

AGENDA
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting, Monday, October 17th 2011, 7:00 p.m.
Council Chambers, Audrey P. Beck Municipal Building

Minutes

10/3/11; 10/11/11 Field Trip

Scheduled Business

7:05 p.m. Public Hearing

Live Music Permit Renewals, PZC File #895

Memo from Zoning Agent

Zoning Agent's Report

- A. Monthly Activity Report
- B. Enforcement Update
- C. Cease and Desist Order-Freedom Green
- D. Other

Old Business

1. **Request for Scenic Road Designation, Gurleyville Road (from Route 195 to Codfish Falls Rd)**
PZC File # 1010-8
2. **Request for consideration of Payment in Lieu of Conservation Easement, Listro Property,**
PZC File #1296
3. **New Special Permit Application for wedding venue, 552 Bassetts Bridge Road, J. & J. Bell o/a,**
PZC File #1217-2
(Public Hearing to be tabled to 11/7/11- awaiting revised plans from application)
4. **New Special Permit Application, Building Replacement & Expansion, 173 Storrs Rd,**
Natchaug Hospital o/a. PZC File #1305
(to be tabled-pending 11/7/11 Public Hearing)
5. **Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog**
Lane, File #1049-7
(to be tabled-awaiting information from the applicant)
6. **Other**

New Business

1. **Football Field Lighting at E.O. Smith**
Memo from Director of Planning & Development
2. **Request for Extension Whispering Glen**
Memo from Zoning Agent
3. **2012 Draft PZC/IWA Meeting Schedule**
Memo from Director of Planning & Development
4. **Other**

Reports from Officers and Committees

1. Chairman's Report
2. Regional Planning Commission
3. Regulatory Review Committee
4. Other

Communications and Bills

1. 9/29/1 letter from CT Siting Council Re: UConn Fuel Cell installation
2. 2010 Census: Mansfield Demographic Summary
3. ZBA Decision Notice: October 12, 2011
4. Other

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DRAFT MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, October 3, 2011
Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, G. Lewis, B. Ryan
Members absent: P. Plante, B. Pociask
Alternates present: K. Rawn, V. Ward
Alternates absent: F. Loxsom
Staff Present: Linda M. Painter, Director of Planning and Development
Curt Hirsch, Zoning Agent

Chairman Favretti called the meeting to order at 7:29 p.m. and appointed alternates Rawn and Ward to act in members' absence.

Minutes:

09-19-11- Hall MOVED, Ryan seconded, to approve the 9/19/11 minutes as written. MOTION PASSED UNANIMOUSLY. Ward stated that she had listened to the recording of the meeting.

Public Hearing:

New Special Permit Application for wedding venue, 552 Bassetts Bridge Road, J. & J. Bell o/a, PZC File #1217-2

Chairman Favretti opened the continued Public Hearing at 7:30 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Lewis, Ryan and alternates Rawn and Ward who were both appointed to act. Hall disqualified himself. Linda Painter, Director of Planning and Development, noted the following communications received and distributed to members of the Commission: a 10/3/11 memo from Linda Painter, Director of Planning and Development; a 9/29/11 memo from Grant Meitzler, Assistant Town Engineer; 8/25/11 & 9/26/11 memos from Geoffrey Havens, EHHD; a 7/29/11 memo from Windham Water Works; an 8/2/11 memo from the Agriculture Committee; a 7/15/11 postmarked letter from Tina and Roger Abell of 706 Bassetts Bridge Road; an 8/18/11 letter of support from James Sauve of 29 North Windham Road; a 9/27/11 email from Daniel Civco of 544 Bassetts Bridge Road; and an 8/10/11 email from Bob Wyss and Diane Sprague of 538 Bassetts Bridge Road.

Wesley and Jean Bell, owners, agreed to have all comments and testimony from the Inland Wetlands Agency meeting entered into the record for the Planning and Zoning Commission's Public Hearing. Mrs. Bell submitted for the record a 10-3-11 email of support from Gloria Bent. Mrs. Bell reviewed the seating layout of the existing barn noting that as part of the first phase they will be installing a new septic system, building a 12'x26' addition to the existing barn that will accommodate two handicap accessible restrooms. They will be utilizing a tent outside the barn "as needed" to accommodate guest receptions. The second phase consists of a 20'x60' addition to the barn which will seat 100 guests inside the barn, no longer necessitating a tent. They anticipate anywhere from twenty-five to sixty cars per event, depending on each individual event.

Painter announced that the Bells and their engineer will be meeting with Planning, Health, Building and Fire Marshal staff on Thursday, October 6th to discuss the requirements that each department has for the project.

Chairman Favretti noted no questions from the Commission and asked for public comment.

Bob Wyss, 538 Bassetts Bridge Road, stated that he is happy with the Bell's garden center operation thus far, but is concerned with the impact from potential noise, security and traffic. He felt that the proposal changes this site from a residential farm to a commercial wedding venue, noting that there will be an increase in hours of operation plus the addition of alcohol and music at the site. He asked that the Commission make sure that these issues are addressed to ensure minimal impact to the neighbors.

Dan Civco, 544 Bassetts Bridge Road, reiterated Wyss' concerns, stating that he is happy with the Bell's garden center operation thus far, but is concerned with the impact from potential noise, security and traffic. He noted that he doesn't feel the noise model used to analyze potential impact was adequate to determine how music will impact the neighbors.

Chairman Favretti noted no further questions or comments from the Commission or the public. Holt MOVED, Beal seconded, to continue the Public Hearing to the next meeting. MOTION PASSED with all in favor except Hall who had disqualified himself.

Public Hearing:

Request for Scenic Road Designation, Gurleyville Road (from Route 195 to Codfish Falls Rd) PZC File # 1010-8

Chairman Favretti opened the Public Hearing at 7:53 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Lewis, Ryan and alternates Rawn and Ward who were both appointed to act. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in the Chronicle on 9/20/11 and 9/28/11 and noted the following communications received and distributed to members of the Commission: a 10-3-11 memo from the Director of Planning & Development; an 8-1-11 letter from A. Roe, Director, UConn Office of University Planning; and a 9-28-11 letter from F. Martin.

Benjamin Sachs, applicant, read into the record a 10-3-11 statement with accompanying pictures which were previously distributed to members. His statement summarized why he felt his application is justified. He also submitted into the record a letter of support from Quentin and Margaret Kessel of 97 Codfish Falls Road.

Chairman Favretti noted no questions from the Commission and asked for public comment.

Matthew Maynard, 114 Gurleyville Road, requested that the Commission deny the application because he felt the scenic road designation would lessen the opportunity for public safety improvements (i.e.: sidewalks) to be made on Gurleyville Road. He noted how dangerous it is for pedestrians and children playing in their yards due to the volume and speed of vehicles and the contours of the road.

Susanne Davis, 97 Gurleyville Road, strongly urged the Commission to approve the request, noting it is in the spirit of the town to preserve its beauty and history, adding that Gurleyville Road has both. She agreed that the traffic volume and speed is a problem, but doesn't think that denying the request would secure safety improvements.

Helen Collins, 216 Gurleyville Road, questioned what negative impact approving this request would have on frontage owners.

Kent Newmyer, 98 Gurleyville Road, stated that he is in favor of this application.

Chairman Favretti noted no further questions or comments from the Commission or the public. Beal MOVED, Ward seconded, to close the Public Hearing at 8:13 p.m. MOTION PASSED UNANIMOUSLY.

Zoning Agent's Report:

Hirsch noted that he visited the Gibbs Gas Station and the site has been cleaned of yard debris. Favretti urged Hirsch to contact Paideia, noting no plantings have been installed yet as promised.

Old Business:

1. Design Review Panel Architect Vacancy, Appointment of New Member

Holt MOVED, Hall seconded, to appoint Mr. Jeffrey Allen Brown as a member of the Design Review Panel for a term of two years, ending August 1, 2013. MOTION PASSED UNANIMOUSLY.

2. Live Music Permit Renewals, PZC File #895

Tabled, pending a Public Hearing scheduled for 10/17/11.

3. **Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**

Tabled, awaiting information from the applicant.

New Business:

1. **Modification Request: Building Area Envelope Revision, 87 Jonathan Lane, PZC File #1113-3**

Holt MOVED, Rawn seconded, that the PZC receive the 9/16/11 Request for Site Modification for a revision to the Building Area Envelope at 87 Jonathan Lane and schedule a field trip to the site as part of its review. MOTION PASSED UNANIMOUSLY. A Field Trip was set for 10-11-11 at 1:30 p.m. to view the site.

2. **Request for consideration of Payment in Lieu of Conservation Easement, Listro Property, PZC File #1296**

Linda Painter, Director of Planning and Development, summarized the applicants' request and the reasons for the request, noting that the Open Space Preservation minutes of 9-27-11 recommendation that the applicants request be approved. Joseph Boucher, Towne Engineering, distributed and reviewed a 10-3-11 handout titled "Listro Summary" which summarized the approvals of the sub-divisions from 1977 to present. Attorney Jack Guarnaccia, for the Listro Family, stated their reason for bringing this request before the Commission, noting that this would be the first-ever payment to the Town in lieu of a conservation easement/open space dedication.

Concerns raised by members included: setting a precedent; whether to allow the easement to be removed in lieu of payment on all three Listro lots or just the two that are currently developed; and a dollar figure for the payment in lieu. After extensive discussion between the applicant and representatives, staff and Commission, Goodwin volunteered to draft a motion for the next meeting. It was noted that a filing extension request will be necessary. Boucher of Towne Engineering will submit a request for the next meeting.

3. **New Special Permit Application, Building Replacement & Expansion, 173 Storrs Rd, Natchaug Hospital o/a. PZC File #1305**

Goodwin MOVED, Holt seconded, to receive the Special Permit application (file #937-5) submitted by Natchaug Hospital for a building replacement and expansion on property located 173/180 Storrs Road as shown on plans dated 8/16/2011 as shown and described in application submissions, and to refer said application to staff and committees, for review and comments and to set a Public Hearing for 11-7-11. MOTION PASSED UNANIMOUSLY.

4. **Village Street Plan Presentation, PZC File #1246-8**

Linda Painter, Director of Planning & Development, updated the Commission on the Village Street Plans, noting that Chairman Favretti has reviewed the plans and noted a few items that needed to be revised, to which the applicant has agreed. She noted the Village Street Public Hearing on Tuesday, October 4th at 7:00 p.m. in Council Chambers.

Reports from Officers and Committees:

Chairman Beal of Regulatory Review stated that due to the lack of a quorum for the October 12 Regulatory Review Committee meeting, he will meet with the Director of Planning and Development to begin working on a list of items to be discussed. The next meeting will be October 26th at 1:30 p.m.

Communications:

Noted.

Adjournment:

Chairman Favretti noted the Field Trip set for 10-11-11 at 1:30 p.m., and adjourned the meeting at 9:23 p.m.

Respectfully submitted,

Katherine Holt, Secretary

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MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION FIELD TRIP

Special Meeting

Tuesday, October 11, 2011

Members present: R. Favretti, J. Goodwin, K. Holt, K. Rawn (item 1 only),
B. Ryan (item 1 only), V. Ward (item 1 only)

Staff present: G. Meitzler, Wetlands Agent, Assistant Town Engineer
L. Painter, Director of Planning and Development
C. Hirsch, Zoning Agent

The field trip began at 1:30 p.m.

1. Special Permit Application, Building Replacement & Expansion, 173 Storrs Rd, Natchaug Hospital o/a. PZC File #1305
Members were met on site by Jim Rose, Rose Construction and Mike Strychaz, Natchaug Hospital. Site and neighborhood characteristics in addition to the existing conditions and areas of proposed work were noted. No decisions were made.
2. Modification Request: Building Area Envelope Revision, 87 Jonathan Lane, PZC File #1113-3
Members observed the site noting the existing conditions and areas of proposed work. No decisions were made.

The field trip ended at approximately 2:25 p.m.

Respectfully submitted,

K. 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

To: Planning & Zoning Commission
From: Curt Hirsch, Zoning Agent *CBH*
Date: September 21, 2011

Re: Live Music Permit Renewals (PZC #895)
Huskies Restaurant, 28 King Hill Rd., (file #780-2)
Pub 32 (formerly Stonewall Tavern), 847 Stafford Rd., (file #595)
Ted's Restaurant, 16 King Hill Rd., (file #1107)

The use of live music is permitted with special permit approval under Article VII of the Zoning Regulations, as accessory to a permitted restaurant use. Any special permit for live music shall expire on November 1st of each year and may be renewed upon application and Public Hearing. All three of the active live music permit holders have requested a renewal of their special permits and paid a renewal fee.

I have reviewed the current special permit approvals granted by the Commission for the three restaurants noted above. The 2010 approvals are included in your packets for the 10/17/11 hearings. My records show that there have not been any complaints filed with me in connection with the use of live music at any of the permitted premises. As much as I am aware each has been operating in compliance with the regulations and with any attached conditions of approval. Each operator received a copy of their respective, existing special permit conditions, along with their renewal applications. All of the existing special permit conditions would remain applicable unless modified by the Commission.

Pub 32, formerly operating as The Stonewall Tavern, began operation over the summer. Although a permitted use in a Neighborhood Business 1 zone, the immediate surrounding neighborhood is comprised predominantly of residential rental properties. This is the reason behind a longer list of approval conditions being attached to this particular operation. These conditions were added to the special permit during the late-1980's when a number of complaints highlighted the potential conflicts that can arise between this mix of uses. The use of live music has been suitably controlled since that time when renovations to windows and air-conditioning were made and the current conditions were added. I have suggested a minor revision to condition #2 of that permit eliminating the requirement of "employing a parking attendant" in favor of simply utilizing a restaurant employee to monitor the emptying of the parking lot.

Each of the permit renewal requests were submitted as approved by the Commission on 10/04/10, without requests for any changes to the approval conditions. In my opinion, the existing approvals and associated conditions (with the exception noted above for Pub 32) are still appropriate for the respective sites. Subject to any testimony that may be presented before the close of the 10/17/11 public hearings, I recommend that **the Commission approve the Live Music Permit renewals through November 1, 2012 for the following restaurants: Huskies Restaurant, file # 780-2; Pub 32, file # 595; and Ted's Restaurant, file # 1107. These renewals are conditioned upon compliance with the current mandated conditions for each, which shall be attached to this motion. (If the PZC concurs) Condition #2 of the Pub 32 approval is hereby revised as follows: 2. A restaurant employee shall be utilized on Thursday, Friday and Saturday nights for the aforementioned purpose between the hours of 9:30 p.m. and closing, to monitor the parking lot for noise and traffic safety;**

TOWN OF MANSFIELD
PLANNING & ZONING COMMISSION

SPECIAL PERMIT RENEWAL APPLICATION
LIVE MUSIC

The use of live music is permitted with special permit approval as accessory to a permitted restaurant use. Any special permit for live music shall expire on November 1st of each year and may be renewed upon application and public hearing.

Circle one:

I do do not wish to renew my Special Permit for Live Music.

Applicant: W.H.B.R. Inc dba Huskies Restaurant-B7 Phone # 860-377-9797

Mailing address: P.O. Box 417

Name of restaurant: Huskies Rest

Address of restaurant: 28 Key Hill Rd

Are you requesting any changes in your operation or changes to the conditions of approval upon which you are required to operate? If yes, please explain:

None

Return this renewal application prior to September 16, 2011. A public hearing will be held in October for all those permittees seeking renewal.

Sean M Scrab
Applicants signature

9/13/2011
Date

Please return application and \$100.00 permit renewal fee to: \$100.00 ck #6777
Zoning Agent 9-14-77
4 S. Eagleville Road
Storrs, CT 06268

To: Town Clerk
From: Planning and Zoning Commission
Subject: Public Act 75-317, RECORDATION OF SPECIAL PERMIT

I Notice is hereby given that the Mansfield Planning and Zoning Commission, at a regular meeting held on October 4, 2010 did grant W.H.G.R. Inc., the renewal of a special permit for live music at Huskies Restaurant, pursuant to Article V, Section B, Article VII and other provisions of the Mansfield Zoning Regulations.

II Said approval was granted subject to the following conditions:

1. The parking area shall be maintained and litter removed on a weekly basis;
2. No music shall be audible outside the building. All performances shall be held inside;
3. This special permit shall become valid only after the applicant obtains the permit form from the Town Planning Office and files it on the Land Records, and it shall expire on November 1, 2011.

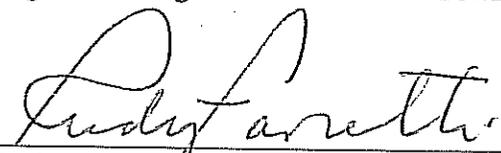
(See PZC files 780-2 and 895)

III The premises subject to the special permit for may be described as follows:
28 King Hill Road, Mansfield

IV The record owners of the above-described property are:
Homeworks Properties, LLC
167 Baxter Road
Storrs, CT 06268

I certify that the above is a true and correct copy of the foregoing approval from the records of the Mansfield Planning and Zoning Commission.

Planning and Zoning Commission of the Town of Mansfield, Connecticut

By 
Rudy J. Favret, Chairman
Mansfield Planning & Zoning Commission

Date 10/12/10

TOWN OF MANSFIELD
PLANNING & ZONING COMMISSION

SPECIAL PERMIT RENEWAL APPLICATION
LIVE MUSIC

The use of live music is permitted with special permit approval as accessory to a permitted restaurant use. Any special permit for live music shall expire on November 1st of each year and may be renewed upon application and public hearing.

Circle one:

I do not wish to renew my Special Permit for Live Music.

Applicant: Pub 32 LLC (Bryan Burnett) Phone # 860 487-9785

Mailing address: 847 Stafford Road Storrs, CT 06268

Name of restaurant: Pub 32

Address of restaurant: 847 Stafford Road Storrs, CT 06268

Are you requesting any changes in your operation or changes to the conditions of approval upon which you are required to operate? If yes, please explain:

No

Return this renewal application prior to September 16, 2011. A public hearing will be held in October for all those permittees seeking renewal.

B. B. Date 9.8.2011
Applicants signature Date

Please return application and \$100.00 permit renewal fee to:
Zoning Agent
4 S. Eagleville Road
Storrs, CT 06268

Paid Check # 187
9-15-11

To: Town Clerk
From: Planning and Zoning Commission
Subject: Public Act 75-317, RECORDATION OF SPECIAL PERMIT

I Notice is hereby given that the Mansfield Planning and Zoning Commission, at a regular meeting held on October 4, 2010, did grant Lisa Bushnell, the renewal of a special permit for live music at Stonewall Tavern, pursuant to Article V, Section B, Article VII and other provisions of the Mansfield Zoning Regulations.

II Said approval was granted subject to the following conditions:

1. The restaurant owner and permittee shall be responsible for monitoring the emptying of the restaurant and parking lot at closing time to facilitate protection of adjoining properties and to prevent neighborhood nuisances;
2. A parking attendant shall be employed Thursday, Friday and Saturday nights for the aforementioned purpose between the hours of 9:30 p.m. and closing (1:30 a.m.), to monitor the parking lot for noise control and traffic safety;
3. The operators of the business shall be responsible for preventing the entry of additional cars once the lot is full;
 - b. The parking lot shall be plowed to allow full use of the total lot;
 - c. All noise and live music associated with the restaurant shall be contained within the building;
 - d. Identification checks shall be accomplished with the doors closed. In order to ensure that noise is contained, window sound baffles or air conditioners shall be employed and maintained and the business shall be operated so that doors, windows and skylights remain closed during times when live music or other loud amplified sound is played;
 - e. The area shall be kept clean and all litter shall be removed at least on a weekly basis;
 - f. All fencing, exterior signage, exterior lighting, the driveway between the upper and lower lots and the parking lot surfaces shall be maintained and repaired immediately after any damage occurs;
4. This special permit shall become valid only after the applicant obtains the permit form from the Town Planning Office and files it on the Land Records, and it shall expire on November 1, 2011.

III The premises subject to the special permit for may be described as follows:

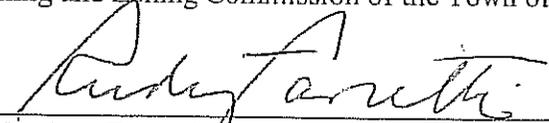
Assessor's Map 20, Block 54, Lot 16-1
847 Stafford Road

IV The record owners of the above-described property are:

Lucille John Trust
835 Stafford Road

I certify that the above is a true and correct copy of the foregoing approval from the records of the Mansfield Planning and Zoning Commission.

Planning and Zoning Commission of the Town of Mansfield, Connecticut

By 
Rudy J. Favretti, Chairman
Mansfield Planning & Zoning Commission

Date 10/12/10

TOWN OF MANSFIELD
PLANNING & ZONING COMMISSION

SPECIAL PERMIT RENEWAL APPLICATION
LIVE MUSIC

The use of live music is permitted with special permit approval as accessory to a permitted restaurant use. Any special permit for live music shall expire on November 1st of each year and may be renewed upon application and public hearing.

Circle one:

I do /do not wish to renew my Special Permit for Live Music.

Applicant: Teels Restaurant Phone # (860) 429-9595

Mailing address: P.O. Box 68, Storrs

Name of restaurant: Teels Restaurant

Address of restaurant: 16 King Hill Road, Storrs

Are you requesting any changes in your operation or changes to the conditions of approval upon which you are required to operate? If yes, please explain:

Return this renewal application prior to September 16, 2011. A public hearing will be held in October for all those permittees seeking renewal.

Ryan McDonald 9/15/11
Applicant's signature Ryan McDonald members LLC Date

Please return application and \$100.00 permit renewal fee to: Paid 9-15-11 ck # 2756
Zoning Agent
4 S. Eagleville Road
Storrs, CT 06268

To: Town Clerk
From: Planning and Zoning Commission
Subject: Public Act 75-317, RECORDATION OF SPECIAL PERMIT

- I Notice is hereby given that the Mansfield Planning and Zoning Commission, at a regular meeting held on October 4, 2010, did grant Ryan McDonald, the renewal of a special permit for live music at Ted's Restaurant, pursuant to Article V, Section B, Article VII and other provisions of the Mansfield Zoning Regulations.
- II Said approval was granted subject to the following conditions:
1. Live music shall be limited to Sunday through Wednesday, from 9:30 p.m. to 12:30 a.m.;
 2. No music shall be audible at the property lines;
 3. Seating capacity shall be limited to 50 people, as approved by the Planning & Zoning Commission in the 12/22/88 site plan approval;
 4. A full menu shall be offered during hours of operation;
 5. This special permit shall become valid only after the applicant obtains the permit form from the Town Planning Office and files it on the Land Records, and it shall expire on November 1, 2011.

III The premises subject to the special permit for may be described as follows:

Assessor's Map 15, Block 33, Lot 6
16 King Hill Road

IV The record owners of the above-described property are:
King Hill Realty, LLC
16 King Hill Road

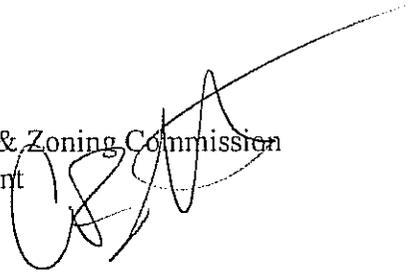
I certify that the above is a true and correct copy of the foregoing approval from the records of the Mansfield Planning and Zoning Commission.

Planning and Zoning Commission of the Town of Mansfield, Connecticut

By 
Rudy J. Favretti, Chairman
Mansfield Planning & Zoning Commission

Date 10/12/10

To: Town Council/Planning & Zoning Commission
 From: Curt Hirsch, Zoning Agent
 Date: October 12, 2011



Re: **Monthly Report of Zoning Enforcement Activity**
For the month of September, 2011

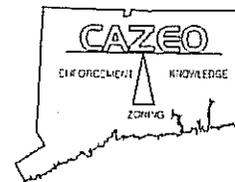
Activity	This month	Last month	Same month last year	This fiscal year to date	Last fiscal year to date
Zoning Permits issued	16	7	8	37	32
Certificates of Compliance issued	10	12	6	34	34
Site inspections	23	30	49	97	134
Complaints received from the Public	3	2	7	5	13
Complaints requiring inspection	2	2	5	4	10
Potential/Actual violations found	1	1	2	2	5
Enforcement letters	7	5	9	19	31
Notices to issue ZBA forms	2	0	0	4	0
Notices of Zoning Violations issued	0	2	1	7	3
Zoning Citations issued	2	2	2	6	6

Zoning permits issued this month for single family homes = 0, 2-fm = 0, multi-fm = 0
 2011/2012 fiscal year total: s-fm = 0, 2-fm = 0, multi-fm = 0

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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

To: Planning & Zoning Commission
Form: Curt Hirsch, Zoning Agent
Date: October 12, 2011

Re: Freedom Green, Cease & Desist, PZC file # 636-4

On Friday, 10/7/11, I issued a Cease & Desist order to the Beaudoin Construction Co., to stop the current construction on Units 29 through 32 on Liberty Drive. These units are grouped together as a single building structure. The construction in my opinion is not in compliance with the architectural plans approved by the PZC in 1995. These units represent four of the final eight units in the final build-out of the 272-unit Freedom Green development. This is not a matter to be taken lightly. Substantial construction has been done on these units and there would be a significant financial impact on the developer to 'start over' from the ground up on the subject units. There may or may not be buyers already committed to purchasing these units who are expecting to occupy the units at a certain time. The developer, Jean Beaudoin, will be present at the Commission's 10/17/11 meeting to discuss this matter.

On 10/7/11 I inspected the site after receiving a telephone call from a Freedom Green resident who was concerned about the style of building construction in progress. I observed structures that were a full three-stories in height (excluding roofs), and in my opinion are not consistent with the existing, built units or with the PZC-approved architectural style. A final determination however should not be made by a single staff person. I am bringing this matter to the Commission for a review and determination as to the substantial consistency of the buildings under construction with PZC-approved plans.

In July 1995, the PZC approved revisions to the Freedom Green Construction Agreement. As part of those revisions, the PZC approved specific architectural plan revisions, which were formalized through a 10/12/95 Revised Construction Agreement. This Agreement referenced an 8/29/95 set of drawings prepared by Atelier Associates, Architects. There are four distinct unit styles that the developer can mix and match according to the market demand. A set of the drawings endorsed by the PZC Chairman is in the Freedom Green file and I have provided pertinent copies for this memo. A zoning permit was issued 10/13/10 for Units 29 -32, two 'Devon' (townhouse) style units and two 'Mansfield' (cape) style units. The Building Permits for these units were issued on 8/25/11. I have also enclosed several photographs of the subject building and of other completed buildings next to this construction on Liberty Drive. Due to the possible consequences of the Commission's determination, a field trip to the site would be appropriate. This would delay a final action but under the circumstances, it would provide the developer with a thorough review by the Commission before it reaches any decision.

COPY PZC

Town of Mansfield
CEASE AND DESIST ORDER

Certified Mail # 91 7108 2133 3935 7788 3484

(also sent first class mail)

Issued to: Beaudoin Construction
18 Liberty Drive
Mansfield Center, CT 06250

Date: October 7, 2011

Location of property: 29, 30, 31, 32 Liberty Drive, Assessor's Map 39, Block 98, Lot 2

Owner of record: Beaudoin Construction, 18 Liberty Drive, Mansfield Center, CT 06250

Specific violation: You are constructing residential units that are not in accordance with the architectural plans approved by the Planning & Zoning Commission as part of the special permit approval. Three story residential units have not been authorized.

Zoning regulation in violation: Art.V, Sec. B.8 and Art. XI, Sec. F.1 (copies attached)

Action required: You shall immediately cease all activity and construction related to the development of the subject units. Any resumption of work shall only be authorized through a written authorization for said work.

Authority: Connecticut General Statutes, Section 8-12
Mansfield Zoning Regulations, Art. XI, F. (copies attached)

Additional comments: The structure under construction does not comply with the architectural plans approved by the Commission as part of the special permit modification you received in 1995.



Curt B. Hirsch,
Zoning Enforcement Officer

cc: Building Official, Dennis Poitras, Mansfield Town Attorney, Town Manager.



PLANNING AND ZONING COMMISSION
TOWN OF MANSFIELD
Z 400 804 375
AUDREY P. BECK BUILDING
FOUR SOUTH EAGLEVILLE ROAD
STORRS, CONNECTICUT 06268
(203) 429-3330

July 20, 1995

Mr. Jean Beaudoin
Beaudoin Construction
765 Murdock Avenue
Meriden, CT 06450

Re: The Villages at Freedom Green - Construction Agreement modifications

Dear Mr. Beaudoin:

At a regular meeting held on July 17, 1995, the Mansfield Planning and Zoning Commission passed the following motion:

"that the PZC officers, with staff assistance, be authorized to approve revisions to the Freedom Green Construction Agreement as follows:

1) To authorize Zoning Permits for no more than ten units in phase III, provided no Certificates of Compliance or occupancy permits shall be issued in phase III until the pool has been built to State and local requirements and has obtained a Certificate of Compliance. This authorization for Zoning Permits in phase III shall terminate if the pool, recreational building and associated landscaping and parking areas and completion of Independence Drive to Puddin Lane are not completed and accepted by 10/1/95;

2) To approve a specific plan delineating the units and site improvements in phase III with appropriate notation to reference construction details and associated requirements as contained on previously approved plans;

3) To approve specific architectural plan revisions, provided said revisions are consistent with previously approved plans and design specifications.

Except as authorized by this action, all other terms and conditions of the Freedom Green approval and associated Construction Agreement shall remain in effect."

If there are any questions regarding this action, kindly contact the Town Planning Office, 429-3330.

Very truly yours,

Steve Lotman, Secretary
Mansfield Planning & Zoning Commission

cc: D. Poitras, Esq.
E. Harvey, III, Esq.
The Villages at Freedom Green Association, Inc.

FREEDOM GREEN CONSTRUCTION AGREEMENT MODIFICATION

This document constitutes a modification of the terms of an April 30, 1991 Agreement (as subsequently varied July 27, 1992, July 26, 1994 and March 1, 1995) between the Town of Mansfield, acting through its Inland Wetland Agency and its Planning and Zoning Commission, and Beaudoin Construction Company, Inc. (successor in interest to JRJ Associates), of Meriden, Connecticut, developer of the Freedom Green development off Mansfield City Road, Mansfield, Connecticut:

→ Pursuant to Section 1 of the aforementioned 4/30/91 Agreement and PZC actions on July 17, 1995 and August 21, 1995, the following modifications of terms have been agreed upon by the subject parties:

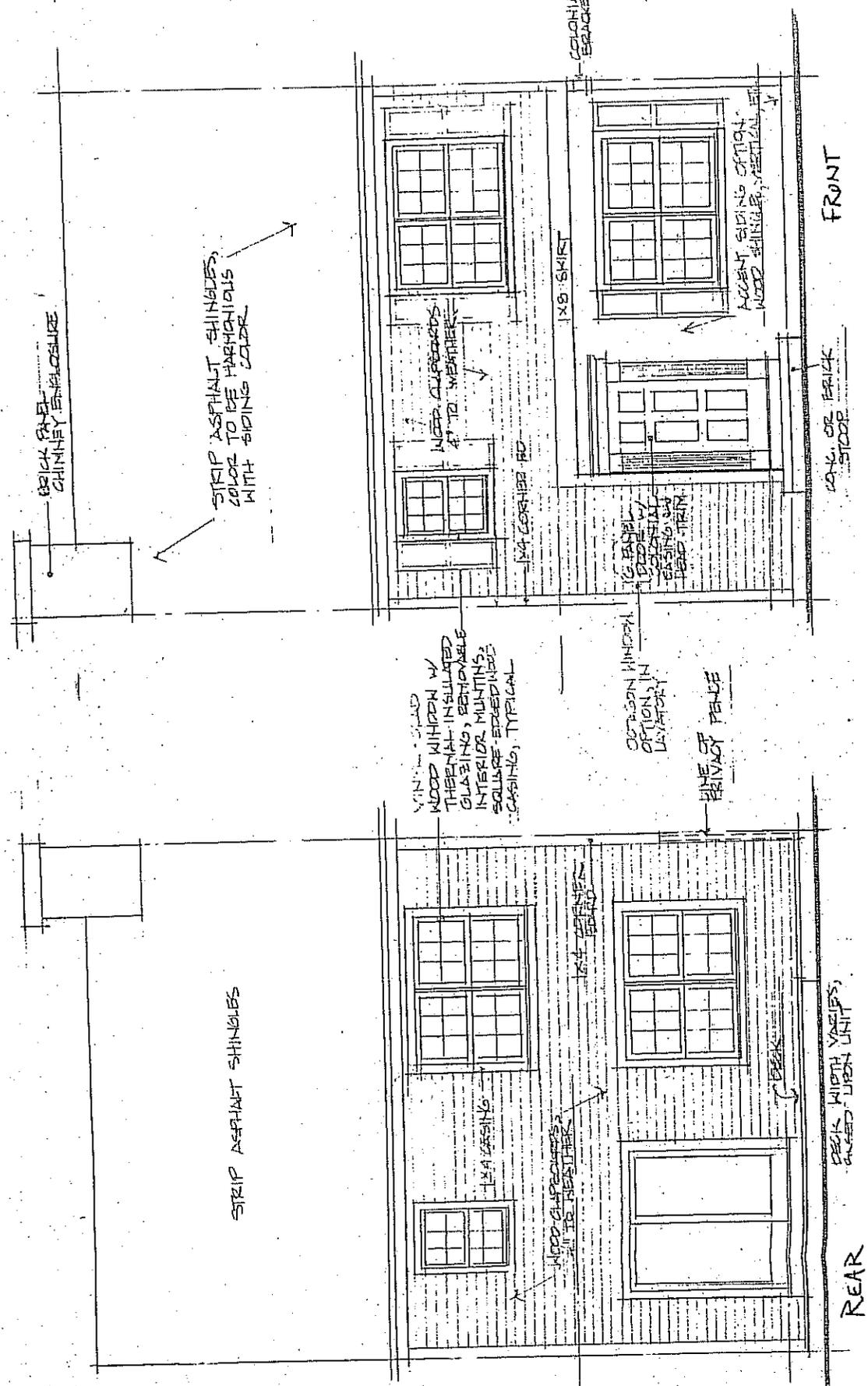
- 1) The Zoning Agent is authorized to issue Zoning Permits for no more than ten units in phase III, provided no Certificates of Compliance or Occupancy Permits shall be issued in phase III until the pool has been built to State and local requirements and has obtained a Certificate of Compliance. This authorization for Zoning Permits in phase III shall terminate if the pool, recreational building and associated landscaping and parking areas and completion, including the final paving, of Independence Drive and Liberty Square to Puddin Lane are not completed and accepted by the Planning and Zoning Commission prior to 10/31/95.
- 2) The approved phasing plan for phase III is dated August 2, 1995, as revised September 26, 1995 as prepared by Design Development Group, Inc.. Unless additional Planning and Zoning Commission approval is granted, all roads, utility construction and other site improvements shall be in accordance with plans previously approved by the Planning and Zoning Commission. No more than seventy-five (75) percent of the units in phase III shall be one story units.
- 3) No construction shall take place beyond phase III of this development until a phasing plan for the remainder of the project including Huntington Commons is approved by the Planning and Zoning Commission.
- 4) This modification authorizes new architectural plans for unit designs as depicted on plans issued 29 August, 1995, entitled: Plans and Elevations, "The Mansfield"; Elevations, "The Mansfield"; Plans and Elevations, "The Devon"; and Plans and Elevations, "The Hemingway", as prepared by Atelier Associates. The design criteria/design solutions listed in Exhibit B of the April 30, 1991 Agreement shall continue to be followed.
- 5) Except as authorized by this action and previous modifications, all other terms and conditions of the original Freedom Green approval and April 30, 1991 Construction Agreement shall remain in effect.

Dated this 5th day of October, 1995.

Aline L. Booth

Town of Mansfield, acting through
its PZC/IWA Chairman, Aline L. Booth

Jean Beaudoin 10/12/95
Jean Beaudoin,
Beaudoin Construction Co., Inc.



BRICK PAPER CHIMNEY ENCLOSURE

STRIP ASPHALT SHINGLES, COLOR TO BE HARMONIOUS WITH SIDING COLOR

VINYL SIDING WOOD WITHHORN W/ THERMAL INSULATED GLASSING, REMOVABLE INTERIOR MUNTINS, SQUARE EDGEDNESS CASINGS, TYPICAL

WOOD CLAPBOARDS 4" TO WEATHER

1x8 SKIRT

1/4 CORNER RD

OUTDOOR WINDOW OPTION, IN LIVING OR LABORATORY

LINE OF PRIVACY FENCE

1/2 BRICK W/ TYPICAL ASPHALT CASING AND TRIM

ACCENT SIDING OPTION WOOD SHINGLES, VERTICAL LIT

FRONT

1/4" OR BRICK STOOD

STRIP ASPHALT SHINGLES

1x4 CASING

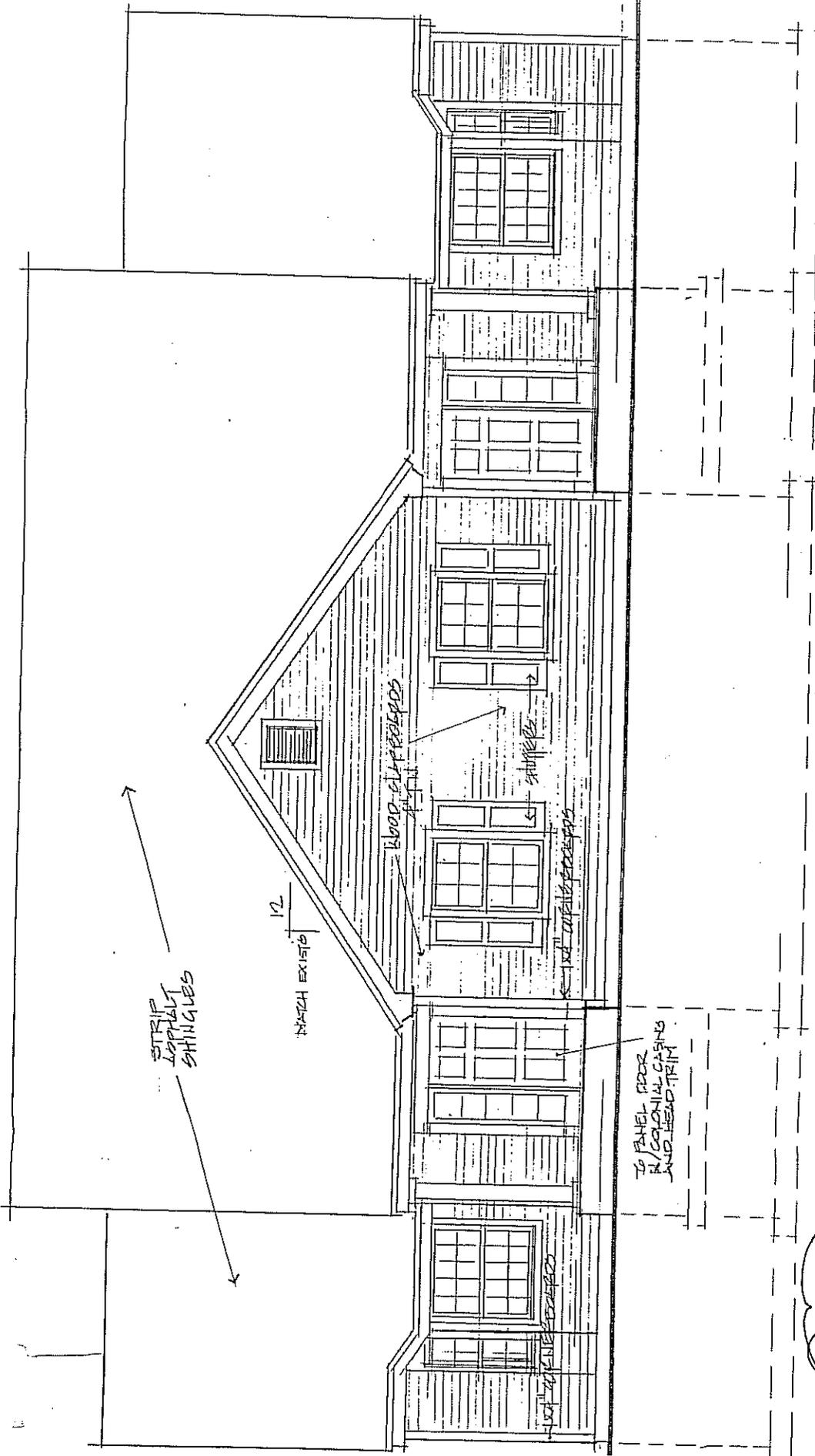
1x4 TRIM

BRICK MOUTH VENTS, BRICK LIP ON UNITS

REAR

THE "DEVON" TOYNHOUSE

8/29/95



STRIP
LAPPLAT
SHINGLES

12
GLASS HAZARD

WOOD CLAPBOARDS

WOOD CLAPBOARDS

TO PANEL DOOR
IN COLONIAL CASING
AND HEAD TRIM

FRONT ELEVATION

2 UNITS PAIRED

TRIM TO BE STAINED
INSTALLER TO VERIFY

THE "MANSFIELD"

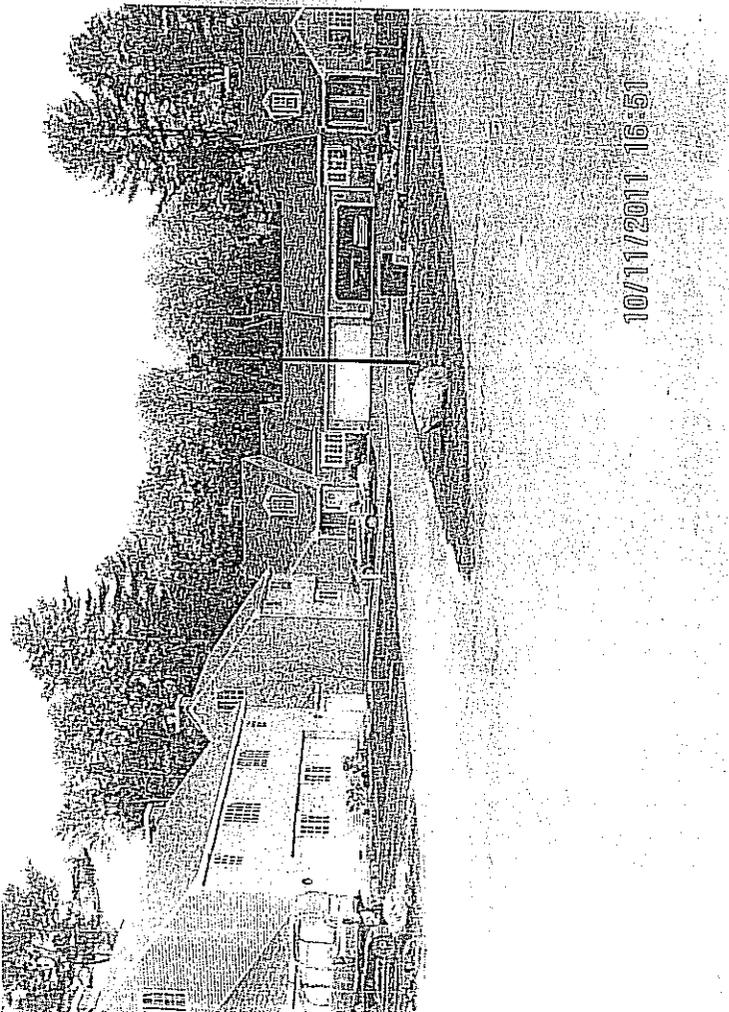
RANCH

2 UNITS - PAIRED

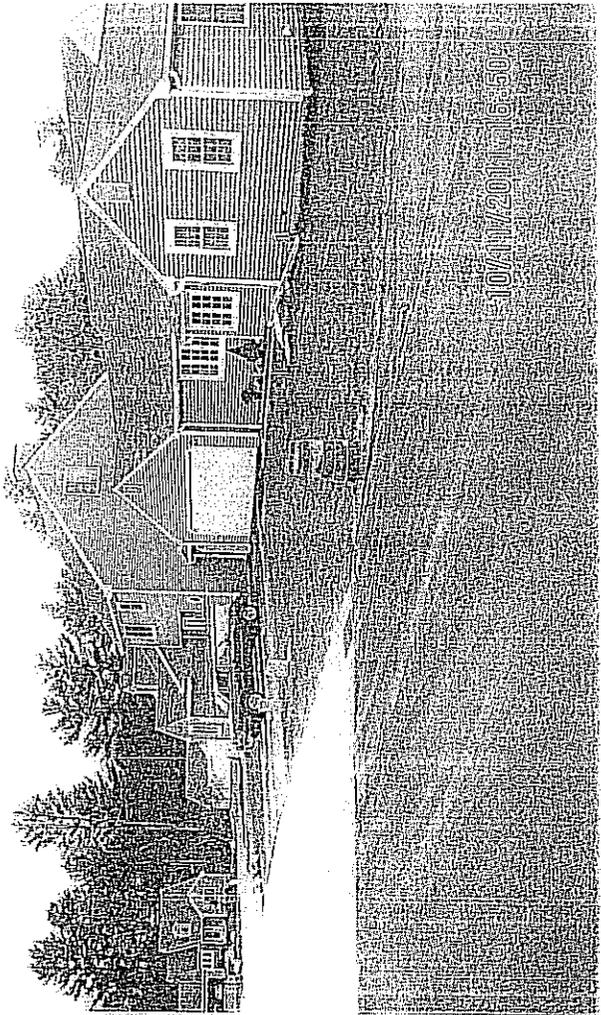
8/29/95

6'-0"

33'-2"



10/11/2011 16:51



10/11/2011 16:50

(10-11-11) EXISTING UNITS - LIBERTY DRIVE



10/11/2011 16:50



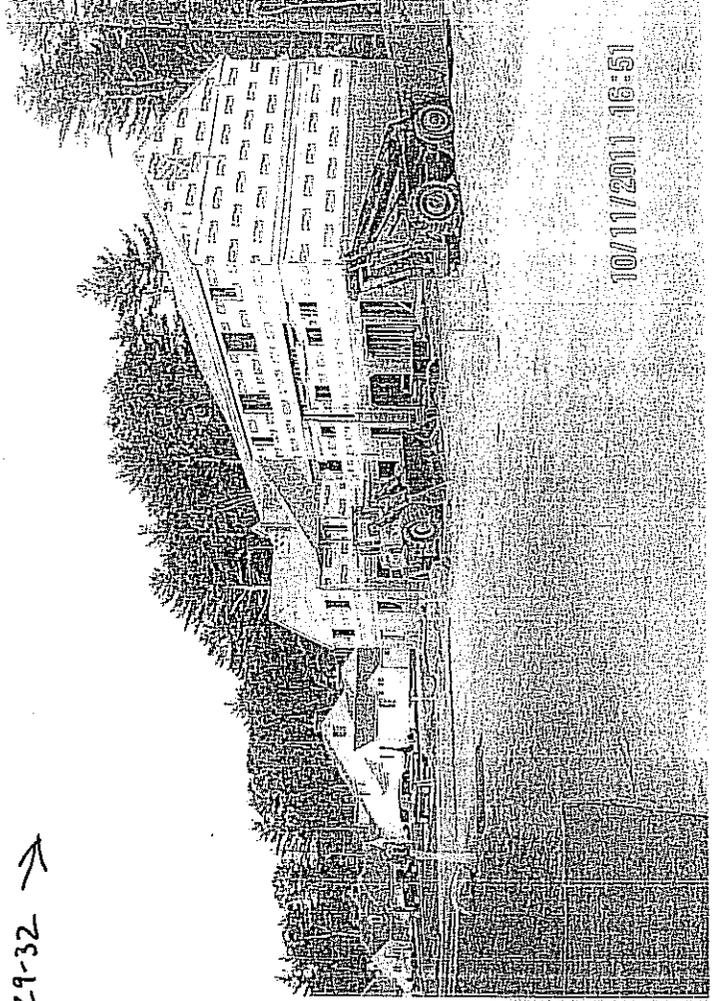
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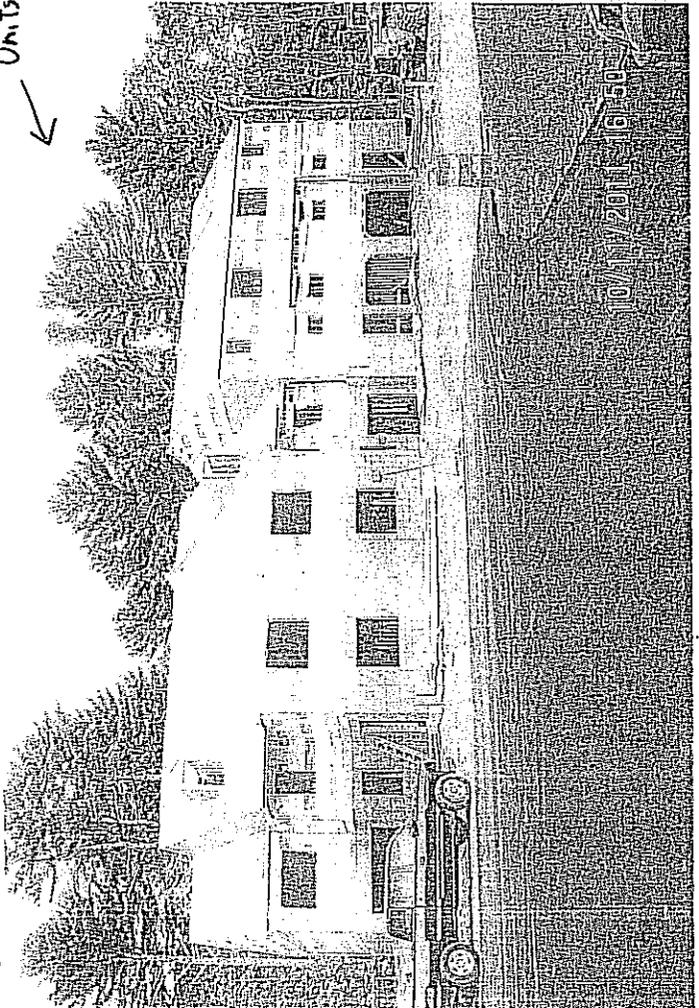
↓ Ranch - Ranch ↓

↓ Townhouse - Townhouse ↓

↓ Units 29-32 →



10/11/2011 16:51



10/11/2011 16:50

Testimony in Support of Designating Gurleyville Road a Mansfield Scenic Road
Planning & Zoning Commission Hearing, October 3, 2011
Benjamin Sachs

There are six criteria to make a road eligible for scenic road status in Mansfield. The portion of Gurleyville Road being proposed for that status today meets at least four of them:

- It is bordered by mature trees or stone walls for most of its length.
- Its scenic views make it much traveled by people other than those who reside on it.
- It blends into the surrounding terrain.
- It crosses over scenic brooks and streams.

A quick photo tour should confirm those features.

Gurleyville Road begins at Storrs Road where it intersects with Horsebarn Hill Road. After a short section flanked by UConn's pumping houses and Commissary Building (Fig. 1), the proposed scenic section begins. Immediately thereafter, the road is bordered by stone walls and mature trees, with the upper horse pasture on the right and the larger lower pasture on the left (Fig. 2-4). That one is divided by Roberts Brook and its surrounding wetlands, and beyond that, in winter, is a popular sledding hill.

Continuing from there on to Bundy Lane, a residential portion of the road ~~is~~ still has old stone walls and mature trees on both sides (Fig. 5-7). Soon after intersection with Bundy Lane, the road curves and steepens as it descends into a heavily wooded section (Fig. 8) that features the continuation of Roberts Brook, which passes twice under the road and along which one can see waterfalls and exposed ledge (Fig. 9-11).

Roberts Brook eventually empties into the Fenton River just north of the Gurleyville bridge (Fig. 12). Just east of the river are entrances to the much used Nipmuck trail (Fig. 13), and the foundation ruins of the Gurleyville silk mill (Fig. 14).

On the other side of the Fenton is the Gurleyville cemetery (Fig. 15-18), where generations of Conants, Chaffees, Hanks, and yes, Gurleys too, lie buried.

Just above and beyond the cemetery is a former mother-of-pearl ~~Button~~ Button factory, later Button Box antiques under the Heiniges, now an art school and studio (Fig. 19; 287 Gurleyville; now owned by Moskowitz).

Testimony in Support of Designating Gurleyville Road a Mansfield Scenic Road
Planning & Zoning Commission Hearing, October 3, 2011
Benjamin Sachs

From there pine trees dating to the 1930s border the road leading to Gurleyville center (Fig. 20). The barn at 304 Gurleyville (Fig. 21; now Sachs) was where stagecoach horses were exchanged on the Hartford-Providence route, while the travelers may have done business at the town hall next door (Fig. 22; 310 Gurleyville; now Coyne-Everitt) or had a pint at the tavern across the street [Fig. 23; 309 Gurleyville; now Cazel (deceased)], or perhaps bought some supplies at one of Gurleyville's two general stores (Fig. 24; 2 Codfish Falls Rd; now Krause). The STOP sign in Fig. 24 marks the end of the proposed Scenic Road section.

As noted, Fred Cazel passed away a few weeks ago and his remains have joined those of his wife, Annarie, among the notables in Gurleyville cemetery. He was an enthusiastic signer of the Scenic Road petition. With Fred's death, Jacqueline and I, who were the new kids on the block when we moved into our house in 1969, have become the most senior residents of Gurleyville, and we are committed to maintaining the scenic character of the village and the road.

Truly, the whole length of Gurleyville Road deserves Scenic Road status, and I had intended to request it. That was especially true because Jim Romanow was a petition signer, and I would have liked to honor his memory. Unfortunately, my energy has limits. I sincerely hope that residents of the eastern portion of the road will pick up where I have left off.

Finally, I would like to acknowledge the many people who made this application possible. These include the many petition signers -- only one party declined to sign and that, I suspect, was more out of petition shyness. Special thanks to Alexandria Roe, UConn Director of University Planning, whose permission on behalf of the university by itself almost guaranteed that the 51% frontage threshold for application would be met, and to Fran Archambault, who pointed me in the right direction at UConn. Quentin Kessel gave me his Scenic Road application for Codfish Falls Road, and that was most helpful. The staff of the Town Office Building were invariably gracious and generous with their time, none more so than Kate Crowther in the Assessor Office. And Jacqueline, my wife, gave me the support, advice and consent throughout this time that helped to keep me and this project going.

Respectfully submitted,

Benjamin Sachs

Mansfield Planning and Zoning Commission
Town of Mansfield, CT 06268

Re: Gurleyville Road, Public Hearing on Scenic Road Request, Oct. 3, 2011.

Dear Commission Members:

We are writing in support of awarding the "Scenic Road" designation to the western portion of Gurleyville Road.

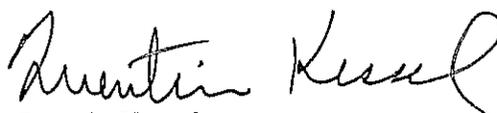
Whereas at least one of several criteria must be satisfied, we note that multiple criteria are met by Gurleyville Road:

1. It is bordered by trees and stone walls along the majority of its length; of particular note is the unusually wide stone wall bordering Valentine Meadow. It was built by students when the school had student farm labor as one of its requirements.
2. It offers scenic views and vistas such that persons other than residents living on the road routinely walk, drive or ride on this road to experience said views. The scenic views and vistas are many, e.g., Valentine Meadow, Horsebarn Hill, Roberts Brook as it cascades down adjacent to the road, even the historic Gurleyville cemetery contributes to the mural. We often see cars parked along the cemetery or the trail heads of the Nipmuck trail, people walking their dogs, etc. Although not just to enjoy the views and vistas one of us (QK, not a resident living along Gurleyville Road) routinely walked or commuted by bicycle to the University and certainly enjoyed the views and vistas along the way. Others, students from the University, residents from Codfish Falls Road and Chaffeeville Road walk or ride their bicycles along this section of Gurleyville Road Routinely; even sturdy souls from Ellise Road and as far away as Wormwood Hill Road and Route 44 may be found walking along Gurleyville Road.
3. The road does blend in naturally into the unique and scenic surrounding terrain.
4. Gurleyville Road parallels Roberts Brook and crosses it twice and crosses the Fenton River. Furthermore, near the Fenton River it crosses the Nipmuck Trail. Trails to the University can be found off the trail in either direction.

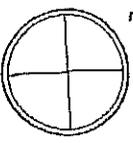
Gurleyville Road more than meets the criteria of Scenic Road" and should be designated as such.

Sincerely yours,


Margaret Kessel
97 Codfish Falls Road
Mansfield


Quentin Kessel
97 Codfish Falls Road
Mansfield

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TOWNE ENGINEERING, INC.

PROFESSIONAL ENGINEERS - LAND SURVEYORS • EXPERT WITNESS
MAIL: P.O. BOX 162 SOUTH WINDHAM, CT 06266
OFFICE: 1 RICHMOND LANE, WILLIMANTIC, CT 06226
860-423-8371 • 860-889-2100 • Fax 860-423-5470

DONALD R. AUBREY, P.E., L.S.
JOSEPH H. BOUCHER, M.S., L.S.
MATTHEW D. MAYNARD, P.E.

October 4, 2011

Planning and Zoning Commission
Town of Mansfield
4 North Eagleville Road
Storrs, CT 06268

Attn: Linda Painter, Director of Planning and Development

Re: Listro Resubdivision
Candide Lane and Stearns Road
File #1296

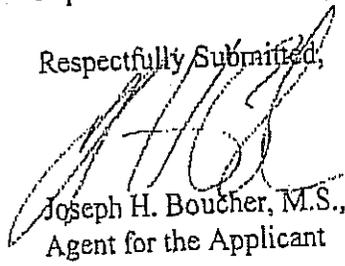
Dear Commissioners,

I hereby respectfully request that the Planning and Zoning Commission grant a 90 day extension past the current October 27, 2011 deadline for the filing of mylars requirement for the Listro resubdivision as is shown on a map entitled:

RE-SUBDIVISION PLAN PREPARED FOR JOHN LISTRO, STEARNS ROAD & CANDIDE LN. MANSFIELD, CT. DATE 11/4/10; SCALE 1"=40'; REVISED THROUGH 3/16/11; BOOK NO. 330, 460& 473; DISC NO. 10-116(B), CAD DWG 10-116-2; DRAWN MDM; DESIGNED MDM; CHECKED JHB/DRA; SHEET NOS. 1, 2, & 3 OF 3; JOB NO. 10-116.

If you have questions please contact me at your earliest convenience. Thank you in advance for your anticipated cooperation with the request. We would further request that we be provided some sort of written documentation of approval of our filing extension request for our records.

Respectfully Submitted,



Joseph H. Boucher, M.S., L.S.
Agent for the Applicant

Cc: John Listro
Suzanne Listro
Attorney Jack Guarnaccia

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TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Mansfield Planning and Zoning Commission
From: Linda M. Painter, AICP, Director of Planning and Development 
Date: Thursday, October 13, 2011
Re: Request for Temporary Field Lighting, E.O. Smith High School, File #1117-2

Bruce Silva, Superintendent of Schools for Region 19, has requested approval from the Commission to allow E.O. Smith High School to host an evening football game the night before Thanksgiving (see attached letter). The game would start at 6:30 p.m. and is expected to be over by 9:30 p.m. Temporary lighting in the form of ten, 32-foot fixtures would be used to illuminate the field for this event.

Recommendation

As the request does not involve the installation of any permanent fixtures and is specifically for a one-time event, there do not appear to be any significant impacts. Therefore, I recommend that the Planning and Zoning Commission adopt the following motion:

That the Planning and Zoning Commission hereby authorizes the use of temporary lights by E.O. Smith High School for a football game to be held the evening of Wednesday, November 23, 2011 pursuant to the details provided in the letter from Superintendent Bruce Silva dated October 13, 2011.

REGIONAL SCHOOL DISTRICT #19
EDWIN O. SMITH HIGH SCHOOL
Ashford, Mansfield and Willington, CT

1235 Storrs Road
Storrs, CT 06268-2287
860-487-1862
Fax: 860-429-0085

Bruce W. Silva
Superintendent

October 12, 2011

Chairman Rudy Faverti
Planning and Zoning Commission
Audrey Beck Municipal Building
4 South Eagleville Road
Mansfield, Connecticut 06268

Dear Rudy,

This letter is written to request permission from the Mansfield Planning and Zoning Commission to allow E.O. Smith High School to host a "Thanksgiving Eve" football game on Wednesday, November 23, 2011 on our newly renovated field.

The E.O. Smith Football Booster Club parents have initiated this request and offered to raise all of the funds needed to rent temporary lights for the game. The game would be scheduled to begin at 6:30 p.m. and is expected to end at 9:30 p.m. The lighting would be rented specifically for this "special occasion" and would consist of ten 32' towers. Please be aware that it is not the intention of the district to provide lighting for evening athletic events, this game is being viewed as a very special occasion.

I would be happy to provide the commission with any other information that is needed pertaining to this request. Thank you for your consideration.

Sincerely,



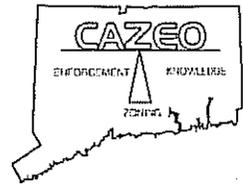
Bruce W. Silva

BWS/

c. Linda Painter, Director
Fran Archambault



Town of Mansfield



CURT B. HIRSCH
ZONING AGENT
HIRSCHCB@MANSFIELDCT.ORG

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

To: Planning & Zoning Commission
From: Curt Hirsch, Zoning Agent
Date: October 12, 2011

**Re: Request for extension of special permit
Whispering Glen Multi-family Development
PZC File # 1284**

We have received a 10/3/11 request from Patrick Lafayette on behalf of Whispering Glen, LLC, for a one year extension of the special permit/zone change approval granted on 9/21/09. On this date the PZC conditionally approved a special permit for a 32unit, multi-family housing development called Whispering Glen together with a zone change to Design Multiple Residence. This development is on Meadowbrook Lane. In June 2010, the Commission approved a modification to the special permit to allow site work to commence, but no structures.

Article V, Section B.7.e provides that work associated with the approval of a special permit shall commence within one year of the Commissions approval but that upon request, the Commission may grant one-year extensions for good cause. Although the special permit has not yet been filed on the land record, Mr. Lafayette's letter identifies the work that has taken place to secure all the necessary approvals from other agencies that are required before this project can proceed. In the staff's opinion, these efforts do show the developers intention to keep the project active.

There have not been any revisions to the zoning regulations that would have an effect of the special permit approval. Although there has not been any physical work on the site, it is clear that the developer has been making an effort toward that end. I recommend **that the Commission approve an extension of the special permit approval until September 21, 2012, to Whispering Glen, LLC as authorized pursuant to Article V, Section B.7.e.**

over ↓



Development Solutions, L.L.C.

33 East Town Street, Norwich, Connecticut 06360
Fax: (860) 204-0652 • Phone: (860) 204-0248
dev.soln@yahoo.com

Planning & Zoning Commission
Town of Mansfield
Audrey P. Beck Building
Four South Eagleville Road
Storrs, CT 06268

10/3/11

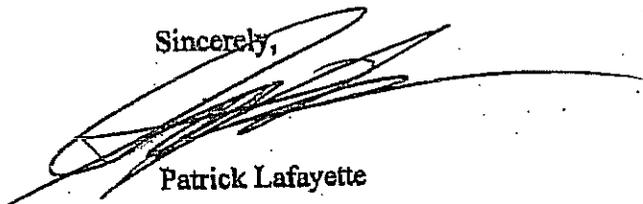
RE: Whispering Glen
Condominium Project
Special Permit / Zone Change
Dated 9/21/09

Dear Commission Members:

The owners of the above referenced project, Whispering Glen LLC, have asked me to request a one year activation period for the above referenced Special Permit/Zone Change granted 9/21/09 for this project. Many of the conditions of the approval have been satisfied, i.e., final approval of the sewer stream crossing by the Windham Engineering Department (sewer), draft condo documents submitted, a stormwater management permit was filed with DEEP, etc. This project is at the point of filing the \$5,000 bond agreement to obtain the signed special permit so it can be filed on the land records which activates the approved zone change.

Due to the difficult economic times our country is experiencing, obtaining project financing has not been an easy task. We respectfully request your consideration in this matter in order that this project can now move forward.

Sincerely,



Patrick Lafayette

over 2

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

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Planning and Zoning Commission
From: Linda M. Painter, AICP, Director of Planning and Development *LMP*
Date: October 12, 2011
Subject: 2012 Draft Meeting Schedule

Please review the attached 2012 draft meeting schedule for the Planning and Zoning Commission and Inland Wetland Agency. Also note that several meeting dates are on Tuesday due to a Monday Holiday.

The following motion has been prepared if members deem it appropriate. **That the Planning & Zoning Commission approve the 2012 meeting schedules for the Planning and Zoning Commission and Inland Wetlands Agency.**

**INLAND WETLANDS AGENCY
AND
PLANNING ZONING COMMISSION**

MEETING SCHEDULE 2012

(IWA-1st Monday of each month, PZC-1st and 3rd Monday of each month, unless otherwise noted)

JAN	3 (TUES due to New Years Holiday)	JULY	2
	17 (TUES due to Martin Luther King Jr Day)		16
FEB	6	AUG	6
	21 (TUES due to Presidents Day)		13
MAR	5	SEPT	4 (TUES due to Labor Day)
	19		18 (TUES due to Rosh Hashanah)
APR	2	OCT	1
	16		15
MAY	7	NOV	5
	21		19
JUNE	4	DEC	3
	18		17

ALL MEETINGS UNLESS OTHERWISE NOTED MEET AT 7:00 PM IN THE
COUNCIL CHAMBERS
AUDREY P. BECK BUILDING
4 SOUTH EAGLEVILLE ROAD
STORRS, CT 06268



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: siting.council@ct.gov

www.ct.gov/csc

September 29, 2011

The Honorable Elizabeth Patterson
Mayor
Town of Mansfield
4 South Eagleville Road
Mansfield, CT 06268

RE: **PETITION NO. 1008** - UTC Power Corporation petition for a declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation of a 400 kW Fuel Cell located at UCONN Center for Clean Energy Engineering, 44 Weaver Road, Storrs, Connecticut.

Dear Mayor Patterson:

The Connecticut Siting Council (Council) received this petition for a declaratory ruling, pursuant to General Statutes § 16-50k. This request will be placed on a future meeting agenda, a copy of which will be sent to you.

Please call me or inform the Council if you have any questions or comments regarding this proposal. Thank you for your cooperation and consideration.

Very truly yours,

Linda Roberts
Executive Director

LR/jbw

Enclosure: Petition No. 1008

c: Gregory Padick, Town Planner, Town of Mansfield
Mr. Matthew W. Hart, Town Manager, Town of Mansfield

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Petition For A Declaratory Ruling That No Certificate Of Environmental Compatibility And Public Need Is Required For The Installation Of A Customer-Side 400 kW Fuel Cell Project To Be Located At UCONN Center for Clean Energy Engineering, 44 Weaver Road, Storrs, CT.



CONNECTICUT
SITING COUNCIL

I. INTRODUCTION

Pursuant to Connecticut General Statutes Section 16-50k, UTC Power Corporation (“UTC Power”) hereby petitions the Connecticut Siting Council (the “Council”) for a declaratory ruling (“Petition”) that a Certificate of Environmental Compatibility and Public Need (“Certificate”) is not required for the installation of one (1) 400 kW fuel cells in support of a customer-side distributed resources project in Storrs, Connecticut (the “Project”) as described below. UTC Power submits that no Certificate is required because the proposed installation would not have a substantial adverse environmental effect.

II. DESCRIPTION AND LOCATION OF THE PROJECT

The fuel cell is a customer-side installation distributed generation resource with grid interconnection and is to be located at The University of Connecticut Center for Clean Energy Engineering, 44 Weaver Road, Storrs, CT (see project site – Attachment A). The installation consists of one (1) natural-gas fueled 400 kW PureCell[®] Model 400 phosphoric acid fuel cell system (“Fuel Cell”) manufactured by UTC Power in South Windsor, Connecticut (see Attachment B for Model 400 datasheet). The overall dimensions of the Fuel Cell are nine feet wide by twenty-nine feet long by ten feet tall. The units are totally enclosed and factory-assembled and tested prior to shipment.

The Fuel Cell is intended for a distributed generation and combined heat and power application. The system for UCONN will be capable of producing a total of 400 kW of continuous, reliable electric power while generating heat that will be used for space heating and cooling. It will operate in parallel with the utility grid and provide a portion of the electrical requirements of the facility. When all of the heat is used, the overall efficiency of the system will be 90%, including both electric and thermal output. The fuel cell will be coupled with an absorption chiller to make chilled water. The yearly average heat use is projected to be approximately 31% of the total available along with 22% of the cooling usage (from the absorption chiller), which will result in an average annual system efficiency of approximately 55%. As long as natural gas is available, electric power, heat and cooling can be generated.

The PureCell[®] Model 400 fuel cell system has been certified to meet the strict ANSI/CSA FC-1 fuel cell safety standard to protect against risks from electrical, mechanical, chemical, and combustion safety hazards. Numerous safety features have been incorporated into the design. A combustible gas sensor and thermal fuses located throughout the power module cabinet detect any over-temperature. The detection of a potential combustible gas mixture, over-temperature, or the failure of this detection circuit will result in a power plant shutdown and a subsequent inert gas (nitrogen) purge of the fuel cell stack and fuel processing system. This event will also result in a system alarm notification to the power plant operator (UTC Power).

The power plant is designed with an integral emergency-stop button on the outside of the enclosure to enable immediate shutdown in the event of an emergency. There is also a gas shut-off valve and electrical disconnect switch easily accessible to emergency personnel.

The fuel cell stack is wrapped in a fire retardant blanket. There are no materials inside the unit that would sustain a flame. There is no large volume of gas or any ignition that occurs

within the cell stack. The power plant does not store hydrogen; it consumes hydrogen-rich gas equal to what it requires to produce power.

Phosphoric acid is an integral part of the fuel cell system, acting as the electrolyte within the fuel cell stack. Phosphoric acid is a surprisingly common substance that is contained in common cola drinks. There is no reservoir of liquid; phosphoric acid is contained in the porous structure of the fuel cell stack material by capillary action, similar to how ink is absorbed into a blotter.

The only fluid in the power plant is water. All pressurized water vessels are designed to ASME boiler codes and inspected annually. All piping, welds, etc. meet pressurized piping standards. Water produced through the electrochemical process is “pure” water and is reclaimed and reused by the process. The other source of water is water used in the external cooling module, which is mixed with a polypropylene glycol and a rust inhibitor to prevent rust and freezing in colder climates.

The fuel cell does not produce any hazardous waste during normal operation. Standard Material Safety Data Sheets (MSDS) are available in the product service manual.

III. PROJECT BENEFITS

Fuel cell technology represents an important step in advancing Connecticut’s goal of diversifying its energy supply through the use of renewable energy, as expressed in Connecticut General Statutes Section 16-244 *et seq.* The Project will serve as a cost-effective clean energy source while also reducing the demand for grid electricity from this location. Further, this fuel cell installation will support the efforts of the State of Connecticut to be a leader in the utilization of fuel cell technology.

Because a fuel cell does not burn fuel, the system will significantly reduce air emissions associated with acid rain and smog, and dramatically reduce those emissions associated with global warming. The application of the Fuel Cell for UConn Center for Clean Energy Engineering is estimated to reduce the facility's annual carbon emissions by over 800 metric tons when compared to the U.S. EPA eGrid emissions factor for non-baseload generation in the New England ISO utility system. The Fuel Cell is designed to operate in total water balance – no make-up water is normally required after start-up and no water discharges to the environment will occur under normal operating circumstances. Furthermore, unlike many traditional power generation systems, fuel cells produce very little sound and typically do not require sound proofing or cause the need for hearing protection.

IV. NO SUBSTANTIAL ADVERSE ENVIRONMENTAL EFFECT

The proposed installation will have no substantial adverse environmental effect. The installation and operation of the Fuel Cell will meet all air and water quality standards of the Connecticut Department of Environmental Protection ("DEP").

Section 22a-174-42 of the Regulations of Connecticut State Agencies (RCSA) governing air emissions from new distributed generators exempts fuel cells from air permitting requirements. Notwithstanding this exemption, the Fuel Cell system meets the CT emissions standards for a new distributed generator as shown in Table 1 below, and no permits, registrations or applications are required under rules based on the actual emissions of the fuel cell. Furthermore, the Fuel Cell system is certified by the California Air Resources Board to meet the Distributed Generation Certification Regulation 2007 Fossil Fuel Emissions Standards (see Attachment C).

Table 1: CT Emissions Standards for a New Distributed Generator

Air Pollutant	CT Emissions Standard (lbs/MWh)	PureCell Model 400 Fuel Cell System at Rated Power (lbs/MWh)
Oxides of Nitrogen	0.3	.02
Carbon Monoxide	2	.02
Carbon Dioxide	1900	1120

With respect to water discharges, the Model 400 Fuel Cell is designed to operate without water discharge under normal operating conditions. To the extent that minimal water overflow may occasionally occur, such discharges will consist of de-ionized water and will be directed to a site sanitary drain or dry well. This discharge will be incorporated into the overall site design, and will be covered by the site’s water discharge permit, if necessary.

Further, the Fuel Cell installation and operation will have no substantial adverse effect on either listed endangered species or listed Connecticut historical places. Attachment D contains the relevant portion of the CT DEP’s Mansfield Endangered Species map. The installation of the PureCell Model 400 fuel cell is outside of identified locations of endangered species populations. The C2E2 building is not a historic building. The State Historic Preservation Office has determined that the fuel cell installation will have no effect upon the state’s cultural resources. For reference, a copy of the SHPO determination is shown in Attachment E.

The Fuel Cell will not emit noise in excess of limitations set forth in CT regulations. The Fuel Cell location is on the side of C2E2 facing laboratory buildings and small dormitory buildings used for UCONN graduate students. The residential neighbors are over 500 feet from the fuel cell site. The closest laboratory is the Longley School building, located over 400 feet

from the fuel cell. CT regulations require a noise level of no greater than 62 dBA for a Class B emitter (C2E2 building) to Class B receptor (Longley School building) and no greater than 45dBA to a Class A receptor (residential dormitories). The fuel cell is expected to operate at full power (400 kW), with a noise level in free field of well below 45dBA at 400 feet, at all times. Therefore, the fuel cell is not expected to emit "excessive noise" to the neighboring buildings.

V. LOCAL INPUT AND STATE FUNDING

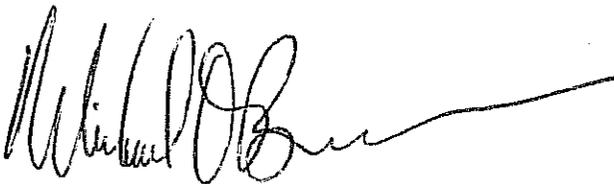
UTC Power will complete all necessary permitting before installing the unit at the UConn Center for Clean Energy Engineering. This fuel cell installation has been approved for State of Connecticut funding, through the Connecticut Clean Energy Fund.

VI. CONCLUSION

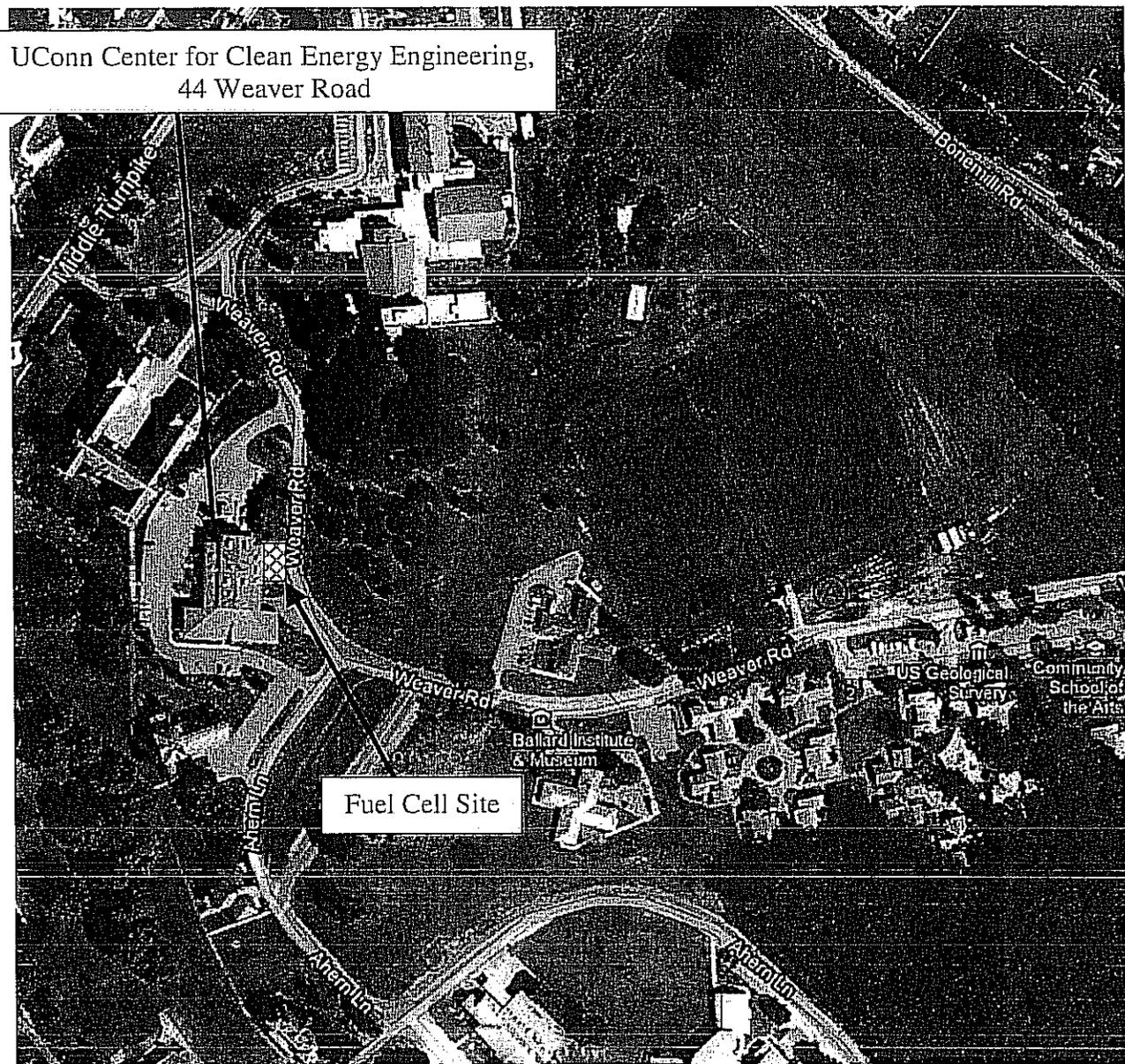
As set forth above, UTC Power requests that the Council issue a determination, in the form of a declaratory ruling, that the proposed installation above is not one that would have a substantial adverse effect, and, therefore, that a Certificate is not needed.

Respectfully submitted,

By:



Michael O. Brown
Vice President Government Affairs & General Counsel
UTC Power Corporation





**Introducing a new generation of fuel cell technology:
The PureCell® Model 400 Energy Solution.**

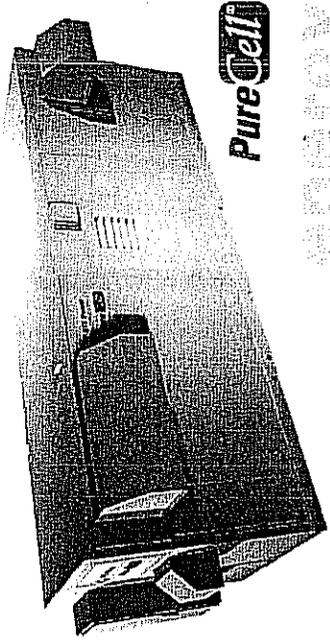
UTC Power is a world leader in developing and producing fuel cells for on-site power, transportation, space and defense applications. UTC Power, a United Technologies Corp. company, is the only fuel cell manufacturer with experience in all five major fuel cell technologies – alkaline, proton exchange membrane, solid oxide, molten carbonate and phosphoric acid. With more than 300 stationary fuel cell units installed, we are committed to providing customers with distributed energy solutions that increase energy productivity and reliability and reduce operational costs.

The PureCell® Model 400 system is the stationary fuel cell energy solution for the commercial marketplace. The ultra clean and quiet Model 400 uses proven phosphoric acid technology, which offers the optimum blend of system performance and durability. The Model 400 can provide up to 400 kW of assured electrical power, plus approximately 1.7 million Btu/hour (500 kW) of heat, for combined heat and power applications. With an unmatched 10-year stack life and total energy efficiencies more than double those of traditional power sources, the Model 400 is an energy solution that will help save money, shield operations from interruption and secure environmentally sustainable business practices.

Performance Characteristics

Power	400 kW/477 VA 480 VAC/60 Hz/3 phase	Water	None (up to 35°F (30°C) ambient) None (normal operating conditions)
Efficiency	~40% initial ~35% 10-year average 30% with full heat recovery	Other	~66 dBA at 33 ft (10m) with no heat recovery ~60 dBA at 33 ft (10m) with full heat recovery
Electrical (LHV)		Operating life	20 y*
Overall (LHV)		Overhaul interval	10 y*
Fuel		Ambient operating temperature	-20°F to 113°F (-29°C to 45°C)

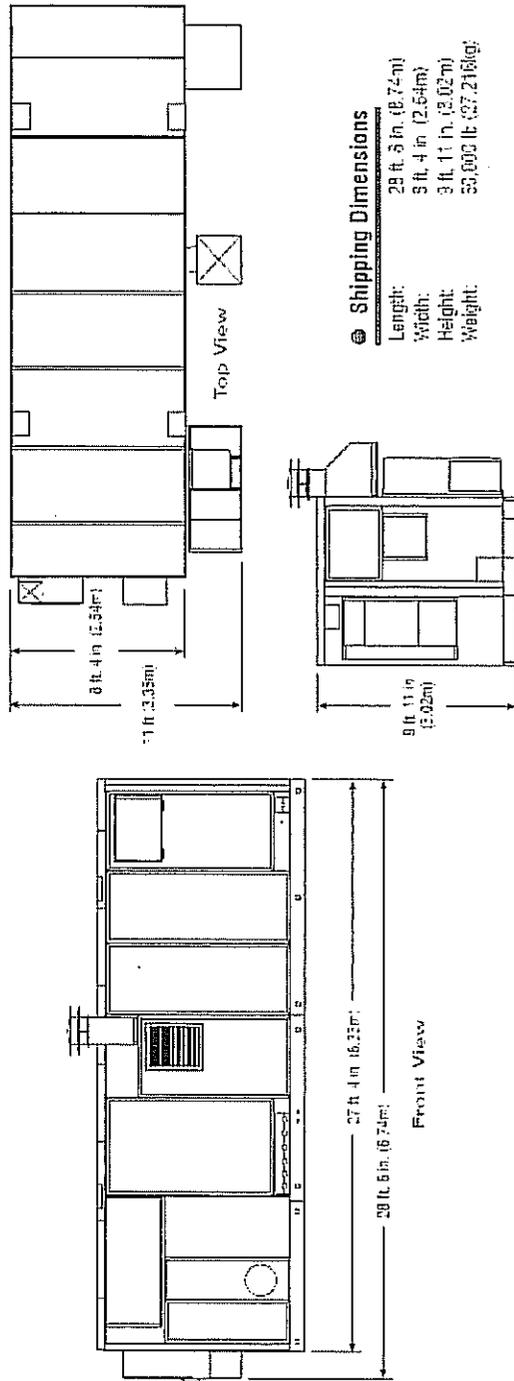
Supply	Hydrogen gas 3.75 MMBtu/hr (1,110 kW) initial 3.59 MMBtu/hr (1,170 kW) average 10 to 14 in. (2.5 to 3.6 ft) at water	Heat Recovery	
Consumption (HHV)		Low grade up to (140°F supply)*	1,617 MMBtu/hr (255 kW) initial 1,043 MMBtu/hr (165 kW) average
Inlet pressure		High grade up to (250°F supply)*	3,717 MMBtu/hr (210 kW) initial 2,933 MMBtu/hr (244 kW) average
Emissions*		NO_x	0.02 lb/MMWh (0.005 kg/MMWh)
CO		CO	0.02 lb/MMWh (0.005 kg/MMWh)
CO₂		CO₂	1100 lb/MMWh (499 kg/MMWh)
SO_x		SO_x	negligible
Particulate matter		Particulate matter	negligible
VOCs		VOCs	0.02 lb/MMWh (0.005 kg/MMWh)



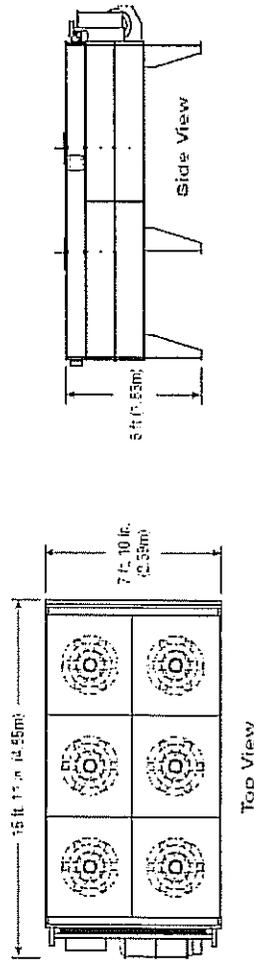
* Certified 2007 California Air Resources Board Approval. Ten-year life assumes a return investment of 60% (27% CO₂ offset). High grade heat assumes a return investment of 20% (25% CO₂ offset).

Physical Characteristics

● **Power Module**



● **Cooling Module**



The manufacturer reserves the right to change or modify, without notice, the design or technical specifications without incurring any obligation or liability. The manufacturer does not warrant the data on this document. Technical specifications are subject to change without notice.



UTC POWER
A United Technologies Company

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060-12-503-1111

State of California
AIR RESOURCES BOARD
Executive Order DG-029
Distributed Generation Certification of
UTC Power Corporation
PureCell® System Model 400

WHEREAS, the Air Resources Board (ARB) was given the authority under California Health and Safety Code section 41514.9 to establish a statewide Distributed Generation (DG) Certification Program to certify electrical generation technologies that are exempt from the permit requirements of air pollution control or air quality management districts;

WHEREAS, this DG Certification does not constitute an air pollution permit or eliminate the responsibility of the end user to comply with all federal, state, and local laws, rules and regulations;

WHEREAS, on September 3, 2009, UTC Power Corporation applied for a DG Certification of its 400 kW PureCell® System Model 400 fuel cell and whose application was deemed complete on November 25, 2009;

WHEREAS, UTC Power Corporation has demonstrated, according to test methods specified in title 17, California Code of Regulations (CCR), section 94207, that its natural-gas-fueled PureCell® System Model 400 fuel cell has complied with the following emission standards:

1. Emissions of oxides of nitrogen no greater than 0.07 pounds per megawatt-hour;
2. Emissions of carbon monoxide no greater than 0.10 pounds per megawatt-hour; and
3. Emissions of volatile organic compounds no greater than 0.02 pounds per megawatt-hour;

WHEREAS, UTC Power Corporation has demonstrated that its PureCell® System Model 400 fuel cell complies with the emissions durability requirements in title 17, CCR, section 94203 (d);

WHEREAS, I find that the Applicant, UTC Power Corporation, has met the requirements specified in article 3, title 17, CCR, and has satisfactorily demonstrated that the PureCell® System Model 400 fuel cell meets the DG Certification Regulation 2007 Fossil Fuel Emission Standards;

NOW THEREFORE, IT IS HEREBY ORDERED, that a DG Certification, Executive Order DG-029 is granted.

This DG Certification:

- 1) is subject to all conditions and requirements of the ARB's DG Certification Program, article 3, title 17, CCR, including the provisions relating to inspection, denial, suspension, and revocation;
- 2) shall be void if any manufacturer's modification results in an increase in emissions or changes the efficiency or operating conditions of a model, such that the model no longer meets the DG Certification Regulation 2007 Fossil Fuel Emission Standards;
- 3) shall expire on the 17th day of February, 2015.

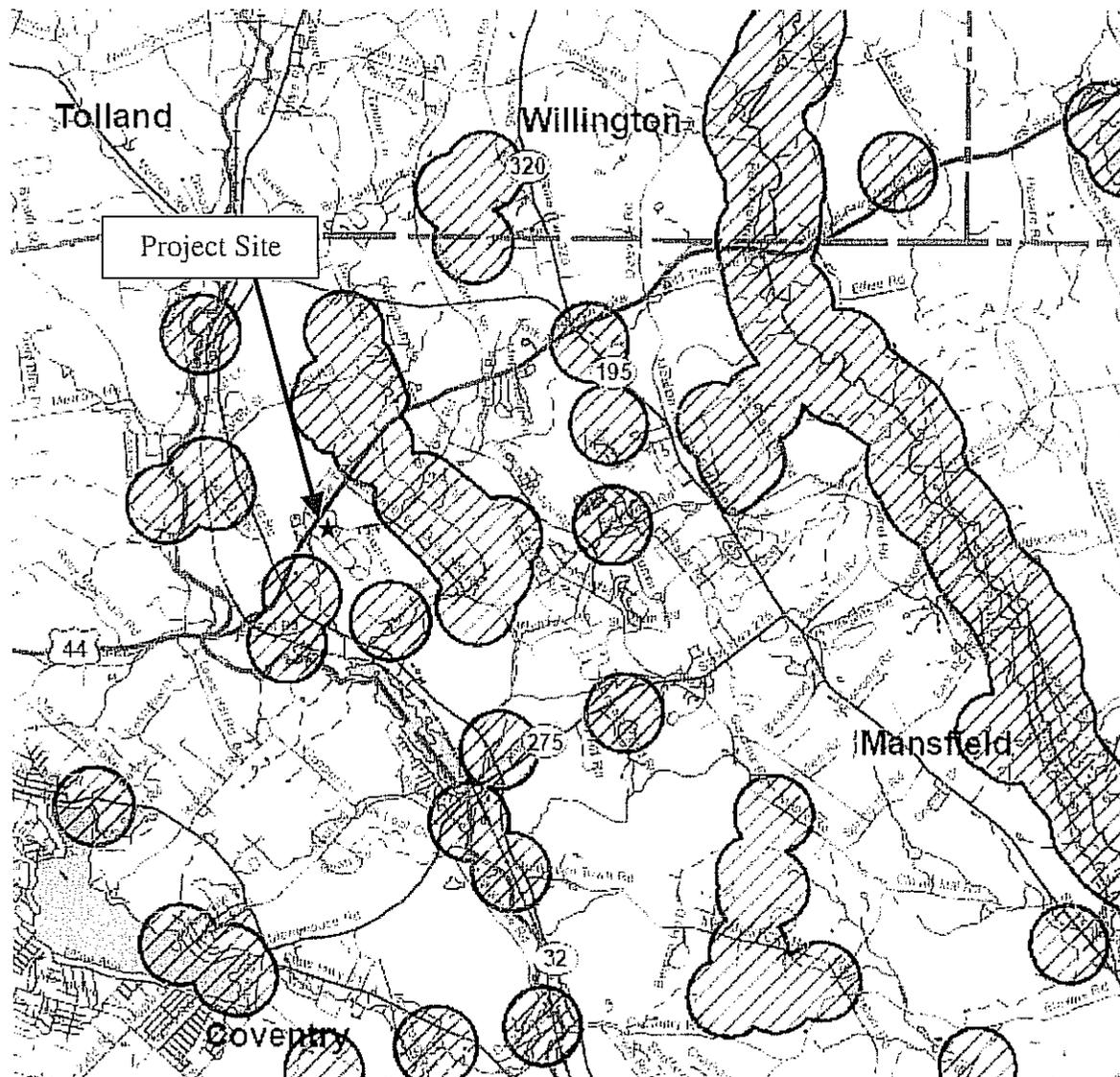
Executed at Sacramento, California, this 17 day of February 2010,

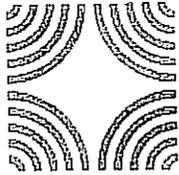
James Goldstene
Executive Officer
by

/s/

Michael Tollstrup, Acting Chief
Stationary Source Division

Attachment D: Connecticut DEP Mansfield Endangered Species Map (shaded areas denote known locations State and Federally listed species).





Connecticut Commission on Culture & Tourism

April 19, 2011

Historic Preservation
and Museum Division

One Constitution Plaza
Second Floor
Hartford, Connecticut
06103

(860) 256-2800
(860) 256-2763 (f)

State Museums

Henry Whitfield Museum
248 Old Whitfield Street
Gulford, Connecticut
06437

(203) 453-2457
(203) 453-7544 (f)

Old New-Gate Prison &
Copper Mine
115 Newgate Road, P.O. # 254
East Granby, Connecticut
06026

(860) 653-3565
(860) 644-2142 (f)

Prudence Crandall Museum
1 South Canterbury Road, P.O. # 58
Canterbury, Connecticut
06531

(860) 546-7800
(860) 546-7803 (f)

Sloane Stanley Museum
11 Kent-Cornwall Road, P.O. # 317
Kent, Connecticut
06757

(860) 927-3849
(860) 927-2152 (f)

CONNECT

www.cultureandtourism.org

An Affiliated Actor
Local Operating Employee

Mr. Ray Wilson
Policy Development and Planning Division
Office of Policy and Management
450 Capitol Avenue
Hartford, CT 06106

Subject: University of Connecticut
44 Weaver Road
Mansfield (Storrs), CT

Dear Mr. Wilson:

The State Historic Preservation Office has reviewed the information submitted for the above-named property, in accordance with the provisions of Section 106 of the National Historic Preservation Act.

Based on the material provided, this office notes that the proposed Fuel Cell System will have no effect upon the state's cultural resources.

This office appreciates the opportunity to have reviewed and commented on this undertaking.

For further information please contact Laura L. Mancuso, Environmental Review Coordinator, at (860) 256-2757 or laura.mancuso@ct.gov.

Sincerely,

David Bahlman
Deputy State Historic Preservation Officer

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MANSFIELD DEMOGRAPHIC SUMMARY

POPULATION CHARACTERISTIC	2000 CENSUS NUMBER	PERCENT	2010 CENSUS NUMBER	PERCENT	CHANGE
TOTAL POPULATION	20,720	100.0%	26,453	100.0%	27.7%

POPULATION IN GROUP QUARTERS	2000	PERCENT	2010	PERCENT	CHANGE
COLLEGE/UNIVERSITY STUDENT HOUSING	7,997	38.6%	12,907	48.8%	61.4%
STATE PRISON	7433	35.9%	11726	44.3%	57.8%
NURSING/SKILLED NURSING FACILITIES	471	2.3%	1017	3.8%	115.9%
OTHER GROUP QUARTERS	86	0.4%	91	0.3%	5.8%
	7	0.03%	73	0.3%	942.9%

SEX AND AGE	2000	PERCENT	2010	PERCENT	CHANGE
MALE	10,259	49.5%	13,780	52.1%	34.3%
FEMALE	10,461	50.5%	12,763	48.2%	22.0%
MEDIAN AGE	22		21.5		-2.3%
UNDER 5 YEARS	600	2.9%	572	2.2%	-4.7%
5 TO 9 YEARS	786	3.8%	651	2.5%	-17.2%
10 TO 14 YEARS	858	4.1%	779	2.9%	-9.2%
15 TO 19 YEARS	4450	21.5%	6103	23.1%	37.1%
20 TO 24 YEARS	5348	25.8%	8998	34.0%	68.2%
25 TO 34 YEARS	1965	9.5%	2091	7.9%	6.4%
35 TO 44 YEARS	1954	9.4%	1604	6.1%	-17.9%
45 TO 54 YEARS	1817	8.8%	1998	7.6%	10.0%
55 TO 59 YEARS	647	3.1%	961	3.6%	48.5%
60 TO 64 YEARS	456	2.2%	754	2.9%	65.4%
65 TO 74 YEARS	926	4.5%	1016	3.8%	9.7%
75 TO 84 YEARS	698	3.4%	672	2.5%	-3.7%
85 YEARS AND OVER	215	1.0%	344	1.3%	60.0%

MANSFIELD DEMOGRAPHIC SUMMARY

POPULATION CHARACTERISTIC	2000 CENSUS		2010 CENSUS		CHANGE
	NUMBER	PERCENT	NUMBER	PERCENT	
RACE AND ETHNICITY					
ONE RACE	20,319	98.1%	25,888	97.9%	
WHITE	17,387	83.9%	21,590	81.6%	
BLACK OR AFRICAN AMERICAN	1,010	4.9%	1,409	5.3%	
AMERICAN INDIAN AND ALASKA NATIVE	41	0.2%	33	0.1%	
ASIAN	1,482	7.2%	2,227	8.4%	
NATIVE HAWAIIAN AND OTHER PACIFIC ISLANDER	10	0.05%	9	0.03%	
SOME OTHER RACE	389	1.9%	620	2.3%	
TWO OR MORE RACES	401	1.9%	655	2.5%	
HISPANIC OR LATINO	893	4.3%	1,606	6.1%	
MEXICAN	87	0.4%	133	0.5%	
PUERTO RICAN	454	2.2%	621	2.3%	
CUBAN	43	0.2%	84	0.3%	
OTHER HISPANIC OR LATINO	309	1.5%	768	2.9%	

ZONING BOARD OF APPEALS

DECISION NOTICE

On October 12, 2011, the Mansfield Zoning board of Appeals took the following action:

Approved the application of Joseph Briody for a Variance of Art VIII, Sec A to locate a 12' x 20' shed approximately 36' from the front property line where 50' is required at 19 Little Ln, as shown on submitted plan. The applicant shall place evergreens on the street side of the shed in order to shield the shed from the road.

In favor of approving application: Accorsi, Gotch, Katz, Pellegrine, Singer-Bansal

Reasons for approving application:

- Topography
- Shape of lot
- Willingness of applicant to shield shed from road with shrubbery

Application was approved.

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

Dated October 13, 2011

Carol Pellegrine
Chairman

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