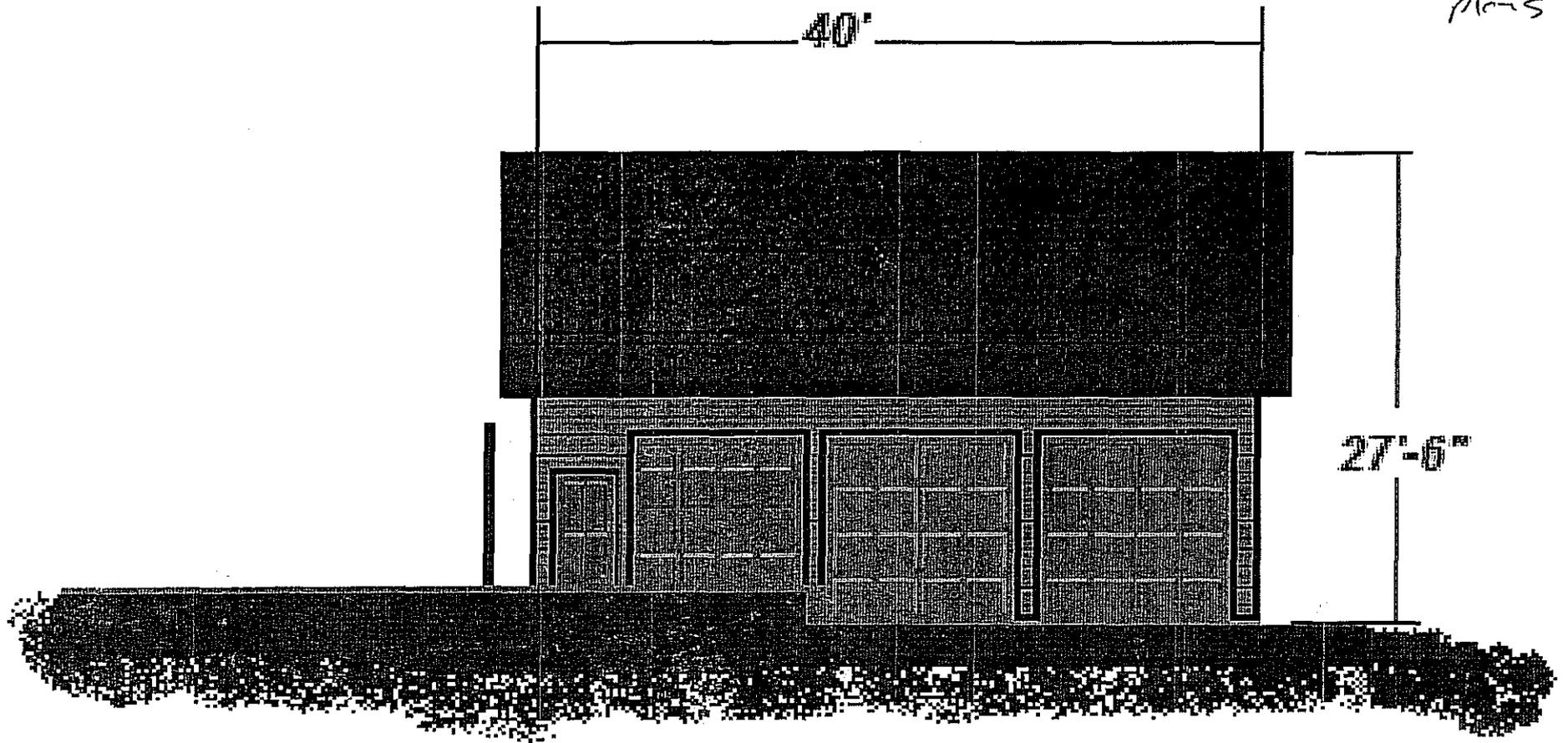
**1-10-06**

**This Drawing is part of the application for License made by the undersigned.**

**This 23<sup>rd</sup> day of February, 2007**

**Salvatore Shifrin, Mansfield Hollow Hydro**

2006 Powerhouse Plans as depicted on PCC approved plans



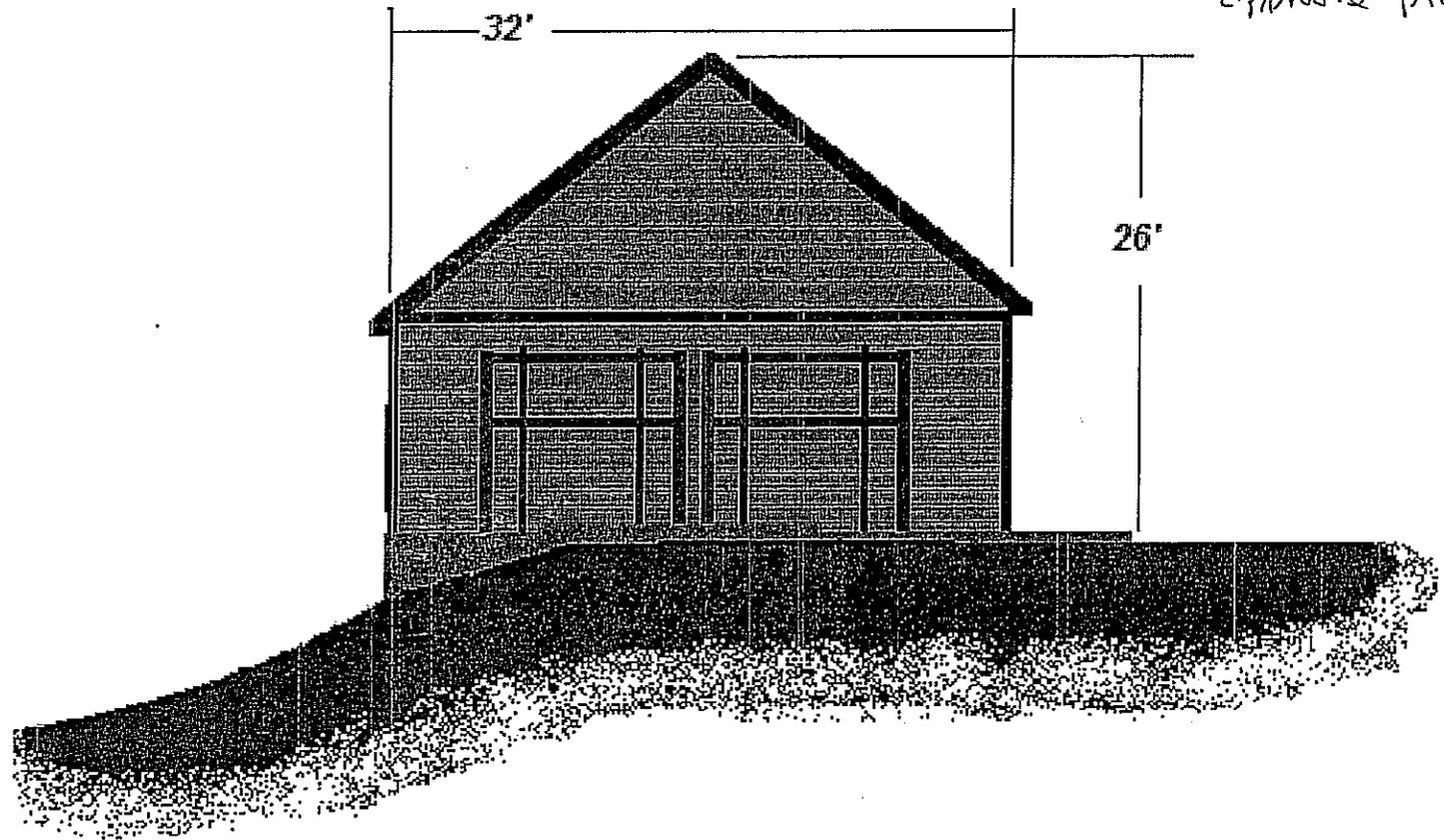
**MANSFIELD HOLLOW HYDRO  
POWER HOUSE FRONT VIEW**

1-10-06

This Drawing is part of the application for License made by the undersigned.  
This 23<sup>rd</sup> day of February, 2007

Salvatore Shifrin, Mansfield Hollow Hydro

2006 Powerhouse Plans as depicted on PZC  
approved plans



## **MANSFIELD HOLLOW HYDRO**

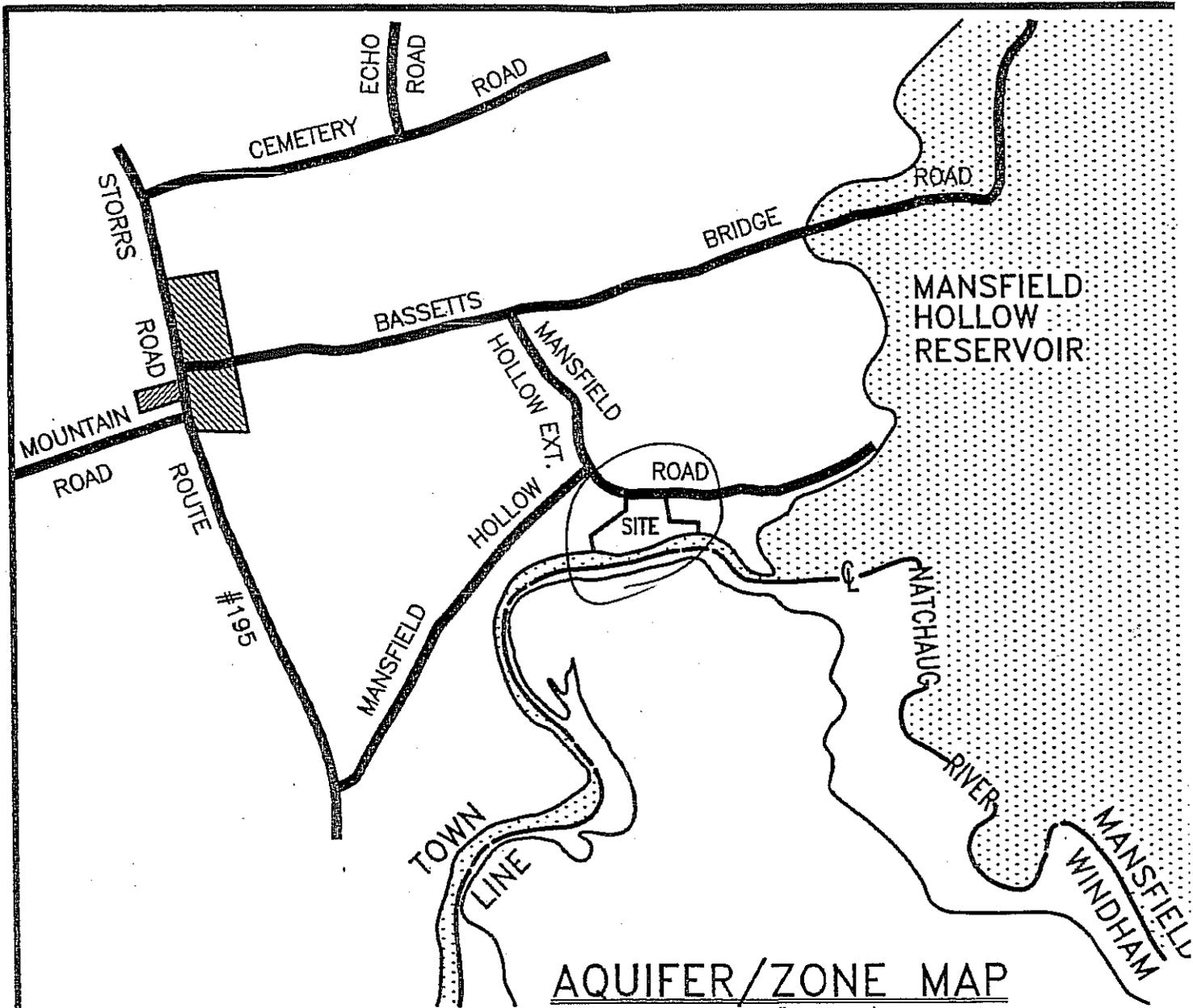
**POWER HOUSE LEFT VIEW**

**1-10-06**

**This Drawing is part of the application for License made by the undersigned.**

**This 23<sup>rd</sup> day of February, 2007**

**Salvatore Shifrin, Mansfield Hollow Hydro**



# AQUIFER/ZONE MAP

SCALE : 1" = 1000'

NOTE: ENTIRE SITE IS WITHIN AQUIFER AREA

- |        |   |                                 |
|--------|---|---------------------------------|
| PO-1   |  | PROFESSIONAL OFFICE 1           |
| NB-2   |  | NEIGHBORHOOD BUSINESS 2         |
| FH     |  | FLOOD HAZARD                    |
| RAR-90 |  | RURAL AGRICULTURAL RESIDENCE 90 |

PHASE II GRAVEL SURFACED  
PARKING AREA PART OF SPECIAL  
PERMIT APPROVAL DATED 10/21/96

N/E LAND OF  
PEDRO & LINDA  
JOHNSON

N 55°-00'

MAINTENANCE OF CONSTRUCTION EQUIPMENT AND VEHICLES TO BE PERFORMED IN THIS AREA. NO ONSITE FUEL STORAGE PERMITTED.

N/F LAND OF UNITED STATES OF AMERICA

BENCH MARK  
A.C.E./MH-20  
ELEVATION = 207.05

EMERGENCY SPILL RESPONSE EQUIPMENT LOCATION DURING CONSTRUCTION

2006  
PROPOSED TURBINE HOUSE

2006 Penstock

PROPOSED TURBINE HOUSE

10'-12' WIDE CONCRETE PENSTOCK (CONSTRUCTION WILL REQUIRE EXCAVATING 450± C.Y. OF MATERIAL)

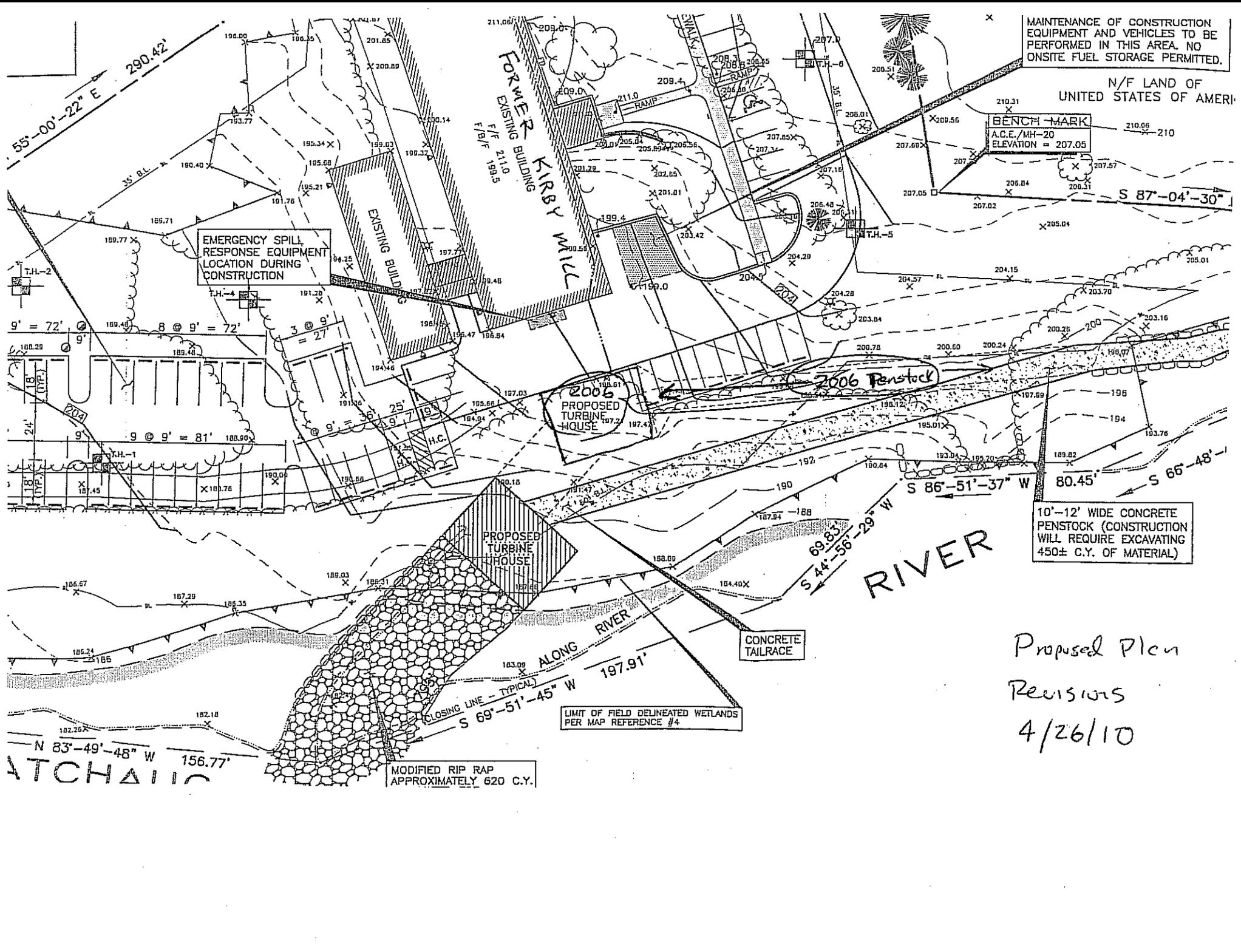
RIVER

CONCRETE TAILRACE

LIMIT OF FIELD DELINEATED WETLANDS PER MAP REFERENCE #4

MODIFIED RIP RAP APPROXIMATELY 620 C.Y.

Proposed Plan  
Revisions  
4/26/10





**TOWN OF MANSFIELD  
OFFICE OF PLANNING AND DEVELOPMENT**

---

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Planning and Zoning Commission  
From: Gregory Padick, Director of Planning  
Date: 4/28/10  
Re: Request for Maintenance Bond Release; Pine Grove Estates, File #1187-2



In October 2008, the PZC took action to reduce required bond funds for the Pine Grove Estates Subdivision from \$55,000 to \$20,000. The \$20,000 was retained as a one-year maintenance bond to ensure that public improvements remained in an acceptable condition. The attached report from the Assistant Town Engineer confirms that public improvements are in an acceptable state. It is now appropriate to authorize the release of the \$20,000 maintenance bond. Accordingly it is recommended:

**That the PZC authorizes the Director of Planning to take appropriate actions to release a \$20,000 cash bond plus interest that has been held to ensure that all Subdivision improvements in the Pine Grove Subdivision remain in an acceptable condition.**

Memorandum:

April 28, 2010

To: Planning & Zoning Commission  
From: Grant Meitzler, Assistant Town Engineer  
Re: Pine Grove Bond release - Adeline Place

This road, Adeline Place, was accepted some time ago but minor outstanding items had delayed final completion of acceptance and release of the bond.

Complete release of this bond is appropriate.

**Dennis R. Poitras  
Attorney At Law  
1733 Storrs Road  
P.O. Box 534  
Storrs, Connecticut 06268**

**Telephone (860) 487-0350**

Fax (860) 487-0030 or (860) 429-4694  
Email: [drpoitras@yahoo.com](mailto:drpoitras@yahoo.com)

April 16, 2010

Via Fax & mail 429-6863 (1 pages sent)

Mansfield Planning and Zoning Commission  
c/o Greg Paddick, Town Planner  
4 South Eagleville Road  
Storrs, CT 06268

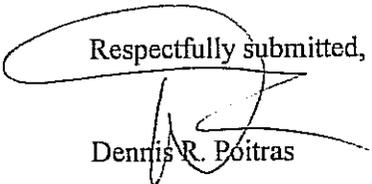
RE: Pine Grove Estates – Release of Road Bond

Dear Greg:

I am writing on behalf of Pine Grove Estates, LLC to request a release of the bond

We believe that all bonded items have been completed.

Respectfully submitted,



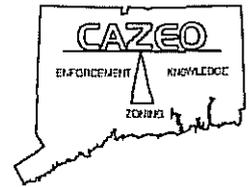
Dennis R. Poitras

Copy: Jean Beaudoin

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 & Zoning Commission  
From: Curt Hirsch, Zoning Agent *CBAA*  
Date: April 29, 2010

Re: Request for storage shed, 37 Adeline Place, PZC file # 1187-2

Article VIII, Section B.1.d authorizes the PZC to approve smaller storage sheds in areas outside of building area envelopes (BAE) on subdivision lots approved after 2/20/02. Such storage sheds shall not exceed 200 square feet in area and ten feet in height, shall not be used as a motor vehicle garage or for housing animals or humans. This regulation allows the PZC to approve smaller sheds provided there is at least a 10-foot setback from side or rear lot lines; the structure is no more than ten feet in height; the shed is within a PZC-approved development area envelope (DAE) and the shed is consistent with subdivision standards regarding the protection of significant natural and manmade features and/or scenic views and vistas.

Sean Maynard of 37 Adeline Place is requesting PZC approval for a 10 by 16-foot (160 sq. ft.) shed on lot 10 of the Pine Grove Estates subdivision. The proposed shed location would be partially outside of the approved BAE. A plot plan and pictures of the proposed shed and the proposed location have been submitted with the request. Mr. Maynard has talked with each of the neighbors adjacent to his lot and has submitted a statement indicating that they have no objection to this request. As shown, the proposed shed will be set back 19-feet from the side lot line and 31' from the rear lot line. The submitted photograph of the proposed shed location demonstrates that no trees need to be cut to accommodate the placement of the shed. You can see from the submitted plot plan that the BAE follows the property line for a substantial length before turning into the rear yard of the lot. The DAE follows the entire length of the property line except for two, front-yard conservation easement areas. The rear boundary of the lot is also the boundary with a conservation area owned by the Town of Mansfield. This easement area was created to serve as a buffer between the subdivision development and adjacent developed properties. I have reviewed the proposed location with respect to the subdivision criteria above.

I recommend that the PZC authorize the placement of a 10 by 16-foot storage shed to be located outside of the Building Area Envelope at 37 Adeline Place, as submitted by Sean Maynard and depicted on a plan dated 4/28/10, as provided for under Article VIII, section B.1.d of the Mansfield Zoning Regulations.

**ZONING PERMIT APPLICATION**  
**MANSFIELD PLANNING & ZONING COMMISSION**  
 ( See Article XI.C of the Zoning Regulations for applicability and permit requirements)

**APPLICANT/OWNER SECTION**

PERMIT # \_\_\_\_\_

Complete this page and submit with application fee to the Zoning Agent

1. Sean Maynard / 37 Adeline Pl. / 860-786-1740  
 Owners name Mailing address Telephone

2. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Applicants name (if different than owner) Mailing address Telephone

3. 37 Adeline Pl. / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Address of proposed activity map block parcel 3.A. No Scenic Road ??? 3.B. R-20 Zone

4. Statement of Use: fully describe the proposed construction or use, including the estimated cost of construction and the quantity of fill material to be brought onto, moved within, or removed from the property.

10x16 Shed the site will be prepped at 12x18 with loose stone.

5. Plot Plan: The applicant shall submit a plot plan showing property lines, lot area, lot dimensions, location and size of existing and proposed structures, driveways, parking areas, wells and septic systems, bordering streets, inland wetlands, flood hazard areas and any other information deemed necessary by the Zoning Agent to determine compliance with the regulations. The plans shall be prepared by a licensed land surveyor unless waived by the Zoning Agent.

6. Building plans and/or other information necessary to determine compliance.

7. To demonstrate that the proposal complies with local Inland Wetlands, Health District and Public Works requirements, the following approvals are required and any conditions of approval shall be incorporated into the zoning permit.

A. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Signature of Director of Health Date Comments

B. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Signature of Inland Wetland Agent Date Comments

C. \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Signature of Town Engineer Date Comments

8. Validity: If approved, the Zoning Permit shall be voided unless construction is commenced within six months of the date of issue and unless construction is completed within 18 months of the date of issue.

*Where a surveyors plot plan is required, no foundation for any structure or addition shall be constructed until the Zoning Agent has received a surveyors certification verifying that the foundation footings are installed per the approved plans.*

9. Certification: The applicant accepts this Zoning Permit on the condition that all ordinances and regulations of the Town of Mansfield shall be complied with. The applicant further certifies that all information supplied to the Zoning Agent is true and accurate and that the land and structures subject to this permit shall not be occupied or used until a Certificate of Compliance has been issued. The applicant's signature authorizes the Zoning Agent to enter upon the property as needed to verify compliance with the permit and until a Certificate of Compliance has been issued.

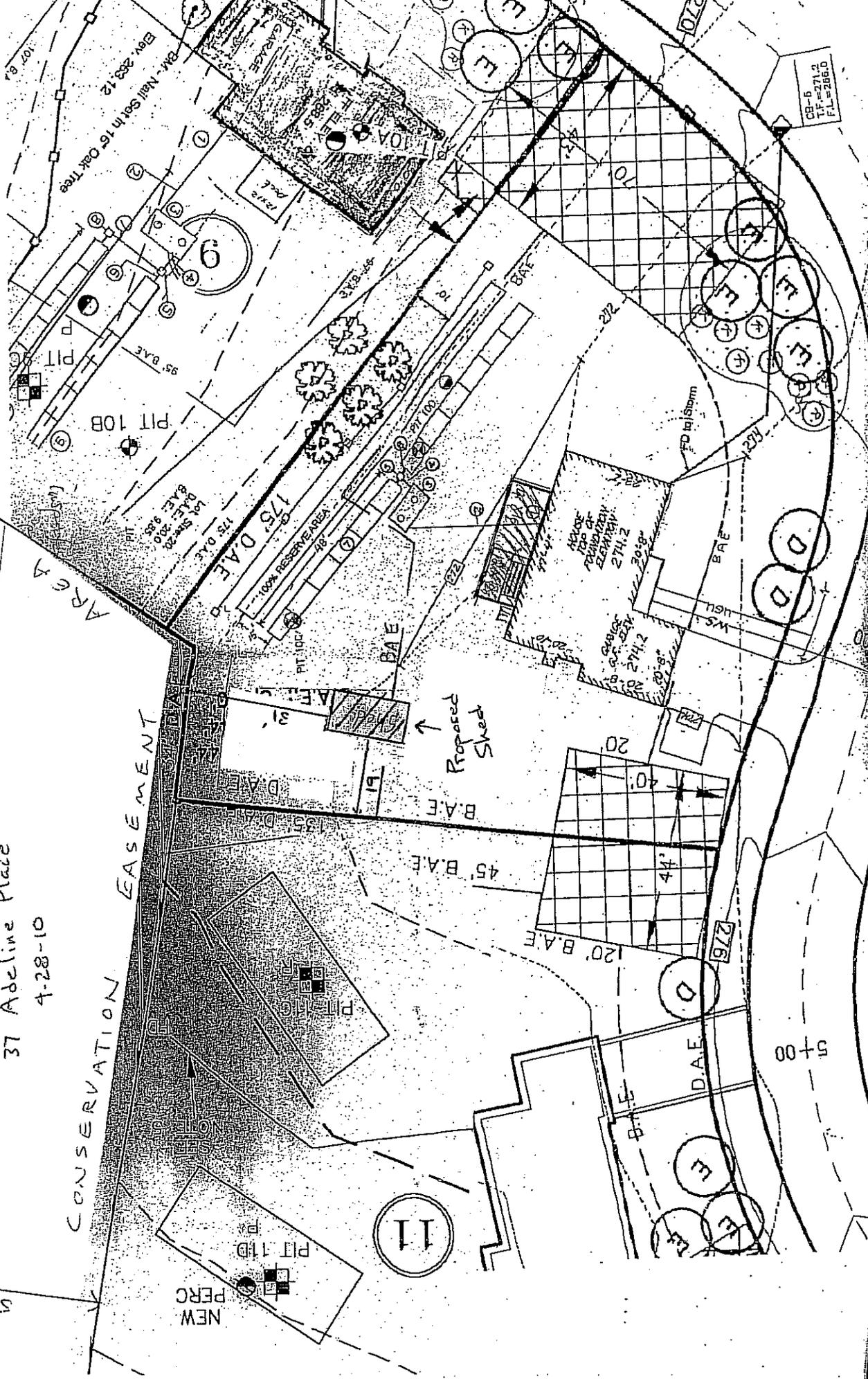
\_\_\_\_\_  
 Owner / Applicants signature

Sean Maynard  
 Owner / Applicant (printed)

4/28/10  
 Date

Plan showing proposed storage shed  
37 Adeline Place  
4-28-10

CONSERVATION EASEMENT



CB-6  
TF-271.2  
F.L-266.0

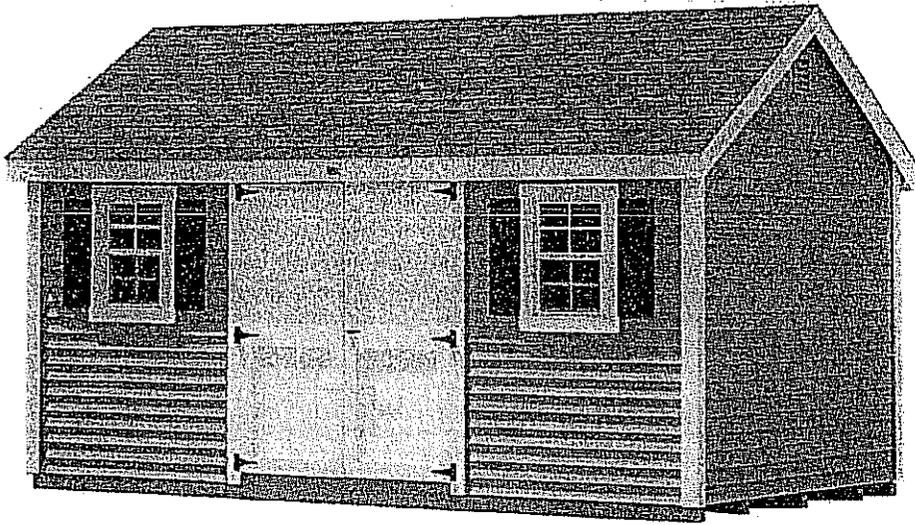
Edgew. 283.72  
284' - Nail Set in 16' Oak Tree  
107' 84'

REAR Top of  
FOUNDATION  
274.2  
20'-8"  
GARAGE  
274.2  
20'-8"  
MS. LIGHT  
B.A.E.

NEW  
PERC  
PIT 11D

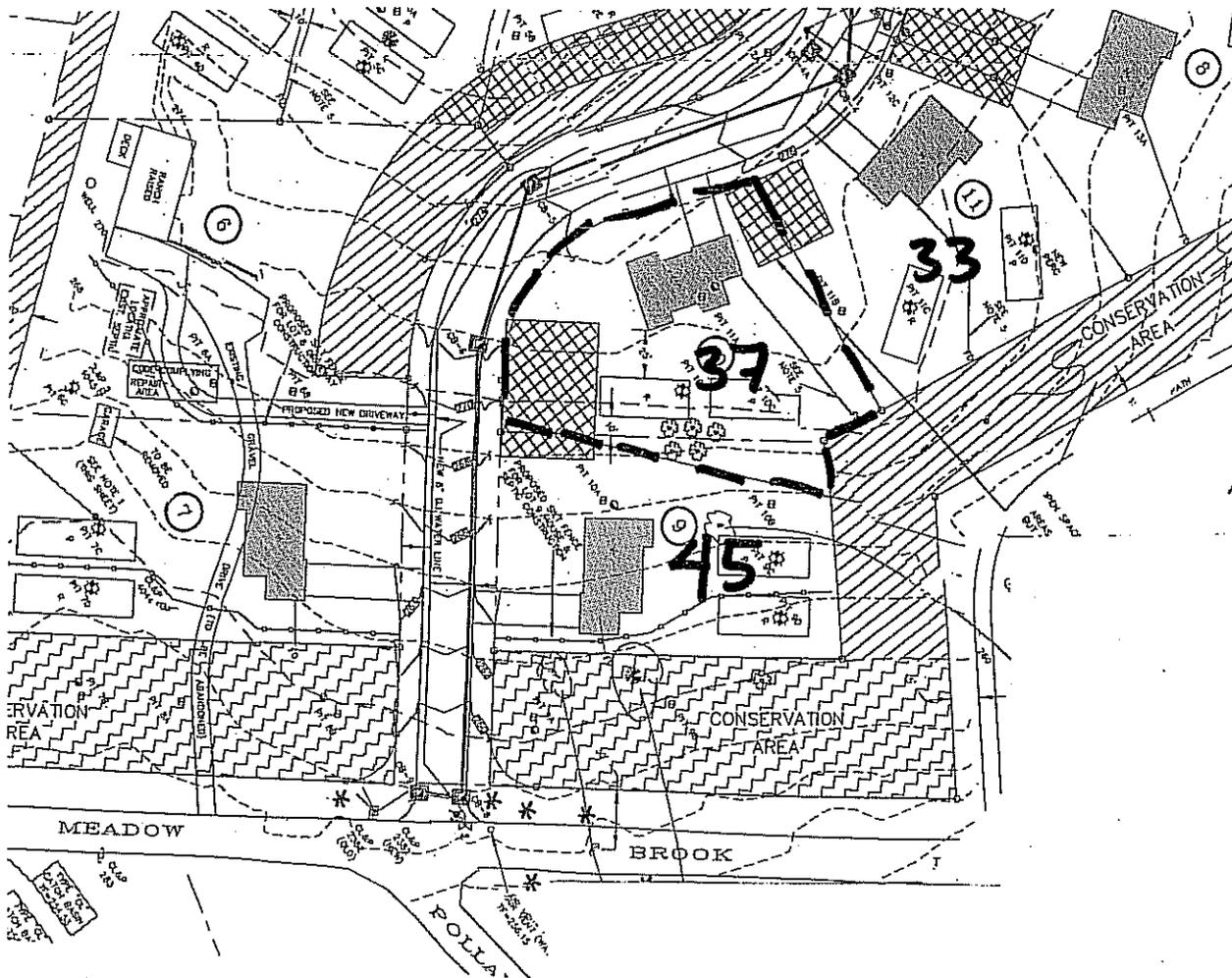
5+00

50



↑  
10'  
↓

10' x 16'





16''

10''

Sean and Melissa Maynard

37 Adeline Place

Mansfield Center, CT 06250

April 28, 2010

Zoning Board of Appeals

Audrey P. Beck Municipal Building

4 South Eagleville Road

Mansfield, CT 06268

Re: Zoning Variance on Shed Placement

To whom it may concern,

We are requesting permission to place a shed on the side of our house near the neighbor's property line. The attached site map has the location of where the structure will be located; the shed specifications are also included.

We have reviewed the plan with our neighbors and they are aware that we will be putting a shed on the property. Both neighbors have agreed to the proposed location of the structure. We have included the neighbor's signatures on this letter as proof they are aware that we have requested a permit to place a shed on the property.

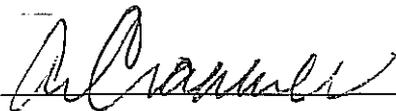
Please let us know if you have any questions.

Thank you,

Sean and Melissa Maynard

860-786-1710

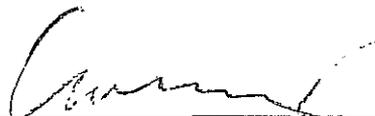
33  
Adeline



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Adeline Place

45  
Adeline



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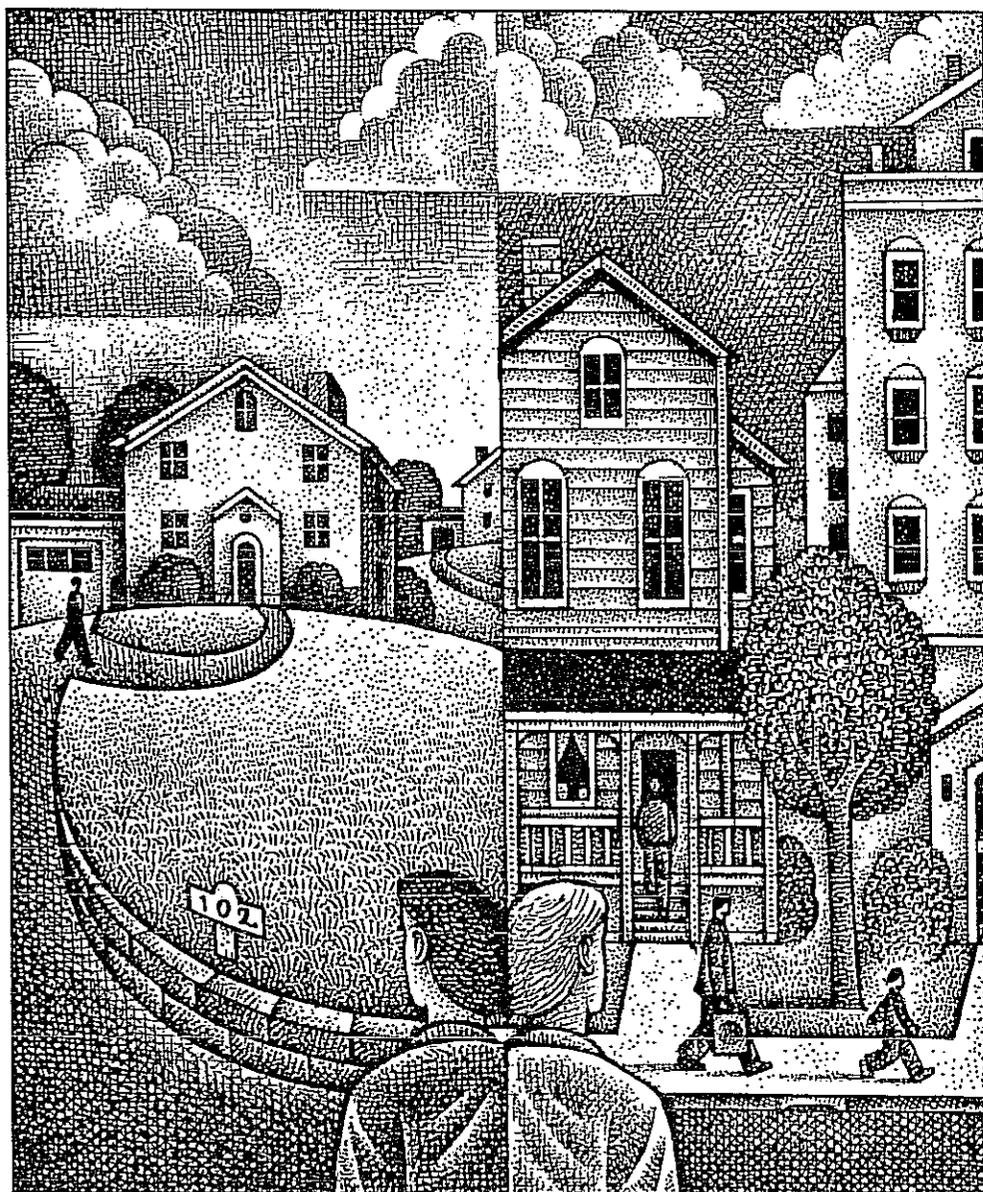
Adeline Place

PLANNING  
COMMISSIONERS

# Journal

NEWS & INFORMATION FOR CITIZEN PLANNERS

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## Some Introductions Are In Order

I'm pleased and excited to tell you about several talented individuals joining the *Planning Commissioners Journal* as regular contributors. We're drawing on planners who have demonstrated the ability to write well, and on topics we think you'll find of interest. You can read a bit about Beth Humstone, Dave Stauffer, Wendy Grey, Carolyn Braun, and Gwendolyn Hallsmith on the facing page. We've also posted interviews with each of them on our PlannersWeb blog (use the "What's New" link in the left sidebar of our blog to find the interviews).

I also want to introduce you to several new features on the PlannersWeb.

- First, we've been regularly posting short "News, Notes, & Quotes" reports about a wide range of planning-related stories and web sites you'll want to check out. Recently, we've included excerpts from "State of the City" addresses given by mayors from across the country (including one who memorably remarked that his city's mobility crisis "is no midnight hallucination after a bad burrito").

- If you haven't visited the PlannersWeb you've also been missing our "Friday video shorts." We scour the Web to find short (under ten minute) videos on topics we think both citizen and professional planners will enjoy – every Friday you'll find a new video posted.

- We're also reposting planning historian Larry Gerckens' *Planning ABC's*. Some of you may recall this terrific series of short articles, in which Gerckens covers 26 important planning-related topics in alphabetical order: from Automobiles to Zoning. We've added hyperlinks to Gerckens' articles for those of you looking for more detail on the people and ideas he references.

There's one more important "introduction" I'd like to make: you can now join us on three key social media sites: Facebook, LinkedIn, and Twitter. You'll find links to connect with us

right under the logo at the top of our PlannersWeb home page: [www.plannersweb.com](http://www.plannersweb.com). ♦



*Wayne M. Senville*  
Wayne M. Senville,  
Editor

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#### • Future Housing Demand: Problem or Opportunity

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#### • Housing: "One-Size-Fits-All" No Longer Works

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How strong is your local economy? Is there a role for planning commissioners in addressing local economic development? The first of a series of columns by Gwendolyn Hallsmith.

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Stop, look, and take the time to observe how people interact with the built environment.

# Journal

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# Our Contributing Writers

From PCJ Editor Wayne Senville: Just wanted to tell you a little about our new (and old) contributing writers. We think you'll benefit from the variety of perspectives these very experienced and talented planners will bring.



**Beth Humstone** has worked as a planning consultant on a wide range of projects in rural communities and small towns. She's an advisor to the National Trust for Historic Preservation and former Executive Director of the Vermont Forum on Sprawl (now Smart Growth Vermont). Humstone is also a past member of the Burlington, Vermont, Planning Commission, and former Chair of Vermont's Housing & Conservation Trust Fund Board.

In her "spare time," Humstone co-authored *Above and Beyond, Visualizing Change in Small Towns and Rural Areas*, a book that we highly recommend.



**Gwendolyn Hallsmith** is Director of Planning & Community Development for the City of Montpelier, Vermont, and founder of Global Community Initiatives, a non-profit that supports municipal sustainable development initiatives. She's also served as a city manager (Randolph, Vermont) and regional planning director (Franklin County, Massachusetts).

Hallsmith has written on social, economic, and environmental topics, and is wrapping up her fourth book, *Intentional Cities, Intentional Economies*, to be published by New Society Publishers.



**Dave Stauffer** is a planning consultant, freelance writer, and chairman

of the Yellowstone Business Partnership. He is also a former city planner, planning commission chair, and city council member in his home town of Red Lodge, Montana.

Stauffer has previously written two articles for the PCJ: "Smart Messages," in our Fall 2006 issue, and "Emerging Water Shortages Are No Mirage," published in Spring 2004.



**Wendy Grey, AICP**, is principal of Wendy Grey Land Use Planning LLC

which works with public, private, and non-profit clients.

Prior to establishing her own firm in 2002, Grey spent 20 years in the public sector dealing with development and growth management in Florida,

including ten years as Planning Director for Tallahassee and Leon County. She's also reported on planning issues for the Florida League of Cities.



**Carolyn Braun, AICP**, is Planning Director for the City of Anoka, Minnesota, and

Past President of the Minnesota Chapter of the American Planning Association. She holds a Masters of Public Affairs from the Hubert H. Humphrey Institute. Braun has also written two prior articles for the PCJ: "What Planners Do," in our Summer 2004 issue and "Planning from Different Perspectives," in our Fall 1996 issue.

For more about these talented planners, see our interviews posted on [www.PlannersWeb.com](http://www.PlannersWeb.com). They will be joining:



**Jim Segedy, FAICP and Lisa Hollingsworth-Segedy, AICP** have written for the PCJ since 2008.



Jim is the Director of Community Planning for the Pennsylvania

Environmental Council, and former head of Ball State University's Community Based Planning program. Lisa is the Associate Director for River Restoration for American Rivers' Pittsburgh field office. Before that she spent over ten years as a circuit-riding planner for a regional planning organization outside Atlanta.



**Hannah Twaddell** has reported on transportation planning issues for the PCJ since 2004. She is a Principal Planner in the Charlottesville, Virginia, office of Renaissance Planning Group, with over 18 years' planning experience.



**Ric Stephens** is a Senior Project Manager at Cogan Owens Cogan in Portland, Oregon, and Vice-Chair of the Beaverton, Oregon, Planning Commission. Stephens has written for the PCJ since 2007.



The public participation process for the new Comprehensive Plan didn't gather the constituents Fred was hoping for.

Published in the PCJ courtesy of Paul Zucker, aka The Management Doctor. Drawing by Dean Vietor; caption by Joe Adkins. You can see Zucker Systems publications including their new cartoon book, *Mis Management* at: <http://zuckersystems.com/public.html>

# Think Regionally, Act Locally

by Jim Segedy, FAICP, and Lisa Hollingsworth-Segedy, AICP

Have you ever been riding along in your car and been able to tell exactly when you entered the city limits by the change in the road pavement? Have you ever looked at the streetscape and known right where the corporate boundary is just by the way land uses change abruptly? You don't need to see the sign to know that you are in a different place. It is obvious to you that one community treated their boundary as a hard edge, and where they adjoined the neighboring community, there was no thought put into a seamless appearance of the pavement, or perhaps even of the physical development.

Each community has its identity – and that's very important – but no community is an island. In today's mobile and global economy, the decisions that you as a planning commissioner will make must recognize the relationships, impacts, and opportunities of not only your community, but also the communities that surround you. Even in the days of the company town where everyone lived, worked, shopped, and played in the same place, people had to share resources with their neighbors.

Your job as a planning commissioner is to address your community's future, but the decisions you are asked to make sometimes have impacts beyond your own city or town. Those decisions can call for you to think regionally while acting locally.

Your first obligation in preparing to deal with regional impacts is to ensure that your community's comprehensive plan identifies potential regional issues

and provides a mechanism for addressing them – including input from and communication with affected parties outside your jurisdiction. Your second obligation is to consider the regional implications of your plan implementation actions.

In last Fall's issue of the *Planning Commissioners Journal* (PCJ #76), Greg Dale pointed out two areas which particularly beg for you as the planning commissioner to look beyond your community's boundary when making decisions: (1) systems: natural environmental, transportation, and housing; and (2) land use impacts on adjacent/nearby communities, particularly traffic caused by major retail.



What happens at your municipal border?

While Dale's article focused on ethical reasons for why a planning commission should balance the interest of a community against the broader region, this is not just an ethical issue. It is also one of practicality and common sense.

## Walls to Communication

A few years ago, Lisa assisted a city in undertaking a complete revision of its zoning ordinance prompted by the spillover growth coming from the nearby major metropolitan area. The need for this new zoning ordinance had been identified in the city's comprehensive plan.

There was a small group of people who lived just a few hundred feet beyond the city limits in the unincorporated county. They wanted to volunteer to serve on the ad hoc committee that was assisting the planning commission with developing the new ordinance. These individuals had long-standing ties to the community. The city was where they collected their mail, bought their groceries, paid their water bill, and attended church. Their children went to schools inside the city. However, since they were not actually voting, tax-paying residents of the city, their request to join the committee was turned down.

Later, when the planning commission heard development permit requests that would have affected traffic generation, land use patterns, and property values of these concerned non-citizens, elected officials instructed the commission to ignore impacts beyond the city's border. It was like placing a brick wall at the city limit.

As a planning commissioner, do you see the "lose/lose" outcome of this example?

First, the city missed out on hearing valuable perspectives from people with authentic connections to the city – and who were willing to put in the time to help craft a good zoning ordinance. Second, by limiting the scope of the permit review process, the city set itself up for abrupt and incompatible land use patterns at its border. Moreover, the city lessened the county's interest in receiving city input concerning development permits for major projects outside the city limits.

Walls of this kind can stop communications in both directions.

## Coordinating With Multi-Jurisdictional Bodies

Coordinating your comprehensive plan with local school districts (which frequently cross political boundaries) and shared public services will not only allow proactive consideration of regional issues, but can enable plan implementation to take advantage of economies of scale.

We can't over-emphasize the importance of coordinating your community plan with the school board, the water and sewer authority, or any other entity whose service area impacts your community, particularly if it also crosses political boundaries.

## Getting Assistance

As a planning commissioner, where do you turn for assistance with information, data, maps, and analysis to think regionally and act locally?

Luckily, every state has a system of regional planning organizations available to assist you. While their name, scope of services, and business relationship with cities and towns will vary from state to state, they typically offer valuable assistance. Upon your local government's request, they can usually provide regional information on transportation systems, housing needs and trends, demographics, economic development, natural and historic resources, infrastructure, environmentally sensitive resources, and other issues.

Regional planning agencies may also be able to assist you in public involvement activities and coordination with other jurisdictions.

Other important resources you can avail include your state planning agency and the extension program of your land grant university. Many universities have service learning programs through which planning, architecture, or landscape architecture students can provide your community with assistance. Jim and his students assisted over one hundred communities during his two-decade tenure at Ball State University. If you're not sure how to access these resources, a quick call to your regional planning agency will get you started.

## Taking Regional Impacts Into Account

Some suggestions for how to think regionally while acting locally:

- revisit your comprehensive plan to ensure that you've adequately considered regional issues.
- consider adding a check box to your development permit review checklist to specify the type of review or comment opportunity that your planning commission needs in order to address the regional implications of proposed local developments.
- look into allowing for public hearing input from parties outside of your corporate boundary.
- work with your counterparts in adjoining jurisdictions to formulate a system for sharing the benefits and drawbacks of development and regional demands, be it resources or services.

The important thing is to fine-tune your process so you can avoid those abrupt, incompatible changes in land use that, just like changes in pavement, tell everyone that now they're in a different community. ♦

*Jim is the Director of Community Planning for the Pennsylvania Environmental Council. Lisa is the Associate Director for River Restoration for American Rivers' Pittsburgh field office. Their respective positions require them to foster regional thinking and local action for communities that share natural resources and environmentally sensitive areas.*



## How It's Done in Georgia

Georgia employs a "development of regional impact" (DRI) approach to regional coordination of land use decisions.

The DRI process establishes separate thresholds for developments in urban and rural areas. Any permit request that exceeds the appropriate threshold automatically triggers the DRI process, which provides for review and comment from surrounding units of governments and the regional planning council. While these comments are advisory only, input from affected neighboring communities has benefited the development permitting process.

Georgia also has a formal mediation process that allows neighboring jurisdictions to negotiate the issues of concern when development in one community poses impacts on an adjacent community. In many ways, this is like the environmental impact process which should be integral to all comprehensive plans.



## Online Comments:

"It may be a good strategy to consider joint development and design standards among different jurisdictions to avoid the abrupt transitions mentioned by the authors. Orange County, Florida, has adopted joint design standards with three municipalities for West State Road 50, a major commercial corridor, to improve the appearance of the corridor and promote redevelopment and infill development, which are goals at the heart of the County's planning process. For details, see: [www.orangecountyfl.net/cms/DEPT/growth/planning/urban/wsr50.htm](http://www.orangecountyfl.net/cms/DEPT/growth/planning/urban/wsr50.htm)."

— Susan Caswell, AICP, Planning Manager, Orange County, Florida

"This is an important topic that lies right at the intersection of psychology, finances, taxes,

land use rights and responsibilities, and politics. As we all know, environmental, economic, and other plans and impacts do not stop at political boundaries; yet laws and legal responsibilities often do. Then there's the human and psychological drama, along with turf and control issues, involved in organizations. We've had challenges getting our elementary school, high school, and public libraries to have a rational discussion together about whether to even consider the idea of sharing space or resources. Ideally, entities such as regional planning commissions, watershed councils, and similar organizations can help transcend town by town politics and thinking."

— Lee A. Krohn, AICP, Planning Director, Town of Manchester, Vermont

# Drafting Clear Ordinances: Do's and Don'ts

by Carolyn Braun, AICP

Many planners spend a lot of time interpreting or explaining ordinances to citizens and those representing them. Unclear language in an ordinance provides an opportunity for both confusion and legal challenges. The best way to minimize this is by writing clear, readable ordinances.

## TIPS ON DEVELOPING ORDINANCE CONTENT

### 1. Be Able to Explain the Need

Elected officials often suggest consideration of an ordinance based on what a neighboring community has adopted. Reviewing other community ordinances can be very helpful. Be cautious, however, particularly if you are adopting a small section of that ordinance. Does the ordinance language you are "borrowing" include terms not defined in your own ordinance?

Most importantly, be sure the ordinance you are drafting is tailored to meet your community's concerns. You should be able to explain the need for the ordinance. That understanding will also lead to clearer interpretation and enforcement, and help ensure that your ordinance is legally defensible.

### 2. Make Sure You Have the Authority

Before you go too far in drafting an ordinance, make sure you have the authority to enact it. Does it conform to state and federal law? Communities cannot adopt local ordinances that contradict explicit provisions of state or federal law. For example, in Minnesota there are specific provisions in state law requiring communities to allow state licensed residential facilities.

In some cases, the applicable "field of law" has been preempted by state law. For example, a state-adopted building code may preempt adoption of a local building code. In such cases, you do not

THE BEST WAY TO AVOID THE TIME AND EXPENSE OF A LAWSUIT IS TO MAKE SURE THAT ALL IMPORTANT TERMS ARE DEFINED AND EVERY DEFINITION IS CLEAR AND UNAMBIGUOUS.

have the authority to adopt regulations. Always check with your attorney. Adoption of an ordinance by another community does not guarantee that a similar ordinance will be legally defensible in yours.

In some instances, state laws and rules can be adopted by reference, but there is a question whether any future amendments to the state law are then automatically incorporated into your previously adopted ordinance. One way to deal with this is to include the phrase "as may be amended from time to time" when you adopt an ordinance that references a state law or rule.

### 3. Discuss the Draft

It's good practice to discuss draft ordinance provisions in a work session (in most places, these must be noticed and open to the public). Planning commissioners can offer valuable insights and assistance, and should be involved in reviewing the draft. The meaning of the ordinance should be clear to them, not just to staff. Planning board members can also be asked to play devil's advocate and thoroughly explore various possible interpretations of the draft. This extra time and work often pays off.

If you know of any interested individuals or groups, ask them to participate. Consider how application of the ordinance will affect them. Are there any unintended consequences that may result from adoption of the ordinance?

Get input from your town, city, or county attorneys' office as early as possible. At a minimum they need to review the draft before it is scheduled for public hearing.

Finally, if there's a public hearing before your local governing body, make sure the members have been briefed in advance and given a chance to provide their feedback.

### 4. Use a Check List

Create a check list to review each draft. The check list should include tips from this article and the procedural requirements of your ordinance.

### 5. Proofread, and Proofread Again

After reading several drafts of an ordinance, it becomes difficult to see errors in typing, numbering, or other items. It can be very helpful to have someone proofread who hasn't been involved in the drafting.

### 6. Keep Good Records

While communities often have a wide range of discretion in adopting local ordinances, they must also comply with procedural due process requirements. Often litigants will allege violations of due process when they challenge an ordinance.

Documentation of compliance can reduce the likelihood of such litigation. It is also very helpful to record minutes from ordinance discussions that are held prior to the public hearing. This information provides background on the basis for the ordinance, and should be included in the public hearing staff report.

## TIPS ON THE MECHANICS OF DRAFTING AN ORDINANCE

Ordinances – in particular zoning ordinances – can be lengthy documents. To improve readability, emphasis should be placed upon drafting a well-organized ordinance that uses plain, well-defined

language. Such an ordinance will be easier to administer and amend.

### 1. Make it Clear

There are several principles of clear writing. Writing in the active voice – using action verbs – is arguably the most important. The active voice makes it clear who is to perform the action required. For example, an ordinance in passive voice might say “The application must be approved.” In active voice it would say “The administrator must approve the application.”

Here are some other suggestions:

- Use action verbs that are shorter and more direct. For example, change “make payment” to “pay” or “is concerned with” to “concerns.”

- Be direct, especially when describing procedures and lists of duties. For example, say “Sign all copies.”

- Similarly, convert phrases to simpler terms. Instead of saying “failed to comply with,” use the word “violated.” Substitute simple words where possible. For example, instead of “construct” or “fabricate” use the word “make,” instead of “initiate” or “commence” use “begin.”

- Short, compact paragraphs work best. Each paragraph should deal with a single topic. Lengthy, complex, or technical provisions should be presented in a series of related paragraphs. This will help readers understand the relationship of the provisions.

- Watch out for commas. The placement of one little comma can sometimes make a big difference in meaning.<sup>1</sup>

- Draft your ordinances in the present tense.

- If you have a choice between writing either positively or negatively, use

positive language. For example, instead of saying “The City Manager may not approve signage in the right-of-way unless he or she has determined that there is no public safety impact from such signage,” use “The City Manager may approve signage in the right-of-way when he or she determines that there is no public safety impact from such signage.”

- Similarly, avoid negative words or phrases. For example, don’t say “A project will not be approved unless all application requirements are met.” Instead, say “A project will be approved only if the applicant meets all requirements.”

- Simple illustrations can clarify terms or concepts – and are found in a growing number of ordinances. But first check with your municipal attorney on whether you can do this. If you include graphics, make sure they are clear and legible.

### 2. Language in an Ordinance Should be Consistent

Don’t use different words to denote the same thing just for the sake of variation. Using different words rather than repeating the same term simply confuses the reader and may provide opportunities for misinterpretation and litigation. For example, don’t say “Each motor vehicle owner must register his or her car.” Instead, say “Each automobile owner must register his or her automobile.”

### 3. Do Your Lists Right

Lists should be clear and use parallel structure. List each item so that it makes a complete thought when read with the introductory text.

If the introductory text is a complete sentence, end the introduction with a colon and make each item in the list a separate sentence. If the introductory language for the list is an incomplete sentence, end the introduction with a dash and end each item in the list except the last item with a semicolon.

After the semicolon in the next to the last item in the list, write “and” or “or” as appropriate and end the last item in the list with a period. Listing in this manner

can help avoid problems of ambiguity caused by the words “and” and “or.”

When using lists it is also helpful to have the introductory text say “at least one of the following” or “all of the following.”<sup>2</sup>

### 4. Be Considerate

Ordinances should avoid gender-specific terminology. For example, “draftsman” becomes “drafter,” “foreman” becomes “supervisor,” and so on. In addition, instead of using phrases such as “the administrator or his designee,” substitute “the administrator or the administrator’s designee.” Similarly, avoid archaic or potentially offensive terms.

### 5. Be Careful When Defining Terms

For zoning ordinances in particular, the best way to avoid the time and expense of a lawsuit is to make sure that all important terms are defined and every definition is clear and unambiguous.

In interpreting zoning ordinances, courts will attempt to find the plain and ordinary meaning of the terms. Any ambiguous language will usually be interpreted in favor of the landowner. In Minnesota, the courts have been asked to interpret undefined terms such as “lawn and garden center,” “accessory,” “subordinate,” “incidental,” “main,” and “structure.”

### IT’S WORTH THE WORK

The tips in this article can help you draft a clear, legally-defensible ordinance. It may seem like a lot of work. It is. However, taking the extra time as you draft the ordinance will likely save your community even more time and resources when you administer and enforce it. ♦

Carolyn Braun, AICP, is Planning Director for the City of Anoka, Minnesota, and past President of the Minnesota Chapter of the American Planning Association. She has written two prior articles for the PCJ: “What Planners Do” (Summer 2004) and “Planning from Different Perspectives” (Fall 1996).



1 I was reminded of this in a comment by planner Vicky Newson on a draft of this article. As she explained: “Many times the placement or omission of a comma can change the interpretation of a code section. I always use the example of ‘I have several dresses. They are red, green, blue, orange and yellow’ versus ‘I have several dresses. They are red, green, blue, orange, and yellow.’ In each case it says the same thing, but how many dresses do I have? In the first example, the last dress could be an orange and yellow dress, but in the second example it is clear that they are two separate dresses.”

2 Thanks to Davis, California, Community Development Director Katherine Hess for this suggestion.

# 21st Century Transportation Planning Challenges

by Hannah Twaddell

American settlement patterns have always been strongly influenced by our transportation technology. In 18th century America, the best locations for cities and commerce were accessible to major rivers and ports. Few people lived in “backwater” communities. Once you got off the boat, however, you had to rely on the power of feet – human or horse. Within cities, all activities had to be located within walking distance of each other. Suburban growth extended about as far as one could go within a day’s ride from town.

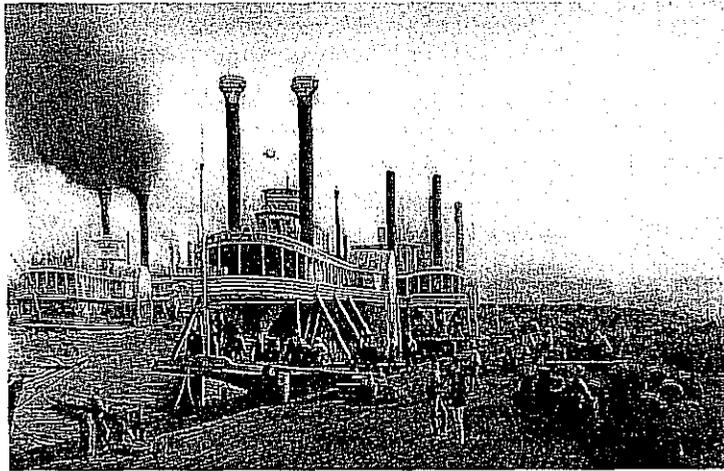
With the advent of steam- and diesel-powered trains in the 19th century, people began venturing away from the rivers and built new cities across the landscape. However, since foot-power was still the dominant form of local travel, rail towns retained the compact form of older communities.

The automobile allowed us to spend the 20th century spreading out in all directions. Networks of highways and local roads created opportunities to build cities virtually anywhere. With the power of hundreds of horses under the hood, cars made it possible for people to live miles away from daily activities such as work, school, and shopping. No longer confined to the walkable dimensions of one-horse towns, we shaped new communities around large street networks and parking lots.

As the 21st century dawns, the American dream made possible by the remarkably fast, flexible mobility of the automobile has begun to take on nightmarish qualities. It is becoming clear that our collective dependence upon the automobile is threatening our natural

environment, our health, and our economic vitality.

As our anxiety about these problems grows, however, so does our creativity. We are in a time of fundamental change that portends both danger and opportunity.



“Giant Steamboats at New Orleans,” by Hippolyte Sebron (1853).

## Our Natural Environment

A 2009 report by the U.S. Environmental Protection Agency indicates that fossil fuel combustion for transportation is responsible for a third of America’s CO<sub>2</sub> emissions, which are an important ingredient of the “greenhouse gases” associated with global climate change.<sup>1</sup>

The three most prominent factors affecting the transportation sector’s emissions are the fuel economy of vehicles on the road, the types of fuels used, and the overall amount of driving by all vehicles, expressed as vehicle miles traveled (VMT).

Federal agencies, state governments, and private sector entrepreneurs are working on the tasks of making vehicles more energy-efficient and finding new sources of fuel. But our success at reducing VMT depends largely upon our ability to plan and locate communities in ways that reduce our need to drive. To achieve this goal, it is essential for local

and regional planners and decision-makers to redesign existing and new places so that people can choose to walk, bike, or use transit for daily trips.

Studies show that improving the proximity and connectivity of activities can reduce the overall number of vehicle trips generated within a given area by as much as 25 percent.<sup>2</sup> This, along with operational improvements to improve free-flow movement on local roadways, can make an important contribution toward reducing the amount of CO<sub>2</sub> generated.

Stormwater runoff is another important environmental problem exacerbated by our automobile-oriented development pattern. That’s because roadways, surface parking lots, and driveways result in large amounts of paved, impervious surface which, in turn, can lead to excessive runoff.

As the EPA’s Lynn Richards noted last year in an article in the *Planning Commissioners Journal*, it is important to ask whether street and road widths in our communities are sized appropriately since “over[ly] wide streets will create excess impervious cover.”<sup>3</sup> Richards also touched on the importance of downsizing our parking requirements, pointing out that “parking lots designed for peak demand periods [create] acres of unused pavement during the rest of the year.”

1 *Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2007* (U.S. EPA, 2009).

2 *Land Use and Site Design, Traveler Response to Transportation System Changes – TCRP-95* (Transportation Research Board, 2003).

3 “Managing Stormwater Runoff: A Green Infrastructure Approach,” PCJ#73 (Winter 2009); available to order & download at: [www.plannersweb.com/wfiles/w284.html](http://www.plannersweb.com/wfiles/w284.html).

## Our Health

Between 2010 and 2050, the number of Americans aged 65 and older is expected to grow from about 40 to 88 million.<sup>4</sup> According to Census Bureau projections, 20 percent of Americans will fall in this age range by 2050, up from 13 percent today.

The problems that these increasing numbers of older people will face when they lose the ability to drive will be much more than an inconvenience. Without other travel options available, their access to everyday activities and essential services will be sharply curtailed – just when their needs for social connections and medical attention increase.

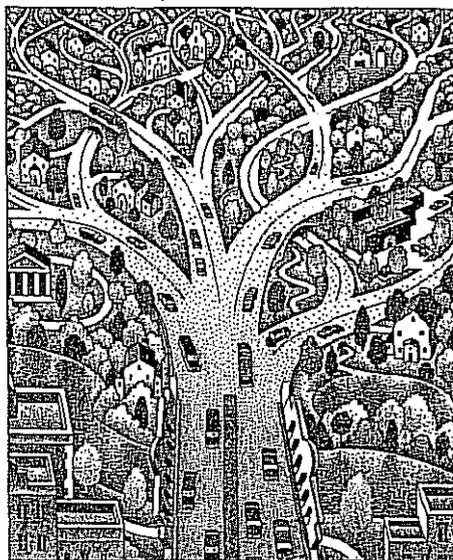
By creating communities where people can get around without cars, we can make a significant difference in the health and happiness of older adults. A 2006 study by the Northern Virginia Transportation Commission found that “seniors from walkable, mixed-use urban and town areas are more mobile, taking 20 percent more trips each week than those from suburban and exurban areas. They are also less likely to be socially isolated.”<sup>5</sup>

Meanwhile, the health of tomorrow's working-age adults is already being compromised by obesity linked to sedentary living. According to the Centers for Disease Control and Prevention (CDC), 17 percent of children aged 6-19 (more than nine million young people) are obese. That percentage has tripled since 1980.<sup>6</sup> A third of our children in this age range are overweight, a far cry from the CDC's goal to reduce this figure to five percent.

The Alliance of Biking & Walking, with funding from the CDC, has released a remarkably useful, data-filled report, *Bicycling and Walking in the United*

*States 2010 Benchmarking*.<sup>7</sup> The report, authored by Kristen Steele and Monica Altmaier, points out that “states where bicycling and walking levels are lowest have the highest levels of obesity.” Similar correlations were also found with two other major public health concerns, diabetes and high blood pressure.

Steele and Altmaier note that: “Walking and bicycling have great potential to improve public health. In 2001, 41 percent of trips in the U.S. were shorter than two miles and 28 percent were shorter than one mile. Since bicycling can accommodate trips of up to two miles and most people can walk at least one mile, there is a lot of hope to use this form of travel in our communities.”



Forward-thinking communities such as King County, Washington, are incorporating walkability goals and performance measures into their comprehensive plans, while other places, like Albert Lea, Minnesota, are adopting programs to promote active living. Meanwhile, more and more communities are adopting Complete Streets policies, aimed at designing streets that accommodate not just cars, but bicyclists and pedestrians.

## Our Economy

Our traditional source of revenue for transportation – the gas tax – cannot keep pace with the escalating costs of maintaining the system we have, let

alone paying for new infrastructure. The responsibility for transportation funding has been shifting toward states, localities, and the private sector.

That said, every local official is keenly aware that raising a city or county sales or property tax is even more politically challenging than raising a state or federal gas tax. It's no wonder jurisdictions all over the country are searching for better ways to negotiate infrastructure investments from developers, and that toll roads are making a comeback.

Nineteenth century transportation investments, from turnpikes to railways, were largely private, for-profit ventures, while the 20th century was the age of tax-supported “freeways” and transit systems. The 21st century is likely to bring about an interesting marriage of the two. Just as we pay transit fares now, we will probably pay more roadway tolls and user fees in the years to come.

## SUMMING UP

We've entered a dynamic time in the world of transportation and land use planning. For many years, engineers and policy makers have focused on the goal of increasing the speed with which people can move between places. Upon realizing that we're literally driving ourselves too far apart, we can right the balance by boosting the importance of two other goals:

- Bringing people and places closer together,
- Providing people with more choices of travel routes and modes between places.

By working together on designing communities that offer more flexible travel choices, we can sustain our communities through the 21st century – and beyond! ♦

Hannah Twaddell is a Principal Planner in the Charlottesville, Virginia, office of Renaissance Planning Group. Her articles on transportation planning topics appear regularly in the *Planning Commissioners Journal*.



4 *Projections of the Population by Selected Age Groups and Sex for the United States: 2010* (U.S. Census Bureau, 2008).

5 Jana Lynott, et al., *Meeting the Transportation Needs of Northern Virginia's Seniors: Recommendations for Public Transit Systems and Other Mobility Providers* (Northern Virginia Transportation Commission, 2006).

6 *Preventing Obesity and Chronic Diseases Through Good Nutrition and Physical Activity* (Centers for Disease Control and Prevention, 2008).

7 The report is available to download at: [www.peoplepoweredmovement.org](http://www.peoplepoweredmovement.org).

## Top Websites for Citizen Planners

Throughout the year, the editors of Planetizen – [www.planetizen.com](http://www.planetizen.com) – look at hundreds of planning-related websites and online publications. There are many sites out there that are useful to citizen planners and concerned citizens. We've gone through all the newest websites and picked out just a few of the most valuable and informative resources, providing an overview of the must-see sites for anyone interested in creating healthy and livable communities.

### BLUEPRINT AMERICA

[pbs.org/wnet/blueprintamerica/](http://pbs.org/wnet/blueprintamerica/)

With Netflix streaming movies and shows migrating to Hulu, time in front of the TV set is becoming increasingly scarce. Meanwhile, PBS and NPR have become more relevant than ever, cranking out high-quality documentaries that are timely and topical, and yes, often online. Blueprint America is a PBS series

on that least sexy of topics, infrastructure. The "Beyond the Motor City" episode goes deeper than most reporting into Detroit's woes, and is supplemented on the website by additional interviews and slideshows.

## DATA.gov



### DATA.GOV

[data.gov](http://data.gov)

The locked doors of the government are now open. This site contains three separate catalogs of data and data-based tools for government information: the raw data catalog, which includes a variety of data streams and file formats; the online tool catalog of compiled searches and resources; and the geodata catalog of geography-based data streams. Data.gov is part of the federal government's Open Gov-

ernment Directive, and serves as a clearinghouse for federal public information. It's also a major part of the government's effort to become more accessible and transparent. As the potential of open data and open government evolve, this site is likely to play a major role in the way government information is shared.

## GOOD

[good.is](http://good.is)

Like its name implies, GOOD is a magazine focused on the good things in life. Not luxuries so much, but more along the lines of good ideas. It's a quarterly print magazine that has developed into a vibrant online

## GOOD.IS / URBAN RENAISSANCE

Home | Columns | Video | Infographics | Community | Events | RSS

publication. The magazine was founded in 2006, but over the course of the last year has taken on a strong city focus in its editorial work. With innovative and well-designed infographics, and a raft of columns and articles on design, neighborhoods, and cities, GOOD is developing into an accessible, lay-person friendly discussion of the best ideas in city making and community improvement. Good indeed.

### THE INFRASTRUCTURIST

[infrastructure.com](http://infrastructure.com)

The Infrastructurist may well be the most comprehensive and focused resource for infrastructure-related news in the United States. But the story

doesn't stop at the border. This well-informed website covers the range of infrastructure issues being faced all over the globe – from high speed rail to highways to renewable energy.

As global cities lean away from the private automobile and towards public transit systems, The Infrastructurist's editorial purview is worldness that's right on time.

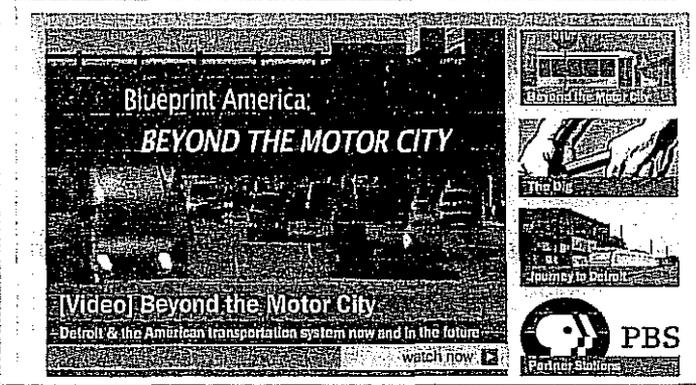
### THE "ISTS"

[gothamist.com](http://gothamist.com) / [laist.com](http://laist.com)

During the internet boom, a lot of companies were seeking to create the "go-to" source for local and "hyper-local" news. After all, with newspapers dying and taking far too long to get a real web presence, there was a real void for

local coverage. A number of challengers stood up, but the "Ist" network pulled it off with style. And, amazingly, they've kept up the promise of timely coverage of local government issues, including the goings-on at the planning department and city hall.

LAist (the Los Angeles edition), for one, has done a great job of reporting the ongoing fiascos at the planning department over the plague of digital billboards. Granted, among the



## THE INFRASTRUCTURIST

AMERICA UNDER CONSTRUCTION

How Do Americans Get to Work? Transit Patterns in Major Cities



city reportage are band listings, random Flickr photos, and rumors, but the Ists also regularly bring breaking local news that can leave local newspapers in the dust.

## LINCOLN INSTITUTE OF LAND POLICY

[lincolninst.edu](http://lincolninst.edu)

The Lincoln Institute of Land Policy is an international research organization that focuses on issues of land use, regulation, and taxation. It also happens to have a highly useful website that is thick with resources and tools, including a database with everything you'd ever need to know about the property tax; a collection of "visual tools" to communicate planning concepts; and more than 700 case studies of colleges and universities and how they integrate into urban neighborhoods. While not the flashiest of websites in terms of design, there's a wealth of interesting research on a variety of land use issues.

## PLACES

[places.designobserver.com](http://places.designobserver.com)

Places is the new online home of *Places Journal*, the interdisciplinary journal of contemporary architecture, landscape, and urbanism. Published since 1983, *Places Journal* has played a vibrant and active role in the urban discourse, and its new

online form broadens that conversation. Featuring commentaries, academic essays, and archives dating back to issue one, Places offers a valuable new home for thoughtful discussion and analysis of urbanism and place.

## SEECLICKFIX

[seeclickfix.com/citizens](http://seeclickfix.com/citizens)

Harnessing the power of the crowd, SeeClickFix is an easy-to-use web interface that allows citizens to identify and report

problems in their communities—and track their progress (or lack thereof). With search capabilities, mapping tools, and problem trackers, concerned citizens can keep tabs on the civic problems in their communities and make sure their local officials do too. SeeClickFix is one of the most promising tools available to enhance public participation in government.

## THE TRANSPORT POLITIC

[thetransportpolitic.com](http://thetransportpolitic.com)

There are a lot of blogs and sites covering transit and transportation issues, but Yonah Freemark has created a newspaper that is a cut above the fray.

The front page features detailed reportage on the world's

transit systems, with insightful commentary. But deeper in, the site is an encyclopedia of existing, under construction, and planned transit systems.

Freemark is an independent researcher based in France who somehow manages to seem like he is everywhere at once.

## WALKSHED

[walkshed.org](http://walkshed.org)

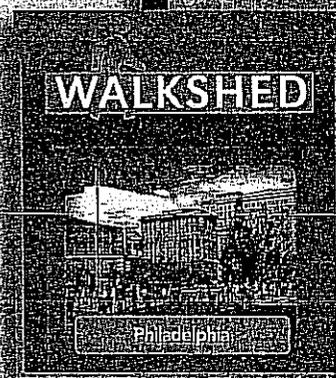
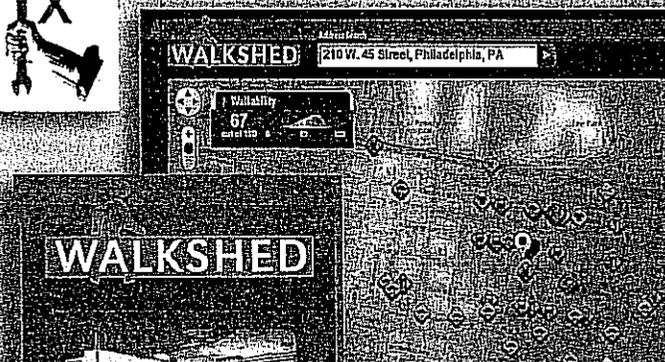
Walkshed is the brainchild of software developer Aaron Ogle. It takes the "walkscore" concept and puts the controls in your

hands. For example, if you hate to

you enter, showing places that cater most to your particular needs. So far Ogle has only covered New York and Philadelphia, but the model looks highly promising, and is easy to use. Try it out to get a feel for how it works.

Note from PCJ Editor Wayne Senville. I tried out Walkshed, using my former Philadelphia address (307 Pine Street, where I lived in 1980-81). I invite you to insert my former address and see the many nearby bars, restaurants, and coffee shops I've been missing! ♦

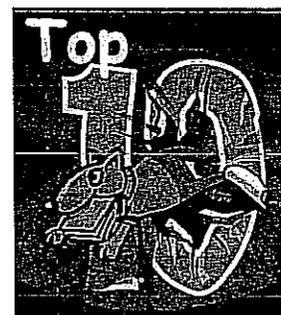
SeeClickFix  
power to the community



cook and prefer to avoid grocery stores (but you find restaurants and coffee shops essential), you can weight those search factors more heavily. Walkshed generates what's called a "heatmap" over the area near the address

## Top 10

You've just seen Planetizens Top 10 Websites of 2009. How about taking a look at the Top 10: Books for Planners; Great Public Spaces; Green Projects; Endangered Roadside Places; and much more? You'll find a fascinating variety of Top 10 lists at: [plannersweb.com/top10.html](http://plannersweb.com/top10.html)



PLACES



OBSERVER MEDIA



# Future Housing Demand:

## PROBLEM OR OPPORTUNITY

by Beth Humstone

### DEMOGRAPHIC TRENDS

Two national trends are clear: (1) decreasing household size, and (2) an aging population. Once planners focused their housing plans on providing for couples with children. Now these households are a minority.

As Arthur C. Nelson, Director of the Metropolitan Research Center at the University of Utah, recently noted: "Between 1950 and 2000, average household size decreased from 3.38 to 2.59 [and] will continue to fall to about 2.46 persons by 2030 ... Single-person households will rival households with children and will be the fastest-growing market segment."<sup>1</sup> Moreover, as Nelson explains, "Baby boomers will turn 65 between 2011 and 2029."

**"IT IS ESSENTIAL THAT PLANNERS UNDERSTAND THE MARKET FOR HOUSING IN THEIR COMMUNITY."**

Large homes in outlying locations may no longer be affordable or practical for retired people. According to a report published by the Urban Land Institute, "Some baby boomers will choose to downsize to an apartment or condominium after their children leave the 'nest'... Multifamily housing allows seniors to remain in their neighborhoods through the different stages of their lives without the hassle of maintaining single-family housing."<sup>2</sup>

### ECONOMIC CONDITIONS

In recent years the downturn in the economy has had the most far-reaching

impact on the demand for housing. After a major expansion in the supply and demand for owner-occupied housing, bankruptcies and mortgage foreclosures have left lot after lot of empty houses in suburban tracts. In some parts of the country, empty new residential towers can be found downtown and in the suburbs. In hard hit cities with high unemployment, whole neighborhoods have been abandoned, leaving existing housing stock falling into disrepair. Moreover, new rental projects have stalled as access to financing has tightened up.

Today's economic conditions hold several implications for future housing demand. For one, in many places new construction will be put on hold while demand absorbs the existing supply.

Much of the oversupply of housing lies in large lots in fringe locations. According to the American Institute of Architects, "These were the locations where large enough parcels of land could be assembled to generate the volume of construction required during the housing boom earlier this decade. However, when the housing market weakened, large inventories of unsold homes remained on the market in these locations."<sup>3</sup> These sites may be the last to fill up as builders and developers look elsewhere to meet demand.

In addition, with home ownership out of reach for a growing number of people, the demand for rental apartments should increase – especially once employment improves enough so that people can move out of housing where they have doubled up with parents or friends during tough times.

<sup>1</sup> Arthur C. Nelson, "Demographic Outlook," *Urban Land* (Sept. 2009).

<sup>2</sup> Richard M. Haughey, *The Case for Multifamily Housing, Second Edition* (Urban Land Institute, 2003).

<sup>3</sup> AIA Home Design Trends Survey (December 4, 2009).

How many times has your commission heard, "But there's no market for that development," "People want a big home on one acre," or "It's more affordable to buy a house out in the country?" In the past it was commonly accepted that suburban or fringe housing on large lots was where most of the housing market was focused. But the recent housing foreclosure crisis, coupled with high unemployment and rising energy costs, has challenged old assumptions and dramatically altered the picture.

Now planners in communities across the country are increasingly hearing demands for: more housing close to transit; walkable neighborhoods; and affordable, low-maintenance, energy-efficient homes. In this chaotic time, how do citizen and professional planners determine what people really want or need, and what to plan for?

It is essential that planners understand the market for housing in their community: what types (and price ranges) are needed, and in what locations. Planners must also consider economic trends and other factors that could impact future demand.

Today's demographic and economic conditions, along with consumer preferences, are converging to create a major shift in housing demand.

Economic forecasts suggest that there will not be much action on homebuilding for about two years. Many communities currently have excess housing stock that very likely will be filled before much new construction begins. So there is time to examine residential markets and how they are changing to avoid housing shortages, meet community needs, and revitalize neighborhoods adversely affected by current economic conditions.

## CONSUMER PREFERENCES

Along with demographic shifts and economic conditions, consumer preferences for housing are changing. According to John Caulfield, writing in *Builder* magazine: "The downturn has given builders time to ponder whether the homes they build match the demographic and financial profiles of current and future customers. Some have adjusted their house plans and construction practices to produce smaller, greener, and less-expensive houses. Builders everywhere are rolling out smaller models to meet customers' demands for efficiency and affordability."<sup>5</sup>

The American Institute of Architects' (AIA) national survey of residential architects found that consumers want lower maintenance, durability, and sustainability. As AIA's Chief Economist Kermit Baker notes in summarizing the survey results: "Rising home energy costs ... have helped to generate interest in smaller, more energy efficient homes in locations that were accessible to transportation, commercial activities, and jobs. Infill development, with smaller parcels in more developed areas, has become very attractive."<sup>6</sup>

A poll by the National Association of Realtors and Smart Growth America taken in 2007 found: "Eight in 10 respondents prefer redeveloping older urban and suburban areas rather than build new housing and commercial development on the edge of existing suburbs. More than half of those surveyed believe that businesses and homes should be built closer together to shorten commutes, limit traffic congestion and allow residents to walk to stores and shops instead of using their cars."<sup>7</sup>

The demand for energy efficient housing is expected to increase not only due to federal tax incentives, but also to improve affordability and to do the "right thing" on climate change.

<sup>5</sup> John Caulfield, "Jump Start: Ten ways to get ahead of the market's recovery and put yourself in the competitive lead," *Builder* (December 2009).

<sup>6</sup> AIA Home Design Trends Survey.

<sup>7</sup> Available at: [www.smartgrowthamerica.org/nars-gareport2007.html](http://www.smartgrowthamerica.org/nars-gareport2007.html).

## WHAT DOES THIS MEAN FOR PLANNERS?

Given these trends, planners should consider the following steps:

1. *Focus on infill development.* Infill development can address trends for smaller lots and homes in already built up areas, access to services and public transportation, and walkability.

2. *Enable retrofitting.* Retrofitting of existing buildings, including conversion of empty single-family homes or vacant commercial buildings to apartments, can help to meet the demand for rental housing that is likely to dramatically increase as a result of the mortgage crisis. This may require reexamining your building code to make sure it doesn't pose major impediments.

3. *Plan for transit-oriented development.* To meet the demands of households for access to public transportation, shorter commutes, proximity to services, and rental housing, transit-oriented development with higher densities and mixed uses should be planned at major transit hubs.

4. *Review opportunities for urbanization of suburb.* Many suburban areas already have access to transit and offer jobs and services. However, housing is often not mixed in with these amenities. To meet the shift in demand for smaller units, access to services, walkability, and greater affordability, planners should consider how to create more urban living in suburban environments.

5. *Raise densities.* To improve affordability and offer more housing types, communities should review their existing densities and look for opportunities to raising them where appropriate. See Beth Humstone, "Getting the Density You Want," *PCJ* #74 (Spring 2009).

6. *Allow diverse housing types.* Aging baby boomers, twenty-somethings moving out of their parents' houses, and former homeowners will all contribute to the demand to diversify the type of housing offered in a community. Multifamily housing can take the form of duplexes, accessory units, townhouses, and apartment structures offering both rental and ownership opportunities.

7. *Promote affordability.* Lower-priced housing can be created through inclusionary zoning provisions and increased densities. Support for developments with nonprofit housing developers, local housing authorities, and community land trusts will help build in long-term affordability to housing projects.

8. *Reconsider older, abandoned neighborhoods.* One of the most difficult issues facing a planning commissioner is what to do about neighborhoods experiencing abandonment and decay. Some are examining demolition in order to "shrink" the size of neighborhoods. Others are looking at the potential to rehabilitate housing for home ownership or rentals where neighborhoods are fully served by infrastructure and are near to jobs, transit, and services. Still others are land banking – buying and holding land with or without homes on it until such time as the market improves or new programs for revitalization can be put in place.

9. *Rethink plans for fringe areas.* As fringe housing locations become less desirable, planners must address how they will plan for these areas. There will always be some demand for low-density single-family housing in most communities. However, that demand will weaken. Planners should focus more on the natural resource values, recreation potential, and open space priorities in fringe areas.

## SUMMING UP

During this economic downturn, planners should take the time to rethink the housing plans for their communities. They need to challenge old assumptions about the market and develop strategies that address changing conditions in their communities and regions. ♦

Over the past 35 years, Beth Humstone has worked as a planning consultant on a wide range of projects in rural communities and small towns. She is the author, with Julie Campoli and Alex MacLean, of *Above and Beyond, Visualizing Change in Small Towns and Rural Areas* (Planners Press, 2002).



## Planning for Housing

by Wendy Grey, AICP

Historically, the purchase of a house has been the single largest investment most families make.

People select a new house based on criteria such as affordability, whether it is in a good school district, and whether they feel comfortable with the neighbors and neighborhood. In recent years another factor was also added to the mix: the

1. William Grey, et al., *Getting Current: Recent Demographic Trends in Metropolitan Areas* (The Brookings Institution Metropolitan Policy Program, 2009), p. 6.

2. See, e.g., V. Gail Easley, FAICP, and David A. Theriot, "Practice Note on Formities," *Zoning Practice*, No. 11 (November 2009); and Dwight H. Merriam, FAICP, "Practice: Redevelopment," *Zoning Practice*, No. 12 (December 2009).

assumption that, almost regardless of the choice they made, the house purchased would increase in value. With the end of the housing bubble, this is no longer the case.

It is important to remember that there are also broad demographic patterns that influence the demand for housing, the most significant being migration, immigration, and age.

**Migration.** We have historically been a mobile society. We move to pursue better opportunities. The huge migration to the Sunbelt over the past 25 years is a recent example of this pattern.

**Immigration.** Much of our population growth is coming from immigration. Between 2000 and 2007, the immigrant population grew by 22 percent, to 38 million.<sup>1</sup> While in the past the majority of immigrants lived

in central cities, many immigrants now reside in suburbs and rural areas.

**Age.** The most significant age group in terms of numbers is the Baby Boomer generation – born between 1946 and 1964. Having been the driving force behind the expansion of suburban living, Boomers were expected to sell their homes and relocate to popular retirement areas.

Gen Xers, born between 1965 and 1980, are now the prime market for family oriented homes. However, Gen Xers have had to deal with a higher cost of living over the past decade, and have often found themselves priced out of the housing market as they've tried to move up the property ladder – especially as more Boomers have stayed put.

The crash in the housing

**GEN XERS, BORN BETWEEN 1965 AND 1980, ARE NOW THE PRIME MARKET FOR FAMILY ORIENTED HOMES.**

market and the recession have affected the anticipated trends in migration and immigration and people's housing options in the short term. With unemployment and foreclosures up and mortgage lending restricted, people are not relocating, and the buying and selling of houses is down. Immigration has also slowed.

One key role for planners and planning commissioners is to consider strategies that will help recreate viable neighborhoods for current and future

## PERSPECTIVES ON HOUSING

### Housing: "One-Size-Fits-All" No Longer Works

by Edward T. McMahon

Back in July, *Builder Magazine* published an article titled "Brave New World: After the Bust, Builders Might Be Surprised at What Future Shoppers Will Want," by John Caufield, Jenny Sullivan, and Nigel Maynard.

To gather data for this piece, the magazine commissioned American Lives, a California-based market research firm run by pollster Brooke Warrick, to conduct a nationwide study of prospective homebuyers' attitudes toward the economy, home styles, product preferences, energy efficiency, and green features. It also examined changing attitudes in regard to

the role of the home and the impact of demographic changes on buyer preferences.

The results are surprising and they suggest that the types of new homes that were most prevalent before the recession will not satisfy the needs of tomorrow's buyers. One reason for shifting buyer preferences is the fact that there are so many different buyer profiles. Tomorrow's market is made for the foreseeable future.

So what do buyers want? Given that housing prices are down 30 percent from their peak – and even more in some markets – big, flashy houses are no longer priorities. Buyers are less likely to think of housing primarily as an investment and more likely to think about how the house will fit their lifestyle.

What is more, for many buyers the character of the neigh-

borhood is more important than the size of the house. In fact, more than 50 percent of respondents in the survey said they were willing to accept a smaller house "in the neighborhood I want."

This does not mean product is irrelevant, but it does mean that for many buyers the location of the home – the place – is now more important than the house itself – the product. ...

According to *Builder*, one subset of buyers that homebuilders should learn more about is women. Women have always played a big role in homebuying decisions, but demographic data show that by 2010 households headed by a woman will number well over 30 million. Shyman Kannan, vice president and director of research at Robert Charles Lesser & Co. (RCLCO), says that

**FOR MANY BUYERS THE CHARACTER OF THE NEIGHBORHOOD IS MORE IMPORTANT THAN THE SIZE OF THE HOUSE.**

their surveys have found that "female respondents have a strong preference for the city and are much more likely to choose what we call 'safe urbanism.'" According to Kannan, RCLCO surveys have found that while "safety is very important" to female buyers, they also "want to be able to walk to shopping and dining."

Besides safety, another feature of interest to most buyer segments including women buyers, baby boomers, and young

residents. This will involve reconsidering land use patterns, particularly in suburban areas, where the recovery in the housing market is expected to lag. Having looked at the most distressed areas in your community, consider what changes in land use may encourage revitalization.

1. *Find areas that can be rezoned to a higher density.* This can help reduce construction and energy costs for future development. If your code requires a minimum house size, perhaps that requirement can be eliminated or modified to provide more flexibility. Higher density can also help promote the use of transit.

2. *Allow granny flats or accessory units.* These units can support extended families or create a rentable space for homeowners.

3. *Make sure home occupations are allowed and appropriately regulated.* While it is important to protect neighborhoods from the potentially intrusive impacts of businesses operated from a home, there are ways to adequately protect neighbors while allowing for home-based businesses.

4. *See that community plans encourage the provision of services to support the neighborhood.* If it is desirable to encourage older residents to retire and stay in place, evaluate whether your codes allow uses that will support that population. Are there plans to provide the necessary services and infrastructure (e.g. is there adequate street lighting and signage)? Do you allow for nursing homes and assisted living facilities? Does your transportation plan address the mobility needs of seniors?

Conversely, if younger families are likely to repopulate the area, are facilities available to meet their needs? Are there sufficient recreational areas and locations for day care centers?

5. *Identify land that can be acquired or traded that will create greenways and usable open space.* In many subdivisions, the only open spaces are "left over" pieces of land. The strategic acquisition of some lots can create connected open space that forms a greenway or neighborhood park to enhance the neighborhood's quality of life.

6. *Eliminate barriers to redevelopment.* Consider adopting tools that will allow for reinvestment in existing properties. This might include more relaxed approaches to non-conforming uses or techniques to allow the redevelopment of properties that are constrained by current

zoning standards.<sup>2</sup>

While we don't know exactly how and when the current economic crisis will end, we do know that those communities that have planned for the future will be in the best position to recover and provide their residents with the choices they want. ♦



Wendy Grey, AICP, is principal of Wendy Grey Land Use Planning LLC. Prior to establishing her own firm in

2002, Grey spent 20 years in the public sector dealing with development and growth issues in Florida, including 10 years as Planning Director for Tallahassee and Leon County.

couples is energy efficiency. According to the *Builder/American Lives* study, any where from 80 to 95 percent of respondents now see energy-saving HVAC systems, windows, lighting, and water fixtures as "very important" or "essential" to their homes.

This makes one thing certain: the market for green energy-efficient homes is going to grow. What is more, a majority of those polled said they would be willing to pay between \$2,000 and \$5,000 more to include an energy-saving feature in their home, so long as they could recoup their investment in a few years.

The current recession is a time to rethink growth and to redesign housing to meet the diverse needs of America's growing population. In the future, there is likely to be a greater

variety of housing types designed for different buyer segments. Smaller, greener options are likely to grow in popularity as are infill housing options.

Even in the suburbs, walkability and a greater variety of housing products will likely become the norm. One thing all the surveys make clear: the old one-size-fits-all model no longer works. ♦



Edward T. McMahon is a Senior Resident Fellow at the Urban Land Institute. He has

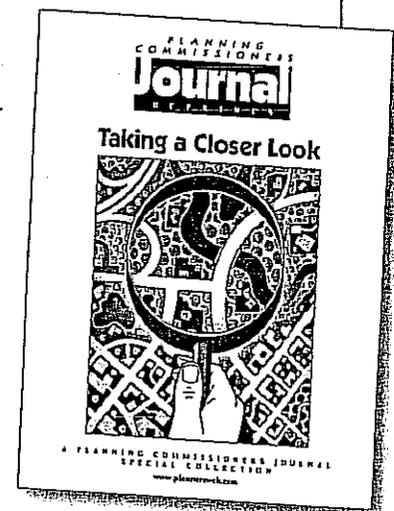
also authored more than 20 articles for the *Planning Commissioners Journal*. The above is excerpted from McMahon's "How Will Housing Evolve," in the Nov./Dec. 2009 issue of *Urban Land*.

## Taking a Closer Look Reprint Sets

### Housing: Opening the Door

Many communities are struggling to provide the kinds of housing their residents need and can afford. How do we meet diverse housing needs? How can planners best deal with controversial housing developments? These articles will help you to better understand and plan for challenging housing-related issues. For the detailed contents and to order, go to: [www.pcj.typepad.com](http://www.pcj.typepad.com) (right hand sidebar).

This is just one of our attractively bound Taking a Closer Look reprint collections. Other sets include: Basic Planning Tools; Ethics; Planning Law; Transportation; Downtowns; Smart Growth; and Design & Aesthetics.



# No Certification, No Money:

## THE REVIVAL OF CIVIL RIGHTS OBLIGATIONS IN HUD FUNDING PROGRAMS

*Editor's Note: This short article provides an "early warning" alert on an important housing issue that may well affect your community. I hope you'll plow through the acronyms and some of the legal background, as it's a topic worth becoming familiar with.*

by Michael Allen, Esq.

Since the late 1960s, states and municipalities receiving federal housing and community development funds – under the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and similar programs – have been required to certify that they will comply with federal civil right laws. Many have done so without understanding what is required by these certifications, assuming that the U.S. Department of Housing and Urban Development (HUD) would not challenge their validity.

Until recently, this assumption was largely correct, as HUD rarely questioned recipients on these issues and virtually never terminated or threatened to terminate funding. HUD simply did not press recipients to comply with their civil rights fair housing certifications. Consequently, from 1995 through 2009, hundreds of recipients bowed to NIMBY pressures,<sup>1</sup> ignored their certifications, and spent billions of dollars in federal funds to segregate affordable housing by placing most of it in already disadvantaged neighborhoods or communities.

In just the past year, however, this situation has begun to rapidly change – the result of a ground-breaking lawsuit against Westchester County, New York<sup>2</sup> – and the Obama Administration's interest

**RECIPIENTS OF FEDERAL HOUSING FUNDS WILL BE REQUIRED TO TAKE A HARD LOOK AT IMPEDIMENTS TO FAIR HOUSING CHOICE**

in reviving civil rights enforcement. Under emerging HUD guidelines and a stepped-up agency enforcement policy, recipients of federal housing funds will be required to take a hard look at impediments to fair housing choice in their jurisdictions and propose robust actions to overcome them.

This new environment will have a dramatic impact on communities across the country, whether they are one of the 1200+ "entitlement jurisdictions" receiving federal funds directly from HUD, or small cities or rural counties whose federal funds are channeled through a state community development agency.<sup>3</sup>

### Civil Rights

To be eligible for CDBG and related funds, state and local governments must certify that they will comply with a range of federal civil rights laws<sup>4</sup> and "affirmatively further fair housing." Since at least 1995, this last obligation, sometimes referred to as "AFFH," has required recipients to conduct an Analysis of Impediments (AI), in which they identify and analyze impediments to fair housing

choice within their jurisdictions, and outline appropriate actions to overcome those impediments. HUD also requires recipients to maintain records supporting the analysis and the actions taken to overcome impediments.

HUD requires state and local governments to use their AIs to list impediments experienced by members of all seven protected classes,<sup>5</sup> whether caused by intentional discrimination or by policies and practices that have a harsher effect on members of a protected class than on those not in a protected class.

Recipients, in their AI, must make an honest assessment of their own zoning, land use, building, and other ordinances that may decrease housing choice, and must design approaches that will counteract those negative effects. An AI is also required to look at impediments caused by private sector actors, including steering in the sales and rental markets, discriminatory lending practices, insurance redlining, and similar practices.

While recipients are encouraged to provide affordable housing, HUD makes clear that doing so does not fully satisfy the obligation to affirmatively further fair housing, where the focus is on eliminating discrimination on the basis of protected class and expanding housing opportunity regardless of income.

### Westchester County Goes Astray

Westchester County ignored HUD regulations and guidance. County officials had Census and other data showing that cities, towns, and villages in Westchester were dramatically segregated,<sup>6</sup> and

1 See, e.g., Michael Allen, "Why Not in Our Back Yard?" PCJ #45 (Winter 2002).

2 *United States ex rel. Anti-Discrimination Center v. Westchester County, New York*, Case No. 06-cv-2860, U.S. District Court for the Southern District of New York (settled in August 2009). Pleadings, legal memoranda, court decisions, and other materials on the case are available at: [www.antibiaslaw.com/wfc](http://www.antibiaslaw.com/wfc)

3 Because a significant portion of funds made available to communities through the American Recovery and Reinvestment Act of 2009 (ARRA) are programmed through the CDBG program, even "non-entitlement" jurisdictions and those that have never applied for funds from state CDBG or HOME pools will likely have to sign civil rights certifications prior to receiving ARRA funds.

4 These include, but are not limited to, Title VI of the Civil Rights Act of 1964; the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; the Fair Housing Act; and Section 109 of the Housing and Community Development Act of 1974.

5 The Fair Housing Act prohibits discrimination on the basis of race, color, religion, national origin, sex, familial status, and disability. People protected by

knew that nearly three-quarters of county-funded affordable housing was being built in racially-segregated, African-American neighborhoods.

Despite this the county's AIs in 1996, 2000, and 2004 made absolutely no mention of that segregation or of race-based impediments to fair housing choice. Moreover, even though the County's own appointed Housing Opportunities Commission had identified intense opposition to affordable housing in the whitest communities and the failure of 20 municipalities to build a single unit of affordable housing pursuant to the County's affordable housing "allocation plan," the AIs failed to mention these impediments.

The Anti-Discrimination Center of New York began an investigation of Westchester County's civil rights performance in 2005, requesting records to establish whether the County had truthfully made certifications of AFFH compliance. Document discovery in a subsequent lawsuit brought under the False Claims Act revealed the nearly complete absence of supporting records. As the then-County Executive testified at his deposition, he never read the AFFH certifications requiring his signature, and "signed whatever [he had] to sign to get the money from HUD."

On February 24, 2009, a federal judge concluded that more than 1,000 of the County's AFFH certifications – those in the annual applications and those implicitly made each time the County requested payment from the federal government based on annual written certifications – were false. Finding that HUD's 1995 *Fair Housing Planning Guide*<sup>7</sup> was persuasive authority, the court instructed the County (and other recipients) that the AFFH certifications were "not mere boilerplate," but were material and substantive requirements that are required for receipt of federal funds.

Within a few weeks of the court's ruling, HUD Secretary Shaun Donovan and Deputy Secretary Ron Sims were personally engaged in settlement negotiations with the county. Those efforts, combined with a temporary cutoff of funds to the county, culminated in a \$62.5 million settlement on August 10, 2009, requiring the county to develop 750 units of affordable housing in the whitest towns and villages in Westchester, and to affirmatively market them to people of color. In addition, the settlement requires the county to conduct a new AI and to consider all fair housing impediments.

Speaking not just to Westchester County, but also to the state and municipal recipients of HUD funds across the country, Sims noted that the agency would begin to "hold people's feet to the fire" on civil rights certifications.<sup>8</sup>

#### Scattering the Seeds of Westchester

While HUD has announced it will publish a proposed regulation toughening AFFH substantive and procedural requirements later this year, the agency has already become active in reviewing recipients' certifications and performance. The most notable instances involve St. Bernard Parish, Louisiana; the State of Texas; and the City of Joliet, Illinois. All three involve litigation or administrative complaints by grassroots advocates, alleging discrimination on the basis of race or national origin, and the failure to identify and analyze impediments experienced by people in those protected classes.

- In Louisiana, HUD threatened to withhold hurricane recovery funds to rebuild a hospital because St. Bernard had adopted a series of racially discriminatory ordinances with respect to multi-family housing.

- In Texas, HUD rejected the state's plan to spend \$1.7 billion in disaster

recovery money, in part because its seven-year old AI did not comply with federal requirements.

- In Illinois, HUD has taken enforcement action against the City of Joliet because the city allegedly used its eminent domain power in a discriminatory fashion to shut down affordable housing inhabited almost exclusively by low-income, African-American single mothers.

#### What It All Means for Municipal Planning

Planning professionals and planning commissioners across the country will increasingly be called upon to inform and guide their communities through the HUD-required planning processes. Communities whose planning departments and commissions are already immersed in conversations about addressing local housing issues will have a head start in developing robust AIs. Those with little experience in assessing the civil rights impacts of zoning, land use, building, and funding functions may have to bring in outside consultants to help develop compliant AIs.

One AI worth taking a look at – especially for those in small or mid-sized municipalities – is that of the City of Naperville, Illinois (a Chicago suburb), winner of an Illinois APA 2009 Best Practices Award.<sup>9</sup>

Planners would also do well – even before HUD's new regulations are in place – to dust off their copy of the HUD *Fair Housing Planning Guide* and review its roadmap on how to conduct an AI.<sup>10</sup> The *Guide* includes valuable suggestions on data sources and community involvement strategies. ♦

Michael Allen, Esq. is a partner in the civil rights law firm, *Relman & Dane, PLLC*, which engages in litigation and consulting throughout the country, principally in the areas of fair housing and fair lending. Allen was the firm's lead attorney in *United States ex rel. Anti-Discrimination Center v. Westchester County* and has a similar role in the *State of Texas* matter noted in this article.



these provisions are often colloquially referred to as the "protected classes."

6 The County's own data showed that 24 of these municipalities had African-American populations of 3 percent or less, and that others had block groups that were almost entirely African-American.

7 Available at: [www.nls.gov/offices/theo/images/fhpg.pdf](http://www.nls.gov/offices/theo/images/fhpg.pdf)

8 As reported by Peter Abelome in *The New York Times*, "Integration Faces a New Test in the Suburbs," (August 22, 2009).

9 Available at: [www.planningcommunications.com/ai/naperville\\_ai\\_2007.pdf](http://www.planningcommunications.com/ai/naperville_ai_2007.pdf) or [www.naperville.il.us/emplibrary/Boards\\_and\\_Commissions/lhacanalsisofimpediments.pdf](http://www.naperville.il.us/emplibrary/Boards_and_Commissions/lhacanalsisofimpediments.pdf)

10 See footnote 7 for download location.

# Coping with Economic Meltdown

by Gwendolyn Hallsmith

You are sitting in a public hearing about the zoning changes you have been preparing for the past year, fighting a sense of despair and futility. More projects have been abandoned than have been started. Money is tight – at least one of the cancelled projects lost its financing at the last minute. More than ever, it feels as if the title “Planning Commissioner” doesn’t reflect your role – shouldn’t planners be able to offer a path forward, even through dark times?

The local economic development authority has been working as hard as they can to attract new businesses. They spend money, even in the downturn, on trips to distant places to try and find the next big new enterprise to bring to town. They often return empty-handed. The economy elsewhere suffers the same sluggishness as here at home they say. Maybe when things pick up they’ll have better luck.

Is this search for external investment the best strategy for strengthening the local economy? Consider this:

1. The vast majority of new jobs are created by small and medium sized firms, not large employers.<sup>1</sup>

2. New markets, jobs, capital, technology, and economic expansion are generated when cities start to produce goods and services that were previously provided by distant exporters.

3. Start-up, innovative, entrepreneurial enterprises are on the increase in the 21st Century, while the large manufacturers that dominated the economies of the 19th and 20th Centuries are declining.

4. Local long-term wealth creation and economic security are dependent on local ownership of productive capacity; simply receiving wages for employment while the profits are exported to distant corporate centers robs the local economy

COMPANIES THAT ARE  
LOCALLY OWNED ARE  
MUCH MORE SENSITIVE  
TO COMMUNITY NEEDS

of the capital it needs to succeed.

5. An over-reliance on export-led development can undermine the long-term economic health of a community. More attention needs to be paid to local needs and markets. Similarly, communities that develop local exchange systems and reduce reliance on the national currency will also enhance long-term local wealth creation.

6. Companies that are locally owned are much more sensitive to community needs and environmental conditions, and can lessen a city or town’s vulnerability to job losses when economic downturns occur.

If the solution to your economic problems can be solved through local action, then perhaps there is more of a role for planning commissioners than you have been taking. If the traditional strategy of attracting direct investment from outside the community leads to a dead end, mobilizing local resources for local economic renewal will test the ability of local leaders to create conditions where new local enterprises can take root and succeed. It requires tenacity, flexibility, open-mindedness, and a willingness to take risks and try new things. It also requires understanding some basic points about economics.

How do you build real wealth? How does the local economic system work? Are there policies and practices you can introduce as a leader that will either foster wealth creation or block it? The term “economic system” is used so frequently that we often lose sight of its meaning.

Systems have certain characteristics, and by understanding more about how they work we gain valuable insights into how to improve our local economy.

All local economies run on four main sources of energy – money, water, food, and energy itself – oil, gas, solar, wind, etc. If you consider the health of your local economy, you need to regularly take the vital signs of these critical flows.

- Do you take steps to prevent money from flowing out of your local economy?
- Do you have enough water for all your needs, or do you need to import it from other regions?
- Do you produce enough food and energy for people and the economy, or does most of what you consume come from distant places?

One way to start to build real local wealth is to understand all the outflows, and to try and start producing locally whatever you are buying from other places. Gathering the data, identifying the most promising strategies and alternatives, setting priorities, all of these activities are exactly what planning commissioners do best. ♦

Gwendolyn Hallsmith is Director of Planning & Community Development for the City of Montpelier, Vermont. In our Summer issue, Hallsmith will continue with a look at steps communities can take to put together a local economic development plan.



<sup>1</sup> The first study that documented this fact was David Birch’s *The Job Generation Process* (M.I.T. Program on Neighborhood and Regional Change, 1979). This was followed by “Tracking Job Growth in Private Industry,” by Richard Greene of the Bureau of Labor Statistics, published in the September 1982 *Monthly Labor Review* (available online at: [www.bls.gov/opub/mlr/1982/09/art1exc.htm](http://www.bls.gov/opub/mlr/1982/09/art1exc.htm)). For readers interested in learning more about the importance of local economies, please take a look at Jane Jacobs’ landmark book, *Cities and the Wealth of Nations*.

# Stop, Look, Loiter

by Dave Stauffer

Use of the word 'loitering' is usually pejorative. The Merriam-Webster dictionary says loitering is "to remain in an area for no obvious reason." Wikipedia says it means "to stand idly, to stop numerous times, or to delay and procrastinate."

So it would seem that the person who loiters isn't industrious, nor accomplishing anything of benefit to him or herself, let alone contributing to the common good.

I contend that the pejorative sense of loitering isn't always accurate; that, in fact, loitering done in a way I describe below – by planning commissioners, no less – can benefit the person doing the loitering and the community. This can happen when loitering is defined as careful observation, specifically, of people interacting with the built environment.

The modern pioneer of this activity was William H. (Holly) Whyte, who from 1969 till his death in 1999 used detailed visual analysis to learn how people actually use public spaces. His studies revealed, for example, that people will create their own paths between two points, if the constructed path is found wanting in any way. They'll find their own ways to follow the sun in winter and avoid it in summer. They'll find ways to be observed when they seek attention and be inconspicuous when they don't.<sup>1</sup>

For newly appointed commissioners, loitering can be a revelation and a great introduction to serving on the commission. For veteran commissioners, loitering offers a way to stay (literally) grounded. For all commissioners, there are benefits to taking the time to slow down and observe for yourself whether people living and working in your community are enjoying or having problems with their surroundings.

What might be learned by loitering? A good many observations can be classified under a few broad headings:

1. *Weather and climate.* How people cope – or, more importantly, are unable to cope – with the weather and sun can beneficially inform such code requirements as those dealing with maximum permitted building height and setbacks, landscaping, and the composition and design of streets.

**OBSERVE FOR YOURSELF  
WHETHER PEOPLE ARE  
ENJOYING OR HAVING  
PROBLEMS WITH THEIR  
SURROUNDINGS.**

But the loiterer need not be concerned immediately with these matters. He or she does better by simply observing – noting, for example, that those walking on a winter's morning on the east side of north-south streets are having trouble with icy patches. Or that a gutter along the exposed side of a corner building with zero side setback can't handle runoff during a downpour.

2. *Getting around.* If you regularly read the *PCJ*, you need no introduction to the intensifying conflicts between those driving cars versus those riding bicycles, or between almost any two other means of conveyance. The observant loiterer who locates at a busy intersection during rush hour or at midday will get a good education (and possibly learn some new four-letter words).

Less dramatically, but likely more productively, the loiterer may have an experience that prompts the thought – as happened in my town – to change traffic patterns at a high-conflict location. This insight by one of our planning commissioners ultimately led to the city taking steps to change an awkward half-block long diagonal street bisecting our arts district from two-way vehicle traffic to one-

way traffic on one lane with new diagonal parking where the other lane had been.

3. *The stroller's experience.* Seemingly minor details can be important. By taking the time, for example, to observe how people use the sidewalks downtown, you may gain a better feel for the dynamics of how people experience and interact with their immediate environment.

Are sidewalks wide enough that pedestrians aren't running into each other like Dr. Suess's north and south-going Zax? Obstructions such as benches, bike racks, merchandise display racks, planters, and street lights can be a good thing – if they're used, provide visual variety, and aren't continually being run into by passersby. The goal for planners is a street scene that imparts a feeling of energy but stops short of being chaotic.

The practical value of loitering for commissioners consists largely of helping us to see daily outdoor life in new ways. And although this activity won't often spur new law or regulation, such an outcome isn't out of the question.

In my city, for example, it was a commissioner's mid-winter loitering that contributed to an amended rule requiring merchants to keep sidewalks clear of snow, not just for the length of their street frontage, but also extending to cross streets for shops on corner lots.

Results like these could give loitering a good name. ♦

*Dave Stauffer is a freelance writer and chairman of the Yellowstone Business Partnership. He is also a former city planner, planning commission chair, and city council member in his home town of Red Lodge, Montana.*



<sup>1</sup> More on William H. Whyte, including a short video from his "The Social Life of Small Urban Spaces" video, is posted on the PlannersWeb at: [www.plannersweb.com/whyte.html](http://www.plannersweb.com/whyte.html).



**Gregory J. Padick**

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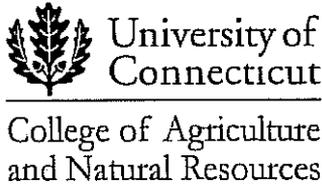
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Chester Arnold  
Associate Director  
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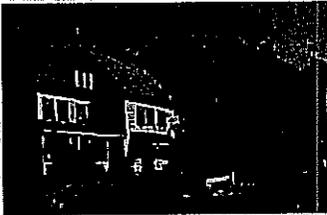
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**A Design Workshop with Randall Arendt**  
***Reinventing the Commercial Strip***  
***& Creating New Mixed-Use Centers***

**May 17, 2010 6:00-8:30 PM**



Communities throughout The Last Green Valley struggle with commercial development, which is often seen as a necessary component of balancing a community's grand list. But communities large and small, struggle with how to make that development fit in with the special character of the region. Some of the region's larger towns now have older commercial corridors that are deteriorating and do not meet the needs of today's businesses and residents. The region's smaller towns struggle with how to create new commercial or mixed-use centers at an appropriate scale and without sewer and water infrastructure in place.

This workshop will focus on practical ways of reclaiming existing highway strips characterized by dysfunctionality and visual blight, and creating new centers. Multiple strategies blending the twin disciplines of Conservation Design and New Urbanism will be discussed. These concepts offer significant opportunities for commercial and mixed-use development and redevelopment, increasing the viability of businesses and service providers, and creating a more enjoyable experience for customers and residents.

A digital slideshow will illustrate progressive approaches to reinventing commercial strips. Topics will include the importance of shade tree planting, design standards, signage, native landscaping, improved circulation patterns, parking lot orientation, stormwater infiltration/recharge, night sky protection, solar features, multi-story mixed-use buildings, affordable housing and public transit possibilities.

This topic is of interest to civic leaders, Planning and Economic Development Commission members, professional planners, landscape architects, and engineers, commercial property owners and investors, and developers, who stand to benefit from the redevelopment and adaptive reuse of aging highway commercial corridors and the development of new rural village centers.

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**A Design Workshop with Randall Arendt**

**May 17th 6-8:30pm**

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**Please register by May 10th**

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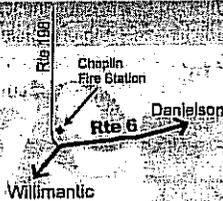
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**Green Valley Institute**, a cooperative venture among The Last Green Valley, UConn College of Agriculture and Natural Resources, UMass Extension, The Nature Conservancy and numerous other partners. It is dedicated to: Improving the knowledge base from which land use and natural resource decisions are made, and building local capacity to protect and manage natural resources as our region grows.



**Connecticut Environmental Review Team (ERT)** provides a public service available to all Connecticut municipalities free of charge to assist them in environmentally sound decision-making. For more information visit [www.ciert.org](http://www.ciert.org)

**Connecticut Chapter of the American Planning Association (CCAPA)** dedicated to advancing the practice of good planning in Connecticut by providing our members with up-to-date information about current planning issues and techniques. [www.ccapa.org](http://www.ccapa.org)





Town of Mansfield  
Office of the Town Clerk

To: Staff Members  
From: Mary Stanton, Town Clerk  
CC: Matt Hart, Town Manager, Maria Capriola, Assistant to the Town Manager  
Date: April 19, 2010  
Re: Policy Regarding Advisory Committees' Communications with Outside Agencies

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On February 22, 2010 the Town Council referred the Policy Regarding Advisory Committees' Communications with Outside Agencies to the Committee on Committees for their review. The policy was first established in a February 3, 2000 letter to Mansfield Advisory Committees and staff from Mayor Elizabeth Paterson and Town Manager Martin Berliner. Subsequently, on June 8, 2009 the Council approved the inclusion of the policy in the Policy Index of the Mansfield Town Council.

After a thorough review the Committee on Committees recommended that the policy, as currently written, remain in effect. This recommendation was communicated to the Council at their April 12, 2010 meeting.

The policy is as follows:

In conjunction with its review of the various responsibilities and roles of the Town's numerous elected and appointed commissions, committees and staff members, Mansfield's Town Council has discussed the issue of who should speak for the Town of Mansfield. We are fortunate to have many dedicated citizens serving on our boards and committees and a qualified and supportive staff, but it can be counter-productive to the Town's overall interest to have multiple opinions communicated to individuals or agencies outside of the Town's collective organization. On a number of recent occasions, letters have been sent by appointed advisory boards to State elected and appointed officials and private businesses. Some of the positions expressed in these letters have been inconsistent with the position of the Town Council. This situation has led to confusion over the Town's position on an issue of town-wide importance.

To address this issue, the Town Council, as Mansfield's elected policy board, has agreed to request that all advisory boards and staff members submit comments or concerns on issues of town-wide importance to the Town Council or Town Manager and not to State or private parties. We value your input and all comments and recommendations will be considered in developing policy positions for the Town. As

private citizens, you of course, retain your right to speak your mind. When you do so, please ensure that you are speaking as an individual, not as a representative of the Town of Mansfield."

**Please communicate this policy to your committees' members.**



**TOWN OF MANSFIELD**  
**DEPARTMENT OF PUBLIC WORKS**

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Lon R. Hultgren, P.E., Director

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CONNECTICUT 06268-2599  
(860) 429-3331 TELEPHONE  
(860) 429-6863 FACSIMILE

April 21, 2010

Mr. Warren Church, President  
Joshua's Tract Conservation and Historic Trust, Inc.  
PO Box 4  
Mansfield Center, CT 06250

Dear Mr. Church:

Re: Your letter of February 17, 2010 concerning the replacement of the Stone Mill Bridge in Mansfield

My apologies for taking so long to respond to your letter. We have researched the procedures and costs to implement the suggestions in your letter and can respond what we believe to be favorably to your requests.

**Stone Pattern/Color** – we will be happy to work with you or your representatives to select an appropriate color for the patterned concrete features of the bridge. While we have some experience in this in our recent construction of the retaining wall on Separatist Road, we are certainly willing to select patterns and colors that are agreeable to the Trust. We will plan on notifying you in advance of when this selection needs to be made (most likely during construction) so that we can have an appropriate meeting to perform this selection.

**Guardrails** – Early in the design process, we looked carefully at an alternative to use stone walls as the “guardrails” at the ends of the bridge, but had to abandon this concept because of the huge grading/earthwork impact this would create at the Grist Mill end of the bridge. Our alternative, which we did discuss with Rudy Favretti, was to use painted metal guardrails similar to the painted guardrails on nearby Gurleyville Road. However, we are willing to use timber guardrails at the bridge ends, and have looked at the cost this would add to the construction and believe it can be done (the federal bridge grant will cover 80% of the additional cost). So based on your request, we have instructed our designers to include the wooden guardrails as part of the project.



As you may be aware, while the Town referendum results in November of 2009 were roughly 2 to 1 in favor of authorizing the bonding for the Town's share of this project, not enough registered voters voted in this election to meet the Town's 15% of the registered voters requirement, so the local authorization will again be on the ballot this coming fall. Assuming it will pass (and enough voters vote!) we expect to construct the new bridge in 2011.

Thank you for your thoughtful input for this project. We look forward to having the new bridge compliment this scenic area.

Sincerely,



Lon Hultgren  
Director of Public Works

cc: L. Pippin, GM2 Assoc  
G. Meitzler, Assist Town Engr  
T. Veillette, Project Engr  
M. Marzi, DOT Right of Way  
T. Timberman, Close, Jensen & Miller  
R. Favretti ✓  
file



# Willimantic River Review

Spring 2010

## Water Trail Celebration

As part of The Last Green Valley's "Source to Sea" project in 2009, three Water Trails were developed along the Quinebaug River. This year TLGV is expanding its effort to other rivers in northeast Connecticut, and the Willimantic River Alliance is participating by formally designating the **Willimantic River Water Trail** from Stafford to Windham.

Although paddlers have enjoyed the river for many years, this project will improve access to the river and provide better information about water features. With help from John Monroe of the National Park Service, a steering committee has inventoried current and potential launch sites and is drafting an updated Paddler's Guide. This guide will be added to our website's Paddling page during the summer.

Your suggestions for the trail are welcome! Join us at our **Water Trail Open House** on April 28 to share ideas and preview the new Paddlers Guide. Or come to River Park in Mansfield on **National Trails Day** (June 5) for an official ribbon cutting, celebration and family paddle along the river. Check the Calendar inside for details.

## River Study Results

When the University of Connecticut's wells draw water from the aquifer adjacent to and under the river, they reduce the river's flow next to the wells and, to a lesser extent, downstream for two miles to Eagleville Lake. The **Willimantic River Study** was proposed to find out how much flow is needed to sustain aquatic life in the river and how withdrawals by the UConn wells could affect that necessary amount of flow.

In 2008, UConn contracted with Milone & MacBroom to perform this study, which is nearing completion. M & M found that, for most of the year, there is enough water for both wells and stream flow at UConn's current level of water usage. Problems have occurred during low flows in summer and early fall when warm weather and returning students create high water demands. The February, 2010 draft study recommends low-stream-flow thresholds that could trigger water

conservation actions at UConn and the surrounding Storrs area. If the new Merrow in-stream USGS gauge upstream of the wells drops to 15 cfs (cubic feet per second passing by the gauge), then water conservation measures should begin. If the gauge drops as low as 8 cfs then water withdrawals should be reduced or an additional water source should be used. (In the Fall 2007 drought, stream flow by the wells was as low as 8 cfs.)

The study recommends potential solutions to address the seasonal low-flow/high-demand period. 1) Reduce UConn's need for well water by creating a reclaimed water facility (recycled water system) to supply the 500,000 gallons per day needed by the central utility/cogeneration plant on warm days. 2) Create additional water sources, such as drilling new wells or piping water from the Shenipsit Reservoir in Tolland. 3) During low flows, supplement the river's flow by releasing additional water from impoundments (reservoirs) upstream in Stafford and Ellington. Any of these measures would help preserve an adequate flow for aquatic life in the river.

The Alliance was represented on the study's Technical Advisory Group by Meg Reich. Recently, WRA submitted a letter of support for the study's recommendations. This study (and the Fenton River Study) will provide a scientific basis for UConn's upcoming update of its Water Supply Plan and will help protect the natural features and wildlife in both rivers.

## Riverwatch

\*Ct. DEP has proposed the first **Connecticut Stream Flow Standards and Regulations**. During the public comment period, WRA submitted a letter supporting the proposal as an important tool to maintain the health of the state's rivers. We also submitted suggestions for changes that could improve the effectiveness of the proposed regulations.

We raised an **important question**: Would those who have a current diversion permit (such as Tolland's well next to the Willimantic River) be required to participate in and comply with a "collective impact assessment" for the whole river? The proposal exempts current permit holders from the proposed regulations, but to effectively protect a river, the regulations should not address each diversion or dam in isolation. WRA recommended that a collective impact assessment must include ALL diversions. There was loud opposition to the proposed standards and regulations from vested interests, such as industries and water companies that divert water from the state's rivers. DEP will consider all of the comments and update the proposal before it goes to the state legislature for consideration.

\*The Willimantic River Alliance is represented on the new **Mansfield Four Corners Sewer and Water Advisory Committee**, which is researching improvements to the commercial area at the junction of Rts. 195 and 44 in Storrs. Failing septic systems and contaminated wells have caused DEP to advise sewer upgrades for the area. This new group is also looking into the need for a public drinking water supply. Most of the land is in the river's watershed, and this project could impact Cedar Swamp Brook (a tributary to Eagleville Lake). To ensure protection of these waterways, the Alliance is advocating for an environmentally responsible plan.

\***Time to get involved!** The Alliance is looking for additional representatives for its board of directors, especially from the lower river area. We meet eight times a year to discuss river-related issues and plan the Alliance's advocacy actions, workshops and recreational events. We welcome your input whether or not you wish to join the board. Our meetings are at the Tolland Town Hall at 7:00 p.m. on the fourth Wednesday of the month. You can always contact us at [info@willimanticriver.org](mailto:info@willimanticriver.org).

### The Greenway Grows

**STAFFORD** The Norcross Wildlife Foundation has purchased 244 acres on the hillside above Staffordville Lake. This protects the immediate watershed of Furnace Brook, which joins Middle River in Stafford Springs to form the Willimantic River headwaters. NWF has preserved 8000 acres in Connecticut and Massachusetts, much of it within the river's watershed.

**TOLLAND** Last fall, Tolland purchased the 28-acre Becker property along the river. This parcel is on South River Road next to River Park, and it adds an additional 1500 feet of protected river frontage. The property will not be open to the public until a privately owned gravel removal operation has been completed.

**COVENTRY** Riverview Drive extends along the river from the Merrow Bridge to Jones Crossing Road. The east side of this road is the protected open space of Riverview Trail Park. When the Coventry Planning and Zoning Commission designated this as a scenic road, one of the commissioners cited WRA's letter of support as a factor for his favorable (and deciding) vote.

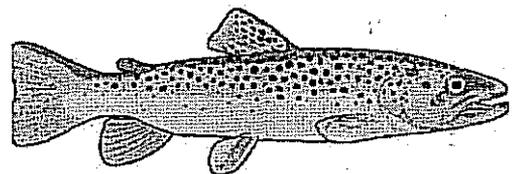
### Spring Paddling Tips

Water levels can make or break a canoe/kayak trip on the river. Before going out, check the USGS Willimantic River stream gauge (in South Coventry) at the Alliance website's Recreation page, Paddling section. **Launch sites and maps** are also in this section.

**Safety tips:** state law requires that between October 1 and May 30 each person must wear a life jacket (PFD), and year-round there must be a PFD aboard for each person. Bring an extra rope and paddle, and tell someone where you plan to launch and take out. If you are a beginner, the safest place to try river paddling is in the slow current at River Park's handicapped-access boat launch on Plains Road (off of Rt. 32 just south of the Rt. 44 intersection in Mansfield Depot).

### Fishing Season Opens

The river is stocked with trout, and the first day to try for a big one is **Saturday, April 17**. Fishing licenses and the 2010 Ct. Angler's Guide are available at all Town Clerk offices. Year-round fly fishing (catch-and-release) is available in the Cole Wilde Trout Management Area between Tolland and Willington. It extends for three miles from the mouth of Roaring Brook downstream to the Rt. 74 bridge. Check the Alliance website's Recreation page, Fishing section, for a link to a TMA map.



## Calendar

The Alliance is now posting events on its **blog**. You can link to it from our website's Events page and find the latest posting, or check out the website's **Parks and Trails Guide** and explore one of the 25 public access areas along the river.

### Saturday, April 24

**Upper Willimantic River Paddle** Canoe or kayak down this beautiful stretch of river for 8 miles from Tolland to River Park in Mansfield. Sponsored by AMC Ct. Chapter. For experienced paddlers with their own boats. Bring water and lunch. Life jackets required. Contact Betty at 860-429-3206 or [pbrobinson@snet.net](mailto:pbrobinson@snet.net) to register.

### Wednesday, April 28

**Water Trail Open House and WRA Annual Meeting** Bring your suggestions for the water trail, preview the new Paddling Guide, and have some pizza! 6:00 p.m. at Willington Pizza (on Rt. 195 a half-mile north of Rt. 32). Annual meeting at 7:00.

### Saturday, May 15

**Lower Willimantic River Paddle** Canoe or kayak for 7 miles from Eagleville Dam to the Rt. 66 rest stop. Sponsored by AMC Ct. Chapter. For experienced paddlers with their own boats. Bring water and lunch. Life jackets required. Contact Betty at 860-429-3206 or [pbrobinson@snet.net](mailto:pbrobinson@snet.net) to register.

### Saturday, May 22

**Willimantic Riverfest** Family paddling down the river from Eagleville Dam to Willimantic. Sponsored by The Chamber of Commerce and Willimantic Whitewater Partnership. Information: [www.windhamchamber.com](http://www.windhamchamber.com) or 860-423-6389.

### Saturday, June 5

**Water Trail Celebration and Family Cruise on the River** Ribbon cutting and celebration at 10, followed by an easy flatwater trip for canoes and kayaks from River Park to Eagleville Lake. Choice of short or long (two mile) round trip. Bring your own boat.

Life jackets required for all participants. Bring water, lunch optional. Moderate to heavy rain cancels. Time: 10 a.m. to noon. Meet at River Park on Plains Road in Mansfield. Sponsored by Willimantic River Alliance and Mansfield Parks and Recreation Department. For information, call 429-3015 x 204.

**Contributors:** Vicky Wetherell, Meg Reich

**Design and Layout:** Ella Ingraham

Inquiries or submissions for the Fall 2010 Edition may be submitted to:

WRA, P.O. Box 9193, Bolton, CT 06043-9193  
or [info@willimanticriver.org](mailto:info@willimanticriver.org)

View previous newsletters at  
[www.willimanticriver.org](http://www.willimanticriver.org).

## Web Wise

**Eagleville Brook** has suffered from excessive stormwater runoff from the UConn campus and nearby development. The Environmental Protection Agency and the Thames River Basin Partnership websites offer good information about the brook's problems, its TMDL project, and efforts to reduce stormwater impacts. The Alliance website has links to these sites on the Conservation page under Current Status and Issues, Impaired Waterbodies List.

For local **natural resource information**, you can't beat a new website sponsored by Ct. DEP and UConn's CLEAR project.

[www.cteco.uconn.edu](http://www.cteco.uconn.edu) offers maps with your choice of overlays showing a variety of data, from watersheds to critical habitats.

**Willimantic River Alliance – Membership Form**

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Town \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 E-Mail \_\_\_\_\_ Phone \_\_\_\_\_

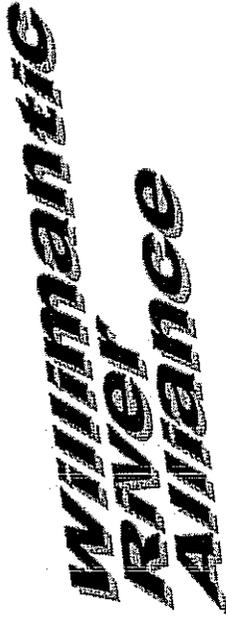
Contact me about volunteer opportunities for the WRA

Mail completed form and check to:

WRA at P.O. Box 9193, Bolton CT 06043-9193

Memberships	Annual Dues
Senior/Student	\$ 5.00
Individual	\$10.00
Family	\$15.00
River Steward	\$ 50.00
Patron	\$ 250.00 (Lifetime Member)

**Thank you for joining the Alliance! Your membership dues may be tax deductible.**



Founded in 1996, the Alliance has a mission “to protect and preserve the Willimantic River through cooperative and educational activities that promote regional awareness, stewardship, and enjoyment of the river and its watershed.” As a coalition of citizens, officials and local agencies, the Alliance sponsors events such as regional forums and outings and publications, including a newsletter and website [www.willimanticriver.org](http://www.willimanticriver.org). Our email address is [info@willimanticriver.org](mailto:info@willimanticriver.org).

Willimantic River Alliance, Inc. is a nonprofit 501 (c) (3) tax-exempt corporation. The Alliance promotes development of the Willimantic River Greenway, an official state greenway along the river’s 25 miles from Stafford Springs to Willimantic. This regional project aims to connect recreational, historical and natural resource features along the river. These connections are being created by the nine riverside towns through natural resource preservation and recreation projects, such as linking trails and improving access to the river.

The river’s watershed includes seventeen towns: (in Ct.) Andover, Ashford, Bolton, Columbia, Coventry, Ellington, Hebron, Lebanon, Mansfield, Stafford, Union, Tolland, Vernon, Willington, Windham, and (in Mass.) Monson, Wales.

**Spring 2010**

**WILLIMANTIC RIVER ALLIANCE**

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