

**MEETING NOTICE AND AGENDA**  
**MANSFIELD PLANNING AND ZONING COMMISSION**  
Regular Meeting

**Monday, May 21, 2012 ■ 7:00 PM**

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

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
  - a. May 7, 2012 Meeting
  - b. May 15, 2012 Field Trip
4. **Zoning Agent's Report**
  - Monthly Activity Update
  - Enforcement Update
  - Ted's Restaurant, 16 King Hill Road, PZC File #1107-Memo from Zoning Agent
  - Other
5. **Public Hearings**
  - a. **7:00 p.m.**  
**Special Permit for Cut/Fill Activities, Merrow Road Corn Maze, 3 Merrow Road, Mason Brook LLC/Christopher Kueffner, owner/applicant (PZC File #1309)**  
Memos from Director of Planning and Development, Assistant Town Engineer
  - b. **7:15 p.m. Continued from May 7, 2012**  
**Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA), Pleasant Valley Commercial/Agriculture (PVCA) Regulations and Research and Development/Limited Industrial Zone, (PZC File #907-37)**  
Letter from Windham Regional Planning Commission
6. **Old Business**
  - a. **Special Permit for Cut/Fill Activities, Merrow Road Corn Maze, 3 Merrow Road, Mason Brook LLC/Christopher Kueffner, owner/applicant (PZC File #1309)**
  - b. **Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA), Pleasant Valley Commercial/Agriculture (PVCA) Regulations and Research and Development/Limited Industrial Zone, (PZC File #907-37)**
  - c. **Other**

## 7. New Business

- a. 82 Stonemill Road, LeBlond owner, discussion Re: Kennel Use  
Memo from Zoning Agent
- b. 8-24 Referral: Mansfield Community Center Playground  
Memo from Director of Planning and Development
- c. Gravel Permit Renewals
  - Banis property on Pleasant Valley Road File #1164
  - Hall property on Old Mansfield Hollow Road File #910-2
  - Green Property, 1090 Stafford Road PZC File #1258Memo from Zoning Agent
- d. Other

## 8. Reports from Officers and Committees

- a. Chairman's Report
- b. Regional Planning Commission
- c. Regulatory Review Committee
- d. Planning and Development Director's Report
- e. Other

## 9. Communications and Bills

- a. Spring 2012 (final edition) Planning Commissioners Journal
- b. 4-13-12 DOT Letter Re: Construction of a Windham Regional Transit District Bus Facility
- c. Spring 2012 CT Planning Publication Re: Urban Design
- d. CT Law Tribute Editorial Re: Invasive Bamboo Stalks the State

## 10. Adjournment

DRAFT MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION  
INLAND WETLANDS AGENCY  
CONSERVATION COMMISSION  
FIELD TRIP  
Special Meeting  
Tuesday, May 15, 2012

Members present: R. Hall (item 1 & 2), K. Holt, G. Lewis, K. Rawn, B. Pociask,  
B. Ryan  
Alternates present: B. Chandy  
Staff present: G. Meitzler, Wetlands Agent/Assistant Town Engineer  
L. Painter, Director of Planning and Development  
C. Hirsch, Zoning Agent (item #1)

The field trip began at 3:30 p.m.

1. C. Kueffner – 3 Merrow Road – removal of earth material and regrading  
PZC File #1309  
Members were met on site by Phil DeSiato. Members observed current conditions, and site characteristics. No decisions were made.
2. Town of Mansfield, Mansfield City Rd (south of Crane Hill Road), - Drainage  
IWA File #W1496  
Members observed current conditions and site characteristics. No decisions were made
3. J. Guarino, 216 Spring Hill Road – 21' above-ground pool  
IWA File #W1497  
Members were met on site by Mrs. Guarino. Members observed current conditions, and site characteristics. No decisions were made.

The field trip ended at approximately 5:00 p.m.

Respectfully submitted,

K. Holt, Secretary

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BREAK

To: Town Council/Planning & Zoning Commission  
 From: Curt Hirsch, Zoning Agent  
 Date: May 9, 2012

*CSA*

Re: *Monthly Report of Zoning Enforcement Activity*  
*For the month of March, 2012*

Activity	This month	Last month	Same month last year	This fiscal year to date	Last fiscal year to date
Zoning Permits issued	3	7	4	77	71
Certificates of Compliance issued	5	13	1	74	80
Site inspections	17	43	14	231	305
Complaints received from the Public	4	2	1	35	34
Complaints requiring inspection	4	1	1	26	26
Potential/Actual violations found	3	2	2	18	23
Enforcement letters	15	6	4	56	84
Notices to issue ZBA forms	1	0	0	10	12
Notices of Zoning Violations issued	1	0	0	10	12
Zoning Citations issued	0	0	0	8	39

Zoning permits issued this month for single family homes = 0, 2-fm = 0, multi-fm = 0  
 2011/2012 fiscal year total: s-fm = 3, 2-fm = 0, multi-fm = 0

To: Town Council/Planning & Zoning Commission  
 From: Curt Hirsch, Zoning Agent *CBAA*  
 Date: May 9, 2012

Re: *Monthly Report of Zoning Enforcement Activity*  
*For the month of April, 2012*

Activity	This month	Last month	Same month last year	This fiscal year to date	Last fiscal year to date
Zoning Permits issued	8	3	7	84	78
Certificates of Compliance issued	7	5	2	76	82
Site inspections	11	17	25	242	330
Complaints received from the Public	2	4	5	37	39
Complaints requiring inspection	2	4	5	28	31
Potential/Actual violations found	1	3	2	19	25
Enforcement letters	3	15	9	59	93
Notices to issue ZBA forms	0	1	1	8	2
Notices of Zoning Violations issued	1	1	1	11	13
Zoning Citations issued	0	0	0	8	39

Zoning permits issued this month for single family homes = 0, 2-fm = 0, multi-fm = 0  
 2011/2012 fiscal year total: s-fm = 3, 2-fm = 0, multi-fm = 0



# 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 *CH*  
Date: May 16, 2012

**Re: request for outdoor event  
Ted's Restaurant, 16 King Hill Road  
PZC # 1107**

I received a 3/23/12 request from Ryan McDonald, operator of Ted's Restaurant, for permission to use an outdoor area of his site for a UConn Alumni reception to be held on Saturday, June 2, 2012. A supporting request dated 2/2/12 from Alicia Wilson, Manager of Campus Relations at the UConn Alumni Association was also submitted. At my request, Mr. McDonald submitted some additional information dated 5/14/12. All together we have a statement of use describing the event activity along with two plans of the 16 King Hill Road property and a building floor plan.

Summarizing the request, Ted's and the Alumni Association would like to hold an alumni reunion reception for the UConn class of 1987 in conjunction with a campus wide Alumni Weekend. The small parking area in front of Ted's would be fenced off and guests attending the event would have use of both the interior space of the restaurant as well as the approximately 40' x 60' parking area. The outdoor area would include an area for an acoustic band and a "porta potty" (access to rest rooms inside the building will remain available.) Other highlights of the request include:

- The event will take place from 4:00 to 8:00 p.m. (confirmed by phone),
- Entry/exit to/from fenced area is located away from road,
- Staff posted to prevent open alcohol leaving the site,
- Food will be prepared and served inside the restaurant,
- Trash receptacles will be located outside and monitored by restaurant staff

Ted's is located within a PB-4 zone. Its immediate neighbors are the Lodewick Visitor Center, other commercial uses and UConn's parking Lot 9 across the street. There is public use of this parking area on weekends.

The Commission has authorized the use of outdoor areas in the past. In 1993 and 1994, the PZC permitted a substantial event at the Chuck's & Margarita's restaurant on Stafford Road. That event had beer and food sales booths; live band; radio station, live broadcast; a large tent and pony rides.

In my opinion, the proposed event is not expected to raise any off-site concerns. I believe that coordinated events between local businesses and the University should be encouraged when properly and safely conducted. I recommend that **the PZC authorize the June 2, 2012 alumni reception proposed at Ted's Restaurant as described in letters dated 3/23/12 and 5/14/12 from Ryan McDonald, and a 2/2/12 letter from Alicia Wilson, and other submittals, because the event is not expected to have a significant impact on the commercial and University properties in the immediate area. This action acknowledges that live music will be performed outside of the building.**

Ted's Restaurant and Bar  
16 King Hill Road  
P.O. Box 68  
Storrs, CT 06268  
(860)429-9545

March 23, 2012

Dear: Kurt Hirsch

I am writing to follow up on the brief meeting we had regarding an outdoor event to be held at Ted's Restaurant on Saturday, June 2<sup>nd</sup>. The purpose of this letter is to learn of the expectations the town may have to allow for a safe and fun event maximizing as many possible alumni to attend. Some specific features to the event that I would like to explore and possibly set up for one day are the following:

- Be able to expanded my capacity by allowing for a fenced off front parking lot area.
- Allow a live band to play outdoors (weather permitting) between the hours of 4:00-8:00 p.m.
- Allow patrons to carry open food and beverage outside of the restaurant.

Does this sound like something I will be able to accomplish? If it is, I am eager to speak with you about this event and explore the requirements you and other town officials may have. I've enclosed a letter from the Alumni Association for you to review. I look forward to hearing from you.

Sincerely,

Ryan McDonald

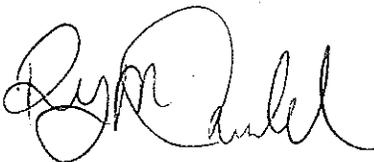
Ted's Restaurant and Bar  
GrapeVine Catering, LLC  
P.O. Box 68  
16 King Hill Road  
Storrs, CT 06268

To: Curt Hirsch, Zoning Agent  
From: Ryan McDonald  
Date: Monday May 14, 2012

I have attached two drawings identifying the extent of the proposed 'fenced off' area of Ted's Restaurants' parking lot that will be used for the alumni event on Saturday, June 2<sup>nd</sup>, 2012. The proposed fenced off area will have two unblocked entry/exit spaces that will have staff members posted at to ensure the safety to the patrons entering and exiting the property. These staff members will also ensure that no open beverages will leave the property at anytime. The fenced off area will be limited to the boundaries of the already existing parking lot located on the premises at 16 King Hill Road and will not cross or interfere with the surrounding properties. There will be a "Porta Potty" available for the patrons to use as well as full access to the existing bathroom facilities in the restaurant. All food will be prepared in the existing kitchen and served in the existing dining room of the restaurant. Ample garbage receptacles will be placed around the fenced off area to eliminate any litter accumulation inside or outside the proposed fenced off area or surrounding properties. The proposed band would be an acoustic style band with 3-4 members and would perform outside the restaurant but inside of the fenced off area (weather permitting) between the hours of 6:00 – 10:00 PM. I appreciate your acceptance of this proposal and hope to be able to accommodate to the zoning regulations required to host a safe and successful alumni event at Ted's Restaurant.

4-8:00pm confirmed  
CSB

Sincerely,



Ryan McDonald  
Member, LLC



UConn  
ALUMNI  
ASSOCIATION

2384 Alumni Drive  
Unit 3053  
Storrs, CT 06269-3053

Toll Free: (888) 822-5861  
P: (860) 486-2240  
F: (860) 486-2849  
ucaa@uconn.edu

UConnAlumni.com

February 2, 2012

Dear Zoning Agent,

My name is Alicia Wilson, Manager of Campus Relations at the UConn Alumni Association. I am working with Ryan from Ted's Restaurant & Bar for our Alumni Weekend 25<sup>th</sup> Reunion celebration which is being held Friday, June 1<sup>st</sup> and Saturday, June 2<sup>nd</sup>. Alumni Weekend is an event hosted by the UConn Alumni Association and all alumni are welcomed back to campus to partake in tours, dinners, and class or affinity reunions.

This year the Alumni Association is hosting a 25<sup>th</sup> reunion for the Class of 1987. The main event for the class is taking place at Ted's Restaurant & Bar where they will be invited for a Happy Hour and Reception to re-connect with their classmates and friends. Ted's is a memorable spot on campus for many from this reunion class, and we want to allow as many as possible to attend, but still stay within the codes setup for safety. I have listed a few details of the event below:

- The event will be held from 4:00-8:00 p.m. on Saturday, June 2<sup>nd</sup>
- There will be food served inside the restaurant for the reunion class and a cash bar available for drinks if they so choose
- The outside parking lot would be fenced off and allow for more comfort inside the restaurant, while still controlling the gathering to a confined location
- A band may be invited to play to provide live entertainment for the reunion.
- Rooms and Accommodations have been blocked off at the Nathan Hale Inn and South Campus Residence Halls for patrons to stay for the weekend.

Again, this is a celebratory event that is meant to create new memories for a class that has great memories at Ted's Restaurant and Bar. Please feel free to contact me at (860) 486-4181 or at [Alicia.2.Wilson@UConn.edu](mailto:Alicia.2.Wilson@UConn.edu) with any further questions.

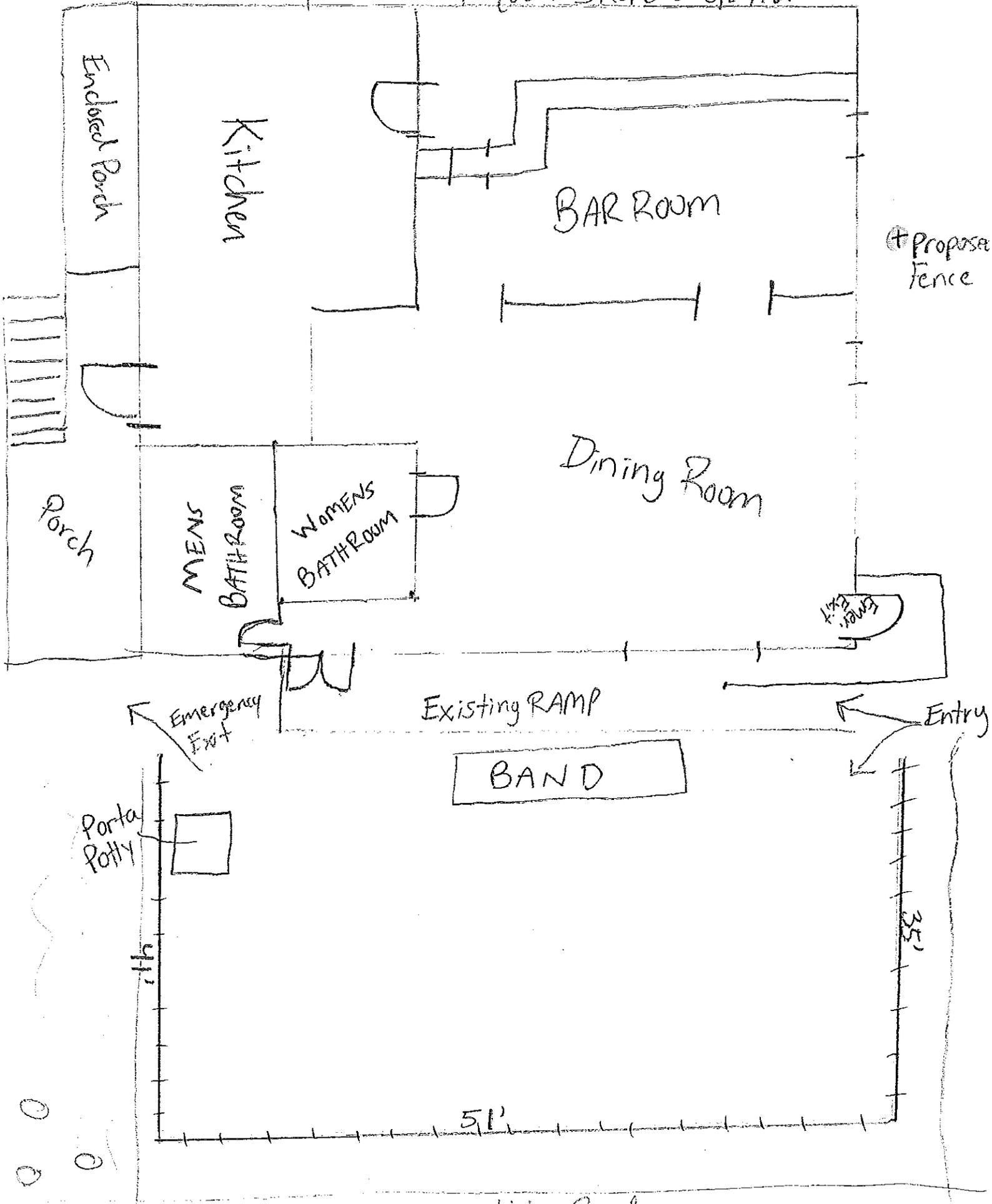
The Alumni Association is looking forward to a fun and safe Alumni Weekend for all alumni that return.

Sincerely,

Alicia Wilson  
[Alicia.2.Wilson@UConn.edu](mailto:Alicia.2.Wilson@UConn.edu)  
860-486-4181



Ted's Restaurant One Day Patio/Additional Bar  
Request Sketch 6/2/12



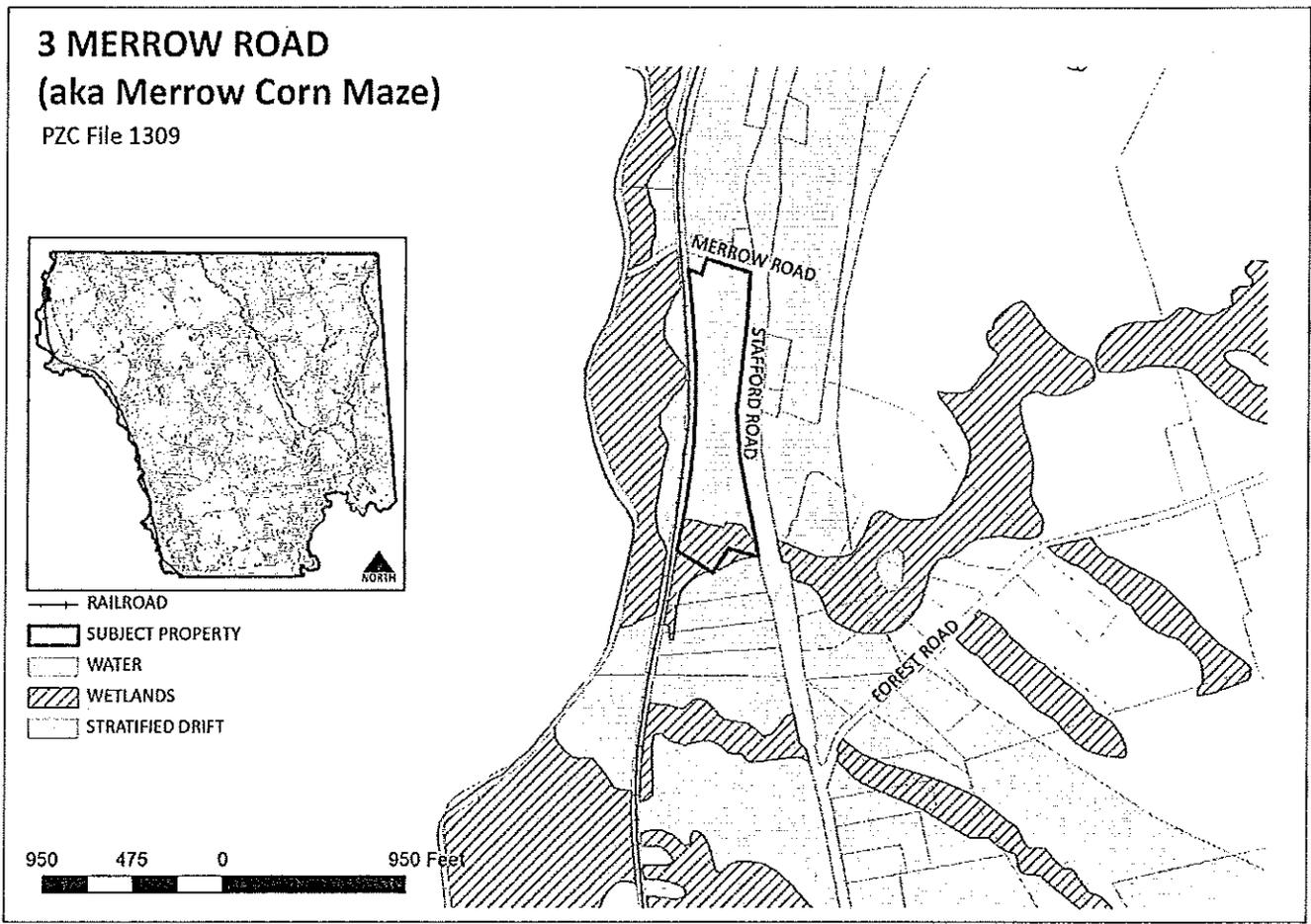
Kinn Hill Road

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**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  
**Date:** May 17, 2012 *JUP*  
**Subject:** Mason Brook LLC/Christopher Kueffner  
3 Merrow Road  
Special Permit Application (File 1309)



**Property Size:** 10 acres

**Project Description:**

The applicant is requesting Special Permit Approval to remove approximately 4,200 cubic yards of gravel as part of efforts to regrade the corn field to be more level.

## Project Overview

The property is currently developed with a single-family home, barn and a seasonal corn maze. The applicant is requesting a Special Permit to authorize the removal of approximately 4,200 cubic yards of material. The purpose of the request is to allow for the regrading of the existing cornfield to create a more gentle and uniform slope. The project will also include the redistribution of topsoil to areas that are currently washed out due to runoff from Stafford Road and repair of the runoff culvert from Stafford Road that has been damaged due to aging and erosion. The combination of these efforts is expected to improve agricultural production.

The project is expected to take eight months to complete, with an estimated completion date of December 31, 2012. The following summarizes the applicant's proposed operation:

- Days/Hours of Operation: Monday-Friday, 8:00 am to 4:30 pm
- Truck Route: Merrow Road to Route 32/Stafford Road; south to Desiato Sand and Gravel processing plant (total distance 2.1 miles)
- Machinery: CAT 320CL Excavator; CAT D6 Bulldozer and 2 dump trucks; there will be no construction trailer located on-site.
- Loads per day: 30
- Processing. There will be no processing, screening, sorting or crushing activity on this site
- Vehicle Maintenance/Fueling: No vehicle maintenance will take place on-site; refueling of equipment will be done by portable fuel truck
- Erosion and Sedimentation Control: Topsoil will be stockpiled in two locations and surrounded by silt fence; no topsoil shall be taken off-site; the access road will be wetted during dry season for dust control
- Topsoil: All topsoil shall be spread over disturbed areas; a minimum of 6 inches of topsoil will be used. The property will be seeded and mulched immediately upon completion.

The applicant has requested a waiver of the following submission requirements:

- Provision of an A-2 Survey. The applicant has submitted a Class D survey, which they believe is sufficient for the proposed activity. The difference between a Class A-2 and a Class D survey is related to the required level of horizontal accuracy. A Class D survey is based on a compilation of existing data; it is not a field survey. *Note: The Commission waived this requirement for a similar proposal at the Green Farm.*
- Location of Utility Poles. The location of utility poles has not been provided as they are not relevant to the proposed activity.
- Data Accumulation Plan. Article X, Section H.3.b requires submission of a data accumulation plan with Class D and TD certification, prepared by a surveyor that shows the following off-site information:
  - Existing contours of all areas within 500 feet of the subject property
  - Designated inland wetland areas, watercourses and stratified drift aquifer areas within 1,000 feet of the subject property
  - Property lines of the subject site and all properties within 1,000 feet of the site
  - Location of streets and dwelling units within 1,000 feet of the site
  - Names and addresses of property owners within 1,000 feet of the site

*Note: While no specific waiver was noted in the original approval for the Green Farm gravel permit, staff did not find a data accumulation plan in the file.*

The request for waiver is based upon the applicant's belief that the information is not needed to determine compliance with the regulations and would constitute an undue hardship and unnecessary expense for an agricultural use. Article X, Section 4 authorizes a majority of the Commission to waive the submission of the data accumulation plan. The requirement may be waived only in situations where the information clearly is not needed to determine compliance with the regulations. In general, the waiver provision is most applicable to minor filling and excavation activities associated with existing agricultural or horticultural uses, existing residential or governmental land uses, or minor subdivision grading, filling or removal activities.

To assist the Commission in determining whether to grant waivers to the above requests, staff has prepared a map showing approximate contours and wetland locations within 1,000 feet of the subject property.

#### Property Description

The subject property is located at the southwest corner of Stafford Road (Route 32) and Merrow Road. The Central New England Railroad runs along the western boundary of the property, providing a buffer between the existing agricultural use and Merrow Meadow Park, which is located on the west side of the railroad. The excavation site is also well buffered from properties to the east across Stafford Road by the change in elevation. Additionally, given the type and speed of traffic, the proposed work is not anticipated to have any significant negative impacts. With regard to the property to the south, the closest area of construction is approximately 360 feet, and is separated by existing mature woods and wetlands. The construction limit on the northern side (excluding the access road) is approximately 200 feet from the parking lot for the commercial business on the north side of Merrow Road (the proposed access road goes through the parking lot).

The property is located in an area of stratified drift aquifer, and is also within the designated Aquifer Protection Area for UConn's Spring Manor farm wellfield. As the proposed work is not a regulated activity pursuant to the Aquifer Protection Agency (APA) regulations; no review by the APA is required.

#### Purpose and Intent of Regulations

Article X, Section H specifies regulations related to Filling/Grading/Excavation/Removal/Processing of Soil, Stone, Sand and Gravel, Peat Moss and Other Similar Materials. These regulations are intended to:

- Protect Mansfield's natural resources, including existing and potential surface and ground drinking water supplies, from potential adverse impacts including erosion and sedimentation problems and water contamination;
- Protect residential properties from potential adverse impacts including noise, dust, visual impacts and other nuisance problems and the lowering of property values;
- Protect citizens from potential vehicular or pedestrian traffic hazards;
- Promote safe site conditions;
- Promote appropriate restoration and provide for appropriate future uses of the subject property;
- Promote Plan of Conservation and Development goals, objectives and recommendations.

#### Special Permit Approval Criteria

Article V, Section B(5) of the Mansfield Zoning Regulations requires that the proposed project meet the following criteria in order to be approved:

- *The proposed project will not detrimentally affect the public's health, safety and welfare. Subject to the suggested conditions noted under 'Summary and Recommendations,' the proposed project will not detrimentally affect the public's health, safety and welfare.*
- *All approval criteria cited in Article V, Section A(5), Site Plan Approval Criteria, of the regulations have been met.*  
See detailed discussion below regarding approval criteria for excavation and removal of materials.
- *The proposed use is compatible with the Town's Plan of Conservation and Development (POCD). The property is classified as Low Density Residential in the POCD and is within the Merrow historic village/hamlet. The proposed removal of materials/regrading will promote the continued agricultural use of the property, which is consistent with both the land use designation and Policy Goal 2, Objective c.*
- *The location and size of the proposed use and nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the town and other existing uses. No change in use is proposed; once the removal of materials is complete, the existing cornfield will be restored.*
- *Proper consideration has been given to the aesthetic quality of the proposal, including the architectural design, landscaping and proper use of the site's natural features. The kind, size, location and height of structures, the nature and extent of site work, and the nature and intensity of the use shall not hinder or discourage use of the neighboring properties or diminish the value thereof. All applicable standards contained in Article X, Section R shall be incorporated into the plans.*  
Once the proposed site work is completed, the area will be put back into production as a corn field. There will be no permanent structures constructed as part of this project.

In addition to the above criteria required for all special permits, the following criteria apply to requests excavation/removal/regrading requests:

- *Except as noted below, to protect the health, welfare and safety of Mansfield residents, all approved work shall be performed between the hours of 7 am and 7 pm Monday through Friday. Additionally, sales and deliveries may be made from 7 am to 7 pm Saturday. Depending on specific site and neighborhood characteristics, the Commission shall have the right to modify these time restrictions, including the imposition of more restrictive work hours and restrictions on trucks arriving at a site prior to authorized hours of operation.*  
As noted above, the proposed hours of operation are 8:00 am to 4:30 pm Monday through Friday.
- *Truck access roads to and within the permit premises shall be arranged to minimize danger to vehicular and pedestrian traffic and to minimize nuisance to surrounding property owners. When required by the Commission, such access roads shall have a dustless surface, which is to be maintained in good condition at all times.*  
The truck access to the site is from Stafford Road and Merrow Road. The applicant has obtained written permission from the owner of the parking lot on Merrow Road to use that property for the site access road. Days and times of site work shall be coordinated with the owner of the parking lot to minimize potential for conflict with customers using the lot.

- *Provisions shall have been made for appropriate traffic controls, including barricades or fencing, highway warning signs and traffic control persons as deemed necessary by the Planning and Zoning Commission.*

**The applicant shall prepare a plan for appropriate traffic control when trucks will be entering and leaving the parking lot at the same time as it is being used by customers for businesses across the street.**

- *In considering any proposed activity, the Commission shall determine that appropriate measures shall be taken to protect nearby property owners from visual impacts, drainage impacts, noise impacts, dust impacts and potential property value impacts. Such measures, in addition to others required by the Commission, may include:*

- *Limitation on the location and height of stockpiles; (unless approved by the Commission, stockpiles shall not exceed a height of 20 feet and no stockpile shall be within 50 feet of a property line)*

**Topsoil stockpiles shall not exceed 10 feet in height. The applicant must obtain written permission from the railroad for the stockpiles to be located as proposed.**

- *Provisions for the wetting, chemical treatment and/or revegetation of stockpiles and other exposed areas*

**The applicant shall submit information regarding the maintenance of the topsoil stockpiles to reduce wind erosion and dust.**

- *Erection of fences, berms and/or planting of evergreen screening*

**No fences, berms or evergreen screening are needed for this property due to its location and topography.**

- *Covering of all truck loads, both within the site and off-site*

**All truck loads shall be covered both on-site and off-site**

- *Limitation on the size of project phases*

**No project phasing is proposed at this time.**

- *Limitations on the term or length of time authorized to complete project or a particular phase. As a condition of approval, the Commission shall have the right to require the submission of professional monitoring reports including, but not limited to, information on noise levels and compliance with approved plans, including contour elevations.*

**No additional information or monitoring is anticipated to be needed for the proposed work.**

- *All excavation shall take place at least 50 feet from a property line, unless written approval to reduce the separation to less than 50 feet has been granted by adjacent property owners. Depending on specific site and neighborhood characteristics, the Commission shall have the right to require a greater separation distance from a residential property if the additional distance will help minimize the potential for detrimental neighborhood impacts*

**Written approval from the railroad shall be required for excavation within 50 feet of the right-of-way.**

- *Where an excavation has a depth of more than 10 feet and a slope of more than 3 to 1, suitable safety precautions as determined by the Commission shall be taken to prevent conditions detrimental to the public safety, health and welfare. Such precautions may include fencing, terracing, berms control of the entrances and exits to the site and requirements for daily regrading of cut faces.*

**The applicant has indicated that there are two areas (by the house and along Stafford**

Road) where they expect to excavate to a depth greater than 10 feet. Those areas will be sloped and seeded as necessary for safety.

- *In considering any proposed activity, the Commission shall determine that appropriate measures shall be taken to protect onsite as well as offsite natural resource features, including surface and ground water quality. In addition to requiring strict adherence to the site development principles and sediment and erosion control plan provisions of Article VI, Section B.4.r and s, the Commission shall have the right to required undisturbed buffer areas (see Article VI, Section B.4.q.2), the right to limit the size of project phases, and the right to restrict onsite vehicle maintenance, and onsite storage of fuels, oils or other chemicals. Additionally, as a condition of approval, the Commission shall have the right to require periodic environmental testing and the submission of professional monitoring reports, including but not limited to, information on ground water elevations and ground water and surface water quality.*

No onsite maintenance or gravel operations are proposed. Due to the location and topography of the site, no off-site impacts are anticipated from the proposed work.

- *To help protect ground water quality and assure the suitability of the site for future uses, including on-site septic systems, all excavations (except as noted below) shall retain an undisturbed area at least five (5) feet thick above the maximum ground water elevation. For excavations directly associated with a proposed subdivision or specific construction project or for exceptional situations within sewered areas or commercial zones, the Commission shall have the right to reduce this distance above maximum ground water elevation, provided the applicant demonstrates with detailed documentation that a reduction on all or part of the subject site will not detrimentally affect potential permitted uses of the site or ground water quality.*

The current excavated areas are at least 6-7 feet above ground water, based on test holes previously dug from the current excavated depth. No water was encountered in those test holes.

- *Topsoil stripped from the site shall be stockpiled on the premises and shall not be sold or removed from the premises without prior Commission approval. Upon completion of site work within each approved project phase, the site shall be restored in accordance with the approved erosion and sedimentation control plan and in a manner compatible with anticipated future uses. At minimum, all revegetated areas shall have a uniform depth of at least four (4) inches of topsoil, of a quality acceptable for the subject restoration plan. In situations where topsoil is excessively drained, more than four inches of topsoil can be required. The Commission shall have the right to restrict the onsite burial of trees, stumps or rocks, and no trash, refuse or other materials shall be buried on-site.*

The topsoil will remain on-site and will be distributed at a depth of at least 6 inches once the excavation is complete.

- *To help ensure compliance with the proposed contours and other approval requirements, the Commission shall have the right to require the setting and maintenance of vertical and horizontal control points around the perimeter of the site or individual phases.*

The use of vertical and horizontal control points is not expected to be needed for this project.

### Summary and Recommendations

Subject to the Commission's determination regarding appropriateness of the waivers to submission requirements that are requested as part of the application and provided the applicant is able to address

the issues identified in this report to the Commission's satisfaction during the public hearing, I find no significant land use issues with the proposed request. The following conditions/issues should be addressed in any approval motion:

- Waivers to the following regulations:
  - A-2 Survey and Location of Utility Poles (Article V, Section A.3.d)
  - Data Accumulation Plan (Article X, Section H.3.b)
- Written authorization from the railroad for excavation and stockpiles within 50 feet of the western property line shall be provided.
- Addition of notes to the site plan regarding:
  - Traffic management plan for days when construction activity is concurrent with use of the parking lot by customers for the business on the north side of Merrow Road.
  - Requirement that all truck loads be covered, both on and off-site.
  - Measures to control wind erosion and dust from stockpiles
  - Locations of areas where excavation will exceed depth of 10 feet and 3 to 1 slope and safety measures for those areas
  - Information on depth of groundwater and minimum depth of undisturbed area between excavation and groundwater depth
  - Use of best management practices as recommended by the Department of Energy and Environmental Protection and the USDA Natural Resources Conservation Service for the application of manure, fertilizer or pesticides once the property is replanted.
- Requirement that the Town be informed when excavation is to be done so that exposed soil conditions can be monitored and if necessary raise the finished grades to maintain current conditions for rainfall moving through the gravel to the underlying aquifer zones.
- Any approval shall expire July 1, 2013

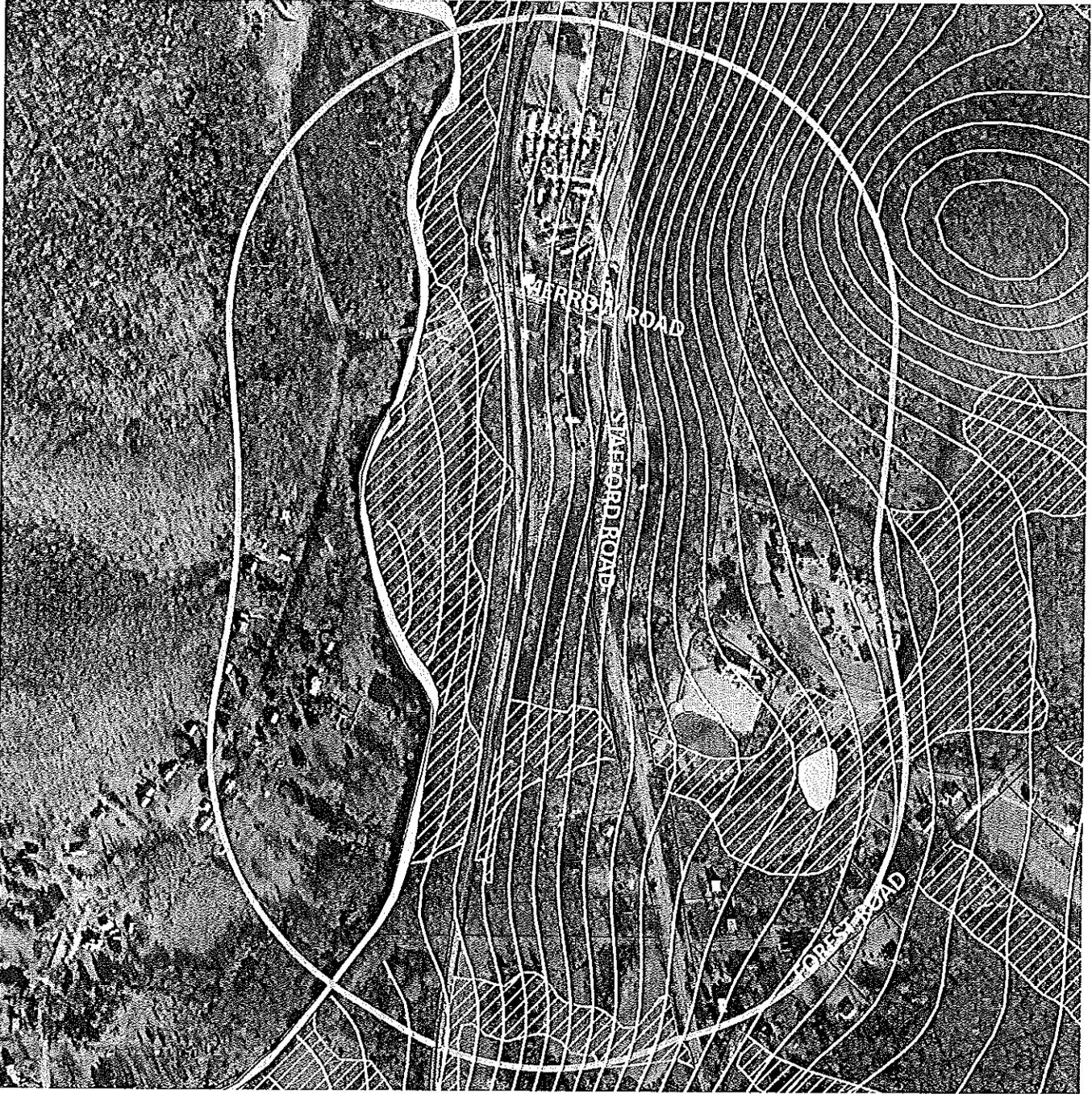
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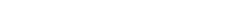
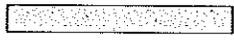
## NOTES

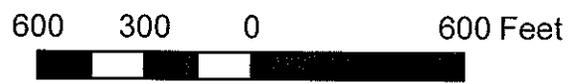
- The analysis and recommendations contained in this report are based on the following information submitted by the applicant:
  - Application submitted April 23, 2012 and received by the PZC on May 7, 2012, including:
    - Statement of Use
    - Borrow Pit and Grading Plan prepared by Filip Associates dated April 17, 2012
  - Email from applicant dated May 15, 2012
  - Handwritten responses to questions submitted May 17, 2012
- The following correspondence regarding the proposed development has been received:
  - Memo from Assistant Town Engineer dated May 17, 2012
- Neighborhood Notification Forms were sent to property owners within 500 feet of the subject property in accordance with Article V, Section B(3)(c) of the Mansfield Zoning Regulations. A copy of the notice and certified mail receipts have been provided to the Department of Planning and Development.
- The Town of Coventry was notified on May 10, 2012.
- The Department of Public Health was notified by the applicant on May 11, 2012
- Before rendering a decision, the Planning and Zoning Commission must consider other referral reports and public hearing testimony. A decision must be made within 65 days of the close of the Public Hearing unless the applicant grants a written extension.
- The Public Hearing on this item will be opened on May 21, 2012.

# 3 MERROW ROAD (aka Merrow Corn Maze)

PZC File 1309



-  Subject Property
-  1,000 Foot Buffer
-  10' contours
-  Water
-  Wetlands
-  Railroad



Memorandum:

May 17, 2012

To: Planning & Zoning Commission  
From: Grant Meitzler, Assistant Town Engineer  
Re: 3 Merrow Rd - gravel removal

plan reference: dated April 17, 2012

This application requests approval for the removal of 4200 cubic yards of material from the Kueffner property at 3 Merrow Rd. The plan submitted shows the levelling work area in the open cornfields to be 3.5 acres.

The present large area of excavation near Merrow Rd and the railroad tracks is intended to be refilled with material to be relocated from the higher side of the cornfield nearer Route 32. I estimate the present excavation we walked during the field trip at approximately 3500 cubic yards. Dividing the 4200 cy volume by the 3.5 acre area, this works out to an average of 9 inches of soil removal over the total work area shown. There is a massive pile of topsoil stockpile along the west edges of the excavation. This topsoil is needed on the site for agricultural use when the regrading of the cornfield is completed.

The present excavation area is lower than surrounding land and I have seen no signs of flow or sediment from the area.

A drain pipe under the railroad tracks is shown on the plan and based on the observation of standing water in the low area adjacent to this pipe, this pipe was placed at too high an elevation. This water stems from the cornfield runoff and a street drain from Route 32 which is also shown on the plan. The plan indicates silt fencing is to be placed around this low area to keep sediment in check. The drain coming from Rte 32 is shown on an old right of way plan as being a stone conduit. This no longer carries water and its replacement with 220 feet of 15" pipe is indicated on the plan.

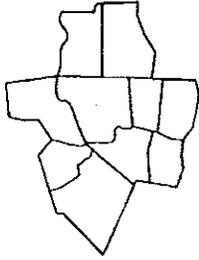
The work is being done to improve the grades of the existing cornfield by reducing uneven slopes and local dry soil conditions.

No new building has been indicated on the plan.

I see little potential for adverse impact in regard to aquifer protection with the proposed work. The change is from cornfield to regraded cornfield. There is a potential for disturbing aquifer conditions if excavation and regrading exposes groundwater and creates large seepage areas.

I recommend a condition that we be informed when excavation is to be done so that exposed soil conditions can be monitored and if necessary raise finished grades to maintain current conditions for rainfall moving through this gravel to the underlying aquifer zones.

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# WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

## REGIONAL PLANNING COMMISSION

Date: May 2, 2012  
Referral #: 12-03-22-MD  
Report on: **Zoning**

**MANSFIELD**

**Pleasant Valley Districts**

To: Town of Mansfield Planning and Zoning Commission  
C/o: Linda Painter, Director of Planning

Commissioners;

This referral involves: A proposal to modify the regulations for the Pleasant Valley Residence/Agriculture Zone and the Pleasant Valley Commercial/Agriculture Zone.

Receipt is hereby acknowledged of the above referral. Notice of this proposal was transmitted to the Windham Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

**Comments for Inclusion in the Public Record:** The Regional Planning Commission reviewed the proposed amendments to the zoning regulations. The commission offers recommendations on how proposals can better meet the goals and vision of the Windham Region Land Use Plan, WINCOG's regional guide for conservation and development. The recommendations of the Regional Planning Commission are purely advisory.

- The proposed changes to the Pleasant Valley Residence/Agriculture Zone and the Pleasant Valley Commercial/Agriculture Zone are consistent with the policies contained in the Windham Region Land Use Plan. The Regional Planning Commission encourages maximum agricultural set-asides to protect prime farmland.
- The proposal has the potential to create negative intermunicipal impacts.

Questions concerning this referral should be directed to Jana Butts at the Windham Region Council of Governments.

Sincerely,

TED MELINOSKY

Ted Melinosky, Vice Chair  
WINCOG RPC

Distribution: L. Painter, Mansfield; E. Trott, Coventry; S. Yorgensen, Willington; Planner/ZEO, Chaplin; J. Finger, Windham.  
W:\WINCOG Office\RP C\FY 2012\Referrals\12-03-22-MD.doc

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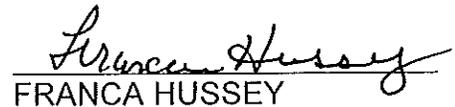
IN RE: PLANNING AND ZONING : PLANNING AND ZONING  
 COMMISSION'S 1/30/08 PROPOSED : COMMISSION OF THE  
 REVISIONS TO MANSFIELD'S : TOWN OF MANSFIELD  
 ZONING MAP AND REGULATIONS :  
 : MAY 4, 2012

NOTICE OF PROTEST TO PROPOSED ZONING REVISIONS

Bruce and Franca Hussey hereby protest the Mansfield Planning and Zoning Commission's proposed revisions to the Mansfield Zoning Map and Zoning Regulations (3/5/12 Draft), scheduled for public hearing on May 7, 2012. This protest is made in accordance with Conn. Gen. Stat. § 8-3(b) in that the undersigned are the owners of twenty percent or more of the area of the lots included in such proposed changes or of the lots within five hundred feet in all directions of the property included in the proposed changes. A certified copy of the deed evidencing their ownership interest in the lots at issue is attached hereto as Exhibit A.

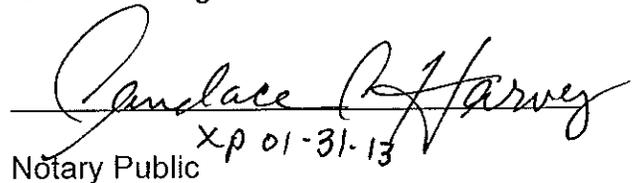
Dated at Mansfield this 4<sup>th</sup> day of May 2012.

  
 BRUCE HUSSEY

  
 FRANCA HUSSEY

STATE OF CONNECTICUT :  
 : ss. MANSFIELD  
 COUNTY OF TOLLAND :

This 4 day of May 2012, personally appeared, BRUCE HUSSEY, signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed before me.

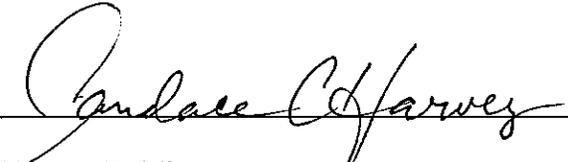
  
 Notary Public xp 01-31-13

STATE OF CONNECTICUT  
COUNTY OF TOLLAND

:  
:  
:

ss. MANSFIELD

This 4 day of May 2012, personally appeared, FRANCA HUSSEY, signer and sealer of the foregoing instrument and acknowledged the same to be her free act and deed before me.

  
Notary Public xp. 01-31-13

TRUSTEE'S DEED

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, that We, MYRA K. SHAUGHNESSY, of the Town of Boynton Beach, County of Palm Beach and State of Florida, acting herein by P. MICHAEL LAHAN, her Attorney-in-Fact pursuant to a Power of Attorney dated January 21, 2003 recorded immediately prior hereto, and ANNE R. KREISLER, of the Town of Vernon, County of Tolland and State of Connecticut, Successor Co-Trustees of The Revocable Trust of SIMON KREISLER dated December 2, 1985 and The Revocable Trust of LILLIAN R. KREISLER dated December 2, 1985, for the consideration of One (\$1.00) Dollar and other valuable consideration, received to our full satisfaction of BRUCE E. HUSSEY and FRANCA HUSSEY, of the Town of Bolton, County of Tolland and State of Connecticut, and unto the survivor of them, and We, the said Successor Co-Trustees, do grant, bargain, sell and confirm unto the said BRUCE E. HUSSEY and FRANCA HUSSEY, and unto the survivor of them, and unto such survivor's heirs and assigns forever the entire interest of SIMON KREISLER and LILLIAN R. KREISLER a/k/a LILLIAN B. KREISLER deceased, in and to the piece or parcel of land with the buildings thereon described on Schedule A attached hereto and made a part hereof.

The Grantees herein assume and agree to pay all taxes hereinafter coming due.

TO HAVE AND TO HOLD the above granted and bargained premises with the appurtenances thereof, unto them the said grantees, and unto the survivor of them, and unto such survivor's heirs and assigns forever, to their own proper use and behoof.

And We, the said Successor Co-Trustees, do hereby covenant with them, the said grantees, and with the survivor of them, and with such survivor's heirs and assigns, that

THE LAW OFFICE OF P. MICHAEL LAHAN • 53 LAFAYETTE STREET • NORWICH, CONNECTICUT 06360-3407 • (860) 886-0011

I certify that this is a true transcript of the information as recorded in this office.

Attest: Christine Hawthorne, Asst.

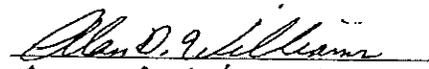
Town Clerk-Registrar of Vital Statistics

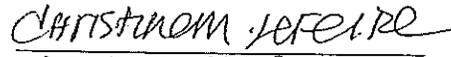
Dated 5/3/10 Town of MANSFIELD

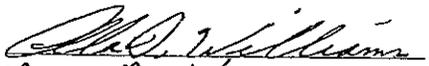
we have full power and authority as Successor Co-Trustees aforesaid, to grant and convey the abaoe described premises in manner and form aforesaid and for ourselves and our heirs, executors and administrators we do further covenant to WARRANT and DEFEND the same to them, the said grantees, and to the survivor of them and to such survivor's heirs and assigns, against any claims of any person or persons whomsoever, claiming by, from or under us as Successor Co-Trustees aforesaid.

IN WITNESS WHEREOF, We, as such Successor Co-Trustees, have hereunto set our hands and seals this 30th day of October, 2003.

Signed, Sealed and Delivered  
In the presence of:

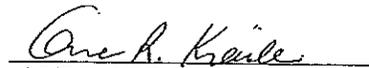
  
ALAN D. WILLIAMS

  
CHRISTINE M LEFEIRE

  
ALAN D. WILLIAMS

  
CHRISTINE M LEFEIRE

  
MYRA K. SHAUGHNESSY  
Successor Co-Trustee by P. Michael  
Lahan, her Attorney-in-Fact

  
ANNE R. KREISLER, Successor  
Co-Trustee

  
Mansfield, CT  
Doc # 2003-0050539  
Vol 532 Pg. 52  
11/06/2003 11:27:00am

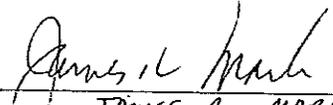
STATE OF CONNECTICUT

ss. Jewett City

October 29, 2003

COUNTY OF NEW LONDON

Personally appeared P. MICHAEL LAHAN, as Attorney-in-Fact for MYRA K. SHAUGHNESSY, Successor Co-Trustee, and ANNE R. KREISLER, Successor Co-Trustee, the signers and sealers of the foregoing instrument, who acknowledged that they executed the same in the capacity and for the purposes therein stated, and that the same is their free act and deed, before me,

  
\_\_\_\_\_  
JAMES R. MARIL  
Commissioner of the Superior Court  
Notary Public  
My Commission Expires:



Mansfield, CT  
Doc # 2003-0050539  
Vol 530 Pg. 53  
11/06/2003 11:27:00am

GRANTEES' ADDRESS:  
939 BOSTON TURNPIKE  
BOLTON, CT 06043



Mansfield, CT  
 Doc # 2003-0080539  
 Vol 530 Pg. 54  
 11/06/2003 11:27:00am  
 Rec. Fee: 27.00  
 State Tax: 4,000.00  
 Town Tax: 2,000.00  
 Dist Fee: 3.00  
 Recorded - Joan E. Gerosen  
 Town Clerk

SCHEDULE A

Three (3) tracts or parcels of land with all the buildings thereon standing, situated in the Town of Mansfield, County of Tolland and State of Connecticut, bounded and described as follows:

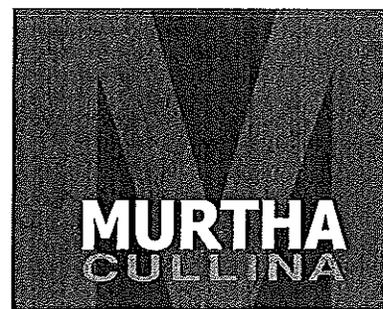
**FIRST TRACT:** Beginning at a stone bound at the southeasterly corner of said tract and at the northeasterly corner of land formerly of N.P. Perkins; thence northerly 7° 36' easterly 690 feet, more or less, adjoining land of Rebecca Sutz; thence northerly 49° westerly 41 rods by land now or formerly of James E. Hayden, Shephard Stearns and Robert Stearns to land now or formerly of Arthur J. McIntire; thence southerly 12° easterly 20 rods; thence southerly 20° westerly 36 rods 12 links; thence southerly 11° 30' easterly 8 rods 11 links to stake and stones at the northerly corner of said Perkins land and thence southerly 82° 41' easterly 724 feet to the point of beginning, containing 12 acres, more or less.

**SECOND TRACT:** Beginning at the northeasterly corner of said tract on the southerly side of Pleasant Valley Road at a corner of wall and at the northwesterly corner of land of Sarah Goldstein; thence southerly 13-1/2° easterly 500 feet, more or less; thence southerly 80° easterly 320 feet, more or less; thence southerly 13-1/2° easterly 525 feet, more or less; thence due east 120 feet, more or less; thence southerly 17° easterly 310 feet, more or less; thence southerly 13° easterly 160 feet, more or less, to the northwesterly corner of land of one Brown, the last six courses adjoining said Goldstein land; thence continuing on last course southerly 13° easterly 25 feet, more or less; thence southerly 5-1/2° westerly 1850 feet, more or less, to the Windham-Tolland county line, all of the aforesaid courses being on line of fence or wall; thence northwesterly on said county line 1860 feet, more or less, to said McIntire land; thence northerly 7° westerly 635 feet, more or less; thence northerly 10° westerly 1470 feet, more or less, to the southerly line of said road; thence northeasterly 1800 feet, more or less, on the southerly side of said road to the point of beginning, containing 138 acres, more or less.

**THIRD TRACT:** Beginning at the northerly corner of said tract on the southerly side of the Pleasant Valley Road and at the northeasterly corner of land now or formerly of Rebecca Sutz; thence running southerly 13-1/2° easterly 500 feet, more or less; thence southerly 80° easterly 320 feet, more or less; thence southerly 13-1/2° easterly 525 feet, more or less; thence due east 120 feet, more or less; thence southerly 17° easterly, 310 feet, more or less; thence southerly 13° easterly 160 feet, more or less, to the northwesterly corner of land of one Brown, the last six courses adjoining said Sutz land; thence northerly 65° easterly 950 feet; more or less on line of a fence and by said Brown land; thence northerly 14-1/2° westerly 553 feet, more or less; thence northerly 21-1/2° westerly 400 feet, more or less, to the southerly side of said road and thence southwesterly and northwesterly along the southerly side of said road to the point of beginning, containing 31.6 acres, more or less.

Being the same premises conveyed to Lillian B. Kreisler and Simon Kreisler by quit-claim deed of Leonard B. Berkman dated September 5, 1958 and recorded in Volume 86 at Page 227-228 of the Mansfield Land Records.

Being the same premises described in a Quit Claim Deed from Simon Kreisler and Lillian B. Kreisler to Simon Kreisler and Lillian B. Kreisler as tenants in common, each as Trustee under a Revocable Trust dated December 2, 1985 said deed dated December 5, 1985 and recorded on December 12, 1985 in Volume 233, Page 24 of the Mansfield Land Records.



KARI L. OLSON  
(860) 240-6085  
KOLSON@MURTHALAW.COM

May 7, 2012

VIA HAND DELIVERY

Planning and Zoning Commission  
Town of Mansfield  
Audrey P Beck Municipal Building  
South Eagleville Road  
Mansfield, Connecticut 06268

Re: March 5, 2012 Draft Proposed Zoning Regulation Revisions

Dear Commission:

As you know, this firm represents Bruce and Franca Hussey relating to the Town of Mansfield's March 5, 2012 proposed regulation amendments ("Amendments"), currently scheduled for discussion on May 7, 2012. As you also are aware, there currently is pending an appeal of the existing text amendments and rezoning of the Husseys' Property. As a result of that litigation, confidential settlement discussions took place during which the Husseys made various proposals to the Commission in an effort to reach an amicable agreement as to the Town's intent to unlawfully exact their property and restrict its future development without just compensation or other consideration. In reviewing the March 2012 proposed text amendments, it is clear that the Commission has decided to use those settlement negotiations to amend its regulations without the concomitant consideration for the amount of property the Town intends to restrict to farm use. Accordingly, the Husseys object.

Although the Commission is well-aware of the pending litigation and my representation of the Husseys in that litigation, I was not provided with the courtesy of personal notice regarding either the proposed March 2012 zoning text amendments or the scheduling of the May 7 public hearing. To compound matters, my clients' mail is routed through Florida during the Winter and Spring months. Consequently, I only received notice that the Commission intended to move forward on this latest proposal last Thursday. Due to a scheduling conflict, I cannot attend this public hearing but submit this statement to preserve for the record the Husseys' objections thereto.

Murtha Cullina LLP | Attorneys at Law

BOSTON

HARTFORD

MADISON

NEW HAVEN

STAMFORD

WOBURN

The Rezoning to PVRA Land South of Pleasant Valley Road and East of the Conantville Brook Is Unlawful and the Text Amendments are, Therefore, also Unlawful

As the Commission is aware, the Husseys have always opposed the creation of the new PVRA zone on constitutional grounds. Specifically,

1. The PVRA zone would permit the Commission to take private property without just compensation in violation of federal and state law; and
2. The PVRA requirements for the farmland set-aside or conveyance of private land for agricultural purposes is neither related nor proportional to any impact created by the use of the property. This is compounded by the fact that the farmland exaction is in addition to an onerous 200' setback from Pleasant Valley Road proposed within the PVRA.
3. There are insufficient criteria or standards for establishing the amount or exact location of the farmland the Commission may exact; and
4. There is no statutory authority for the Commission to exact private land for agricultural purposes; and
5. The PVRA constitutes spot zoning in violation of state law; and
6. The proposed PVRA zone is not consistent with the Town's or the State's Plan of Conservation and Development.

The Rezoning to PVCA Land South of Pleasant Valley Road And East of Mansfield Avenue Is Unlawful And, Therefore, The Proposed Text Amendments Also Are Unlawful

As is the case with the proposed PVRA, the Husseys have always opposed the rezoning of their property to a PVCA. For clarity, their objections to the PVCA are reiterated as follows:

1. The PVCA permits the Commission to take private property without just compensation in violation of federal and state law; and
2. The PVCA requirements for the farmland set-aside or conveyance of private land for agricultural purposes is neither related nor proportional to any impact created by the use of the property. This is compounded by the fact that the

farmland exaction is in addition to an onerous 200' setback from Pleasant Valley Road proposed within the PVCA.

3. There are insufficient criteria or standards for establishing the amount or exact location of the farmland the Commission may exact; and
4. There is no statutory authority for the Commission to exact private land for agricultural purposes; and
5. The PVCA constitutes spot zoning in violation of state law; and
6. The proposed permitted uses for the property are still too restrictive to ensure, especially in the current market, an economically viable use for the property; and
7. The proposed PVRA zone is not consistent with the Town's or the State's Plan of Conservation and Development.

The proposed March 2012 text amendments, while a step in the right direction toward settling this matter, do not render legal the unlawful and unconstitutional taking of the Husseys' property.

Very truly yours,



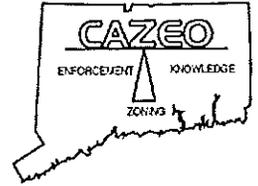
Kari L. Olson

cc: Mr. Bruce Hussey  
Ms. Franca Hussey

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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  
Date: May 17, 2012

Re: Determination on 'kennel'  
82 Stonemill Rd.

In April 2011, I began receiving complaints from the Stonemill Road neighborhood about barking dogs at the property of 82 Stonemill Road. New owners Lena and Richard LeBlond took possession of the residential property in February 2011. The LeBlonds raise German Shepherds and compete nationally with their dogs in various show categories. I believe that they currently have about 12 to 15 adult dogs and one litter of puppies. The dogs are properly licensed with the Mansfield Town Clerk according to State regulations.

Aside from the complaints about noise, which both the Animal Control Officer and the Resident State Trooper's Office have determined to be 'not excessive' and not in violation of State and local nuisance laws, the question has evolved into whether the LeBlond's activity constitutes a 'commercial kennel' under the zoning regulations. I have enclosed copies of our zoning regulations that address the issue albeit inexactly.

We do not have a definition for 'kennel' in the zoning regulations. Pursuant to Article Four, any questions regarding the meaning of words and terms not defined in the Zoning Regulations shall be determined by the Planning and Zoning Commission with reference to the Connecticut General Statutes and the Random House Dictionary of the English Language, unabridged edition.

Section 22-327 of the Connecticut General Statutes contains the following definition of kennel:

"Kennel" means one pack or collection of dogs which are kept under one ownership at a single location and are bred for show, sport or sale

The Random House Dictionary of the English Language defines kennel as follows:

1. A house for a dog or dogs.
2. An establishment where dogs are bred, raised, trained, or boarded.
3. The hole or lair of an animal, esp. a fox.
4. A wretched abode likened to a doghouse.
5. To keep or put in a kennel
6. To take shelter or to lodge in a kennel.

To assist in your review, I have included several copies of letters, e-mails, and pages from a website that the LeBlond's maintain. I chose these out of many as being more relevant to the Commission's review of the matter with respect to the regulations. Much of the material that has been circulated is about noise (not just from dogs) and not directly about whether there is a kennel use of the property. I do not have a specific recommendation on this issue but I do want to highlight a couple of points for thought.

- The zoning regulations about "dogs" talk about breeding. I believe it's important to look at the purpose of the act itself. Breeding implies to me a intent to bring two specific animals together for the purpose of gaining offspring. Is the intent to breed for the purpose of some financial gain or to preserve a championship lineage or to provide a new pup for personal pleasure and maybe give away or sell the remaining litter?
- What is accessory? Are 2 dogs accessory to a residential use? ..5 dogs?...10...more? While not on-point to a kennel use, if the use is not considered to be accessory, this situation could still be pursued as a zoning violation. That may or may not be fair since we do not specifically limit the number of pets a residence use may have.
- [www.Mountainriverrockfarm.com](http://www.Mountainriverrockfarm.com). The existence of a web site on the LeBlond's involvement with the dogs is a difficult factor to get around. How many private individuals maintain a web site about their hobbies? The site specifically states "We are not a commercial kennel and we do not breed and sell puppies for financial gain." However, the site also contains information on puppies available for sale or adoption as well as a contact form.

The LeBlond's are planning to attend the PZC's 5/21/12 meeting and speak to their use of the property. I expect some community members to also be present. The Commission is not under any time constraints to review and reach a decision on this matter.

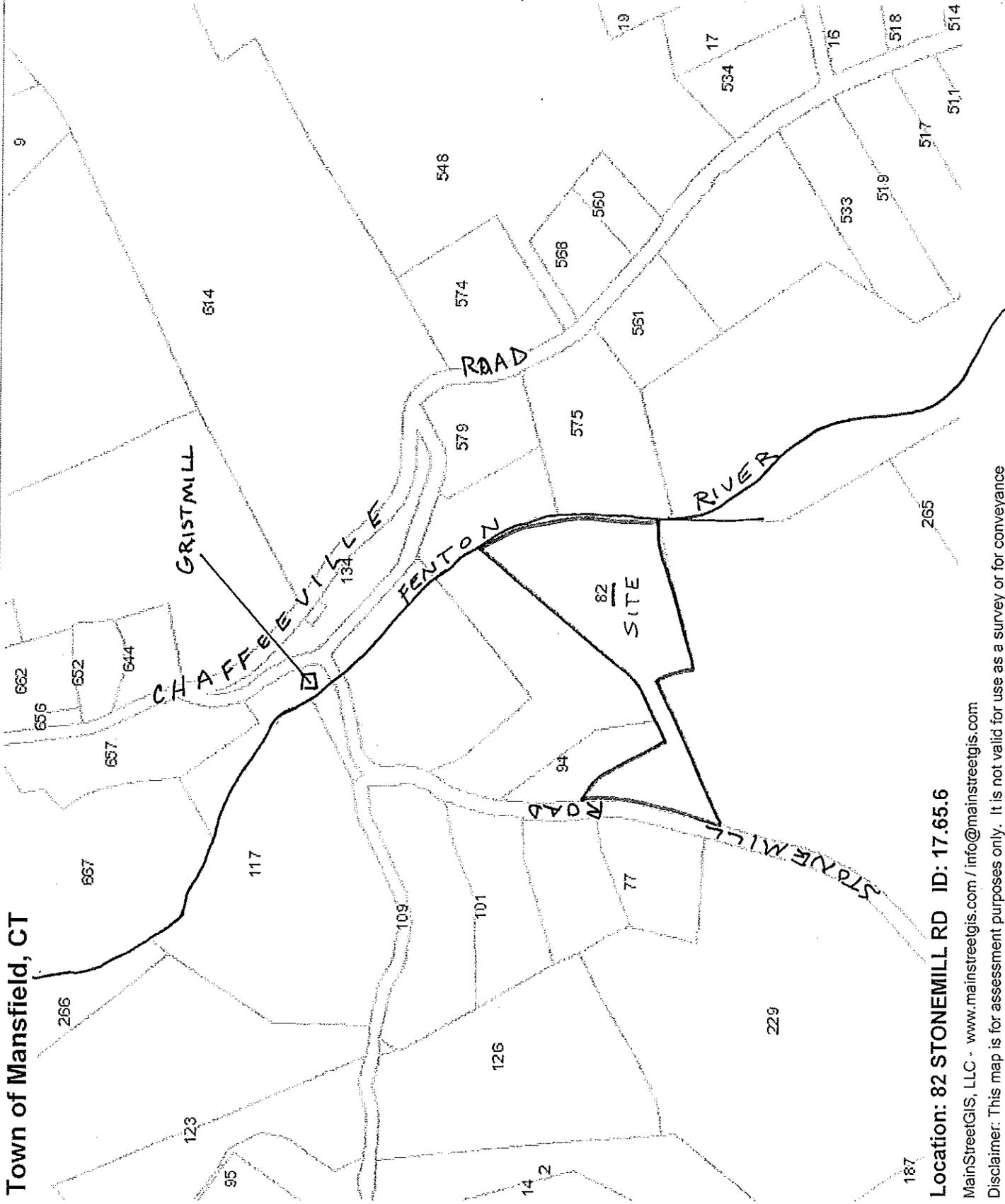
# Town of Mansfield, CT



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

1 in = 449.53 ft

Printed:  
5/11/2012



Location: 82 STONEMILL RD ID: 17.65.6

MainStreetGIS, LLC - [www.mainstreetgis.com](http://www.mainstreetgis.com) / [info@mainstreetgis.com](mailto:info@mainstreetgis.com)

Disclaimer: This map is for assessment purposes only. It is not valid for use as a survey or for conveyance

## Article Six

### Prohibited Uses, Performance Standards And Bonding

#### A. Prohibited Uses

Uses of land, buildings or structures that are not permitted in the various zoning districts (see Article VII) are prohibited. The following listing provides examples of uses that are prohibited in all zoning districts in Mansfield:

16. The breeding of two or more dogs, cats or other animals except as specifically authorized under the provisions of Article VII of these regulations;

## Article Seven

### U. Uses Permitted In the Pleasant Valley Commercial/Agriculture Zone (Land south of Pleasant Valley Road and east of Mansfield Avenue)

3. Categories of Permitted Uses in the Pleasant Valley Commercial/Agriculture Zone Requiring Special Permit Approval as per the Provisions of Article V, Section B. and Applicable Provisions of Article X. Section A.
  - g. Veterinary hospitals and commercial kennels boarding or breeding two or more animals provided potential noise impacts are addressed in association with the required Special Permit application;

## Article Four

### Rules And Definitions

#### B. Definitions

For the purpose of these regulations, certain terms and words used herein shall be used, interpreted and defined as set forth in this section.

Any questions that arise regarding the regulatory meaning of other words and terms shall be determined by the Planning and Zoning Commission with reference to the Connecticut General Statutes and the Random House Dictionary of the English Language, unabridged edition, respectively.

1. **Accessory.** The term applied to a building or use, which is clearly incidental or subordinate to, and customarily in connection with, the principal building or use and located on the same lot with such principal building or use. Any accessory building attached to a principal building is deemed to be part of such building in applying the Area Regulations to such building.

## Curt B. Hirsch

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**From:** Noranne M. Nielsen  
**Sent:** Tuesday, April 03, 2012 11:34 AM  
**To:** Curt B. Hirsch  
**Subject:** Zoning regulation on number of dogs

Curt,

A while ago we had a discussion about the possibility of introducing a zoning regulation on the number of dogs that can be kept. We started this discussion after my office received a lot of barking complaints about Megan Barbeau of 134 Spring Hill Rd. She had 10 dogs, bought a kennel license for them at the town clerk's office and it was legal. Barbeau moved out which took care of the barking complaints.

I'm currently dealing with a similar situation on Stonemill Rd. Richard Leblond of 82 Stonemill Rd keeps 10 German Shepherds + puppies kenneled in his backyard. He bought a kennel license for the dogs and again this is legal. I received multiple barking complaints about these dogs. I did an investigation and spoke to almost every neighbor and everybody confirmed the dogs were barking on a regular basis. I also heard the dogs bark while doing the investigation, although I would not describe it as excessive, but I don't live there. The nuisance law 22-363 does not allow "excessive barking". Excessive barking is not defined which makes this law unenforceable. If Mr. Leblond decides he wants to extend his kennel to let's say 50 dogs, and he buys a kennel license for 50 dogs, it would be legal in this town. The barking complaints are clearly related to the number of dogs, as 10+ dogs make much more noise than 2 dogs. It also does not help that they are kept outside in kennels.

Because the nuisance ordinance is unenforceable, I think it would be a good idea to seriously start thinking about regulations on the number of dogs that can be kept in a in this town. I think there would be a lot of support from the Mansfield residents.

Was this subject brought up already in one of the zoning meetings? Do you think it's reasonable to think about such a restriction?

Noranne

***Officer Noranne Nielsen***

***Mansfield Animal Control***

***4 South Eagleville Rd, Mansfield, CT 06268***

***Shelter: 230 Clover Mill Rd, Mansfield, CT 06268***

***860-487-0137***

'M

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**From:** Noranne M. Nielsen  
**Sent:** Wednesday, April 18, 2012 2:47 PM  
**To:** Linda M. Painter  
**Subject:** Commercial dog kennels

Hi Linda,  
In a meeting with Matt Hart last week, I was giving Matt a heads up regarding nuisance complaints we received about LeBlond, 82 Stone Mill Rd. I just finished my barking dog investigation in cooperation with the PD, and concluded the barking is not excessive and not in violation with the state nuisance law or town nuisance ordinance. LeBlond has 12 adult dogs (German Shepherds) and currently one litter of puppies. They bought a kennel license #5001 in 2011 and the dogs are kept legally. They consider themselves a hobby breeder. They are showing the dogs and have 1 litter a year average. They sell the puppies. Matt suggested getting in contact with you regarding a definition of "commercial kennel" versus "hobby kennel". I would also like to brainstorm about the feasibility of a restriction of the number of dogs that can be kept. Currently there are restrictions for livestock and birds, but not for pets.  
Thanks, Noranne

***Officer Noranne Nielsen  
Mansfield Animal Control  
4 South Eagleville Rd, Mansfield, CT 06268  
Shelter: 230 Clover Mill Rd, Mansfield, CT 06268  
860-487-0137***

## Circulated Petition

If you are being disturbed by barking dogs in your neighborhood, please call Mansfield Animal Control at 860-487-0137.

The lack of calm and quiet in our neighborhood, especially on weekends when we need to rejuvenate for the next work week, has been especially hard the last few months. Barking dogs and construction/chainsaw noise exacerbating the dogs makes it very difficult to relax in our homes.

Mansfield Animal Control has received complaints about the barking dogs on Stone Mill Rd, as has Mansfield town zoning, but if you are like most people, you do not want to make waves or go to the bother of calling. And when you do call, you are told that the barking dog law is a state law that is too vague to really do anything about, and advised to keep a "barking dog" log. This log would help Mansfield Animal Control pinpoint times that the dogs are incessantly barking, but that means someone has to then really pay attention to when the dogs start and stop barking for days or weeks at a time. For those of us already trying to block out the nuisance barking noise, paying closer attention to it is not what we want to do.

But you can also sign this petition to ask the owners of the new kennel on Stone Mill Road to police their dogs more vigilantly. When they moved into a neighborhood with neighbors close enough to be bothered by the noise of the dogs, they also acquired the responsibility of being good neighbors.

While we all may have to make noise on our property by mowing or cutting down trees or having a party once in a while, making recurrent noise, like allowing dogs to bark for more than a few minutes at a time on a daily basis is not considerate to neighbors. Barking that wakes neighbors up, prevents neighbors from enjoying their gardening activities, meals on their patios, even relaxing with windows open, is a stressful situation, a nuisance and not understanding of the need for peace that we thought we had when we bought our properties.

In addition, if the noise of construction machinery on Sundays, early mornings and evenings do not allow you peaceful use of your home and garden please contact Curt Hirsch of Town of Mansfield Zoning at 429-6863 or Matthew Hart, Town Manager at 429-3336. This town is in the Quiet Corner of Connecticut. Listening to construction seven days a week, barking dogs and other noise should be covered by the newly passed noise ordinance of this town, but we do have to press our town government to do what is best for its citizens.

Peace to you all.

Please contact Lesley Dyson at [ladyson7@yahoo.com](mailto:ladyson7@yahoo.com) or 487-9404 for more information.



# Town of Mansfield



CURT B. HIRSCH  
ZONING AGENT  
HIRSCHCB@MANSFIELDCT.ORG

20  
April 19, 2012

Richard LeBlond  
82 Stonemill Road  
Storrs, CT 06268

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

## Re: Noise and kennel issues

Dear Mr. LeBlond:

As you are well aware, there have been a number of complaints to various town departments and staff regarding activity occurring on your Stonemill Road property. The complaints are over two separate concerns; the noise from the operation of a backhoe during inconvenient hours of the day, and the noise from barking dogs kept in outdoor pens. I will address each concern separately.

Per the Town of Mansfield Noise Control Ordinance, noise from property maintenance equipment is exempt from the provisions of the ordinance *during daytime hours*. Daytime hours are from 8:00 am until 9:00 pm Monday through Saturday, and from 10:00 am until 9:00 pm on Sundays and State and Federal holidays. The allegations in the complaints state that you have operated the backhoe on your property as early as 7:30 am on Sundays, including on Easter Sunday.

The concerns about the dogs are more difficult to resolve. While the barking may not currently be considered a nuisance under various local and State regulations, the mere act of keeping so many dogs cannot be considered an accessory use of residential property. The fact that you maintain a website advertising that you breed and sell German Shepard Dogs is a clear indication that you are engaged in activities that are specifically prohibited in the RAR-90 zone. The breeding of two or more dogs is a prohibited use in all of Mansfield's zoning districts except for the Pleasant Valley Commercial/Agricultural Zone (PVC/A). It cannot be authorized for your Stonemill Road property.

This letter is not a violation notice under the scope of Mansfield's Zoning Citation Ordinance. Such a notice will be issued however if you cannot present a written plan to me, which specifies the steps you will take to comply with the issues I have raised. Such a plan shall be submitted no later than May 11, 2012.

Curt Hirsch  
Zoning Agent

cc: Town Manager, Resident State Trooper, Animal Control Officer, Dir. of Planning & Development

**Curt B. Hirsch**

---

**From:** Lena Leblond [mountainriverrockfarm@yahoo.com]  
**Sent:** Friday, April 27, 2012 10:36 AM  
**To:** Curt B. Hirsch; Animal Control; Town Mngr; Richard E. Cournoyer  
**Subject:** Response to letter sent to family on Stonemill rd

To: Curt B. Hirsch  
Town of Mansfield Zoning Agent

From: The LeBlond Family  
Resident of the Town of Mansfield

Re: Noise and Kennel Issues

Dear Mr Hirsch,

In response to your letter sent to us on April 20th 2012 addressing numerous complaints regarding our dogs.

As you well know we have had more then a dozen false complaints made against by one person and they have all been thoroughly investigated by Mansfield Animal Control and all deemed unfounded.

I will make my next point VERY clear so that it is in no way possible to misunderstand: 82 Stonemill Road is our HOME... it is were we live and raise our children and animals and maintain our property/home.. we do NOT in any shape or form run, own, possess a commercial business, commercial dog kennel, grooming, training, boarding or any of the sort! Our dogs are our personal owned dogs for our enjoyment only.. we do NOT import and/or buy and sell dogs, our dogs are not for sale. On very rare occasions we may have a litter (which you mention in your letter is perfectly ok), and again for our enjoyment as clearly stated on our website.. which by the way is not a "business website" and also does not display our home address.

We go to great lengths not to give out our address to strangers to protect ourselves, our children, our animals, our neighbors and our community as well as preach to our children to never ever give out your address to anyone.

As a matter of fact.. it is very concerning an disturbing to us that our home address was made public at the televised town meeting this past Monday and also made available for download in the town meeting agenda packet on the town of Mansfield very public website. This has resulted in us loosing our sense of privacy and safety that we should be able to feel in our own home.

It has been bad enough with Ms Dyson knocking on doors in our neighbor hood with some sort of petition against us smothering our name as well as telling people we are keeping vicious attack dogs (which is simply not true, all our dogs are extremely trained and obedient) after she was told we are perfectly within the laws and ordinances of the town of Mansfield. These actions has resulted in a high volume of traffic creeping up and down our road, (turning around in Motskowitz drive-way) with people trying to figure out what this women is talking about. This is hurting not only us but everyone living on Stonemill Rd.

As you also know our dogs are licensed with the town of Mansfield and up to date on all required shots under the law of the town of Mansfield and the state of CT.

4/30/2012

We also do not do have a "game-farm"/"petting-zoo" at our home. Our horses are for our personal enjoyment only. We do not own any Llamas, our children have one small alpaca named Chello and he is their pet.

We do hope that with this letter we have answered your letter/questions to your satisfaction and that the very public humiliation we have had to endure and all the false accusations made against us will finally come to an end so that we can live in our home feeling safe and and with our right to privacy respected.

Please do not hesitate to contact us should you have any further questions and/or concerns.

And also please cc this letter a.s.a.p to all Council members and all town staff whom should be prelude to this matter as I don't have everyones e-mail addresses, thank you.

Respectfully,

The LeBlond Family

website: <http://www.mountainriverrockfarm.com/>

e-mail: [mountainriverrockfarm@yahoo.com](mailto:mountainriverrockfarm@yahoo.com)

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ginagardens german sheperds



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**GinaGardens - Mansfield, CT - page 1 - German Shepherd Dog**  
www.pedigreedatabase.com/german\_shepherd.../bulletins.read?mnr...  
Jun 1, 2011 - GinaGardens - Mansfield, CT - page 1: German Shepherd. ... All  
Breeds > GinaGardens - Mansfield, CT (12 replies) ...

**Ginagardens Lexi - German Shepherd Dog**  
www.pedigreedatabase.com/german\_shepherd\_dog/dog.html?id...  
Groß, kraftvoll, sehr kräftiger Kopf, betont männliches Gepräge, sehr schöner  
Ausdruck, sehr gute Gebäudeharmonie, sehr schöner Linienfluss, trocken und fest, ...

**JD's Angus of Ginagardens - German Shepherd Dog**  
www.pedigreedatabase.com/german\_shepherd\_dog/dog.html?id...  
JD's Angus of Ginagardens: German Shepherd. ... German Shepherd Dog. JD's  
Angus of Ginagardens. Search Website · Login. Classified: \*\*Reduced Price!

**JD's Saphira of Ginagardens - German Shepherd Dog**  
www.pedigreedatabase.com/german\_shepherd\_dog/dog.html?id...  
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Saphira of Ginagardens. Search Website · Login. Classified: import gsd avail ...

**German Shepherd Dog Puppies for Sale in Centereach, NY from ...**  
www.puppywups.com/breeders/ginagardens-schaferhund-kennel  
GinaGardens Schaferhund Kennel is a German Shepherd Dog breeder in  
Centereach, NY. Get your German Shepherd Dog puppy from GinaGardens ...

**Family Dog/Beeders north east - German Shepherd Dog Forums**  
www.germanshepherds.com › ... › Breeding › Choosing A Breeder  
12 posts - 8 authors - Oct 20, 2010  
I would appreciate any advice on the German Shepherd in general as a family dog as  
well as your ... GinaGardens German Shepherd Kennel ...

**GSDonline - German Shepherd Breeders - United States German ...**  
gsdonline.com/links/index.php?&cat=114&offset=30  
German shepherd puppies online, your best friend for the German Shepherd  
breeders and ... World famous, world class Gunbil German Shepherds and  
German ...

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hottrend-s.com. Search. Google Trends. Deion sanders · Askew · Heart attack grill ·  
Ivan rodriguez · Marco rubio · Brian dawkins · Brandon jacobs · New jersey ...

**Almike Dr, Centereach, NY - Reverse Phone Lookup - Pipl**  
pipl.com/directory/phone/street/Almike%20Dr/Centereach/NY/  
Contact: GinaGardens Kennel Centereach, NY 11720 Ph# 631 981 0823 Cell# 631  
428 4544 ... JAMIE ZUM KOLBENGUSS. pups,litters,German Shepherds ...

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line puppies and trained adults.

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eukanuba.com/German-Shepherd-Info  
Learn Why the German Shepherd is  
One of the Most Popular Dog Breeds.

**German Shepherds CT**  
germanshepherd.connecticutpuppiesfor...  
Buy a Shepherd from a Breeder.  
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# Mountain River Rock Farm

*Top Performance German Shepherds and Trail Horses  
100% German Bloodlines suitable for Show, Work, Competition and Companion*



## Welcome to the LeBlond Family



We are the 4th LeBlond Generation to have Pleasure Trail Horses and German Shepherds.

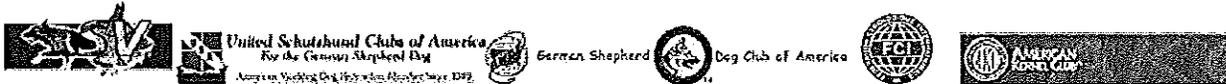
Our farm is located in the beautiful historic part of Mansfield-Storrs in Connecticut on the mountain with the Fenton River running through our property which gives us, our kids, our horses, dogs, ducks and cat plenty of acreage to "play" on.

What we love the most is spending our time around the farm, ride our horses on the unlimited trails we have adjoining our property. We also have fun riding to the Uconn campus for coffee at Starbucks and ice cream at the Uconn dairy barn. Another passion of ours is Breeding, Showing and Competing with our German Shepherds.

We hope you will enjoy your visit with us...  
Richard & Lena LeBlond

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Mountain River Rock Farm  
mountainriverrockfarm@yahoo.com  
(860) 576-6351  
Mansfield-Storrs, CT 06268

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# Mountain River Rock Farm

*Top Performance German Shepherds and Trail Horses  
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## *Our Philosophy*

Our philosophy is that breeding a female should be a rare and special occasion. Only healthy, anatomically breed standard correct females with sound temperament are bred after a rigorous search for the best suitable male.

We are not a commercial kennel and we do not bred and sell puppies for financial gain.

All our puppies are born in our bedroom.. raised in our home with the out most care and given the proper socialization to become the best dogs they can be... whether it be for Companion, Competition, Show, Work or all of the above.

We proud ourselves in breeding dogs that are Companion, Competition, Show and Work all in one.

It is not hard to find a good Show dog or a good Competition dog or a good Companion dog.. the real challenge is to find the dog that has it all..

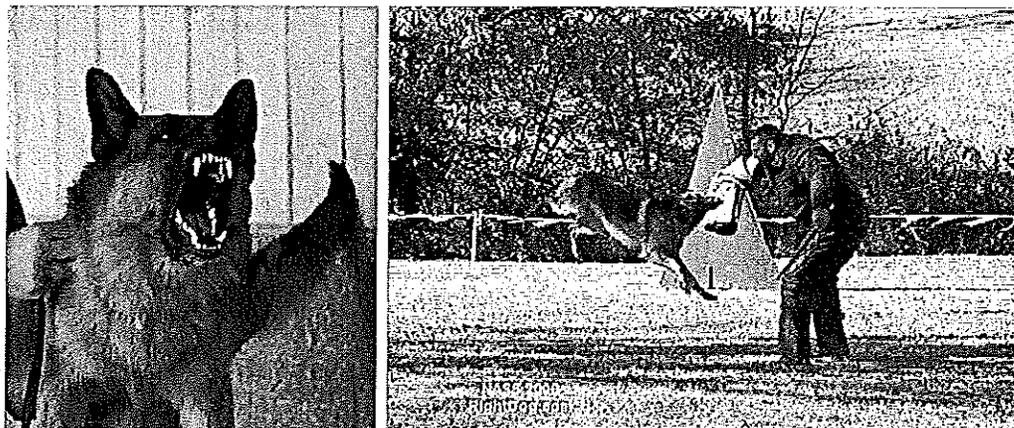
*...and that is our goal.*



Although we heavily train and compete with our dogs in the sport of Schutzhund and Show, that is not the German Shepherds main purpose in life. All our dogs main purpose is to be a part of our family.

A well bred German Shepherd should be of sound temperament and naturally and instinctively want to please you and be a part of your Family. A well bred German Shepherd will not only greet you at your door, happy to see you every day, play with your children and be gentle with the elderly, make you feel happy when your sad but also protect you and your Family when you can't. We firmly believe that adding a German Shepherd to your family is the best protection.

*-If a German Shepherd had been sleeping next to many of the victims of burglaries, home invasions, abductions, rapes and even killings it is likely that the end result would of been different... where the intruder or the perpetrator would of ended up the victim..demolished by the Family's German Shepherd!!!*



*Please read this before you decide if a GinaGardens German Shepherd is the right choice for you:*

All our dogs are sold as lifetime companions.. which is a huge commitment! Realize that a German Shepherd is a working dog that requires a lot of exercise, love and attention.

Many people tend to impulse buy a puppy because they are cute and someones birthday or some other special occasion arises and buying a puppy seems like a good idea at that moment. We can't stress enough the outmost importance in buying a dog for the right reasons only!

So please... before you contact us to inquire about buying a dog... take the time to rethink your decision as to why you are buying a dog more then twice or three times so that you don't "bite of more then you can chew".



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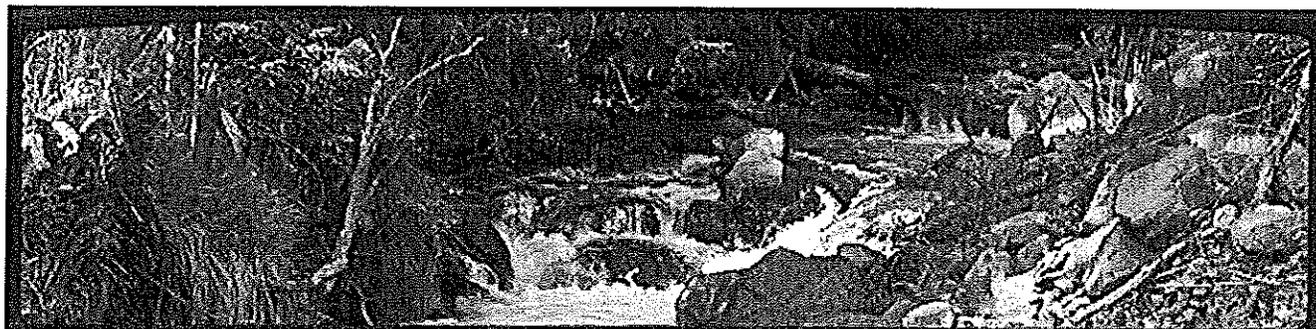
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# Mountain River Rock Farm

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## *For Sale/Adoption*

 We have Puppies available 



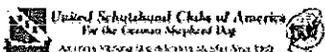
Please contact us for more information on our available puppies

Call or Text 860-576-6351 and leave your name, phone# and a good time to contact you. Phone calls or Text messages without your full name and phone# will not be returned. We try to return all messages within 24 hours, however sometimes we are at a dog show or another event so it may take a little longer.

You can also click on the German Shepherd to contact us via email. Please tell us a little bit about yourself and what it is your looking for in the dog you would like to add to your Family.



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# Mountain River Rock Farm

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## Contact us:

*Thank You for visiting our website.*

Please fill out the following form to request information about our products and services or to provide feedback about our site. When you are finished, click the 'Submit' button to send your message. You will see a confirmation below.

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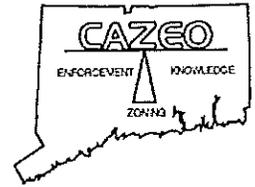
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(860) 576-6351  
Mansfield-Storrs, CT 06268



# 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: May 15, 2012

Re: Gravel Permit Renewals

There are three "active" gravel permits, which are due to expire on July 1, 2012. I have sent the permittees a standard form letter asking if they are seeking renewal of their special permits. All three have responded that they are requesting a renewal of their permits. The three are:

Steven Banis, Pleasant Valley Rd., file 1164  
Edward Hall, Old Mansfield Hollow Rd. file 910-2  
Karen Green, 1090 Stafford Rd., file 1258

Mr. Hall has only indicated verbally that he intends to renew his permit but at this time I have not received his written application and fee. In order to get these sites into the Commission's field trip schedule for June, I suggest that the PZC extend the current permit period until August 7, 2012.

I recommend that the Commission set a public hearing for July 2, 2012 for the purpose of hearing special permit, gravel renewal requests. This action also extends the current permit period until August 7, 2012.

PAGE  
BREAK

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

LINDA M. PAINTER, AICP, DIRECTOR

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**Memo to:** Planning and Zoning Commission  
**From:** Linda M. Painter, AICP, Director of Planning and Development   
**Date:** Wednesday, May 16, 2012  
**Subject:** 8-24 Referral: Mansfield Community Playground

Mansfield Advocates for Children (MAC) is working on an initiative to develop a new community playground in the downtown area. Based on work completed to date, they have identified options near the Mansfield Community Center, including sites on Town-owned property as well as a potential site on adjacent property owned by the University of Connecticut. Discussions with the University regarding use of the adjacent property have been initiated by staff. The attached preliminary site plan indicates the preferred location of the new playground behind the skate park partially on land currently owned by the University, as well as a new splash pad and improved pedestrian connection between Town Hall and the skate park. The expanded parking area shown on the site plan was approved as part of the site plan modification for the skate park in April 2006. It should be noted that if discussions with the University regarding use of the adjacent property are unsuccessful, the playground would be moved to another location on the community center/town hall site.

Pursuant to the provisions of Section 8-24 of the State Statutes, the above-referenced proposal for the siting of the Mansfield Community Playground Project at the Mansfield Community Center, 10 South Eagleville Road has been referred to the PZC for comment. The PZC has 35 days to report to the Town Council. At this time you are only being asked to comment on whether the general location of a playground at the Community Center/Town Hall complex is consistent with the Plan of Conservation and Development. If the project moves forward, a modification to the approved special permit for the Community Center would be required for the final location and design of the playground and splash pad.

The following information is provided for the PZC's consideration.

- The proposed addition of a community playground to the Community Center/Town Hall site is consistent with the overall purpose and use of the property.
- The property is designated as Medium-High Density Institutional/Mixed Use in the Plan of Conservation and Development.
- The proposed playground is consistent with Policy Goal 4, Objective d, which encourages retention and appropriate expansion of high quality educational, recreational and other governmental facilities, programs and services.

**Summary/Recommendation**

**It is recommended that the PZC notify the Town Council that the proposed siting of the Mansfield Community Playground at the Community Center/Town Hall complex (including the potential acquisition of adjacent university property for the playground) is consistent with the Plan of Conservation and Development, particularly Policy Goal 4, Objective d. Furthermore, it is noted that the final location and design of the playground will require a modification to the Community Center Special Permit.**

# MEMORANDUM

Town of Mansfield  
Town Manager's Office  
4 So. Eagleville Rd., Mansfield, CT 06268  
860-429-3336  
Hartmw@mansfieldct.org



To: Planning and Zoning Commission  
CC: Linda Painter, Director of Planning  
From: Matt Hart, Town Manager  
Date: May 15, 2012  
Re: Referral: Mansfield Community Playground

---

The following motion was passed by the Town Council on 5/14/2012:

“Move, effective May 14, 2012, to refer the proposed siting of the Mansfield Community Playground Project to the Planning and Zoning Commission for review pursuant to Section 8-24 of the Connecticut General Statutes.”

Please see the attached information regarding the above captioned matter for your review. Your assistance with this matter is greatly appreciated.



Town of Mansfield  
Agenda Item Summary

To: Town Council  
From: Matt Hart, Town Manager *MH*  
CC: Maria Capriola, Assistant to Town Manager; Kevin Grunwald, Director of Human Services; Linda Painter, Director of Planning and Development; Curt Vincente, Director of Parks and Recreation;  
Date: May 14, 2012  
Re: Mansfield Community Playground

---

Subject Matter/Background

Mansfield Advocates for Children (MAC) has undertaken an initiative to build a community playground to improve community connectedness and to enhance opportunities for physical activity for young children. Sara Anderson, a member of MAC, has agreed to head a committee charged with building the playground, and the committee has been meeting since February 2011. The committee has selected Leathers & Associates as a playground design firm to assist in this project. MAC's goal for the project is not just to build a playground, but to help build our community. Hundreds of volunteers of all ages and abilities will be needed to advertise, fundraise and construct this playground. As expressed by MAC, this experience is designed to bring our community together and to build lasting relationships.

The committee initially explored space for the playground at the Storrs Downtown site. When this site was determined not practical, the group turned to Parks and Recreation staff to discuss the possibility of locating the playground next to the Mansfield Community Center. Staff has proposed some options near the Community Center, which include land currently under the Town's control as well as university property adjacent to the site. Parks and Recreation staff hired a UConn Landscape Architecture graduate student to develop proposed site designs and layout options since there are other amenities that are desired for the site in the future, in addition to the existing skate park that was opened in 2009.

At the December 12, 2011 Town Council meeting, Ms. Anderson gave a brief presentation on the Committee's work up to that point. At a future meeting, the playground committee will request the Town Council's endorsement of the Community Center site as the preferred location for this new playground. In the interim, a CGS §8-24 referral to the Planning and Zoning Commission would be appropriate. Attached is an aerial photo of the possible use of adjacent UConn

land as well as a proposed, initial site design. Staff has held preliminary discussions with University officials about cooperating with the Town on this project.

### Financial Impact

Utilizing funds from the Town's Discovery grant, MAC has paid a retainer to Leathers & Associates to begin the community planning process. One of MAC's goals is to fully fund the playground construction donations. MAC initially planned to ask the Town to complete the site work using municipal resources, but the Playground Committee now plans to pursue a local volunteer contractor to prepare the site and to utilize Town public works forces as needed and as time permits. Because the scope of the work has yet to be determined, staff cannot determine at this point the cost for any site work to be completed by Town forces.

However, we estimate that annual maintenance costs would total approximately \$1,500 for inspections, equipment repair and surface replenishment. Staff and the committee have spent \$1,200 from an existing capital fund landscaping project account to hire a UConn Landscape Architecture graduate student to prepare the initial site designs.

### Recommendation

The Mansfield Community Playground Committee would need Council authorization to locate the project on Town property and to expend municipal funds to acquire or access the adjacent UConn site. At this point, it would be appropriate to refer this project to the Planning and Zoning Commission for review.

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

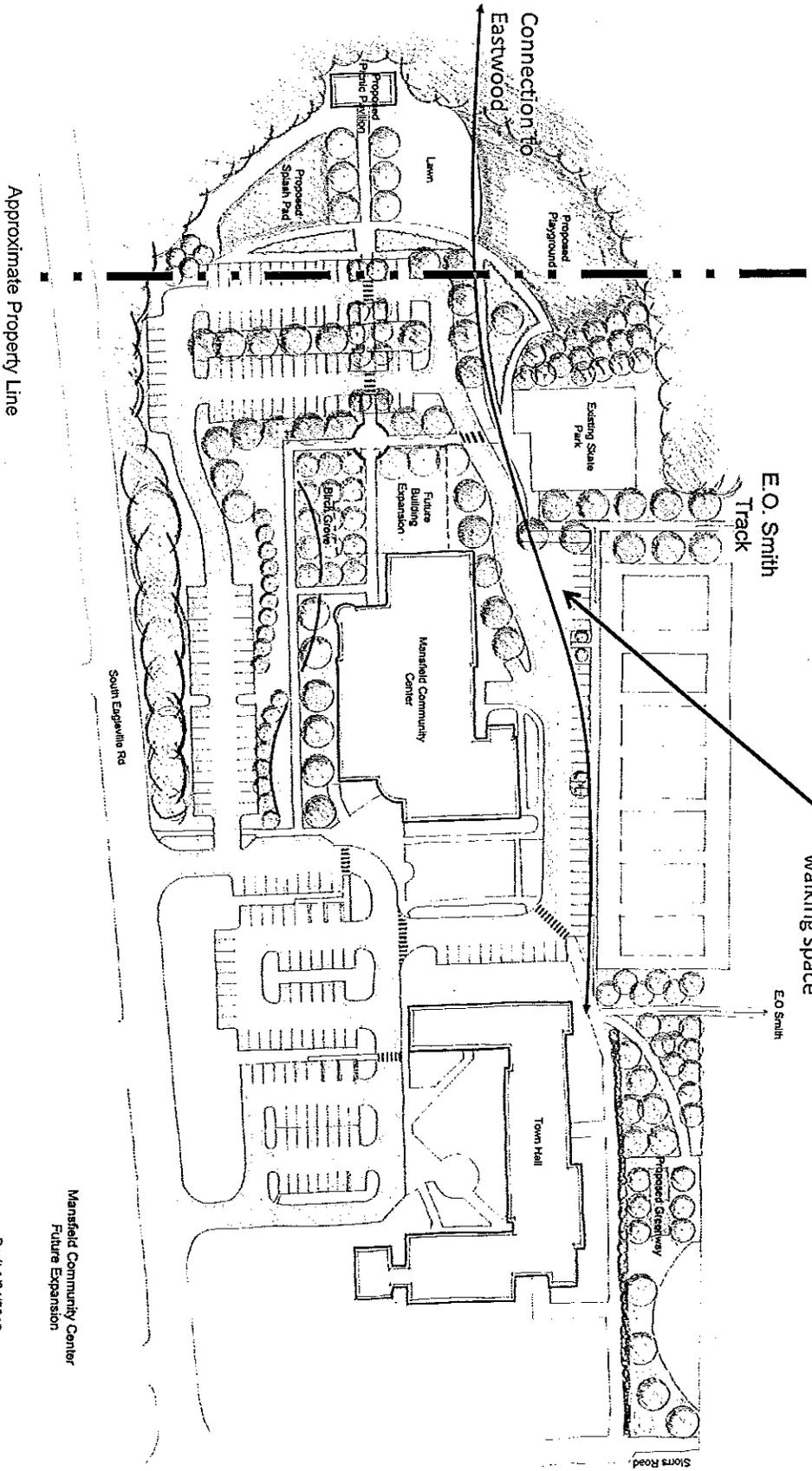
*Move, effective May 14, 2012, to refer the proposed siting of the Mansfield Community Playground Project to the Planning and Zoning Commission for review pursuant to Section 8-24 of the Connecticut General Statutes.*

### Attachments

- 1) Aerial Photo - Possible Use of UConn Land Adjacent to Mansfield Community Center
- 2) Mansfield Community Playground, Initial Site Design, draft 1/24/12



# Initial Site Design

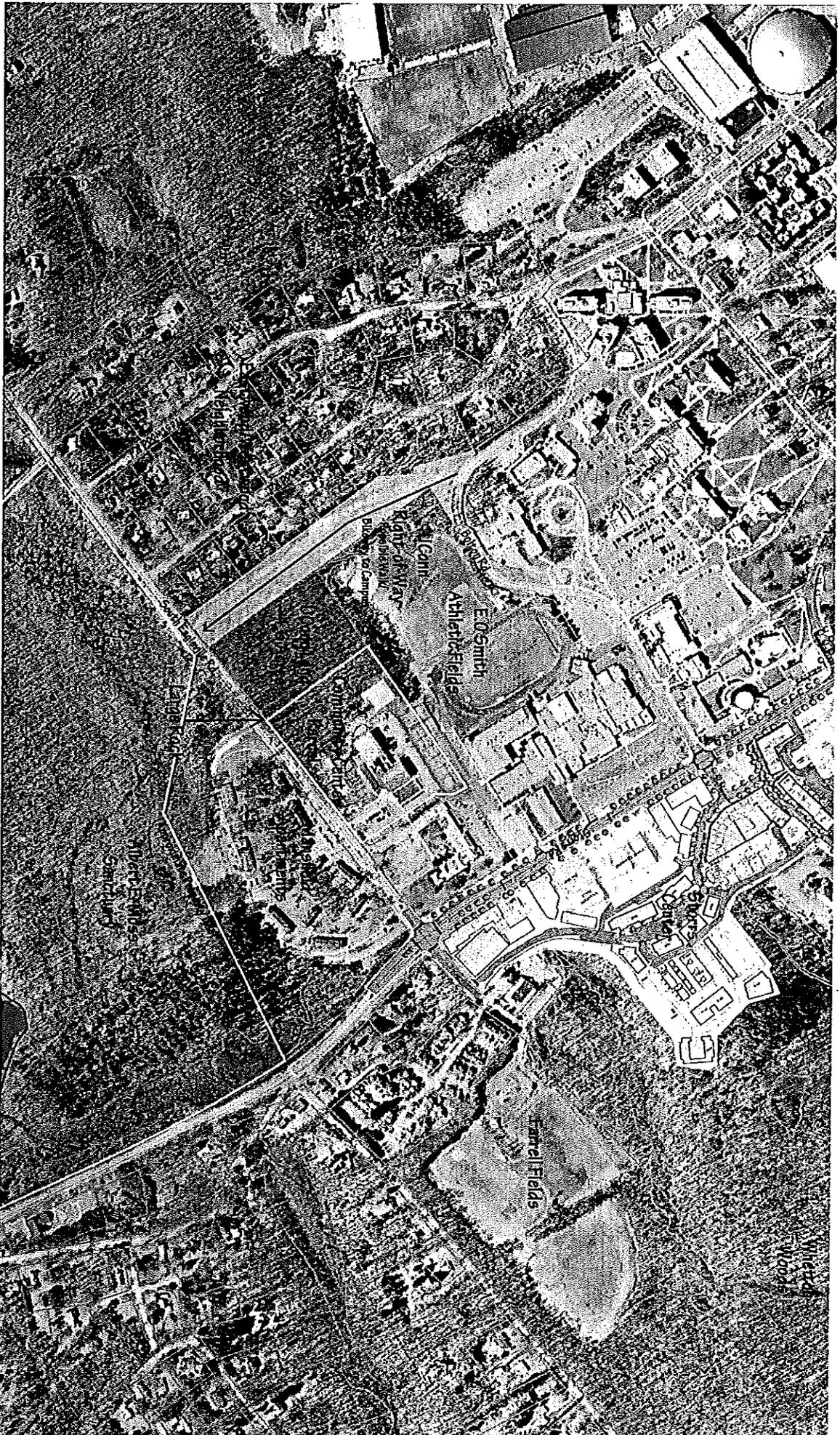


Reclaim some parking spaces for additional walking space

Approximate Property Line

Mansfield Community Center  
Future Expansion

Draft 1/24/2012



Possible Use of UConn Land Adjacent to Mansfield Community Center

Source:  
Aerial and wetlands UConn AES

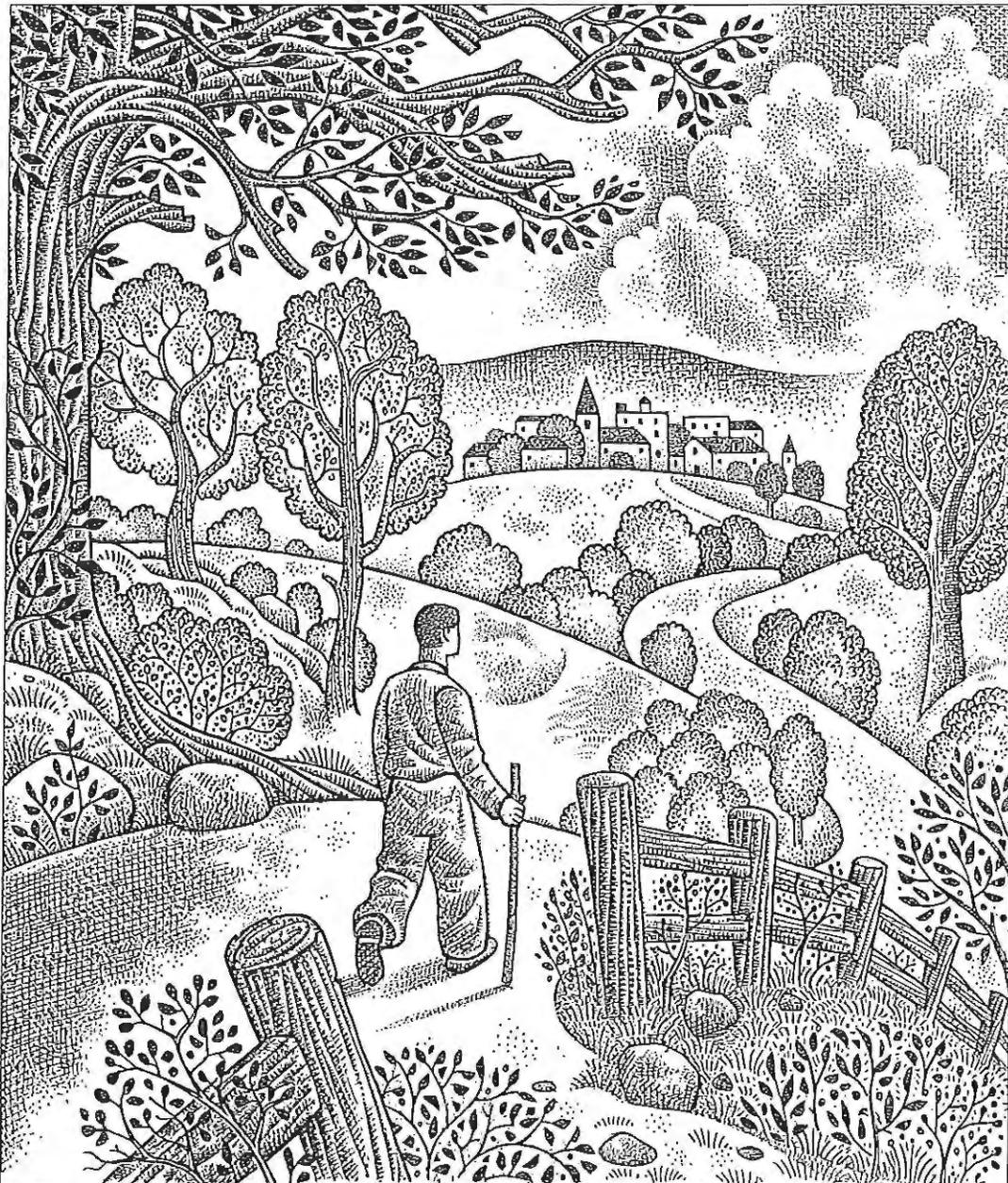
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PLANNING  
COMMISSIONERS

# Journal

NEWS & INFORMATION FOR CITIZEN PLANNERS

## The Path We're Taking



### Just What Do Planning Commissioners Do?

*Is it something more than giving developers and citizens headaches?*

### Challenges & Opportunities

*A look at some of the key challenges and opportunities we'll be facing in the years ahead.*

### Looking Back, Moving Forward

*Brief reports on how seven planning commissions and their communities are changing.*

Join us at:  
**PlannersWeb.com**

## The Path We're Taking

After twenty years, what you're now holding will be our last issue in print. It's a bittersweet moment. But the reality is that printing and postage costs have continued to rise. At the same time, with municipalities under financial pressure, our revenues have declined. The bottom line: we simply cannot afford to continue as a print publication.

As you may recall, our initial plans were to shut down completely. But we were taken aback by the many messages we received urging us to look for some way to stay in business. As a result, we prepared a survey (that many of you participated in) to see if there would be enough support for us to transition to a membership-based web site.

The responses were overwhelmingly positive – and we're now in the process of developing our new web site. When it opens this summer, our aim will remain the same: to provide you with quality materials specially focused on the needs of citizen planners.

Our new web site will offer you several notable benefits. First, you'll have unlimited access to over 500 articles we've published since 1991. There's an enormous amount of terrific material you'll be able to easily search, download, and print out.

Beyond that, we'll be providing new content – in the form of "resource briefs" on a variety of topics, plus "bright ideas" highlighting innovative planning programs and ideas from across the country. We'll also be developing an interactive method for updating many of our past articles. And we're reviewing many other ideas suggested in responses to our survey.

Finally, we're structuring our pricing to enable municipalities to provide all their planning commissioners with member-access to our new site at a very affordable rate.

We hope you'll join us on the new path we're taking. ♦



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

## 3 Just What Do Planning Commissioners Do?

by PCJ Editor Wayne Senville

Over the past twenty years, the primary goal of the *Planning Commissioners Journal* has been to help citizen planners – especially members of local planning and zoning boards – do their job better. But just what is the role and what are the responsibilities of a planning commissioner?

## 14 Challenges & Opportunities

Eight of our regular contributing writers take a look at challenges and opportunities facing planning commissions and their communities.

- **Autos & Aging**

by Hannah Twaddell

- **Credibility Is Essential**

by Elaine Cogan

- **Flexibility Is a Virtue**

by Carolyn Braun

- **Change & Its Impacts**

by Jim Segedy & Lisa Hollingsworth-Segedy

- **The Place Where We Live**

by Edward T. McMahon

- **Redefining Our Future**

by Wendy Grey

- **Engaging in Planning**

by Della Rucker

## 16 Looking Back, Moving Forward

We invited our readers to tell us about their home town, how their planning commission functions, and what they see as their major challenges. Brief reports from planners and planning commissioners in seven quite different communities.

## Our Last Issue in Print

This is the final print issue of the *Planning Commissioners Journal*. We will be transitioning to an exclusively online publication, with a new format, this summer.

Details are posted at:  
[www.plannersweb.com](http://www.plannersweb.com)

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Subscription Information

Published 4 times/year. Standard Rate: \$67/year. Additional subscriptions mailed to the same address: \$12 each/year. ISSN 1058-5605. Postmaster and Subscribers: Send address changes to *Planning Commissioners Journal*, P.O. Box 4295, Burlington, VT 05406.

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# Just What Is the Job of a Planning Commissioner?

by PCJ Editor, Wayne Senville

The primary goal of the *Planning Commissioners Journal* has always been to help citizen planners – especially members of local planning and zoning boards – do their job better. But just what is the job of a planning commissioner?

We want to re-examine this broad question in light of what our talented contributors have had to say over the past twenty years. So go get yourself a cup of coffee or tea, sit back, and thumb through the following pages.

Some of the keenest observations on the role planning commissioners play have – not surprisingly – come from commissioners themselves. Over the years, many planning board members have drawn on their own experiences in writing for the *PCJ*.

## An Obligation to Contribute

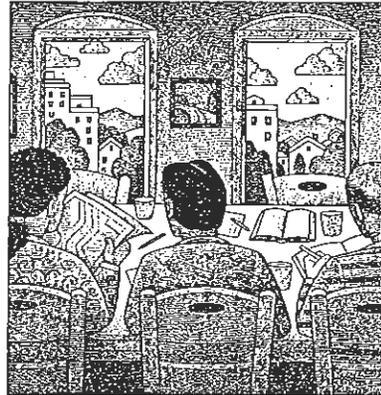
“Recognize that you have an obligation to contribute to your planning and zoning meeting, even if you don’t have a set of initials following your name and can’t name the planner who laid out the streets of Paris. It’s not a ‘chance’ to contribute; it’s an ‘obligation’ by virtue of your appointment. Study any staff reports, maps, and the like, and come prepared to contribute ... Planning commissions are places for people who care and want to make a difference to their communities.” – *Steven R. Burt, Sandy City, Utah* {100}

## Ask Questions

“Once appointed, don’t be reluctant to ask questions of other board members and the planning staff. The staff is there to assist and advise the board. At your board’s public meetings, ask questions. Other board members, or citizens in attendance, may have the same question in the back of their mind. The old adage ‘the only dumb question is the one not asked’ is true.” – *Stephen F. DeFeo, Jr., Methuen, Massachusetts* {234}

## Think Before You Respond

“Think carefully before you respond to demands from citizens and developers. Often a salient issue will come to the attention of citizens before you, as a board member, have all the



facts. Resist the urge to express your opinion until you are sure about where you stand on the issue.” – *Cheryl R. Roberts, Huntersville, North Carolina* {234}

## Put Aside Your Own Biases

“Put personal preferences and prejudices aside to deliberate on technical issues and application merits, and be proactive to seek changes to local zoning laws where deficiencies have been identified.” – *Louis Joyce, Alloway Twp., New Jersey* {467}

“Try very hard to see both sides of an issue. It’s easy to vilify developers as uncaring, manipulative, and simply out

to make a profit. But remember that it is not a crime to make a reasonable profit ... With this said, commissioners have a duty to protect the public, follow the general plan, and enforce the city code – and sometimes a project just does not conform to that mandate.” – *Fedolia “Sparky” Harris, Elk Grove, California* {467}

## Make the Right Decision, Not the Popular One

As Carolyn Braun noted in “Planning From Different Perspectives” {170):

“As planning commissioners, I’m sure you have heard difficult requests from friends or neighbors that do not comply with the code. It is hard not to be empathetic with your neighbors. They stand before you, looking at you, hoping you – of all people – will understand and help them. After all, you live there. Silently, you wonder whether granting the request would be that bad. After all, it really wouldn’t hurt

*continued on next page*

## Using this Article

Throughout this article you’ll see brackets with a number inside like this: {467}. This is the identifying number we’ve given to each article we’ve published.

When you or your community join our new *PlannersWeb* service you will be able to access the full text of each article simply by going to our web site: [www.plannersweb.com](http://www.plannersweb.com); then logging in as a *PlannersWeb* member; and then inserting the article number (or the article title) in the search field.

We’ll also be posting on the *PlannersWeb* site a copy of this article – complete with hyperlinks.

PLANNING COMMISSIONERS JOURNAL

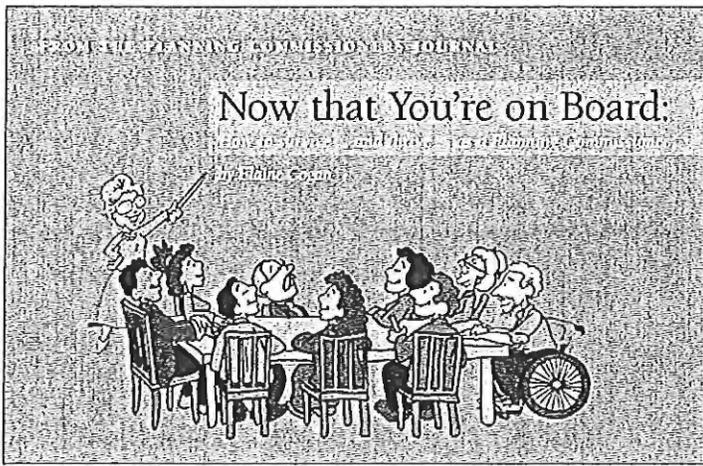


Perspectives



*Editorial Board*  
 Editor: Wayne Senville  
 Editor: Cheryl R. Roberts  
 Editor: Steven R. Burt  
 Editor: Stephen F. DeFeo, Jr.  
 Editor: Louis Joyce  
 Editor: Fedolia “Sparky” Harris  
 Editor: Carolyn Braun  
 Editor: ...  
 Annual Index  
 Published  
 1911





**Just What is the Job...?**  
continued from previous page

anyone. What's a couple of feet in the greater scheme of things?

Similarly, you may be called on to decide applications that have evoked strong neighborhood opposition. ... Silently, you wonder how you can approve this request with so many people in opposition. How could this possibly be best for the community? ...

It is tempting as a commissioner to simply make a popular decision. It has been my experience, however, that in the long run, consistent decisions give you more credibility. Rest assured, it won't always be easy."

### "The Effective Planning Commissioner"

That's the title of a column Elaine Cogan wrote for the *PCJ* for some eighteen years. Cogan, who is a founding partner in the Portland, Oregon, planning and communications firm of Cogan Owens Cogan, has for more than thirty years served as a consultant to communities undertaking strategic planning or visioning processes. She's also the author of *Now that You're on Board: How to Survive ... and Thrive ... as a Planning Commissioner* – which will be available on our *PlannersWeb* site.

In her *PCJ* column, Cogan often focused on those special attributes that can help planning commissioners be more effective – such as patience and passion:

#### Patience<sup>1</sup>

"Patience is an essential attribute if you are to be an effective decision maker, especially in the contentious situations that often confront the planning board. You need to exercise patience over your own desire to rush to judgment after a cursory review of the 'facts' as they are presented by staff or an applicant, or seem to be borne out by your own experience. You also need to be patient with other board members who may have a different perspective or be slower to grasp complicated concepts.

Most importantly, you must be patient with the public at that inevitable public hearing or meeting. ... Each citizen deserves to be heard with patience, no matter how misguided you may think they are." – from *"What Counts Most as a Planning Commissioner"* (249)

#### Passion

"Passion is a powerful and admirable quality if it is not

expressed in a hysterical or zealous, take-no-prisoners mode. It can be a positive model when you as a commissioner show a calm but passionate advocacy for the value of planning as a vital contribution to your community's present and future livability – and when you recognize that citizens can also be rightfully passionate about their neighborhoods, the natural environment, schools, playing fields, or other matters of concern. ...

Sometimes passion can cause you to be a loner. You may have patiently listened to all the arguments on a contentious issue, weighed the information, debated openly and fairly with your colleagues, and still reached a conclusion that is not supported by the majority on the planning board. This may not be a comfortable position and would be ineffective if you are too often on the losing side. However, if you can express that passionate disagreement with conviction while not disparaging those who have other points of view, you will engender respect, and may even win over others." – from *"Making the Case for Passion"* in *Now that You're on Board*.



#### Consensus-Builders

Elaine Cogan has also written about the different roles members of a planning commission

can play. You'll read later about the role of the chair, but as she noted in "... And the Consensus Is" (311), there's also an important role for the consensus-builder:

"Knowing when to vote and when to rely on consensus can contribute substantially to the smooth running of your planning board. First, it is important to acknowledge that most, if not all, decisions on legal matters require a recorded vote. Some issues require a simple majority; others two-thirds or more. These procedures should be spelled out clearly and followed precisely.

Many other issues, however, are best resolved without a vote. Voting can polarize people and create a winner/loser environment. Consensus implies that the group can come to general agreement without forcing individuals to take sides.

Is there a consensus-builder on your board? If you are the chair, do not assume you have to take that role if it is not a comfortable position for you. Your primary responsibility is keeping order and giving everyone a fair opportunity to speak. If you are not the chair but have that skill, do not hesitate

to use it. The consensus-builder can be anyone on the board who has the patience, aptitude, and interest. ..."

Since our very first issue in 1991, we've invited com-

ments from planners and planning commissioners on the first drafts of all articles submitted for publication. When space has allowed, we've also included some of these comments



alongside the published article – as was the case with Cogan’s article on consensus building:

“As Chairman of the Plan Commission in the Town of Dodgeville, Wisconsin, my conviction about the value of consensus building couldn’t be stronger. Democracy is, at its heart, dependent upon good citizens with fair minds who can work their way through all of the information and arguments and come to an agreement about their decision.”

– Lois Merrill, Dodgeville, Wisconsin.

“Regardless of the circumstances our Chairman will go out of his way to assure that whoever wants to be heard receives their opportunity. We seem to reach consensus, at least to a great degree, in near all of our deliberations without a specific ‘consensus builder.’ ... Any of our members will take the lead as they deem necessary.” – Bob Steiskal, Jr., Gulf Shores, Alabama.

ning commissioner in Colorado – reminded commissioners to:

“Make sure to take the time to read and understand the information presented in the staff reports prior to the meeting. Staff really appreciates commissioners who have read their packet and we can always tell by the questions asked at the meeting who has or hasn’t.” – from “Sitting on Both Sides of the Table” {467}

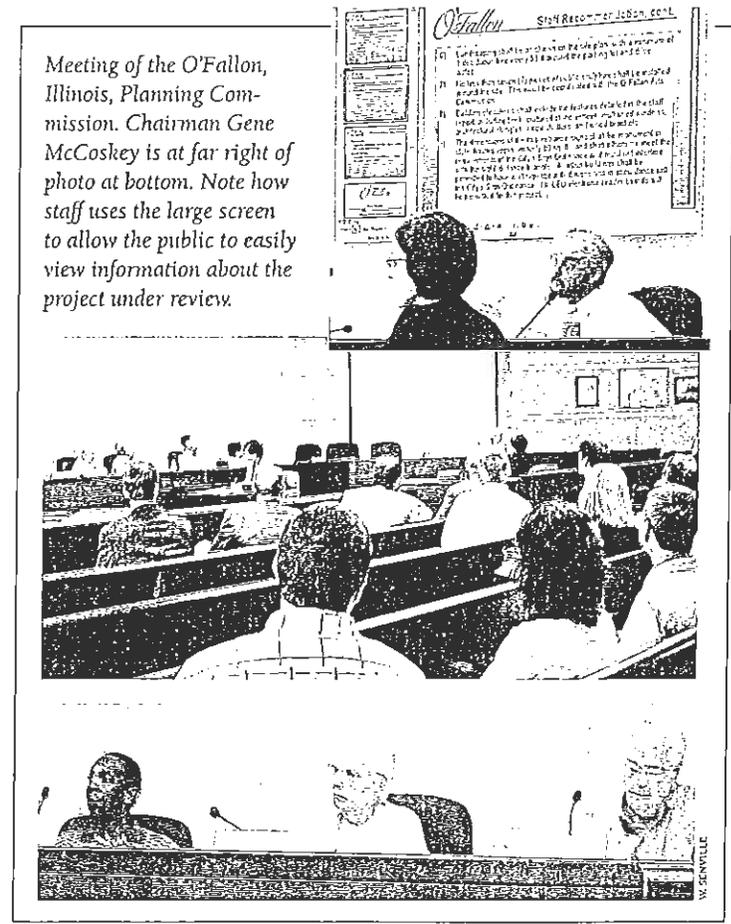
Along similar lines, Cynthia Eliason – another planner who’s also served as a planning commissioner (in California) – emphasized:

“Do your homework! There is nothing worse than coming to the meeting and hearing the ripping open of meeting packets for the first time.” {467}

### What’s On Your Agenda?

How much thought do we give to our meeting agendas? In many cases, not enough. As Elaine Cogan described in “First on the Agenda is the Agenda” {251}:

“The agenda is the template for your meetings. It should be developed thoughtfully so that the planning board has adequate time for matters that require attention and/or decisions and less time for ‘house-keeping’ or more routine subjects. It should delineate plainly when public comment is invited and the actions



Meeting of the O’Fallon, Illinois, Planning Commission. Chairman Gene McCoskey is at far right of photo at bottom. Note how staff uses the large screen to allow the public to easily view information about the project under review.

### Getting Prepped

How to run, participate in, and benefit from meetings are topics we’ve regularly covered. But it’s important to remember that the “job” of a planning commissioner doesn’t start when the meeting is called to order and end when it is adjourned.

James Shockey – who’s served as both a planner and a plan-

ning commissioner (review only; action; referral).

Many commissions leave the agenda writing to staff and may see it for the first time when they come to the meeting. This does not serve you or the public well. The best approach is for the chair, or a committee of your board, to review the agenda before it is final and for commissioners to receive it and any backup materials several days in advance.

Allow ample and early time for issues which most concern the public. ... Put the contentious or controversial issues on the agenda early, and give them the time they deserve. Do not be offended if most of the crowd leaves as soon as you turn to other matters.”

### Setting the Right Tone

One of the most important steps a planning commission can take is to set the right tone at the very start of a meeting. During my 2007 cross-country trip on U.S. Route 50, I attended a meeting of the O’Fallon, Illinois, Planning Commission. Chairman Gene McCoskey did a terrific job in creating a welcoming atmosphere. He opened the meeting by providing brief introductions of the commissioners and staff; a review of how the meeting would be run and when public comment would be taken; and an explanation of the planning commission’s role in the project review process.

McCoskey and his fellow commissioners listened intently during lengthy, sometimes angry, public comments about a development proposal on the



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**Just What is the Job...?**  
continued from previous page

evening's agenda. They asked a few questions to clarify points, but basically sat and listened, and then offered the developer and his team the chance to respond. By showing an open mind and being respectful to all, the commission left those attending – whatever side they were on – knowing they had been heard.

You can listen to a four minute audio clip of McCoskey's opening remarks. Go to: <[www.rte50.com](http://www.rte50.com)>, then in the left sidebar scroll down to June 12: Introductions. You can also access the nearly one hundred posted Route 50 trip reports.

For more on the importance of setting the right tone at the start of the meeting, see Elaine Cogan's "... In the Beginning" {352}

**Chairing the Commission**

One place where leadership skills are especially important – along with sound judgment and an even temperament – is in the role of chair. Here's some of what Carol Whitlock, long-time chair of both the City of Merriam (Kansas) and Johnson County Planning Commissions, had to say:

"Always be fair. This is perhaps the most important responsibility of the chairperson.

Remember it is your job to give everyone their 'day in court,' not to decide who is right or wrong. (You will do that also, but outside of your job as chairman). ...

Do not allow the audience to break in when someone else has the floor. If patiently telling members of the public to wait their turn doesn't work, stop the meeting and let everyone sit and stew until it comes back under control. No need to yell, pound the gavel, or demand control. Things will settle down if all business stops until peace reigns. Only one time have I ever had to threaten to get the police to clear the room. ...

Patiently listen until every person who wishes to speak has had their say. This is where [a] time limit comes in to help you out. But more importantly, if everyone understands that they will be heard, they are much more apt to sit patiently and not disrupt the meeting.

Develop a good working relationship with your planning director (or whoever is your key staff support person). This is vital. In my years' of experience as chairperson, I have also found that meeting with our planning director before each public meeting has strengthened our relationship, while

providing me with a heads up about any unique or 'hot' items on the agenda." – from "Chairing the Commission" {183}

**Show Respect**

As Whitlock noted, one of the essentials of running a good meeting is showing respect to members of the public. This is important not just as a matter of civility, but also because you might actually learn something from your fellow citizens – even if you disagree with what they're saying. What's more, if the commission is to be effective in its job of planning for the future of the community, it needs the respect and support of the public.

Elaine Cogan has often spoken on the importance of respect, as in her article, "Meaningful Dialogue With the Public" {153}:

"To keep and maintain the trust of the public, it is imperative that your planning commission understands – and practices – the fine art of inviting their comments and questions and responding in a cordial and respectful manner.

It is most important to establish ground rules and enforce them. Ask people who wish to speak to sign in ahead of time and refer to that list throughout the meeting. You can then call on each one by name. If you accompany your words by a

nod or a smile, you show a welcoming acceptance. ...

Show by your body language that you are listening. Lean forward, with hands discretely on the table or in your lap. Never roll your eyes, shake your head, or tap a pencil or pen – all sure signals you are impatient or distracted.

Do not fall for 'red herrings' or baited questions. If necessary, repeat what you or other commissioners have said or explain your answer in more detail. ...

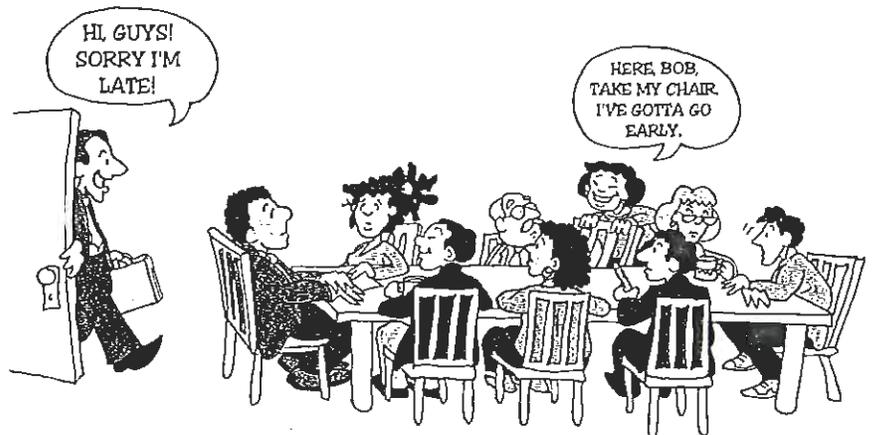
Always be polite. You may have to agree to disagree, but insults and innuendo are never appropriate. ..."

**The "Riggins Rules"**

Eighteen years ago we heard about the "Riggins Rules" from Arizona planner Bev Moody. They were put together in 1967 by the late Fred Riggins, then Chairman of the Phoenix Planning Commission, who titled them "Suggested Do's & Don'ts for the Conduct of Public Hearings and the Department of Members of Boards, Commissions, & Other Bodies." They've since been re-titled as the "Riggins Rules" in his honor.

While we hope you'll read all 39 of the Riggins Rules {513}, here are a few excerpts:

"• Do be on time. If the hearing is scheduled at 7:30, the gavel should descend at the



exact hour, and the hearing begin, if there is a quorum. If you have to wait ten minutes for a quorum and there are 100 people in the room, the straggler has ... created a very bad beginning for what is a very important occasion for most of those present.

- Don't mingle with friends, acquaintances, unknown applicants or objectors in the audience before the meeting or during a recess period, if it can be politely avoided. You will invariably create the impression ... that there is something crooked going on, especially when you vote favorably on the case of the applicant you were seen conversing with.

- Do your homework. Spend any amount of time necessary to become thoroughly familiar with each matter which is to come before you. It is grossly unfair to the applicant and to the City for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar. And you will make some horrible and disturbing decisions.

- Do be attentive. Those appearing before you have probably spent hours and hours preparing and rehearsing their arguments. The least you can do is listen and make them think that you are as interested as you should be. Refrain from talking to other members, passing notes and studying unrelated papers.

- Don't use first names in addressing anyone at all during the course of the hearing. This includes audience, applicants, members of your particular body, even if the person concerned is your brother or your best friend. Nothing, repeat nothing, creates a more unfavorable impression on the public than this practice.

- Don't try to make the applicant or any other person appearing before you look like a fool by the nature of your questions or remarks. This is often a temptation, especially when it is apparent that someone is being slightly devious and less than forthright in his testimony. But don't do it.

- Don't forget that the staff is there to help you in any way possible. It is composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them a chance. Or they may just sit and let you stew, if you do not give them the respect which is their due."

### If Our Meetings Could Talk

Quite a few of the Riggins Rules relate to two critically important topics we've covered extensively: ethical matters (such as ex parte contacts and conflicts of interest) and the relationship between commissioners and staff. We'll turn to them shortly. But first, allow us a few minutes to talk more broadly about the nature of meetings – and how they can be made more productive.

On this point, we need to introduce (or re-introduce) you to Mike Chandler, who for eleven years wrote "The Planning Commission At Work" column for the *PCJ*. During this time, Chandler was also the "go to" speaker at planning commission training workshops around the country. In one of his *PCJ* columns he asked what we'd hear if our meetings could talk:



"During our planning commission training sessions we spend a considerable amount of time exploring the nature of meetings. One of the more interesting exercises involves having the participants complete the following question: 'If our planning commission meetings could talk what might they say?'

As you might suspect, this question has generated some very interesting responses. We've had meetings tell us: 'I'm happy that's over. I feel good. I've got more to do. What a great meeting. I need a drink. If that happens one more time I'll do something you will regret.' Who ever said meetings don't have a sense of humor!

Another exercise that generates much discussion involves determining why some planning commission meetings succeed while others fail. Commonly cited reasons for successful commission meet-

ings include: the meeting started on time; the commission followed the agenda; the public was able to participate; the meeting accomplished a predetermined task; and, the meeting did not last too long.

Reasons for meeting failure usually include the absence of the attributes listed above. In addition, commission meetings may not be successful if commissioners fail to do their homework; if the commission chair is weak or ineffectual; or if the meeting sequence is haphazard or disjointed.— *from "Making the Most of Your Meeting Time" {451}*

Before leaving behind the arena of meetings, there are two more "pieces of business" we want to bring to your attention – first, the importance of rules of order, and second, the danger of ex parte contacts.

*continued on next page*

For more on how to hold effective public meetings and hearings:

- Wayne Senville, "Dealing With Contentious Public Hearings" {380}
- Ric Stephens, "Ten Things to Avoid" {347}
- Elaine Cogan, "Meeting Formats Should Follow their Functions" {248}
- Ric Stephens, "Late Nights with the Commission" {138}
- Debra Stein, "Dealing With An Angry Public" {233}
- Elaine Cogan, "How Well Do You Use Your Time?" {474}



**Just What is the Job...?**  
continued from previous page

## Rules of Order

Many planning commissioners are not familiar with the mechanics of rules of order. But they can be quite important.

As then planning commissioner Steven Burt reminded readers in "Being a Planning Commissioner" {100}:

"Be aware that the motion maker has a decided advantage in influencing the outcome of a vote. Often, if there is indecision on the part of one or more commissioners, the person making a clear, strong motion will carry votes to his or her position."

In "The Commission Will Come to Order" {388} the late David Allor provided a very helpful two page "Model Outline of Motions for Planning Commissions and Zoning Boards," which he specially adapted from Robert's Rules of Order. We urge your planning commission to take a look.

## Ex Parte Contacts

For many years, planner Greg Dale has been our "in-house" expert on ethical questions facing planning board members. Dale is a founding partner of the Cincinnati-based firm of McBride Dale Clarion, and a regular at planning commissioner training workshops. He's covered topics ranging from conflicts of interest, to bias, to dealing with confidential information. But perhaps the most important subject Dale's reported on involves "ex parte" contacts. From his most recent article on the topic, "Revisiting Ex Parte Contacts" {129}:

"Fifteen years ago, one of my first *Planning Commissioners Journal* articles dealt with the topic of 'ex parte contacts.' I defined this as any contact that you have with the party involved, or potentially involved, in a matter before the planning commission outside of the public hearing process. I pointed out the perils of ex parte contacts, both from a

legal and an ethical perspective.

... As I think further about the issue, there are several reasons why I feel more strongly about the problems with ex parte contacts now.

First, over the last fifteen years, I have continued to conduct numerous planning commission training sessions at the local, state, and national level. I always discuss ex parte contacts with commissioners and it is striking how almost universal their reaction is against allowing them. Perhaps I am just preaching to the choir at planning commissioner workshops, but there appears to be a very broad recognition that ex parte contacts are potentially damaging to the process.

Second, public interest in planning and development decisions has increased as development pressures in many places have continued to mount. As many of us realize, development decisions are being made under increasingly intense scrutiny. This often includes a focus on the fairness of the process.

Quite simply, in my opinion, ex parte contacts are a bad idea and ought to be avoided... My concern is not so much with the legality of ex parte contacts

in this situation – that is for your legal counsel to address – but with how the public is likely to perceive such contacts even if they are legally permissible. ...

The simplest, clearest, and best policy is for a commission to agree not to engage in ex parte contacts. That means telling people who contact you that you cannot talk to them about a matter pending before the commission, while encouraging them to come to the commission meeting to ask their questions or give their opinion.

... One other caution on ex parte contacts ... treat email communications just as you would hard copy or oral communications. It is amazing to me how people tend to view emails as somehow being under the radar screen. The reality is that email communications ... about matters before you are likely to be considered public records, and you may be required to produce them."

Remember that your job is to make decisions or recommendations based on the evidence presented to you during the public review process, and that the public has a right to know what information you use as the basis for your decision."



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## Not Ex Parte Contacts

I recall when Greg Dale submitted the first draft of this article, one concern I had was to be sure planning commissioners realized that there are, in fact, many times when they can and should speak with others about planning issues. Dale agreed, and added the following section:

"It might seem to some that the concerns I've expressed about ex parte contacts would result in planning commissioners being insulated from the community, at the same time that we are asking them to reflect its planning values. Here is an important distinction to make: ex parte concerns relate primarily to matters that are pending before the commission, primarily related to requests for development approvals such as zone changes, planned unit developments, site plan approvals, and other similar requests that involve a specific, legally prescribed process of review.

On the other hand, we do expect planning commissions to concern themselves with long range, community-wide planning policies and issues outside the development review process. This requires planning commissioners to be in tune, and in touch, with citizens who are interested in planning issues. ...

It is entirely appropriate for commissioners to participate in community organizations and to use those opportunities to discuss planning issues ... as long as these do not involve specific case matters pending before the commission."

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## Citizen Planners

In thinking about the role of planning commissioners, how

many of us are aware of the early history of planning commissions in America? Let's take a short trip with planning historian Laurence Gerckens – national historian for the American Institute of Certified Planners and a frequent contributor to the *PCJ* – as he recounts how citizen planners helped turn around one Midwestern city [392]

"It's easy to sit back and wait for problems to arrive at the planning commission. All of a commissioner's time can be spent stamping out brushfires and processing standard reviews. But it is worth recalling that citizen planning commissioners were put in that position ... to provide insights into the problems and potential of the community, and to provide leadership in the solution of problems before they arise.

Consider the history of the Cincinnati Planning Commission: On January 4, 1914, a group of civic minded individuals and representatives of the community development committees of a number of Cincinnati organizations founded the

'United City Planning Committee.' ... Through the medium of community planning, these Cincinnatians were seeking a more rational, publicly open, and less expensive system for the provision of needed capital facilities than the system of secret agreements, payoffs, and bribes that determined public development policy in Cincinnati at the time. ...

The Committee charged [Alfred] Bettman with drafting state enabling legislation authorizing the creation of local, citizen dominated municipal planning commissions, giving these groups the power to create and adopt a general development plan for their communities. ... In May of 1915 the Ohio legislature enacted the first planning enabling law in the United States ...

The Cincinnati City Planning Commission ... helped bring order, rationality, and economy to Cincinnati through: the integration of future land-uses, transportation facilities, and public utilities and facilities in a long-range comprehensive plan; the use of the land-use

zoning power to shape future community form; and the use of carefully prepared six year capital budgets designed to allow for development while keeping tax expenditures at a low, even rate.

The bold and creative efforts of the citizen-member dominated Planning Commission shaped not only the city of Cincinnati, but also, through its example and leadership, the community planning practices of the entire country."

– from *"Community Leadership & the Cincinnati Planning Commission"* [392]

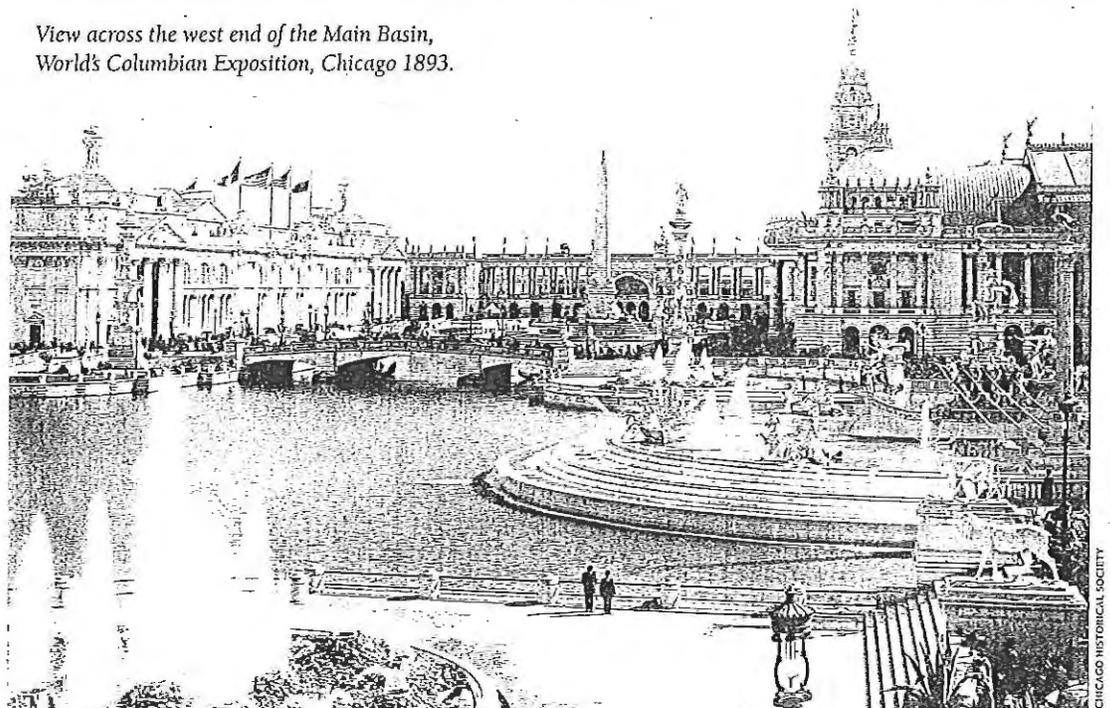
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## It Happened In Chicago

Let's take one step even farther back in time. In 1893 an event occurred in Chicago that profoundly affected the role citizens would come to play in shaping the future of their communities. Americans in the late 19th century were wrestling with the effects of rapid urban growth and development. But when they came to visit Chicago that year – as they did by the

*continued on next page*

*View across the west end of the Main Basin, World's Columbian Exposition, Chicago 1893.*



**Just What is the Job...?**  
*continued from previous page*

millions – they were moved by a strikingly beautiful vision of the future.

As one reporter described the scene: “The world has been vouchsafed one perfect vision which will never suffer from decay ... then or now, no words can express the beauty of the Dream City, for it is beyond even the unearthly glamour of a dream.”

– Candace Wheeler writing for *Harper’s New Monthly Magazine*, May 1893.

As you’ve probably guessed – especially if you’ve taken a look at the photo! – the vision of the future was found at the World’s Columbian Exposition, the great Chicago World’s Fair of 1893.

Gerckens put the Chicago World’s Fair in perspective for planners:

“Architect Daniel Hudson Burnham, Director of Works for the Chicago World’s Fair of 1893 undertook to realize the first city-scale unified design of buildings, pedestrian plazas and public monuments in America. Painted all in white, this ‘Great White City’ thrilled visitors with its beauty, cleanliness and order. It initiated the City Beautiful Movement in the United States and catapulted Burnham into leadership of the newly emerging city planning profession.

Thousands of visitors left Chicago with the belief that things could be made better back home. They began to organize local groups to plan for a visually and functionally unified new ‘civic center,’ for metropolitan park systems and tree-lined boulevards with coordinated public benches, street lights and transit stations. They sought to realize architecturally integrated

streets through laws regulating building heights and setting building setback lines.

Led by major businessmen, unofficial City Plan Committees undertook to raise the quality of the public environment to make physical America a fitting subject for public-spirited support and patriotic respect, capable of inspiring both the ambitions of youth and the visions of the industrious. The idea of America would take positive physical form through the effort of community planning commissions; it would be realized in community actions directed toward shaping and protecting the public environment. ...

The modern American planning commission is the guardian of the public physical environment. When this responsibility is forsaken, all citizens of the community, present and future, suffer losses that are ecological, cultural, and economic, as well as aesthetic.” – from “*Community Aesthetics & Planning*” {461}

## Leadership

After reading Gerckens’ remarks, we might ask ourselves whether we have visionary leadership in our cities and towns today – and whether planning commissioners should aspire to take on this role? As civic consultant Otis White has noted:

“The planning commission can be the perfect place for ... leadership to emerge. First, because it’s where many community disputes receive their earliest hearings, so if the community needs to learn new ways of resolving disagreements, the commission can be where it learns them. Second, with its mandate for planning, the commission is already concerned with the community’s future. If new ideas are needed, where better for them to be developed and aired?

What’s needed in those circumstances, though, are commissioners with an interest in broader community leadership, along with the temperament,

experiences, and skills to take a leadership. ... The key is to understand how communities navigate change and where your own talents and interests lie. ... You have to be part analyst (What is my community’s greatest needs? Where is it stuck?), part strategist (How could we get past this sticking point?), and part self-critic (What am I good at?).” – from “*Making a Difference: The Planning Commissioner As Community Change Agent*” {586}

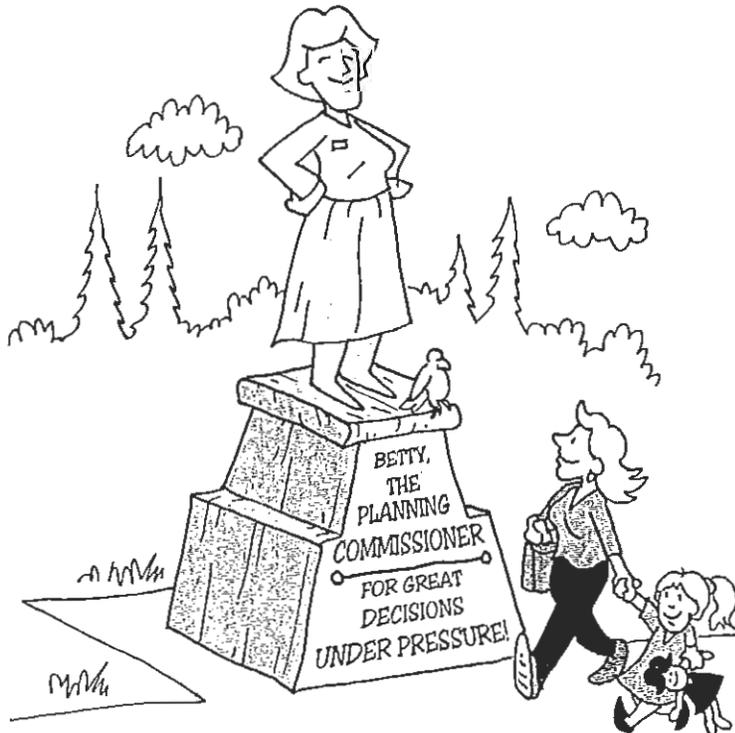
## The Big Picture

Over the years *PCJ* articles have focused not just on the role of the individual planning commissioner, but also on the role of the planning commission as a body – and how it can be more effective.

Many planning commissions spend much of their time in reviewing development applications or rezoning requests. Yes, these are important responsibilities, but one of the biggest challenges facing commissions is keeping their eye on the “big picture.”

That was the theme of one of the very first articles we published – written by the late Perry Norton, one of America’s most respected planners. Norton not only served as the first Executive Director of the American Institute of Planners in the 1950s, but three decades later in his retirement pioneered the use of online forums to discuss planning issues.

In his first *PCJ* article, “Remembering the Big Picture” {468}, here’s some of what Norton had to say:



“When a shopping center is proposed, when the question of what is wetland and what isn’t hits the fan, when people line up to protest the conversion of a single family residence to some sort of a group home, the local area newspapers are quick to point out that the ‘planners’ did this, or the ‘planners’ did that.

And who are these planners? Well, they’re not those professionally trained planners, with degrees in planning. They are the members of local planning boards or commissions. They are, for the most part, volunteers, unpaid volunteers I might add, who give hours of their time, mostly in the evenings – carrying out the mandates of local and state land use planning laws.

The work, at times, gets tedious. Hours and hours of discussion as to whether a proposed land use meets the requirements of the zoning or subdivision ordinance, is consistent with all the codes, is not discriminatory, is or isn’t a landmark, and so on. There are, indeed, so many items on the agenda that board members sometimes wonder what happened to the Big Picture.

The Big Picture is, indeed, a vital part of a planning board’s responsibilities. ... The public, through legislatures, gives planning boards broad mandates. Again, the specifics vary from

one location to another, but the fact remains that people turn to planning boards to secure a high quality of living environment.

You get the picture. What society wants from its planners is something more than the processing of permits. It would like the processing of some vision, as well. Not an easy row to hoe. But enormously fruitful if faithfully tended.

The question is often posed, however: how do we deal with the Big Picture when there are so many little pictures we’re lucky to get home in time for the 11 p.m. news? One thing is certain: the board has to make it happen.”

### The Planning Universe

If you’ve been a regular reader of the *PCJ*, you know that we’ve often focused on what we’ve called the “planning universe” – those individuals and groups (or planets, if you will) in the planning commission’s orbit: lawyers; developers; planning consultants; the media; and so on.

But there are three that are especially important to planning commissions: citizens; the governing body; and last, but not least, planning staff.

### Citizen Input

We’ve already touched on the need to be respectful to citizens

during public hearings, in listening to what they have to say. But gaining input from citizens outside the formal hearing process is just as important.

As then Arlington County, Virginia, planning commissioner Monica Craven explained:

“An effective planning commission reaches out to the community and does not limit its interaction with the community to a single public hearing. With the help of the planning staff, the planning commission can organize and participate in outreach efforts such as public forums and walking tours, to name a few.” – from “*Planning Commissioner Perspectives*” {322}

Along similar lines, Elaine Cogan spoke of the value in planners and planning commissioners going out to actively solicit public feedback:

“It was a sunny Friday. People were at their local mall as usual, shopping, strolling, meeting their friends and neighbors. Prominent among the storefronts, in the center of all the activity, was something new: a display about Our Town – what it is and what it might become, depending on the planning decisions that soon would be made.

Maps and drawings and possible alternatives in simple text were displayed attractively. Staff and commissioners stood nearby to engage onlookers in conversation and entice them to participate.

People were invited to stay as long as they liked – to write their comments on the displays and handy pads of paper, talk to planners, fill out questionnaires, and otherwise participate in a low-key but important exercise to help determine their community’s future.

From more than 25 years experience designing and facilitating public participation processes, it is obvious to me that the most successful are those where we go out to the people – not expect them to come to us.” – from “*Getting Out to Where the People Are*” {383}

### Engage the Community

As Otis White noted in “*Getting Power By Giving It Away*” {313}: “By itself, a planning commission has limited powers. But allied with an involved and supportive community, its powers can be enormous.”

*continued on next page*

More articles on citizen involvement in planning:

- Michael Chandler, “Citizen Planning Academies” {309}
- Thomas Miller, “Citizen Surveys: Taking Your Community’s Pulse” {377}
- Elaine Cogan, “Habla Usted Espanol?” {112}
- Elaine Cogan, “On Gauging Public Opinion” {314}
- Kathleen McMahon, “Public Outreach Through Video” {256}
- Kit Hodge, “The Next Generation of Your Planning Commission” {250}



That means that neighborhood associations and other community groups should be places planning commissioners are familiar with.

In "Engaging the Public" {161}, planner Larry Frey pointed out that:

"One of the best ways to engage citizens in planning is by going out to their neighborhoods. Neighborhood-based planning is an old concept with tremendous power, but it is not used enough. While it may work best in municipalities which tend to have more distinct neighborhoods, rural areas can benefit as well, by identifying activity centers that target organized groups. ... Meetings should be held in the neighborhood, allowing input to flow more freely and pertinent issues to unfold."

For more on how neighborhood associations and groups can help strengthen the local planning process, take a look also at Lila Shapero's "Bowling Together: The Role of Neighborhood Associations" {371} As Shapero noted:

"Bringing neighborhood associations on board helps makes them part of the solution, rather than an obstacle, in planning the community's future. At the same time, their input can deepen planners' and planning commissioners' understanding of neighborhood issues."

Lisa Hollingsworth-Segedy drew our attention to another way of better understanding peoples' issues and concerns:

"My grandmother used to tell me, 'We have two ears and one mouth because listening is twice as important as talking.' ... A few years ago, Jim [Segedy] was working with a rural Midwestern community to develop a new comprehen-

sive plan. The interviews with elected and appointed officials had gone well, and the public meetings were well attended, but the actual usable community input was sparse. So in an infrastructure focus group, I asked, 'What was the most exciting day in your town?'

Right away several folks talked about the tornado that had hit a few years before. From their stories of the storm striking with no warning, residents suddenly realized that a storm warning siren network was an important infrastructure and public safety need they had overlooked when writing their new plan. ... The act of listening to someone's story allows them to listen to it as well – this is empowerment at the most basic level." – from "Inviting Them In: Using Story as a Planning Tool" {421}

## Planning Commissions & Governing Bodies

In thinking about the relationship between a planning commission and the local governing body, it's important to recognize the very different roles each plays – while also keeping in mind how the two are intertwined.



In one of the early issues of the *PCJ* we ran an article by Pamela Plumb, who had served both as Mayor of Portland, Maine, and on the City Council – and was also a past president of the National League of Cities. Plumb provided an overview of the relationship between the two bodies:

"There has always been a delicate dance in the relationship between Town Councils and their appointed Planning Boards. Perhaps it comes from the community emotion that inevitably surrounds local land use issues. Perhaps it is rooted in a lack of clarity about their different roles. Whatever the origins of this tension, the relationship is frequently a source of debate and occasionally a source of friction. ..."

The two groups have distinctly different jobs. Councilors are policy makers. They are elected by and are responsive to the public whom they represent in all its various constituencies. The Board members, on the other hand, are not policy makers. They are appointed to work within the ordinances adopted by the Council. They work within already established policy and do not change policy based on public comment.

Even if the room is packed with citizens arguing that a permitted use be denied in a site plan hearing, it is not the Planning Board's role to change what is or is not permitted. It is their role to apply the given ordinance. If the public does not like what the ordinance permits, then the Council is the place to get it changed. Similarly, if the Board is concerned about the impacts of applying a given ordinance, their option is to recommend changes to the Council.

Even in the process of rewriting or developing new ordinances, the Council is still the policy maker ... [it] gives a sense of direction to the Board. The Board then uses its specialized background and expertise to make recommendations back to the Council. The recommendations may be creative and far reaching. They may be more complex or technically innovative than the Council ever imagined. But, it is the Council that makes the final decision with whatever political considerations it deems appropriate.

Each role is vital to a smoothly functioning community. But they are separate. If the Board tries to set policy or the Council tries to interfere with the application of the ordinance or fails to value the technical advice of the Board, confusion and trouble will follow." – from "Town Councils and Planning Boards: A Challenging Relationship" {584}

## Not Having the Final Word

As Mike Chandler once observed: "Not having the final word can be a difficult thing – especially when the commission expends great amounts of time and energy only to have its advice rejected by the governing body (though, hopefully, this

will not happen too often)."

But, as he added: "Don't let this discourage you. Instead, look for ways your commission can advance the cause of good planning, and strengthen its relationship with the governing body. Remember that as a planning commissioner you're responsible for focusing on the long-term. Most elected officials appreciate this forward thinking role because it allows them to gauge the public's receptivity to future courses of action." – from *"Linking Elected Officials with Planning"* {139}

## Remain Above Politics

Don't forget this advice from Jim Segedy:

"The planning commission's marching orders are to provide the best advice to the governing body as laid out in the comprehensive plan, mindful of the potentially evolving notion of the health, safety, and welfare of the whole community. Planning commissioners MUST remain above politics." – from *"Putting Some Oomph Into Planning"* {560}

Consider also some cautionary words Greg Dale wrote about the relationship between elected officials and planning commissioners.

"As an appointed planning commissioner you are not designated to represent any special interest group. Neither are you appointed to represent the 'voice' of an elected official. More specifically, as a planning commissioner you have an ethical obligation to remain in a position of objectivity and fairness.

Your position should not be used to seek political favors, nor should you create a perception that you are seeking political goodwill in your action. Any time you take a position at the urging of an elected official,

WE ARE A GREAT TEAM  
TOGETHER! WE CAN DO THIS!



you run the risk of tainting your credibility as an objective decision-maker. In addition, contacts that you have outside of the public meeting process may fall in the category of ex parte contacts." – from *"Who Do You Work For?"* {545}

## Staff Relations

It almost goes without saying that if planning commissioners and staff don't have a good working relationship, the community's planning efforts will be badly handicapped. It is essential for both commissioners and staff to understand their respective roles, and to work cooperatively.

In "Sitting on Both Sides of the Table" {467}, several planning commissioners who have also worked as professional planners spoke to this:

- "The ideal situation is that the board and staff see themselves as a team, each with distinct but equal roles. Staff is there to do the heavy lifting regarding the board's submission standards and plan reviews and the board's job is to determine if the submission meets the relevant approval criteria." – Aaron Henry, Danvers, Massachusetts.

- "Open communication is the best way to have a great

working relationship. Talking outside of the monthly meetings is a great way to build a rapport between staff and commissioners. Communication is the key." – Austin Bless, Winnebago, Minnesota.

- "Don't take the staff or the professional planner's word on everything. Ask for an explanation. Commissioners need to understand that the staff's job is to interpret the regulations but the decision making process is not just a checklist. There is room for subjectivity as well, otherwise there is no need for the commission." – Tim Jackson, New Orleans, Louisiana.

Along these lines, Greg Dale in "Independent and Informed" {133} noted that: "Planning commissions should take full advantage of staff expertise in making decisions. However, both commission and staff should recognize the obligation of the commission to act in an independent manner."

We'll leave the final word in our overview of the role of the planning commissioner with Elaine Cogan. In "Staff Needs a Little TLC, Too" {440} Cogan reminded planning commissioners to:

- "Resist the temptation to 'micro-manage' ... you are not expected to be a professional

planner. Indeed, you would be less effective as a citizen planning commissioner if you were. Even if you are a successful professional or businessperson, it is not appropriate to try to tell the planning director whom to hire or fire or how you think the agency should be managed. You should have more than enough to do studying the issues and making policy decisions."

From my own experience as a planning commissioner, I can say "amen" to Elaine Cogan's remarks – and to the many thoughtful comments and suggestions we've heard from commissioners, staff, and others across the country over the past twenty years. Thank you all for making my job as editor of the PCJ so much easier.

## PlannersWeb

We hope you enjoyed this overview of what planning commissioners do. As we mentioned at the start, when our redesigned and updated *PlannersWeb* site is up and running this summer, you'll be able to access the nearly 500 articles we've published – including all the articles referenced in what you just read. Join us as charter members as we move online. ♦

Wayne M. Senville has been publisher and editor of the *Planning Commissioners Journal* since its founding in

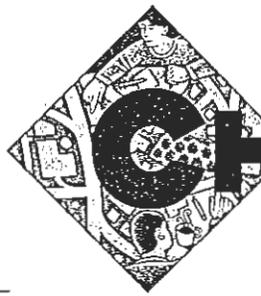


1991. Senville was also honored to serve as a member of the Burlington, Vermont, Planning Commission for eleven years, including three as Chair.

Join us at:  
**PlannersWeb.com**



Editor's note: Eight of our regular contributors agreed to share their thoughts on some of the challenges and opportunities planning commissions and their communities will be facing in the years ahead.



# CHALLENGES AND

## Autos & Aging

by Hannah Twaddell

For the better part of the past hundred years, virtually all new development has been designed with an unspoken assumption: that everyone would always be able to drive his or her own car everywhere. If we want our communities to succeed in the 21st century, we must drop that assumption.

There are many reasons to start transforming car-oriented spaces into people-oriented places. But the problem that will hit home hardest, and soonest, is the staggering rise in the number of older adults who won't be able to drive. According to the U.S. Census, about 12 percent of all Americans are now over the age of 64; by 2050, this proportion will more than double. Within this group, the number of those over age 84 will skyrocket from four to 21 million.

Older Americans are among the nation's safest drivers. But sooner or later, the effects of aging take their toll on even the healthiest person's ability to handle two-ton machines in 70-mph traffic.

Millions will have to stop driving while they still have many years to live. In communities that haven't foreseen their needs, this fast growing segment of the population and their adult children will demand to know why there's no reliable local public transit service; why they can't find sidewalks connecting to nearby shops and markets; and why

there isn't affordable, barrier-free housing in town centers.

Hannah Twaddell is Principal of Twaddell Associates in Charlottesville, Virginia.

## Flexibility Is a Virtue

by Carolyn Braun, AICP

It's important that we try to identify and consider the unintended consequences of development. Picture how a use or development will look and function years into the future. Have you anticipated or adjusted your plan for changing demographics and other trends, such as telecommuting or mixed-use development?

For example, in the next decade or so, much time and effort will be spent on providing adequate and affordable senior housing. But what happens when the boomer generation is gone? Will there be a surplus of senior housing? Will it be built in a manner that can be adapted for other users? Or will it sit vacant?

It's also important for plans to be flexible. Where possible, design a plan so that specific elements can be completed as stand-alone projects, or in alternative ways. Moreover, be clear to the community that a long-range plan, by its nature, cannot include all of the detailed requirements that will be identified and adjusted as the plan is being implemented.

Carolyn L. Braun is Planning Director for the City of Anoka, Minnesota.

## Credibility Is Essential

by Elaine Cogan

Credibility is the biggest challenge and opportunity citizen planning boards and commissions face, now and tomorrow. By maintaining and enhancing this oftentimes elusive quality, we can meet the future with some degree of confidence.

Citizen planning boards are credible when each decision they make is based on the best, most professional set of facts and findings they can ascertain. If they have biases, they have acknowledged them openly.

Citizen planning boards are credible when they treat each other and their staffs with respect and carry forth that attitude to the public. In the future, as now, we can expect at least as many controversial issues where people with strongly held opinions hold fast to their points of view. However, individuals on planning boards who deal fairly and without rancor are more credible than those who do not.

Credibility must continually be earned and cannot ever be taken for granted. It is a valuable commodity that builds over time and should make planning boards more comfortable making difficult decisions.

Elaine Cogan is Founding Principal, Cogan Owens Cogan, LLC, in Portland, Oregon.

## Change & Its Impacts

by Jim Segedy, Ph.D., FAICP, and Lisa Hollingsworth-Segedy, AICP

The biggest challenges facing planners will involve how

we deal with change and its impacts. Among the issues many of us will be addressing:

- right-sizing communities to offer the best quality of life even when the population isn't growing.
- promoting local entrepreneurship and a community character that provides a vibrant place to live and work regardless of its size.

- accommodating Generation Y's strong interest in walkable communities.

- respecting our water resources by discontinuing building in floodplains and by minimizing stormwater runoff.

Among the ways we can meet these challenges:

- reevaluating our plans and land use scenarios to make sure they are based on realistic population and growth projections.

- reviewing our ordinances to ensure they meet the needs of all segments of the community.

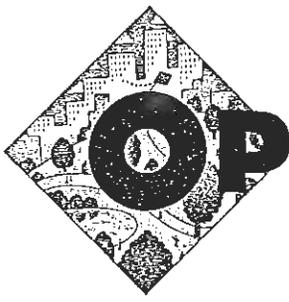
- adding more green space – with urban trails, rain gardens, street trees, and in other ways.

- prioritizing infill development over sprawl – by focusing on adaptive reuse of existing buildings; offering incentives for infill; and better controlling infrastructure extensions.

- discontinuing the practice of allowing structures to be built in floodplains or behind levees – by buying out existing floodprone structures; allowing denser development in areas out of harm's way; and using undeveloped floodprone areas for greenway and low-impact recreational uses.

Jim Segedy taught planning for many years at Ball State University, while Lisa Hollingsworth-Segedy is an experienced regional planner.





# OPPORTUNITIES

## The Place Where We Live

by Edward T. McMahon

If I have learned anything from my career in community planning, it is this: change is inevitable, but the destruction of community character and identity is not. Progress does not demand degraded surroundings.

A sense of place is a unique collection of qualities and characteristics – visual, cultural, social, and environmental – that provide meaning to a location. Sense of place is what makes one city or town different from another, but sense of place is also what makes our physical surroundings worth caring about.

Author Wallace Stegner once said, “If you don’t know where you are, you don’t know who you are.” We all need points of reference and orientation. A community’s unique identity provides that orientation, while also adding economic and social value. Our cities and towns must plan for built environments and settlement patterns that are both uplifting and memorable – and that foster a sense of belonging and stewardship by residents.

Planners spend much of their time focusing on numbers – the number of units per acre, the number of cars per hour, the number of floors per building. In the years ahead, they will need to spend more time thinking about the values, customs, characteristics, and quirks that

make a place worth caring about.

What this means is helping communities adapt to change while also maintaining or enhancing the things they value most. Lyman Orton, the founder of the Vermont Country Store, calls this “heart and soul planning.” It is both a process and a philosophy. The process seeks to engage as many people as possible in community decision making. The philosophy recognizes that special places, characteristics, and customs have value.

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

## Redefining Our Future

by Wendy Grey, AICP

While some communities will rebound more quickly from the recession than others, I think most will experience slow growth for at least several years. What will this mean in terms of planning?

*Revisiting assumptions about growth:* Comprehensive plans in many communities, especially in the “boom states,” call for housing and infrastructure to meet a demand that is no longer realistic. Reevaluate your population projections and their impacts on your plan.

*Redefining quality of life:* While we all may eventually forget the recession’s tough lessons, it is likely that – at least for the near future – people will continue to be cautious about how they spend their money.

• More people will be producing their own food. Think front

yard vegetable gardens and backyard beehives and chicken coops. Does your zoning code address these uses?

• With less money for vacations, the demand for parks, bike trails, and swimming pools, will likely increase. Are there creative ways these facilities can be developed at a reasonable cost?

*Rethinking Home:* Ideas about what constitutes a household are changing, as are distinctions between where one lives and where one works.

• Multiple generations of families – as well as groups of unrelated people – are moving in together to cut expenses. This may mean more cars, more traffic, and more demand for parking. Can your regulations better address parking and strategies for pedestrian safety? How do your regulations deal with accessory dwelling units?

• Many are also using their home as the place to start up a new business. Do your home occupation regulations need to be updated?

Our job as planners is not to predict the future, but to understand change, define the kind of future our community wants, and determine how we can help achieve it.

*Wendy Grey is Principal of Wendy Grey Land Use Planning LLC in Tallahassee, Florida.*

## Engaging in Planning

Della G. Rucker, AICP, CECd

In the years ahead we will be grappling with the impacts of seismically shifting demographics, and major changes in retail and commerce. Our challenge

will be to develop the wisdom to admit what we don’t know – and the intelligence to make the best use of the resources we have.

*Dealing with an uncertain world.* The future will not be a straight-line continuation of the past. We’ll need to learn to plan in terms of scenarios, examining what we know in light of major factors that may impact our community’s future?

For example: how can we set ourselves up to succeed in the event that we lose major employers, our population explodes from immigration, or the cost of gasoline climbs?

*Managing economic data better.* Economic issues are central to our quality of life, and unless we specifically address them, our plans will mean little.

This does not mean building our plans around market analyses, which are too limited and short term in nature. What it does mean is gaining a deep understanding of the long-term trends impacting our local economy, and assessing how our community fits into the world around it.

*Enabling people to participate meaningfully in planning.* Public processes must do more than enable people to yell past each other. If our communities are going to work – and if our planning commissions are going to have the public support to make tough decisions – we’ll need public participation processes that engage our residents in the search for solutions and the hard work of making decisions.

*Della Rucker is Principal of Wise Economy Workshop based in Cincinnati, Ohio. ♦*

# Looking Back, Moving Forward

*Editor's note: A few months ago, we invited our readers to tell us a little bit about their home towns, how their planning commission functions, and what they viewed as the major challenges ahead. Here's what we heard from planners and planning commissioners in seven quite different communities. Our apologies to those who replied that we didn't have space to include.*

## Ephraim, Utah

report from City Planner/Engineer Bryan Kimball

We're a small town in central, rural Utah, with a lot of heritage. Our population has grown over 30 percent since the 2000 census to just over 6,100 people, with most of that growth occurring in the last five years. We have a two-year junior college that nearly doubles our town population when school is in session. Our county is listed as one of the poorest counties in the state in terms of median income, with much of the local economy of the surrounding area based primarily in agriculture.

### Growth Impacts

What started out as a relatively quiet small town has grown to the point that we now fre-

quently deal with issues of growth – everything from new subdivisions, planned unit developments, commercial developments, and high density apartments and complexes, to having to update/rewrite all of our zoning ordinances and master plans based on how the character of the community has evolved.

During the last four years there has been significant investment into the community totaling approximately \$70-75 million in the form of a new elementary school, new and remodeled buildings on the college campus, high-density housing, commercial projects, restoration of our historic Carnegie Library downtown, and other improvements.

### Planning Board

As the workload and complexity of issues has increased, we've been forced to make our board meetings a little more formal. Twenty years ago the board was run entirely by volunteers, without any staff. We now have a planning director and a paid secretary to do much of the research, legwork, and technical review of applications.

What used to be a "meet as needed" schedule – which amounted to

six to eight meetings a year – is now a twice monthly meeting. What used to be a subjective review process that was only loosely guided by the existing ordinances is now a more formal process based on compliance with the letter of the law.

### Challenges Ahead

Continued growth remains the biggest challenge. Our small town is right on the verge of being pushed into the next tier of complexity and size. Because the junior college has increased enrollment by over 40 percent over the last four years, there is an increasing need for high-density housing to accommodate students. The existing high-density zones are nearly built out, creating the need to expand them into what are currently single family neighborhoods. This creates an obvious conflict in land use.

Our commercial and industrial zones are also nearly built out and need to be expanded. And then of course, we need to ensure that our infrastructure is in place and adequate to accommodate all of that growth. The question facing us is how can we preserve our town character and heritage in the face of that additional growth?

## Corrales, New Mexico

report from Planning & Zoning Administrator Cynthia Tidwell

The Village of Corrales is just north of Albuquerque, bounded by the Rio Grande, and across the river from Sandia Pueblo. There were Pueblo Indians here since about 700 AD. In 1706, a Spanish land grant was given to a soldier of the "Reconquest of 1692." In 1712, that land grant was passed to another soldier, Juan Gonzales Bas – considered the founder of Corrales. Incorporated in 1972, the Village now has a population of about 9,000. The municipal area is some ten square miles, including a nature preserve along the west bank of the Rio Grande.

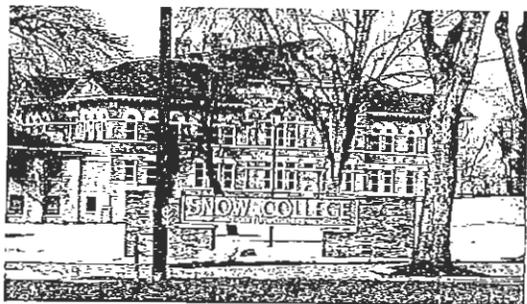
### Nearing Build-Out

The Village is nearing build-out, so we no longer review/approve large subdivisions. Most of what we're doing now are lot splits or small land divisions of under ten acres (one acre minimum). However, we are spending more time on code revisions, updating land use codes that were first adopted in 1989. One interesting note: all residential and commercial land in the Village is zoned to include farming, as well as livestock raising and

management – reflecting the hundreds of years of ditch irrigation here in the valley.

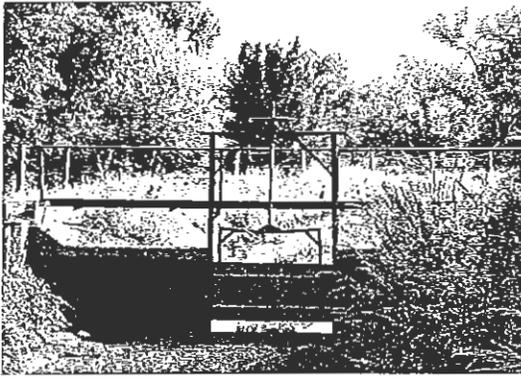
### Planning Commission

The commission enjoys

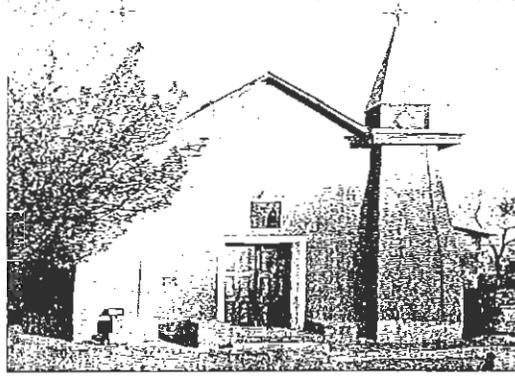


Snow College (above left) has had a huge impact on the small Utah city of Ephraim. New housing for students (above right) with the Wasatch Mountains in the background.





The irrigation ditch above, as is typical, uses a manually operated gate. These public ditches, constructed in the 1930s by the Bureau of Reclamation, are managed by a "ditch rider" or mayordomo – who monitors the ditches and allocates water use.



With three-foot thick adobe walls, the Historic San Ysidro Church dates to the 1870s. Not used as a church since 1961, it is owned by the Village of Corrales and managed by the Corrales Historical Society.

hands-on regulation writing (we do not have the money to hire consultants) and are very much engaged in the process. We are also paying much closer attention to commercial site development plan review and approvals. Our standards have been raised, and the work of the commission is focused on implementation of high quality site plans.

The commission has also turned its attention to historic preservation regulations and incentives in the commercial core of the Village, with hopes of achieving a New Mexico Arts and Culture District designation through its MainStreet program.

About six years ago the commission tightened up its "Rules for the Conduct of Business" – rules that delineate the order of business, the requirements for submittals, appeal process, public notice, "open meetings act," who may speak and for how long, and so forth. Applications for all zoning actions are not scheduled for a hearing until every element is complete. The commission also imposed a 10:00 pm adjournment time that is rarely exceeded. Developers and the public very much appreciate the more rational approach to review and action.

### Challenges Ahead

Here in the arid High Desert west, water has already become the issue of the 21st century. We are returning to a more historic, dry, and unpredictable climate. Having enough water for residential and commercial uses will become a terrific tug of war, with all the players battling everyone else. Native Americans have "first rights, from time immemorial" – but have always shared in times of drought. They have their own development goals, and when it gets really dry, they may not want to share with others.

The drought is already impacting farming and livestock throughout New Mexico. Here in the Village we are trying to keep our farmers in business, and encourage small plot gardeners to utilize irrigation water from ditches that have been in existence for hundreds of years.



Views of Crocker Park development in Westlake, Ohio.

### Westlake, Ohio

report from Planning Director Robert Parry, AICP

Located on 15.97 square miles in the western edge of Cuyahoga County, Westlake is approximately one mile south of the southern shore of Lake Erie. It is a 15-minute commute to downtown Cleveland.

Westlake's population is just under 33,000. Residents have many housing options including neighborhoods of single family homes, as well as condominiums, townhouses and cluster homes, and apartments. In addition, the city has several independent living, assisted living, and nursing home facilities.

#### From Outer-Ring Suburb to Mature Edge City

The largest development in the city's history, Crocker Park, is a cutting-edge, mixed-use town center. When fully devel-

oped it will include over three million square feet of retail, hotel, and office space along with residential dwellings (above retail stores). The civic core of the 86 acre development is a median park with fountains and open space areas for community events. Last year, American Greetings announced that it will be building its new corporate headquarters in Crocker Park.

We've grown from an outer-ring suburb to a mature edge city with its own downtown. Twenty years ago, the department and commission spent a lot of time on review of single family subdivisions and small strip centers that were popping up on the major arterials. The focus of development activities in Westlake is now in redevelopment of properties, mixed-use, and infill.

#### Planning Commission Meetings

Twenty years ago commission meetings were in a small, crowded room with paper prints tacked to a wall. No one, especially the public, could see the details of the projects. Now drawings, photographs, and plans are in digital form projected on a large screen for the public and monitors for the commissioners. All meetings are also taped for webcasting and video channel replay.

The quality and quantity of information has been greatly

*continued on next page*



**Looking Back, Moving Forward...**  
*continued from previous page*

improved – which has resulted in better development and fewer surprises during construction. The improved visual displays have reduced the time for commission review and the number of meetings to get approval. The addition of a city web page with extensive information has drastically reduced telephone calls for information because just about every document, ordinance, map, meeting minutes, etc. is readily available to everyone.

### Challenges Ahead

For communities in the slow or non-growing Midwest, I think there will be a continuing slow-down in overall development, though outlying rural exurbs will still have rapid growth. Planning will take a back seat to economic development and providing services to an aging population.

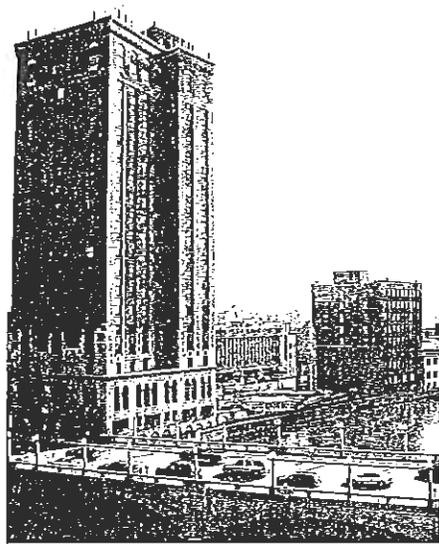
After the crushing impacts of the economy on the development industry over the past five years, risk taking and overbuilding will be tempered. This may have a silver lining for many communities that have been struggling to keep up with expansion and increased service costs.

### Aurora, Illinois

*report from Planning Commission Chairman Bill Dommell*

Aurora is a historic river town located in northeast Illinois. During the mid-1990s Aurora was one of the fastest growing areas in the country. We doubled our population over twenty years. The 2010 census puts us at just under 200,000 residents.

Like many Midwestern towns, Aurora once had several major companies which provided thousands of manufacturing



*The landmark Leland Tower in downtown Aurora is a twenty-two story apartment building.*

jobs. Few exist today. Aurora's downtown was a shopping and entertainment destination in the 1950s, but declined after the development of the "Mall" on the east edge of town. While the Mall continues to provide a valuable tax base, we have reinvested in our downtown to bring back the vitality we once knew. Like Chicago, forty miles to our east, Aurora is a city of neighborhoods which supports a community of rich ethnic diversity.

### Our Plan Commission Today

With the recent economic downturn, we have had fewer cases and fewer staff members. In the mid-1990s we would have three meetings a month each lasting three or more hours. We now average one meeting a month.

Special interest groups have become more organized and vocal over the years, which can make the job of deciding what is truly best for the entire community more difficult. While we now have a constant stream of information from a variety of electronic sources, twenty years ago most citizens read the daily paper and probably had a better understanding of what was

happening in the community.

### Challenges Ahead

Aurora has and will continue to try to control density, overcrowding, and parking issues in our older established neighborhoods. As a former industrial city, we will need to be thoughtful but creative in implementing policies to promote the redevelopment of our older buildings and brown-fields properties.

As the housing market rebounds we will be challenged to determine what the new "American home" looks like, and how we can stimulate the housing recovery without sacrificing development quality.

### Leesburg, Florida

*report from Planning Board Member James Argento*

Leesburg is a progressive city of more than 20,000 residents in northwest Lake County, about an hour's drive northwest of Orlando. Leesburg also is a central hub for commerce, attracting 50,000 people to work each weekday. Along with the rest of Central Florida, Leesburg has experienced considerable growth.

I have been on the planning board for about two years. While our commission used to meet twice a month (before I was appointed), we now only

meet once a month. This may be due to the housing market taking a dive, and development freezing due to poor economic conditions.

### Challenges Ahead

One challenge is trying to reconcile the rural nature of part of the community with the fact that we are suburb of greater Orlando. Our community has two major highways bisecting it – U.S. 441 and U.S. 27 – and the Florida DOT is doing a huge expansion of these roads. Therefore we will see the impacts increased traffic brings to an area that would still like to keep its sleepy low-key flavor, but finds itself growing at an increased rate.

Another challenge is the tension between those in our community who just want it to be a retirement center, and the pressure from young families coming into the community. As the population expands, young families must receive accommodations and services.

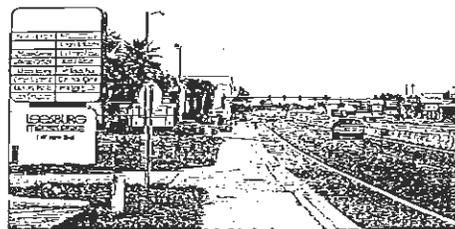
### New Kent County, Virginia

*report from Planning Commission Chairman David N. Smith*

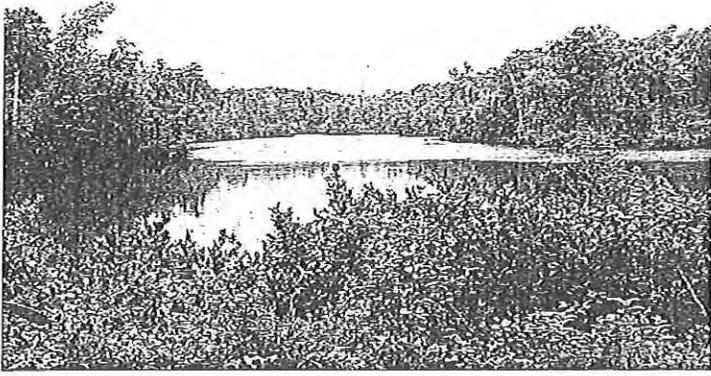
New Kent County is a rural county with a population just over 19,000. We're strategically located between two large population centers, Richmond and Hampton Roads, which have seen tremendous growth and are putting some pressure on New Kent's residential development.

### Planning in New Kent County

Several years back residential development applications were coming before the planning commission on a regular basis. Applications for these types of



*Road construction along U.S. 441 in Leesburg, Florida.*



Cools Mill Pond in New Kent County, Virginia.

developments have significantly slowed due to the depressed economy.

Over the past two years, planning commissioners and staff have been busy updating and rewriting the county's comprehensive plan. The comprehensive plan was broken down into sections for revision and comments. The update and rewrite was very time consuming, involving many long hours, as well as five public workshops held throughout the county. The goals of the comprehensive plan are to retain the rural character of the county but at the same time designate several growth areas.

### Challenges Ahead

The most pressing issue for New Kent County will likely be having an adequate potable water supply and the ability to dispose of wastewater economically and responsibly. We're located in the Chesapeake Bay Watershed, which has Total Maximum Daily Load (TMDL) limits for nutrients. The TMDL limit will increase the cost of wastewater treatment.

Managing suburban housing development will most likely be an issue once the economy returns, but this growth may be constrained due to the lack of potable water and wastewater treatment facilities to handle the growth.

## Shelburne, Vermont

report from Town Planner Dean Pierce

Shelburne is a town of 7,000 people in northwestern Vermont, about seven miles south of Burlington, the state's largest city. It sits along Route 7, a main north-south state arterial road that links towns along Lake Champlain.

Shelburne's 24 square miles encompass a varied range of landscapes, land uses, and building types:

- The historic village center – which includes a parade grounds, general store, hotel, bed and breakfast, municipal buildings, and town hall – is that of the classic New England village.
- Farmlands and conserved natural areas surround the village center. While farmland is under threat of development pressure, we've also seen new organic community farms open up.



Shelburne (Vermont) Country Store (left); La Platte Road Park bordering farmland.

• Shelburne Farms, a 1400-acre Frederick Law Olmsted-designed working farm from 1886 is a world-class landscape with historic farm buildings. It is run as a non-profit educational center. Both it and the nearby Shelburne Museum are highly visited tourist destinations.

• Lake Champlain is a significant natural resource on the western side of the town. Water-related amenities include a public beach, boat launch, and private yacht club.

### Planning Commission

Like many other Vermont communities, Shelburne has replaced its zoning board with a "development review board," which has also taken on the development review functions the planning commission used to exercise. As a result, the focus of our planning commission is now on preparing plan and zoning bylaw amendments and guiding long-term planning activities.

The overall philosophy of the commission has evolved as well; it is much more concerned about promoting economic development than it was ten years ago. There is also greater interest in developing regulations that would govern the appearance of new development.

Another area of change is in the increased use of technology. Commission meetings are recorded, broadcast, and streamed. Meeting materials are

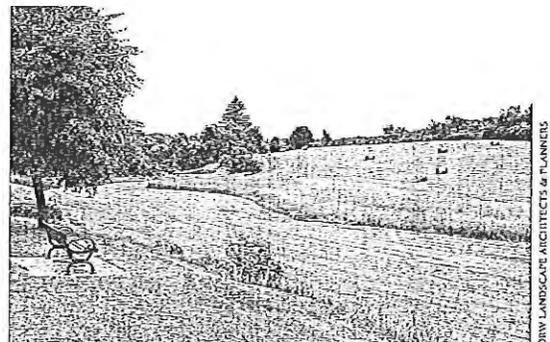
emailed, posted, tweeted, and more. GIS is used regularly, and hardly a meeting goes by when we don't display materials using a laptop and LCD projector.

### Challenges Ahead

One important issue the community will need to resolve is what "planning for sustainability" or "sustainable development" means – and what it will take to pursue it.

Another challenging issue is the need to transform our transportation system. This won't be easy in a community where the majority of trips are made in single-occupant vehicles and where the expectation of many who drive is that we ought to be able to take our cars and travel congestion-free to our destination at any hour of the day.

Shelburne has done much in recent years to promote walking and cycling, but will need to do even more. It must also be prepared to require developers (and ultimately residents) of projects that impose significant demands on the highway system to pick up a greater share of the cost for necessary improvements to those systems – or help pay for alternatives. If transit is to have any real chance of success as an alternative to cars, however, we'll need to take seriously the notion that land use and transportation must be coordinated. ♦

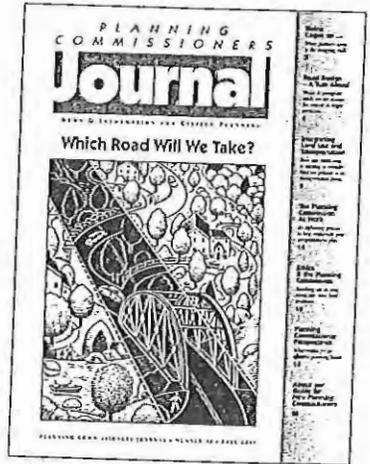
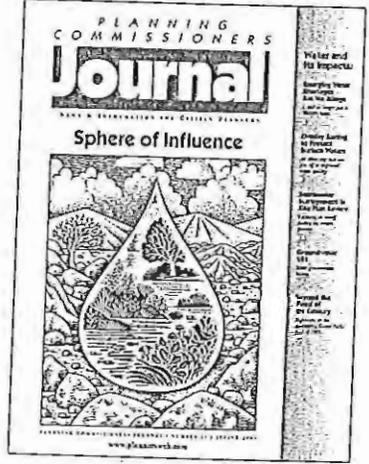
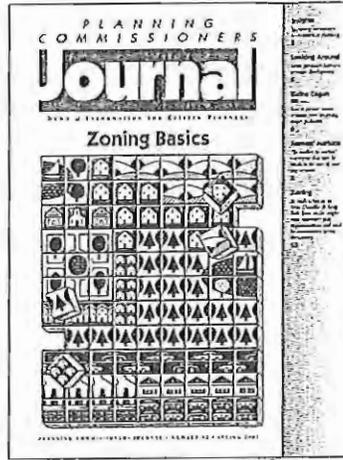
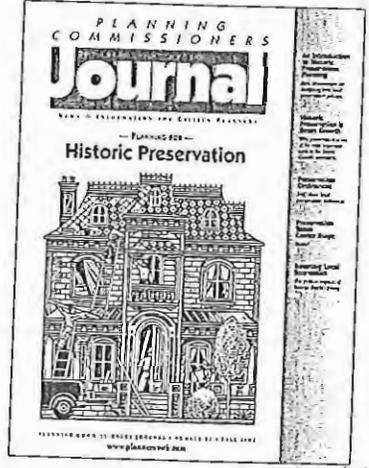
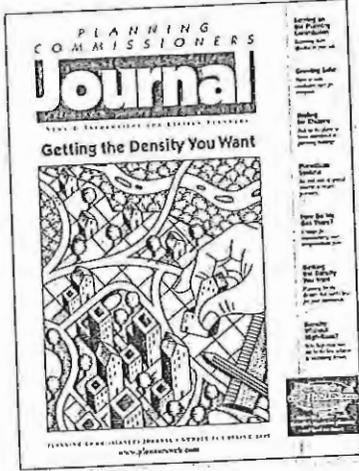


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Phone:

April 13, 2012

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

Dear Mr. Hart:

Subject: State Project No. 474-0073  
Construction of a Windham Regional Transit District Bus Facility  
Mansfield

The Connecticut Department of Transportation's (Department's) Office of Engineering is developing plans for the construction of a bus facility on South Frontage Road adjacent to the commuter lot near Route 195 in Mansfield, as depicted on the enclosed location plan. The purpose of this project is to construct a new bus administration, repair, and storage facility for use by the Windham Regional Transit District (WRTD). WRTD currently operates out of an inadequate leased administration facility with outside bus storage on Ash Street in Willimantic.

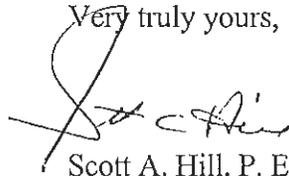
The project involves the construction of two buildings. The first building will include 3,600 square feet for administrative offices and 4,330 square feet for vehicle repair bays. This building will be a single-story, steel-framed building with masonry and metal siding. The second building will include 14,626 square feet for enclosed vehicle parking. This single-story pre-engineered building will be metal sided. The project also includes site improvements and utilities to support the new buildings. A preliminary set of plans are enclosed.

The present schedule indicates that final design plans will be available in December 2012. The funding source (state, federal, or state/federal) has not been determined at this time.

It is the Department's policy to keep the public informed when such projects are undertaken. It is important that the community share their concerns with us to assist in the project's development. Accordingly, the enclosed news release describing the proposed project is scheduled to be released shortly. If there is adequate interest, an informational meeting will be conducted. At this time, it is not anticipated that a formal public hearing will be necessary.

Members of my staff will be contacting you shortly to discuss this project. Should you or any of your constituents have any questions, or wish to assist us in this project, please contact me at the letterhead address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott A. Hill". The signature is written in a cursive style with a large initial "S".

Scott A. Hill, P. E.  
Manager of Bridges and Facilities  
Bureau of Engineering and  
Construction

Enclosures

NEWINGTON, CT – The Connecticut Department of Transportation's (Department's) Office of Engineering is developing plans for the construction of a bus facility on South Frontage Road adjacent to the commuter lot near Route 195 in Mansfield. The purpose of this project is to construct a new bus administration, repair, and storage facility for use by the Windham Regional Transit District (WRTD). WRTD currently operates out of an inadequate leased administration facility with outside bus storage on Ash Street in Willimantic.

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It is the Department's policy to keep the public informed and involved when such projects are undertaken. It is important that the community share its concerns with us to assist in the projects development. If there is adequate interest, an informational meeting will be conducted. At this time, it is not anticipated that a formal public hearing will be necessary.

Anyone interested in receiving information on this project may do so by contacting Mr. Scott A. Hill, Manager of Bridges and Facilities, at (860) 594-3272 or by e-mail at [scott.hill@ct.gov](mailto:scott.hill@ct.gov). Please make reference to the Construction of the Windham Regional Transit District Bus Facility.



WINDHAM BUS FACILITY  
PROJECT 474-0076  
MANSFIELD, CT  
3/2012

ROUTE 195

COMPUTER  
PARKING LOT

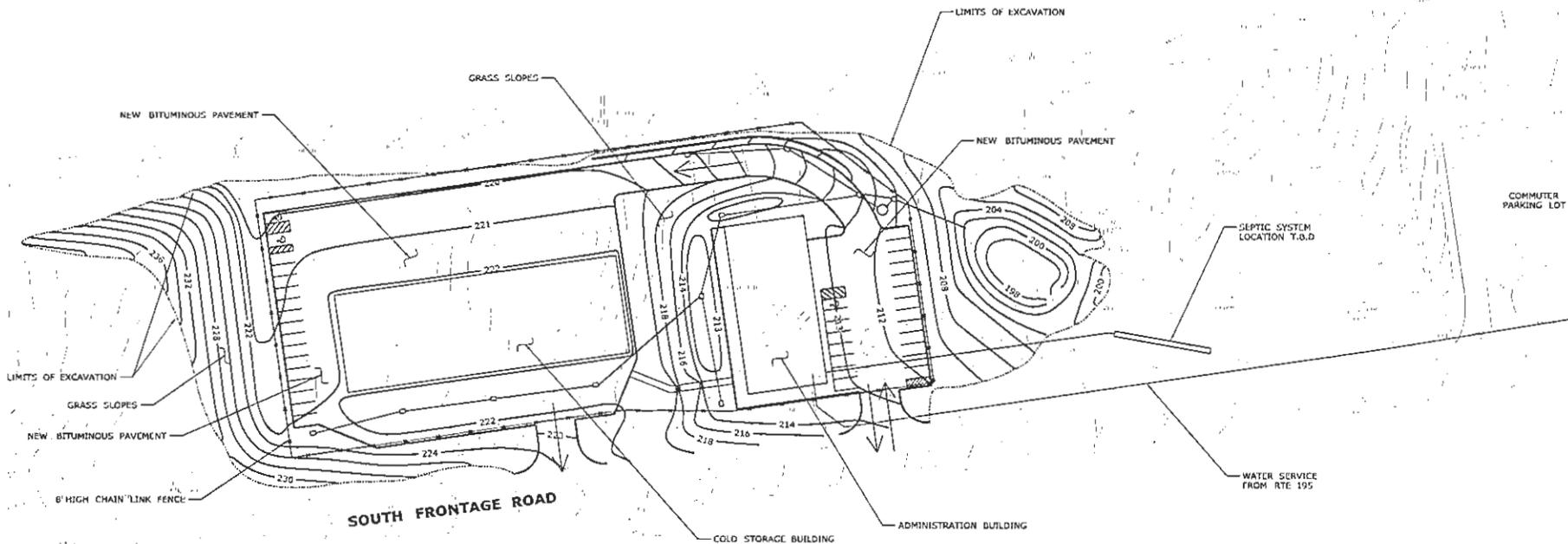
MANSFIELD SALT SHED

ROUTE 6 (WESTBOUND)

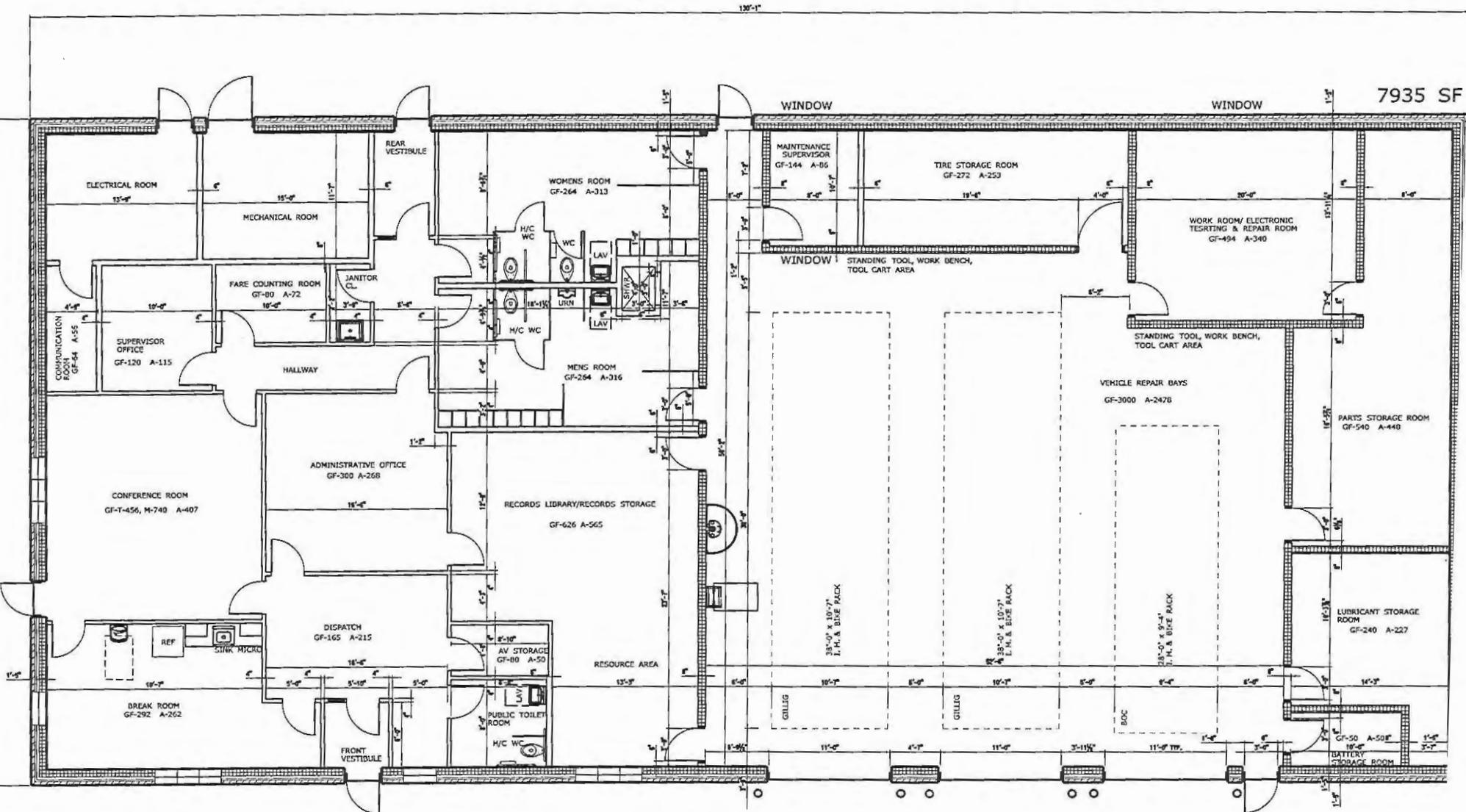
ROUTE 6 (EASTBOUND)

APPROXIMATE PROJECT  
LIMITS (6.4 AC)

SOUTH ROXBURY ROAD



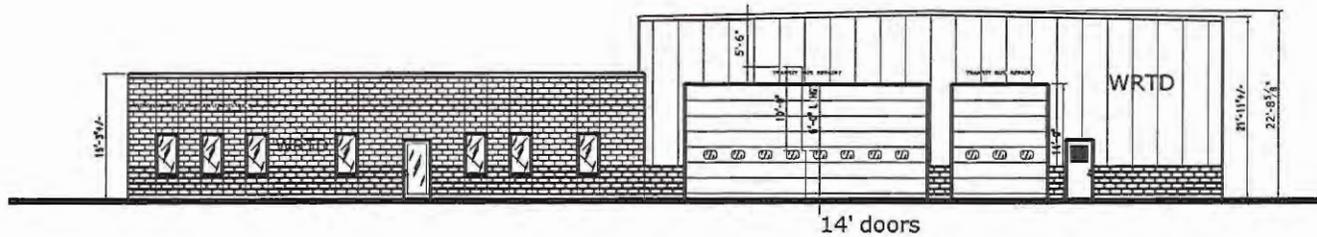
THE INFORMATION INCLUDING ESTIMATED QUANTITIES OF WORK SHOWN ON THIS SHEET IS BASED ON LIMITED INVESTIGATIONS BY THE STAFF AND IS IN NO WAY WARRANTED TO INDICATE THE CONDITIONS OF ACTUAL QUANTITIES OF WORK WHICH WILL BE REQUIRED.		CHECKED BY: _____ SCALE IN FEET 0 20 40 80 160 SCALE 1"=80' <small>1"=80' scale shown only.</small>	<b>STATE OF CONNECTICUT</b> <b>DEPARTMENT OF TRANSPORTATION</b>	SCALEABLE BLOCK: <b>OFFICE OF ENGINEERING</b> APPROVED BY: _____	PROJECT TITLE: <b>WRTD BUS FACILITY</b>	LOCAL: <b>MANSFIELD</b> DRAWING TITLE: <b>SITE LAYOUT</b>	PROJECT NO.: <b>474-0073</b> DRAWING NO.: _____ SHEET NO.: _____
REV. DATE:	REVISION DESCRIPTION:	SHEET NO.:	PROJECT NO.:				



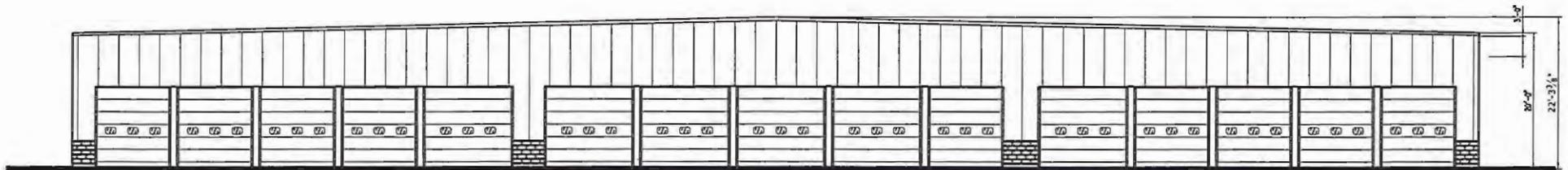
PRE-SCHEMATIC SCOPING 2011  
 PROPOSED FLOOR PLAN REV ?

GF- GANNETT FLEMING SF  
 A- ACTUAL SF  
 ALL DIMENSIONS ARE PRELIMINARY





SK- 02.27 FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



SK- 02.27 COLD STORAGE  
FRONT ELEVATION  
SCALE: 1/8" = 1'-0"

REVISION DESCRIPTION SHEET NO. 01-22-12		PROJECT/WORK ITEM: <b>MDS</b> CHECKED BY: <b>MJS</b> SCALE AS NOTED		STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION		DIVISION/ BLOCK: <b>OFFICE OF ENGINEERING</b> APPROVED BY: <b>THEODORE H. NEZAMES, P.E.</b> DATE:		PROJECT TITLE: <b>WINDHAM REGIONAL TRANSIT          DISTRICT (WRTD)          BUS FACILITY, MANSFIELD</b>		TOWN: <b>WRTD</b> DRAWING TITLE: <b>SK PLAN</b>		PROJECT: <b>474</b> DRAWING: <b>J</b> SHEET NO: <b>T</b>	
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Spring 2012

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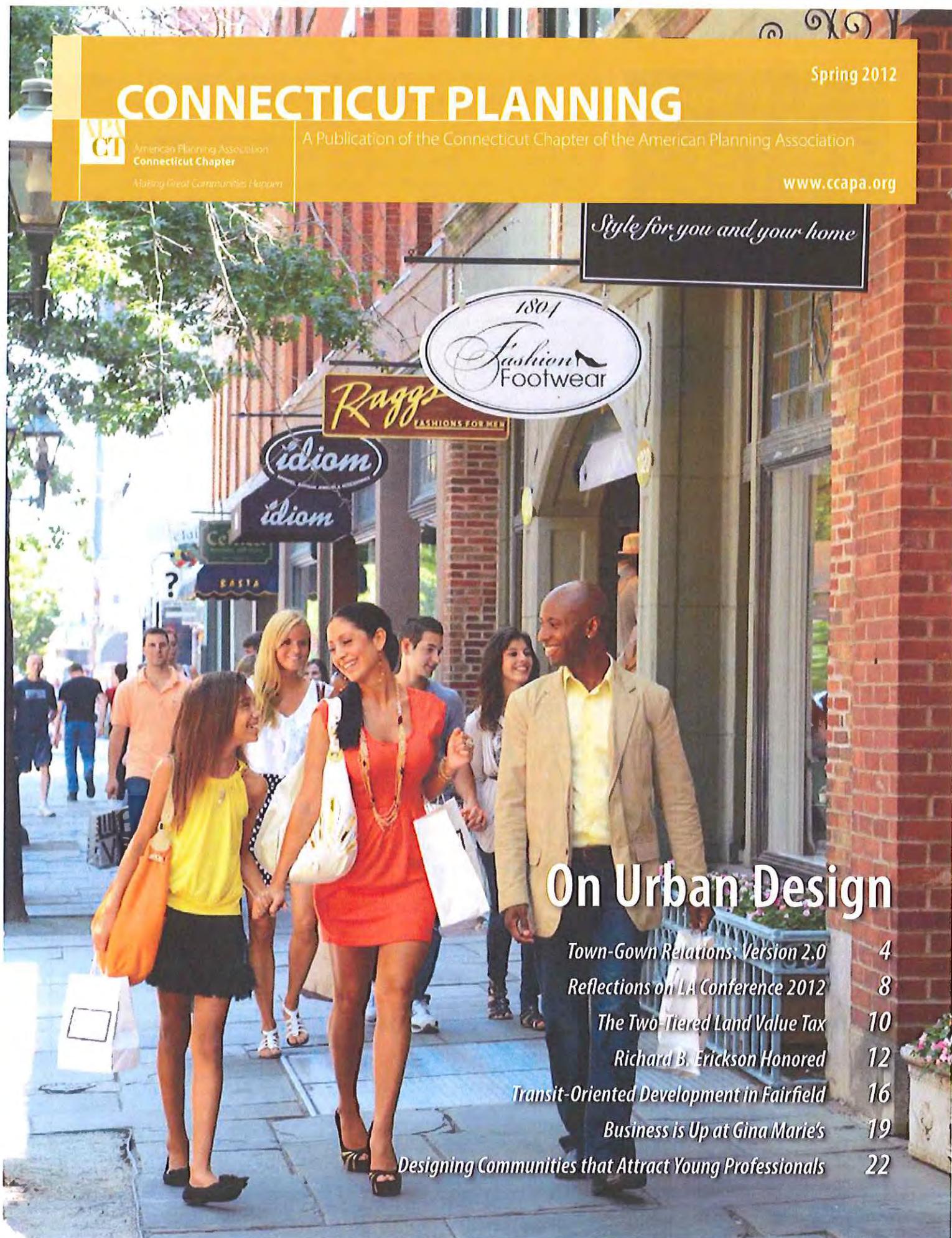
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## On Urban Design

<i>Town-Gown Relations: Version 2.0</i>	4
<i>Reflections on LA Conference 2012</i>	8
<i>The Two-Tiered Land Value Tax</i>	10
<i>Richard B. Erickson Honored</i>	12
<i>Transit-Oriented Development in Fairfield</i>	16
<i>Business is Up at Gina Marie's</i>	19
<i>Designing Communities that Attract Young Professionals</i>	22



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## PRESIDENT'S MESSAGE

Do you ever feel like not wanting to write? Yah, it's been a tough couple of weeks and sometimes it can be challenging to put the words together. I am sure we've all been there.

First, I want to take a moment to reflect upon the passing of a dear friend and mentor, **William Haase, AICP**. Bill passed on April 10, 2012. Many of you know Bill, but if you didn't you really missed out. Bill was a thought-provoking and influential planner in southeastern Connecticut and south-western Rhode Island. He was a cool planner (is there such a thing?), actually **hipster planner** is probably the right label. Yah... "Hi, I'm Bill Haase, AICP HP (Hipster Planner)." ...I can picture him saying that with a grin.

My wife and I were lucky enough to know Bill and his wife Laurie Whiting and spend countless hours travelling to wineries and Irish pubs talking about planning-related issues and sharing life experiences — Great times. We always solved the world's planning problems, for a moment anyway. Bill, you will be greatly missed. (See Bill's obituary on page 26).

On a brighter note, the Chapter is proud to announce its newest Fellow, **Richard Erickson, FAICP**. Dick, another southeastern Connecticut Planner, was inducted into the College of the Fellows of the American Institute of Certified Planners on April 15th at the National Planning Conference. He is part of an esteemed group of planners, and we congratulate him on this recognition. If you have a chance, please give Dick a call and congratulate him.

It is about that time again, the **Southern New England Planning Conference** is gearing up for another great couple of days of education, camaraderie and fun. There is a lot of "behind the scenes" activity that is required to make this conference tick, and our members Dan Tuba and Heidi Samokar and leading the charge to pull it all together. I always enjoy this training program the most and we hope to see you

*(continued on page 15)*

## CONNECTICUT PLANNING

is published quarterly by the Connecticut Chapter of the American Planning Association. Contributions are encouraged. Submissions must include the name and contact information of the contributor. Material may be edited to conform to space or style requirements. Please address submissions to Executive Editor Emily Moos (contact information below).

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Dear *Connecticut Planning* Readers,

This quarter *Connecticut Planning* focuses on urban design. What comes to mind when you think about urban design? When I think about it, I think about what I tell people when they ask me about my job. It's hard to describe what a planner does, but when you think about it, it all comes back to urban design.

I typically tell people that in the same way that architects design buildings, planners help design where they go and everything else that surrounds them. Whether drafting new zoning language, updating plans of conservation and development, encouraging a variety of voices to participate in the planning process or working with architects and developers on new buildings and public spaces, planners have a significant impact on the way our communities are designed and how people experience them. Because of this connection, we have a responsibility to be stewards of good design and we all have the capacity to do that, even if it is by starting small.

The positive impact that urban design can have on the way we live our lives is what drew me to the planning profession. When I was in planning school I learned about the "broken window" theory which was conceived in a research article entitled "Broken Windows" by Harvard University Professor James Q. Wilson and John F. Kennedy School of Government fellow George L. Kelling. They determined in their research that maintaining buildings and neighborhoods has a positive impact on reducing crime. In their article they say, "Consider a building with a few broken windows. If the windows are not repaired, the tendency is for vandals to break a few more windows." This theory speaks to the design of the buildings in our communities. If we don't take care of them and ensure that their design is intact, it's likely that they'll inspire nothing but negativity and more of the same.

I think this concept is also true about the design of our communities. As we're working toward creating vibrant and lasting places, one small development or redevelopment designed well will breed more. Planners have the job of looking far into the future and planning for what is to come in ten, twenty, even thirty years from now. Those plans are usually big ones, covering whole neighborhoods, towns or even regions and states. But, it's important not to forget the story of the broken windows when we're making those plans. If all we can accomplish is one great building, one lovely little pocket park or one small, but reliable transit line in a much larger network, we've set the stage for every other great thing that is to come.

I hope you'll enjoy the variety of urban design related articles and projects discussed in this issue and I invite you to write me a letter with your thoughts on any of this content, which we can print in our next issue.

Happy Planning! 🏡

Best,



Emily J. Moos, AICP  
Executive Editor



Planners have the job of looking far into the future and planning for what is to come in ten, twenty, even thirty years from now.

*I invite you to write me a letter with your thoughts on any of this content, which we can print in our next issue.*

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# Town-Gown Relations: Version 2.0

by Abigail Rider, Associate Vice President of Yale and Director of University Properties

**T**he fortunes of New Haven and Yale University are inextricably linked. A world class university needs a world-class city in order to attract world-class students; and a world-class cosmopolitan city like New Haven needs the economic engine that is Yale. This is what Yale President Rick Levin, Yale Vice President Bruce Alexander, and New Haven Mayor John DeStefano saw so clearly when they embarked in the 1990s on their mutual and wildly successful effort to enhance town-gown relations and make New Haven a wonderful place to work, live, shop, dine, study and play.

University Properties' mission is to invest enough resources and energy to make a significant contribution to reversing that into a virtuous, upward cycle that grows the tax base and attracts people back into the City.

A key element in this strategy was Yale's creation of the office of University Properties ("UP"), headed by Bruce Alexander, a Yale alumnus and former Senior Vice President and Director of the Commercial Development Division for the Rouse Company, a pioneer in the development of "festival marketplaces" like Faneuil Hall in Boston and Harborplace in Baltimore. University Properties' mission was, and is, to grow the tax base. The "flight to the suburbs" decimated northeastern U.S. cities in the nineteen fifties through the seventies, and New Haven was no exception. As residents left the City, the tax base declined severely. A shrinking tax base creates a vicious downward spiral: if the tax base shrinks, the quality of city services, in particular schools, declines; people move out of the city to areas with better schools; the tax base continues to shrink; employers leave the city because their employees have all moved out; the tax base shrinks further; retailers won't locate downtown because their customers are located elsewhere;

property owners can't rent their properties for enough rent to enable them to maintain the properties adequately; the quality of tenants they attract deteriorates further; the value of their properties and therefore the tax base shrinks further, and on down. University Properties' mission is to invest enough resources and energy to make a significant contribution to reversing that into a virtuous, upward cycle that grows the tax base and attracts people back into the City.

UP's mandate is not to earn the high returns that a real estate developer would be required to deliver to investors, but rather to generate a modest return sufficient to cover its own capital needs and support some University community reinvestment programs, so that use of the University's endowment is devoted, appropriately, to academic undertakings. Relieved of the pressure to deliver high returns, University Properties can concentrate on "social return" and take a longer view on placemaking and com-

*(continued on page 5)*

*Broadway, ca. 1990.*



Copyright © Yale University

## Town-Gown Relations, cont'd

munity-building than a traditional real estate developer can. Property owners often succumb to the temptation to rent to the first prospect they meet who can pay the target rental rate. University Properties, on the other hand, creates a merchandising plan for its retail locations, which targets uses that provide an attractive and useful mix for area residents and shoppers. UP is able to wait for the right tenant to complement the mix rather than accepting a tenant who can pay higher rents but is not the desired offering.

Although people tend to think of New Haven as a “college town”, the students are only here for eight months of the year. Thus in order to survive and prosper the retail in the city must appeal to area residents just as much or more than it does to students. UP looks for retailers who are a strong draw for the major demographic segments, a mix of restaurants that provide excellent fare ranging from quick service to fine dining, and service establishments that meet the needs of the community. We actively seek out local and regional tenants who have something unique to offer so that UP’s properties aren’t “just another mall” with all the usual suspects. Recent additions of this type include Trailblazer, Denali and enclave, all started here in New Haven; Alex & Ani, a Rhode Island business which sells eco-friendly jewelry; Oaxaca, the fifth restaurant by Connecticut restaurateur and Elm City Iron Chef Prasad Chirnomula; and unique businesses that have been in New Haven for many years, like Claire Criscuolo’s Cornucopia, derek simpson...goldsmith, Union League,

Atticus Bookstore and many others. (The percentage of retailers in downtown New Haven who are local independents is 87%, which is very high.) We balance these unique businesses with national tenants who have the marketing chops and national presence to attract shoppers who might otherwise never come to New Haven. Recruiting national tenants like Shake Shack, Urban Outfitters, Gant, and Jack Wills is especially effective because these tenants mostly avoid malls, making the City that much more unique and thus more attractive to shoppers in the 40-mile circle around New Haven. We constantly adjust and re-evaluate our merchandising plan based on its changing tenant mix and local and national retailing trends, and conducts focus groups with students and non-student groups to get input on additions to the mix that they would find desirable. For years, Apple was the number one “store you’d most like to see in New Haven” in these surveys, and we were very pleased to be able to fulfill that desire.

Another critical reason for — and result of — attracting good retail to the City is that it enhances safety. Safety is created by activating the streets and keeping them clean and attractive; and of course that is what the quality retail that University Properties recruits, does. UP practices what is known as “CRM” — Centralized Real Estate Management — which means that we operate our properties like an outdoor shopping center: we have our own crews who clean not only our properties but the City sidewalks and streets in front of our properties; we plant flower beds and put out planters;

*(continued on page 6)*

**Safety is created by activating the streets and keeping them clean and attractive; and of course that is what the quality retail that University Properties recruits, does.**

*Broadway today...*



It's impossible to isolate the "UP Effect" from the efforts of all the other organizations who work ceaselessly to enhance safety in the City either directly or by increasing activity in the City.

### Town-Gown Relations, cont'd

we establish standards for tenant signage and storefronts so that a quality retailer won't be harmed by a sloppy, careless operator next door; we set standard hours of operation so that shoppers coming downtown can expect to find the stores

open on a consistent basis; we provide holiday lighting and entertainment; and we maintain our properties to a very high standard. This makes the area feel safe and welcoming to shoppers, diners, and visitors to the many free cultural resources that Yale makes available to the public.

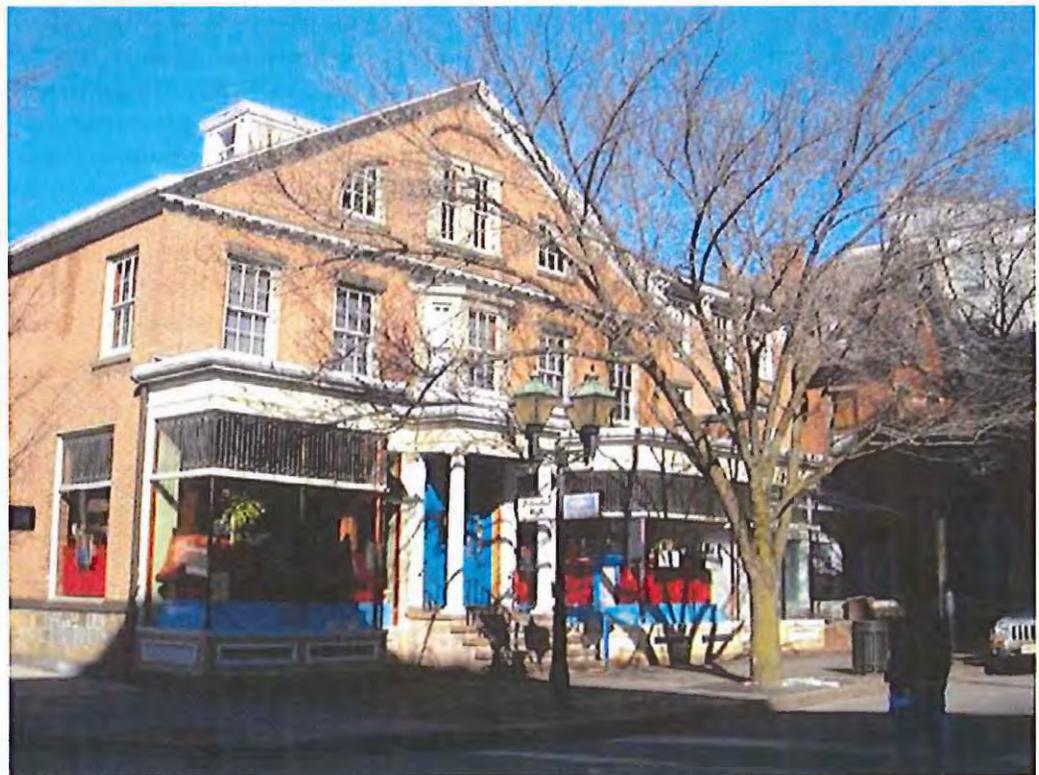
*(continued on page 7)*

*College Street, ca. 1980.*



New Haven Register

*College Street today...*



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## Town-Gown Relations, cont'd

However, New Haven's cosmopolitan look and feel is not the work of UP alone. It's impossible to isolate the "UP Effect" from the efforts of all the other organizations who work ceaselessly to enhance safety in the City either directly or by increasing activity in the City: New Haven Police; Yale Police; the City's Office of Economic Development; all the cultural institutions and arts organizations who draw people downtown with events and exhibits; Town Green's Ambassadors who clean the streets, provide friendly guidance to visitors, and are a reassuring presence on the street; the Chapel West, Whalley Avenue, and Grand Avenue special service districts who provide similar services in their districts; Market New Haven who publicize all the wonderful things there are to do in New Haven; the Economic Development Corporation who attract businesses to New Haven; the private developers who believe enough in the City to build large, expensive buildings here, and many more.

Cities which are host to one or more top-tier institutions of higher learning are faring much better in the new knowledge economy than the cities without these institutions. New Haven, former powerhouse of the industrial economy, is becoming a leader in the ed/med economy and is reaping the benefits of re-thinking its historical relationship with the university in its midst.

Sir Francis Bacon once said "Things alter for the worse spontaneously, if they be not altered for the better designedly:" unless you deliberately try to make things better, be assured they will get worse. The renaissance of New Haven has been a massive, conscious, and continual effort by many people that has transformed Downtown over the last 15 years; and the deliberate decision by Yale and New Haven to change the Town-Gown relationship has provided the transformational energy to drive it forward. ■

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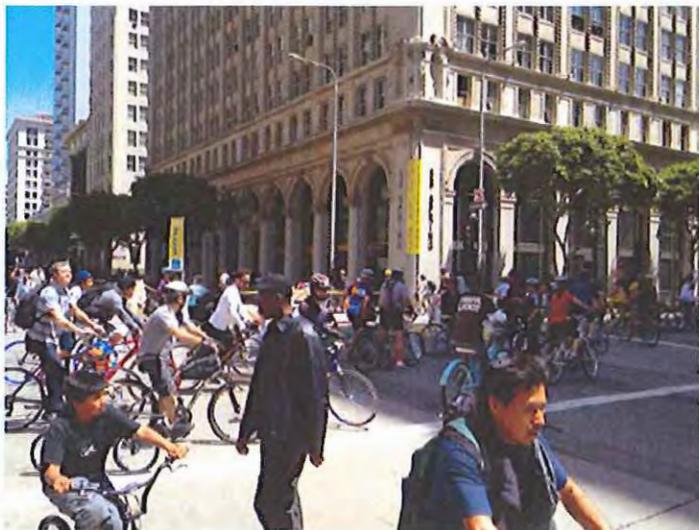
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Thought that I would try a bike-oriented mobile workshop again to alleviate my fears of bike riding after Las Vegas (some may remember that workshop!). We started with an hour-long train ride (the blue line) through Watts, Compton, etc., to get to Long Beach — pretty interesting and I was grateful that the temperatures weren't hovering around 110 degrees like that blind ride into the Las Vegas desert. The program was great until I, along with a planner from Chicago, found ourselves in intense city traffic with no bike lanes and, I confess, lost. However, the Chicago planner pulled out her iPhone and, with that wonderful GPS app, navigated us back to the starting point — a spanking new bike center located near the end of the blue line. Lesson learned: I will now swap out my ancient BlackBerry for that new iPhone that's been waiting for me since February in our IT Department and have someone explain to me how to use the GPS app!

— Chris Smith, Shipman & Goodwin



**Top 15 per diserio.com: LA comes in 34th**

[www.diserio.com/top15-skylines.html](http://www.diserio.com/top15-skylines.html)



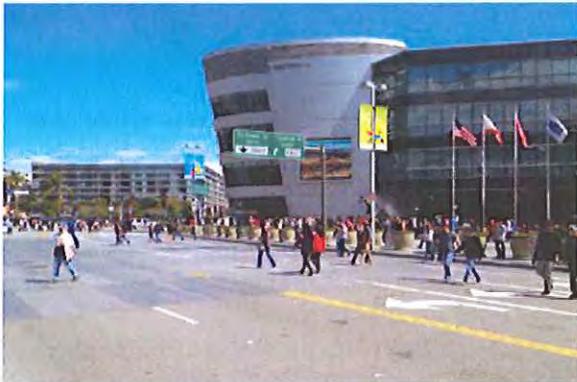
*I found the Managers Institute interesting, fun, and more informative than I imagined. It was comforting to hear that I was not alone, and learn how others in many different regions had the same management issues, with various styles of management (and coping). The conference theme seemed to not be the typical "think outside*

*the box," but "turn the box inside out, reshape it, and then find a new pathway in for a totally new perspective!" Very refreshing! One placemaking session really caught my attention, as the planners really listened to the locals, and kept uses/buildings etc. in the community mix, despite going against most planning philosophies and principles! What a concept! Overall, the conference was very informative. And, as usual, interacting with planners from other areas (and locally) was the highlight!*

— Laurie Whitten, Town Planner, East Windsor

**19 Cities with Great Skylines per Huffington Post: LA is not mentioned (Tulsa is...)**

[www.huffingtonpost.com/2010/09/30/best-skylines\\_n\\_745668.html#s147766&title=Hong\\_Kong\\_](http://www.huffingtonpost.com/2010/09/30/best-skylines_n_745668.html#s147766&title=Hong_Kong_)



The Manager's Institute was a great all-day seminar and different from the shorter sessions in that I learned so much from the other attendees and they inspired me with some of the exciting initiatives they were doing in their communities. I also learned that every community has political, budgetary, or other types of challenges that only vary slightly geographically.

— Linda Farmer, Tolland Town Planner



Worst Traffic in the World: "who in this city walks anywhere?"  
[www.travelandleisure.com/articles/worlds-worst-traffic-jams](http://www.travelandleisure.com/articles/worlds-worst-traffic-jams)

America's 24 Worst Highway Bottlenecks: LA gets #1, #5, #8, #9, #13 (5 out of the top 13!)

[www.infoplease.com/ipa/A0931285.html](http://www.infoplease.com/ipa/A0931285.html)



"LA is not as glamorous as it may believe."

"LA didn't get the memo that skyscrapers are sexy. The city skyline is blah."

Best Skylines in the World: Top 20 per CNN — LA is not listed

[www.cnn.com/explorations/play/worlds-top-20-skylines-691351](http://www.cnn.com/explorations/play/worlds-top-20-skylines-691351)

Top 25 per Business Insider: LA is not mentioned  
[www.businessinsider.com/best-city-skylines-2011-12](http://www.businessinsider.com/best-city-skylines-2011-12)

# The Two-Tiered Land Value Tax — How to Bring the Vision to Fruition

by Mark Speirs

Land acquisition and assembling parcels is one of the more expensive and time-consuming stages of urban design. Municipalities using a two-tiered system of land taxation could lessen costs and expedite the timing during this stage. Land taxation supports sustainable rela-

more often and at a more reasonable cost. In one town — Norwalk — an ambitious redevelopment plan “95/7” is approaching a decade of land acquisition and titling, due to “normal” delays with expected completion in 2013 (and smaller from the 2005 proposal).

At this conceptual stage of the urban development project, the upfront expense of legal staff to procure tax abatements with the local and state government is reduced. A land tax system helps reduce the “cash on cash” hurdle that project managers must deal with.

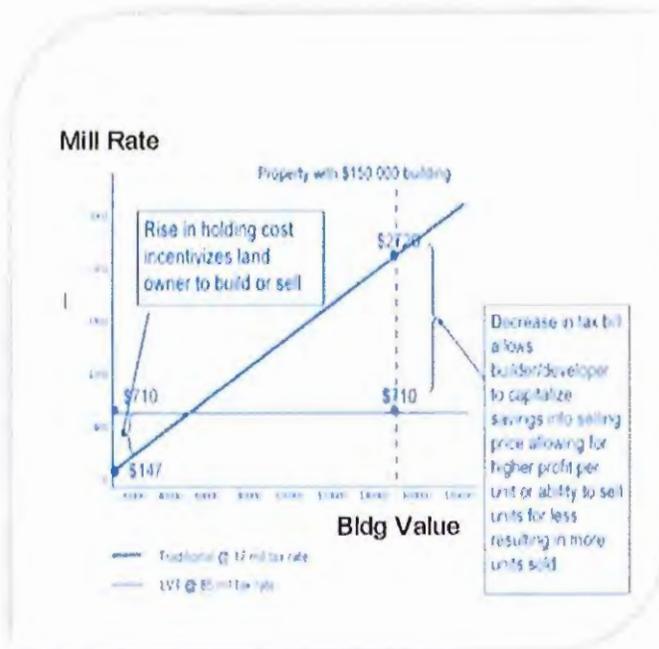
In 2011, Connecticut Senate Majority Leader Martin M. Looney, (D-New Haven), the CT Planning and Development Committee and Representative Jason Rojas (D-East Hartford) were astutely aware that municipalities throughout Connecticut needed the legislative authority to modify how municipal taxes are levied on properties to mitigate blight, spur smart growth, and make sound planning decisions.

The coalition sponsored S.B. 130 allowing municipalities to, by vote of its legislative body, establish a two-tier system of land taxation. The bill would facilitate reuse of existing structures, new construction and infill, thereby promoting smart growth and sound planning decisions.

The bill found support within the Connecticut Conference of Municipalities, the

*(continued on page 11)*

*Graph of a traditional tax versus a two-tiered system applied to a single lot with building values ranging from \$0 to \$180,000.*



tionships between architects, and planners, citizens and government, builders, as well as the credit and lending communities. Partnerships both horizontally (in the geography of the urban design) and vertically (from state to region to locality) evolve.

The two-tier land value tax directly addresses the issue that in an urban setting, the land cost component of the total value of the project will run in excess of 50%, and often closer to 70%, with a direct cause-and-effect. The higher the annual tax levy on a parcel is, the more likely the parcel holder will meet the developers’ land cost benchmark, as opposed to having the landowners’ price being met, removing a common impediment to assembling parcels. Land comes up for sale



*Potential building site, now unused space in the City of Norwalk.*

Using publicly available property tax data for the City of Norwalk it was determined that switching from a standard to a two-tiered land value tax would<sup>1</sup>:



On average, 50 buildings along the Washington Street corridor see a 38% reduction.



To replace the lost revenue, low building density areas such as, Connecticut Street (Rt. 1), would see a tax increase average of 20%.

<sup>1</sup>Generally there is a standard phase in period that will provide stakeholders the time to prepare for the new two-tier land system.

For more information on Land Value Taxation, please contact:

Joshua Vincent  
Executive Director  
Center for the Study of Economics  
413 South 10th Street  
Philadelphia, PA 19147

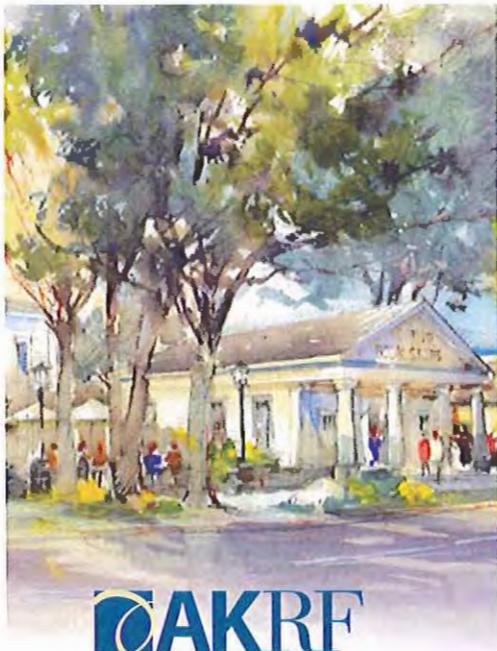
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Homebuilders Association of CT, as well as many local jurisdictional coalitions.

Throughout 2012, the Center for the Study of Economics, www.urbantoolsconsult.org, will be publishing articles and presenting workshops that provide a broad understanding of the benefits of the two-tier system of land taxation and show how the measure impacts various municipi-

palities across Connecticut bringing vision to fruition. ■

Researcher and writer Mark Speirs received his M.S. in Regional and Community Planning from Temple University and lives in New Haven, CT. He is the Regional Director at the Center for the Study of Economics. Contact: mark@urbantools.org



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## Former SCCOG Executive Director Richard B. Erickson Inducted into the AICP College of Fellows

**R**ichard B. Erickson of Norwich, retired Executive Director of the Southeastern Connecticut Council of Governments (SCCOG), has been named a member of the 2012 class of the College of Fellows of the American Institute of Certified Planners (AICP). Mr. Erickson is among only 41 Planners nationwide who were inducted into the AICP College of Fellows at the National Planning Conference in Los Angeles on April 15th. Election to the College of Fellows is the highest honor bestowed by the American Institute of Certified Planners.

Mr. Erickson is the only planner from Connecticut being inducted this year, and will become one of only six members of the College of Fellows who reside or practice in the state. Fellows of AICP are honored

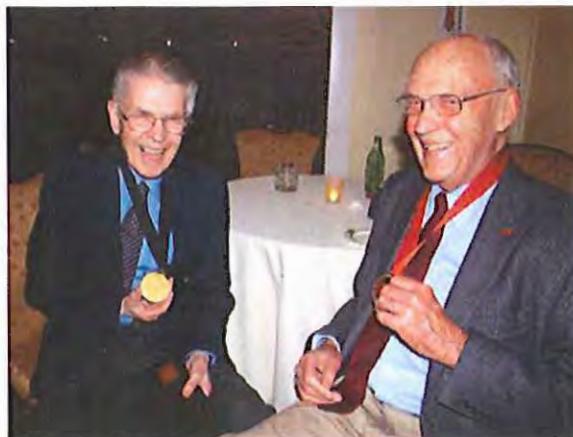
in recognition of their achievements as a planner, and for distinguishing themselves as a model planner who has made significant contributions to planning and society. Fellowship is granted to planners who have been members of AICP and who have achieved excellence in professional practice, teaching and mentoring, research, public and community service, and leadership.

Mr. Erickson served as the Executive Director of the Southeastern Connecticut Council of Governments, and its predecessor the Southeastern Connecticut Regional Planning Agency, for more than 37 years until his retirement in December 1998. He was the first Executive Director of one of Connecticut's early regional planning agencies, providing exemplary leadership in reversing a negative attitude toward planning in southeastern Connecticut, during a period of time

when only one of the region's 20 municipalities employed a professional planner. Perhaps Mr. Erickson's lasting contribution to southeastern Connecticut was his leadership and vision during the 1990s, when the region's defense dominated economy was reeling after the end of the Cold War. He was instrumental in the formation of a coalition that had prepared a strategic plan to bring the region out of its economic depression, and which recommended the formation of the present day council of governments and the region's current economic development organization  
(continued on page 13)



*Clockwise from above: Horace Brown, FAICP & Richard Erickson, FAICP; Horace and Jason Vincent decorate CCAPA's newest Fellow; Richard and Horace show off their medals; Richard with his wife Marcia Erickson.*



**Richard Erickson, cont'd**

the Southeastern Connecticut Enterprise Region (seCTer). Since his retirement, Mr. Erickson has remained active in the region engaging in a number of consulting assignments, and is currently serving as the Interim Executive Director of seCTer.

In his letter placing Erickson's name in nomination for this recognition, Connecticut Chapter of the American Planning Association President Jason Vincent wrote of Mr. Erickson: "His resume demonstrates not just his mastery of the values and principles of planning, but indicates he was a pioneer on numerous issues in the region, and that his participation and involvement in these issues always led to the best solution possible being identified, pursued and realized. His projects were consistently of superior quality, and were frequently recognized as the gold standard by which another region or community could prepare and conduct similar projects and programs." ■

*Previously published on [www.chamberect.com](http://www.chamberect.com), the website of the Chamber of Commerce of Eastern Connecticut.*

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# From the Bench

What To Do With Your Board's Alternate Members



by Christopher J. Smith, Esquire, Shipman & Goodwin, LLP



Recently, I made a couple of “Land Use 101” presentations to towns in different areas of the state. During the presentations, I was asked when an alternate board member may participate in the public hearing or deliberation process concerning a land use application. On both occasions, the room went noticeably still indicating a sensitive issue. Also, I suspect everyone was curious as to whether my answer would be consistent with what their planner or legal counsel had advised them (this is where I, the invited guest, tread very carefully!).

Here’s the short answer: an alternate may participate during the public hearing, but, unless seated to vote, may not participate in the deliberation process. This was the holding in the Appellate Court decision, *Marguerite A. Komondy v. Zoning Board of Appeals of the Town of Chester*, 127 Conn. App. 669 (2011). The holding addressed zoning boards of appeals under Sections 8-5 and 8-6, but is probably applicable to other land use agencies (e.g., Sections 8-1b as to zoning and combined planning and zoning commissions, and 8-19a as to planning commissions). What’s really instructive with the decision is how the Court arrived at its holding.

## The Facts

*Komondy* involved, in part, an appeal from the denial of a property owner’s request for a variance to effectively extend the time period for the “temporary” use of a mobile home on residential property during the construction of a permanent

dwelling. The owner’s historic, single-family residence had been destroyed by fire. The Chester zoning regulations permitted the temporary use of a mobile home in such situation, but expressly limited the time-frame to six months. The Chester zoning board of appeals denied the landowner’s request for variance approval. An alternate actively participated during the public hearing and, although not seated to vote, during the deliberation process. The landowner appealed and challenged the alternate’s participation during both the public hearing and deliberation claiming that such participation is not permitted and, therefore, the board’s decision was improper and void.

## The Public Hearing

First, the Court looked at the “plain language” of the applicable statutes, Sections 8-5 and 8-6, which govern zoning boards of appeals. The Court found that the statutes don’t explicitly state whether an alternate may participate in a public hearing.

The Court then embarked upon its own “rational result” or “common sense” analysis. The Court noted that general procedures have evolved by municipal land use agencies over the years, which procedures are not specifically provided by statutes. The Court stated, “the legislature’s silence on the issue of board member participation in public hearings simply reflects a willingness to let local agencies fashion their own protocols or duties related thereto.” The Court further noted the purpose of a public hearing is to “obtain any and all information relevant to the inquiry on hand, so as to facilitate the rendering of an informed decision by

the board.” The Court held, “we perceive no good reason why unseated alternate members should be relegated to bystander status during public hearings. Indeed, we cannot perceive any prejudice to an applicant resulting from their [the alternate’s] participation [during the public hearing] ....” In addition, the Court was mindful that an alternate may be called upon to vote on an application after the public hearing has closed noting, “[i]t seems incongruous to vest in such alternate the statutory power to decide the substantive matter before the board yet preclude the alternate from asking pertinent questions or otherwise commenting during the public hearing.” The Court concluded that the “rational and sensible result” is that an alternate may participate during the public hearing component of a land use application.

## The Deliberation

The Court found that the “plain language” of Sections 8-5 and 8-6 provides that an unseated alternate is not authorized to “decide” (i.e., vote on) a land use application. Specifically, Section 8-5(a) authorizes only alternate members seated to perform the duties provided board members under Section 8-6, including the duty to decide requests for variance approval. Therefore, since an unseated alternate is not authorized to decide a land use application, an unseated alternate cannot participate in the deliberation process subsequent to the close of the public hearing. The Court analogized this process to an alternate juror in a civil or criminal case where an alternate juror is segregated from the regular panel once

(continued on page 15)

## From the Bench, continued

the matter is given to the regular jury panel for deliberation and decision. Traditionally, the Courts have held that the participation by an unseated jury during deliberation tarnishes the deliberation process. Similarly, the *Komondy* Court apparently felt that the participation of an unseated board alternate may tarnish the post-public hearing deliberation process concerning a request for variance approval.

### Conclusion

So what happened in *Komondy*? The Court held that it was improper for the alternate to participate in the board's deliberation on the landowner's request for variance approval. Furthermore, if the alternate's improper participation resulted in "material prejudice" to the landowner, the board's decision is void. In an interesting twist, the Appellate Court noted that the trial court found that the landowner didn't have the requisite "legal hardship" for her requested variance. Therefore, the board's denial was proper. As such, the Appellate Court found that because there was no legal hardship to justify reversing the board's denial, there was no reason to decide whether the alternate member's participation in the deliberation process resulted in material prejudice to the landowner. This is another example of judicial common sense or, some folks might say, judicial restraint.

Final lesson for interpreting and applying land use statutes to a particular situation: review the statutory language for a "plain language" reading, and, if the applicable language is unclear or silent on the issue at hand, apply a "common sense" approach. If you have to contrive a convoluted interpretation, then it probably won't hold up in Court. ■

## President's Message, cont'd

all there. It's in Hartford, Connecticut, so there are guaranteed to be some tricks up Dan's and Heidi's sleeves.

**Volunteers needed!** Yes, I suppose this is the same, frequent call all volunteer organizations make, but we need some help. APA National and various divisions are working to improve access to information about the various planning topics and they need the Chapter's help. I am looking for CCAPA members, who are also members of a division, to help us foster a better relationship and improve access to information that all of our members could use. What does it involve? Being a liaison between CCAPA and the APA Division that you currently follow; Then, help us share information between the divisions and the chapter. So, if you are a CCAPA member and a member of an APA Division, then please contact me if you are interested in helping!

Finally, our website has a new look! Yes, finally is right. Many thanks to Rebecca Auger, Dennis Goderre and Emily Moos for leading the effort to improve the look, feel and user-friendliness of the website. This project has been a long time coming, but I think it was worth the wait. We hope you find it useful. Any comments and suggestions can be made to our new web team. ■

— Jason A. Vincent, AICP



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As Connecticut embarks on a monumental expansion of transit service with the busway and New Haven-Springfield corridor, a participatory planning process for transit-oriented development can help communities translate regional investments into local benefits.

## Transit-Oriented Development in Fairfield

By David Kooris, Vice President, Regional Plan Association 

Connecticut and its communities are blessed with one of the nation's most robust transit networks. We know that this reliable, frequent, and efficient transit access to Manhattan's and Fairfield County's job markets results in quantifiable increases to the value of land within walking distance of stations. Every station, therefore, creates value for the town and city that it is located in. Any new station or service enhancement provides a significant opportunity for the host municipality for economic development, community building, and amenity creation. As Connecticut embarks on a monumental expansion of transit service with the busway and New Haven-Springfield corridor, a participatory planning process for transit-oriented development can help communities translate regional investments into local benefits. The Town of Fairfield provides one example.

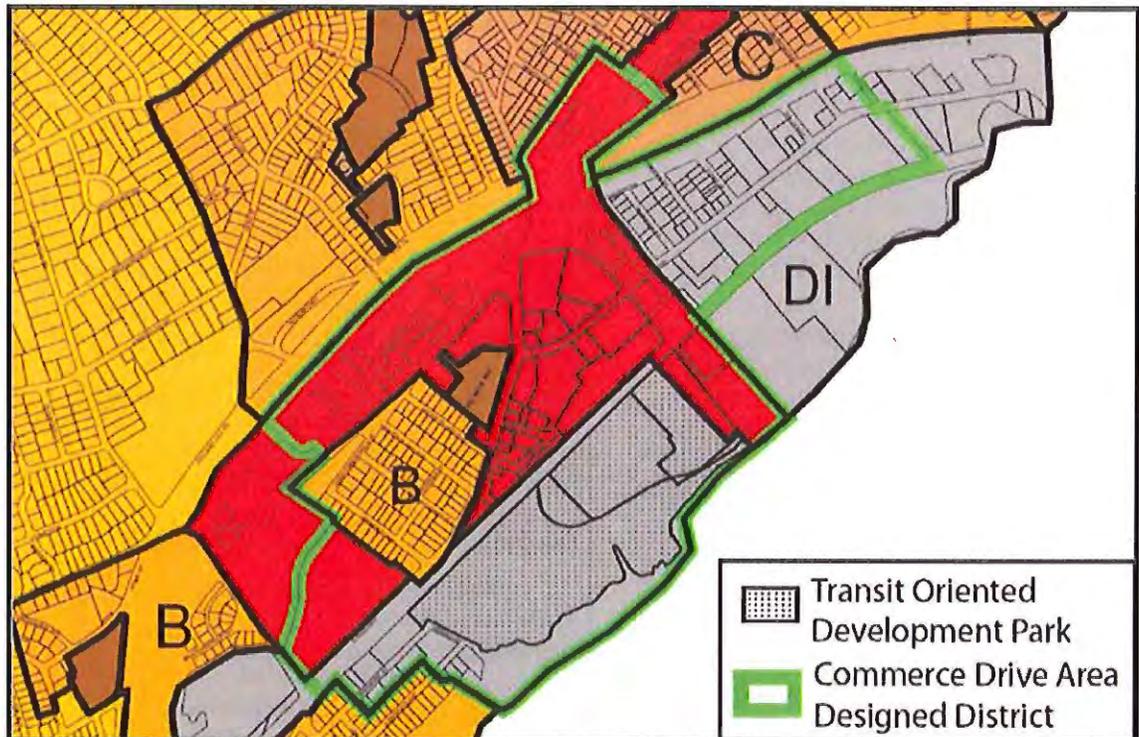
Located along the coast of Fairfield County, the town has two train stations served by Metro-North Railroad: one in the heart of the town center and one at the core of the village of Southport. Save

for the large commuter parking lot next to the main station and a handful of automobile oriented commercial buildings, the vast majority of the parcels within walking distance of both of these stations is walkable, mixed-use, and transit-oriented.

In the industrial section of town on its eastern border with the City of Bridgeport, the purchase of a large former manufacturing site by a developer spurred a conversation in the corridors of Town Hall raising the possibility of constructing a third train station to anchor this large site's redevelopment. Simultaneously, a modernization of the New Haven Line's stations to provide ADA accessibility in each municipality brought Connecticut's Department of Transportation to the table to discuss the concept. In 2003, the Connecticut DOT, Town of Fairfield and private developer executed an agreement to construct jointly a new commuter rail station on the former foundry site. Under the agreement, the developer, Blackrock Realty, would have development rights to construct nearly 1 million square feet

*(continued on page 17)*

Fairfield Rezoning Diagram



## Fairfield, cont'd

of commercial office, hotel and ancillary retail space. This development would be adjacent to a 1,500 space surface parking lot to meet commuter needs.

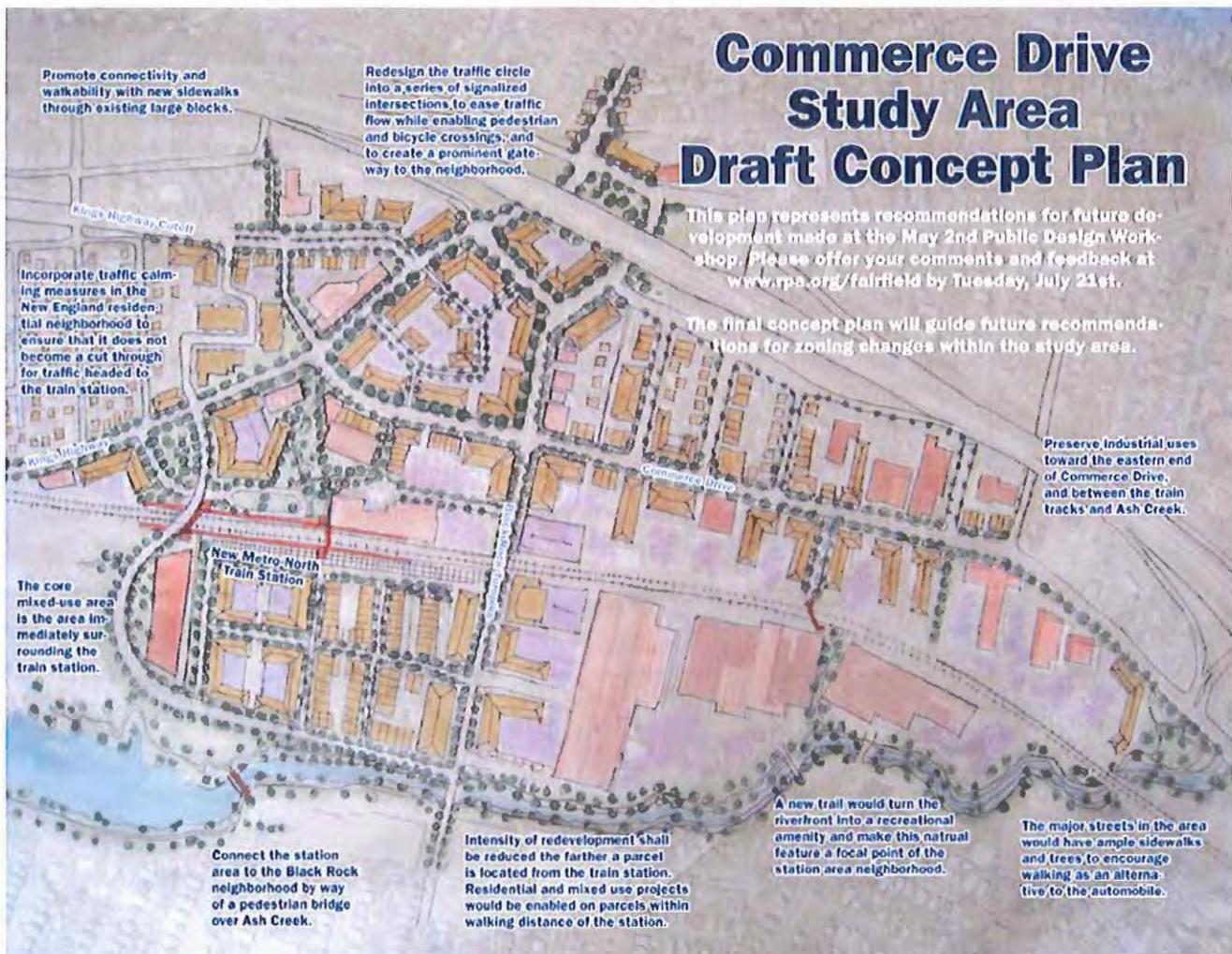
Following five years of design and permitting that involved a myriad of federal, state and local regulatory authorities, and as construction plans were being finalized in 2009, the market faltered and the project was put on hold until new financing could be arranged. The restructured agreement resulted in the Town playing a larger role in overseeing site remediation and installing site infrastructure than what was originally contemplated as well as the State increasing its financial commitment to the project. As construction work began in 2010, the Town's leaders and staff decided that the Town needed a more comprehensive strategy to guide future development of the area in the immediate

vicinity of the new station. Fairfield subsequently entered into an agreement with the Regional Plan Association to manage a participatory planning process, engaging the community in a conversation about the future of this part of the town, and resulting in a Plan of Conservation and Development amendment and zoning changes for the area surrounding the train station.

Over the course of the next 12 months, RPA and town staff convened a stakeholder advisory committee comprised of representatives from the neighborhood, local property owners, relevant town departments, and town-wide organizations with interests ranging from bike and pedestrian access to affordable housing. For the first several months of the project, evening meetings were held organized around a specific topic: transit-oriented development 101, mobility, environment

*(continued on page 18)*

As construction work began in 2010, the Town's leaders and staff decided that the Town needed a more comprehensive strategy to guide future development of the area in the immediate vicinity of the new station.



Because this area of town currently provides a reservoir of housing affordability, the zoning included inclusionary policies to ensure that, as development occurs, a level of affordability is maintained in the neighborhood.

### Fairfield, cont'd

and sustainability, and fiscal impacts of development and affordability. The discussions at these meetings resulted in a planning framework for the area with goals, objectives, and principles for redevelopment that should govern the districts transition from industrial to other uses.

Halfway through the process, a day-long charrette was held at a local public school. At that event, the approximately 75 participants were divided into tables of 8-12 with a trained facilitator and designer to craft redevelopment concepts that included both investments in the public realm and private development. While the design concepts represented a range of ideas and opinions about the future of the neighborhood, they were based on a set of shared principles and contained ideas of consensus that could form the foundation of a regulatory framework and capital plan to govern private and public investment.

After months of working with the stakeholder committee and planning and zoning board members following the charrette, a vision for the area was reached that could be translated into a POCD update and zoning. The area is currently zoned industrial with a pocket of commercially zoned land near exits with I-95 and a pocket of residential (former workforce housing for adjacent manufacturing sites). The POCD update articulates a strategy to incrementally transition the area into a neighborhood that is more walkable, mixed-use, and transit-oriented.

The zoning included three mechanisms to enable that change over time. First, the base zoning was changed from industrial to commercial for a portion

of the district closest to the station and highway access. Second, a transit-oriented design district overlay zone was created to cover the portions of the district within approximately one-half mile of the new train station, ensuring that site plans would be transit-oriented, buildings would be pedestrian-oriented, and land uses could be more mixed than in other commercial areas in the town with residential uses in the same buildings as retail or office. Finally, a transit-oriented development floating zone was created so that, pending board approval, higher density residential development could be built on appropriate sites within closest proximity to the station. Where single-story industrial buildings dominate, multi-story residential buildings with retail on the ground floor can incrementally transform this area into a thriving neighborhood. Because this area of town currently provides a reservoir of housing affordability, the zoning included inclusionary policies to ensure that, as development occurs, a level of affordability is maintained in the neighborhood.

These zoning changes represent a significant shift from current land use patterns in the southeaster portion of the town. There was hesitation and uncertainty, therefore, as the hearing date approached and the proposals being put forward by the Planning and Zoning Commission would be vetted with the public at large. At the hearing in April of 2011 turnout was significant. Following the presentation on the plan and zoning changes, there were smiling faces in the audience of nearly 75. Only about one dozen members of the public chose to testify. Save for a handful of minor critiques

*(continued on page 23)*

*A daylong charrette was held at a local public school, where participants were divided into groups and paired with a trained facilitator and designer to craft redevelopment concepts that included both investments in the public and private realm.*



## Facade Program Worked for Restaurant: Business is Up at Gina Marie's

by Jan Tarr, reprinted with permission from LIFE Publications

Anyone who questions whether government stimulus programs work might try talking to Gina and Troy Kelsey of Gina Marie's Restaurant on Main Street in Hebron. They were the beneficiaries of the town's facade improvement program and received a boost in business as a direct result.

Additionally it gave them the impetus to put more money into their restaurant, which they plan to continue, and now they have started "giving back" to the community in the form of fundraisers.

Mr. Kelsey said most people were aware of the restaurant but lots came in for the first time after the new ramp for the disabled, outside improvements, better parking and a beautiful new sign were implemented. Once new customers come in, they come back, he said.

Prior to the improvements, the rectangular building had white siding, a tiny entry-

way, a small ramp on the side and generally looked tired and dated. Now it sports light tan siding, a big ramp in front of the building, an outside deck — all designed to make it more appealing to passersby.

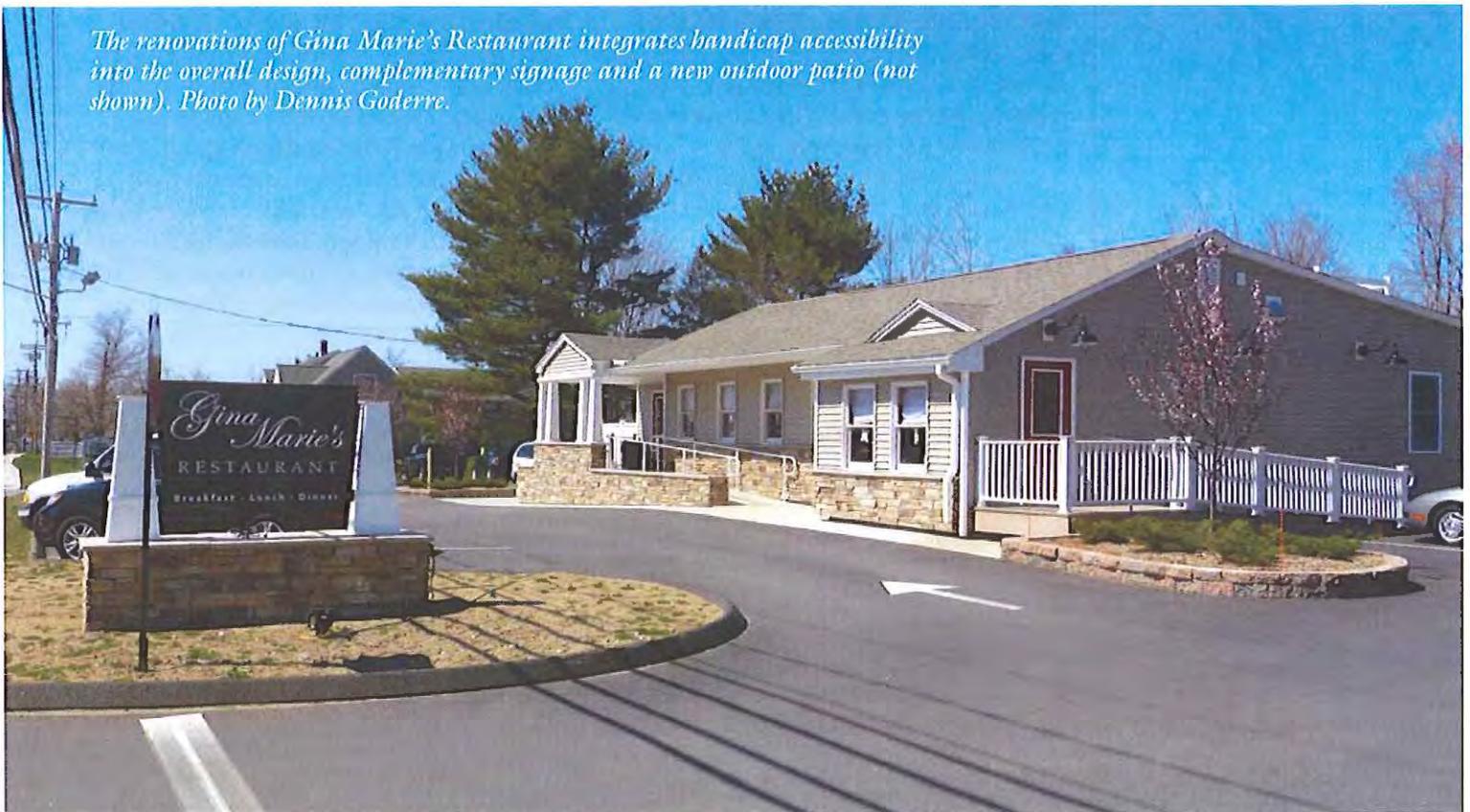
The program is financed through a STEAP (Small Town Economic Assistance Program) grant. It covered 75 percent of the exterior improvement costs and the Kelseys put in 25 percent of the approximately \$90,000 cost. Town Planner Mike O'Leary said, "They are the best proponents for the program."

When a state official came to Hebron to review the use of the money and talked to Mr. Kelsey, he waxed enthusiastically about what it had done for his business. Mr. O'Leary said he believes that enthusiasm will help the town when it seeks other grants because the state people share what they learned.

*(continued on page 20)*

**Gina Marie's Restaurant was the beneficiary of the Town of Hebron's facade improvement program and received a boost in business as a direct result.**

*The renovations of Gina Marie's Restaurant integrates handicap accessibility into the overall design, complementary signage and a new outdoor patio (not shown). Photo by Dennis Goderre.*



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### Gina Marie's, cont'd

The \$487,000 state grant covered the facade program, as well as sidewalks that were installed over the summer and a portion for trees and landscaping that will be done in the spring, he said.

About \$200,000 of the grant was for "building improvements that are visible from Main Street. It was interesting because we never did a facade program before but I had worked in other towns where it had been done and I thought it was an excellent program."

Locally, it is overseen by representatives from the planning and zoning commission, economic development commission, building and engineering departments.

Mr. O'Leary is the staff person assigned to the committee. Property owners contact him initially to get forms.

"It's a pretty simple application."

Owners must say what they hope to do and have a photograph or a sketch of the idea, and that application goes to the committee for review. No fees are charged, and the grant includes use of an architect to bring those ideas to blueprint.

So far, three businesses have taken advantage of the program - Ace Hardware, Countryside Realty and Gina Marie's.

Gina and Troy met in a bar in Mansfield when she was a student at Saint Joseph College, studying to be a teacher, and he was at Manchester Community College studying culinary arts. They married at 22 and bought the restaurant at 24.

"This is what I always dreamed of,"

Mr. Kelsey said. The dream really started in the early '90s after he graduated from MCC and it was hard to find a job. "If I

owned my own business, at least I would know when the end was coming."

He started working at 15 in his hometown of Manchester at the venerable Willie's Steakhouse, which was torn down about two years ago. He saw the business go from being very busy to "petering out." He learned his work ethic both there and at a gas station where he worked.

One Sunday while working at the gas station, Mr. Kelsey overslept. He was to be at work at 7 a.m., and at 7:05 the owner was at his door yelling at him about the importance of being on time.

It has since held him in good stead for the 14-hour days of running a restaurant, although he doesn't usually work all the hours. "We have great people working here."

Mr. Kelsey also learned that a business, especially a restaurant, has to change or it will go out of business. Mrs. Kelsey joined him in the business after their son, Nicholas, now 13, was born. They also have a daughter, Caitlyn, 10. They have lived in Hebron since 1996. In that time they have seen many changes, including stop signs that didn't exist before.

They heard sidewalks were coming to Main Street, which would automatically change the configuration of their property. "You'd be amazed how many people walk on the sidewalks," Mr. Kelsey said. One day Mrs. Kelsey was walking to the post office and a woman pulled over to say she was glad to see somebody using them.

Then the Kelseys learned about the grants for exterior improvements that also covered the cost of an architect. One thing led to another. They decided to put in a new heating, ventilation and air conditioning system. Other interior improvements began, including new tables and booths, although the familiar salad bar is still off to one side in the back. "Town was very friendly with us; helping make changes over the years that we couldn't make because of restrictions." A storage room was added along with the deck, where they plan to feature local bands in better weather.

The Kelseys also plan to move the kitchen, add more seating space, perhaps a bar with a TV.

*(continued on page 21)*

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## Gina Marie's, cont'd

One of the grant's strings is that the restaurant must remain a restaurant for 10 years or the owners will be obligated to return a portion of the money.

With the improved look came new business. Mr. Kelsey estimated the uptick at 25 to 30 percent.

"The ramp has been amazing" at attracting an "older clientele" that had found it hard to get into the building, while the more attractive exterior has attracted some of the new, young families. A tiny entryway has given way to one big enough for a small bench, along with the usual newspaper rack.

To go along with the new façade, the restaurant has started offering "gourmet burgers." Gina Marie's is open for breakfast, lunch and dinner. It is Italian-American cuisine with an emphasis on pizzas and pasta. "We upscaled the menu a little bit without scaring people away." Mrs. Kelsey said, "he comes up with the craziest things."

Mr. Kelsey encouraged any business that is eligible to apply for money. If he

had it to do over again, "I would have made that investment years ago," he said. The improvements and those to come have "kind of invigorated us."

Mr. O'Leary said more money is still available for Main Street upgrades. Grants offer up to 75 percent of the cost of the improvements but no more than \$75,000 per site.

The town also received another \$150,000 grant for façade improvements for any business-zoned property, not just Main Street.

Town Planner Michael O'Leary may be reached at (860) 228-5971, ext. 137 or by email at moleary@hebronct.com.

Gina Marie's offers take-out as well dining in. It is at 71 Main St. in Hebron. The phone number is (860) 228-9375. The restaurant is open Monday, 6 a.m. to 2 p.m.; Tuesday and Wednesday, 6 a.m. to 8 p.m.; Thursday, 6 a.m. to 9:30 p.m.; Friday and Saturday, 6 a.m. to 9 p.m. and Sunday, 7 a.m. to 8 p.m. ■

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**Mr. Kelsey also learned that a business, especially a restaurant, has to change or it will go out of business.**



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# Designing Communities that Attract Young Professionals

by Chris McCabill, PhD

Canton graduates that I've kept in contact with have moved to places like New York, Philadelphia, San Francisco, and Austin, or to larger New England towns like Portland, ME, and Newport, RI. And I'm not sure they'll ever come back.

In late March, students and faculty from UConn led a well-attended charrette workshop in Canton. The event gave residents an opportunity to voice their opinions on what future development in town ought to look like. Some themes that kept coming up were historic preservation, land conservation, commercial development, and walkability.

But an entire demographic was noticeably absent — young adults in their 20s and early 30s. In fact, I was probably one of two people there who fell within this category. I blame it partly on apathy and disinterest among my peers. But it also has a lot to do with the fact that many no longer live in the area. Canton graduates that I've kept in contact with have moved to places like New York, Philadelphia, San Francisco, and Austin, or to larger New England towns like Portland, ME, and Newport, RI. And I'm not sure they'll ever come back.

That is, unless we start to see real changes in what Connecticut has to offer. For many of us, the state lacks diversity and vibrant places. Increasingly, we want affordable apartments in lively, walkable neighborhoods. And we need jobs. Struggling cities like New Haven and Hartford offer some of these things, but still fall short. Smaller neighborhoods like Collinsville (a village in Canton) also show promise, but they need nurturing.

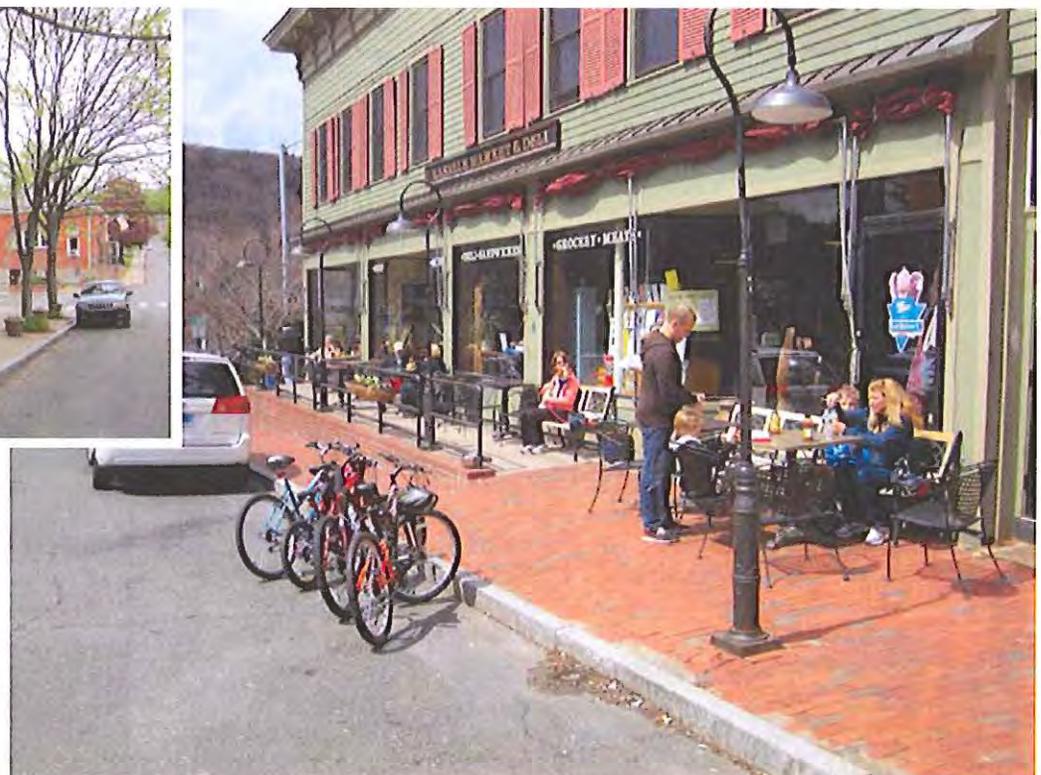
These concerns are laid out by the Partnership for Strong Communities, based in Hartford ([www.pschoosing.org/A\\_New\\_American\\_Dream](http://www.pschoosing.org/A_New_American_Dream)). In the original writing of this piece, I encouraged people to sign the partnership's statement and attend their forum, "Keeping and Attracting Young Professionals in Connecticut." Participants at that event reiterated a need for better urban-type places and they also pointed out a desire among

(continued on page 23)



Above: Main Street, Collinsville, CT.

At right: LaSalle Market, Main Street, Collinsville, CT



## Designing Communities cont'd

many young adults to be actively involved in the process of building stronger communities.

To the many residents, leaders, business owners, and developers who are already involved in this process and are helping to set the future course for Canton: don't forget about us. Many of us are not drawn to big boxes and single-family homes, but to places more in line with the feel of Collinsville. In addition to strengthening the town's tax base, we can cultivate great neighborhoods that will appeal to the youngest and oldest among us. ■

*Chris McCabill, PhD, is a recent graduate from the Department of Civil and Environmental Engineering at UConn. He is an active member of the Congress for the New Urbanism and a 2012 Fellow with the Eno Center for Transportation in Washington. This piece originally appeared on Canton Patch on April 9, 2012 at [www.canton-ct.patch.com](http://www.canton-ct.patch.com).*

## Fairfield cont'd

or recommendations to tweak language here or there, the comments were positive and in support. The board adopted the new zoning unanimously on May 3, 2011.

This process represents a model for Connecticut communities where the public and those most effected by a neighborhoods transition are engaged in the decision-making process early and often. While the slow market means that we may need to wait another few years until development proposals for the district come forward, the town has developed a strategy to capitalize on the transit investment that has been made in their community. With train service begun to the station in late 2011, thousands of people come to this district every day who may never have previously. When they walk from the platform to their car and look around at the surrounding land and wonder what will happen there in the future, this process ensures that the town is ready for the range of possibilities and has set the stage for private investment in their community. ■

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# Connecticut Planner Profile: Mary Ann Chinatti

**Current Position:** Town Planner/ZEO/CZEO  
Salem, CT

**Currently living in:** Plainfield, CT

**What are your favorite places (cities, towns, neighborhoods, etc.)?**

Norwich, the Norwich Free Academy (NFA) area is stunning; Noank; and Manchester.

**What made you decide on a career in planning?**

I started out in land use as a clerical assistant in the Norwich planning department. Through that work I became interested in planning. Kathy Warzecha, the city's planning director at that time, saw every challenge as an opportunity, and had such initiative, vision, passion, and enthusiasm. She was a great inspiration and role model.

**Why did you decide to be a planner in Connecticut?**

As a Connecticut native, what more appropriate place?! This is a wonderful state with so very much to offer. Nothing is more satisfying than an idea growing from concept to fruition, and to guide that process in my home state is such a gratifying experience for me.

**What projects/initiatives are you currently working on as a planner?**

I'm currently in the process of coordinating Salem farmers market's inaugural season, scheduled to kick off on June 28, which I'm totally excited about. Also, I'm working on updating a marketing book I created to encourage economic development in Salem. I have a couple of grants I'm currently working on as well, relative to farming and open space, and I'm working on putting together some workshops for our Planning & Zoning Commission regarding a number of topics.

**Why did you join CCAPA? What do you like about being a member?**

What do you like about being a member? I joined CCAPA and like membership because CCAPA not only



provides wonderful networking opportunities for planners, but also offers outstanding educational seminars, innovative approaches, and it works to keep members up-to-date on current best planning practices, and on legal/statutory issues relevant to the planning community and its commissions

**Are you currently working on or have any thoughts on the topic of "urban design" in Connecticut? What place in Connecticut do you feel is the best designed place?**

As Salem is a rural community, "urban design" doesn't apply here in town. "New England village," however, does, and that I am working on. The best designed place in Connecticut...I'm partial to cities that have a "small town" feel. Manchester's motto, "the city of village charm," says it all. Though not "urban" in the classic sense of the word, a city nonetheless, and its design gives one that feel.

**What are your favorite websites/tools/blogs that relate to planning and/or your job?**

I don't have one favorite — I look for anything that provides relevant information/education. The listserv is an extremely valuable tool; some of the sites I do frequent in addition to the APA and CCAPA sites are UNH, NPS, USDA, NEMO, CLEAR and CTECO. ■

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## IN MEMORIAM

*Published in The Day on April 14, 2012:*

### William R. Haase IV

**Ledyard – William R. Haase IV of Gales Ferry, died peacefully on Tuesday, April 10, 2012.**

**B**ill Haase, IV was born on Oct. 27, 1955 in Delhi, N.Y., the son of Dr. William R. Haase III and MaryAlice Haase. Bill and his wife Laurie were married at the historic Nathan Lester House in Ledyard in 1988 and soon became an integral part of the community.

Bill has been a vital, prominent figure in the Ledyard/Stonington/Westerly area for nearly 25 years. He and Laurie moved to Stonington Borough in 1988 after completing his second master's degree in urban and regional planning from the University of Colorado at Denver to become Ledyard's Town Planner for 12 years. Bill continued his career as the Westerly Town Planner until 2007, upon which he crossed the bridge and became the director of planning for Stonington. His first passion was for anthropology/archaeology, his first master's degree from Washington State University. This enhanced his love of history, worldwide travel and an extensive range of music — Blues, Jazz, Celtic, Bluegrass, and The Grateful Dead.

Bill believed in utilizing his knowledge and experience to expand environmental and historic preservation, as well as initiate revitalization and urban design throughout the area. Through many grant applications and awards, he was able to plan and manage many community projects, including infrastructure, revitalization and other initiatives.

In addition to his wife Laurie Whiting, he is

survived by his parents, Dr. and Mrs. William R. Haase of Daniel Island, S.C.; his in-laws, Dr. and Mrs. William Whiting of Santa Rosa, Calif.; his sisters, Leslie Harper (Pete) of Daniel Island and Paula Wojtcuk of Phoenix, Ariz.; his sister-in-law, Mary Pat Mc-



Cann (Marv) of Sebastopol, Calif.; his brothers-in-law, Michael Whiting (Sharon) of Edmonds, Wash., Christopher Whiting (Tami) of Geneva, Switzerland and William Whiting (Cheryl) of Elk Grove, Calif. He will also be missed by his nieces and nephews, Will and Catlin Harper of Daniel Island, Brian McCann (Lisa Ceynowa) of Chico, Calif., Katy McCann (Brad Paterson) of Singapore, Emily Bahiraci (Fru) of Whidbey Island, Wash., Brenna Whiting of Las Vegas, Nev., Shawn Wojtcuk (Sarah) of Buckeye, Ariz., Eric Wojtcuk of Phoenix, Ariz. and Livia, Georgia, Kelly, William, Haru and Mirai Whiting, all of Geneva, Switzerland.

In lieu of flowers, donations in his memory can be made to Hospice Southeastern Connecticut, 227 Dunham St., Norwich, CT 06360 or a charity of the donor's choice.

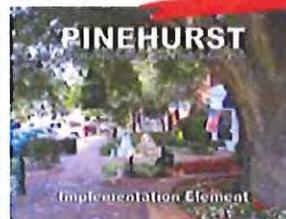
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**Editorial: Invasive Bamboo Stalks The State**  
*Connecticut Law Tribune*  
Monday, May 07, 2012  
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#### Printed for

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#### Editorial: Invasive Bamboo Stalks The State

If Caryn Rickel's story of an aggressive, nonnative, invasive plant were not so intractably burdensome for her, it might be funny, even material for and become the stuff of a musical. But it is not funny, and the Department of Energy and Environmental Protection and the General Assembly must take action now to protect her and others.

Rickel has been living the reality show version of *The Little Shop of Horrors*, featuring a man-eating plant, Audrey II, but without the snappy songs and comedy. Her neighbor planted golden bamboo (*Phyllostachys aurea*), six tiny cornstock-like plants, on their shared property line in 1997. The golden bamboo is a "running" type which sends out fast-growing roots. In contrast, other bamboos are the "clumping" type of bamboo, which spreads only a few inches a year.

The golden bamboo near Rickel's home grew into a 35-foot high, 90-foot wide forest invading four neighboring properties with roots spreading in all directions at the rate of 20 feet a year. Rickel dug up her bluestone patio to cut back the roots and installed a steel barrier underground. The roots broke through. They have lifted and cracked her asphalt driveway and sidewalk. In the line of attack is the septic system on her rental property next door.

Rickel is not alone. Others are fighting off the invaders, too. Enilda Rosas of New Haven provided written testimony on proposed legislation describing the problems she had with invasive bamboo. In trying to cut back the invading plants she got a "really bad rash" on her arms, thighs, and legs. Her "beautiful gardens" which she had cultivated for many years have been destroyed. Her entire front yard has bamboo roots 5 or 6 inches down. Last spring, she cut down 78 stalks, some of which she says had grown up to three feet overnight. In the summer of 2011, she called 32 landscaping companies to come help beat back the bamboo. Many of them said it was not a fight they wanted to wage. Two landscapers gave her estimates to remove the bamboo, chemically treat the soils, install a protective barrier, reseed the lawn, and plant new perennials. The two estimates were \$18,000 and \$22,000.

The U.S. Department of Agriculture says a single clump can produce up to 9.3 miles of stems in a lifetime. The USDA reports that "many states recognize golden bamboo as a threat to native habitat structure and function because growth and spread of established clones can be extensive."

Connecticut does not recognize golden bamboo or yellow grove bamboo as a threat, but it should. In a letter last July, Jeffrey S. Ward, a chief scientist at the Connecticut Agricultural Experiment Station, recommended to the station's director that golden bamboo be listed as an invasive species, noting that "golden bamboo can cause severe, localized impacts to disturbed forests and riparian habitats. I have never seen a species so thoroughly dominate a site and form a mono-culture that completely excludes other plant species."

Section 22a-381b of the General Statutes lists the criteria for the Invasive Plants Council to use in selecting plants for its list. Golden bamboo appears to meet all the criteria. Listing it will trigger several controls, and it is one place to start. The Invasive Plants Council considered listing it during its December 2011 meeting, but chose not to, probably because the landscaping industry, specifically the Connecticut Nursery and Landscape Association, likes the fast-growing bamboo. A CNLA past president, Paul Larson, is on the council, and the CNLA Executive Secretary Bob Heffernan was at the December meeting and spoke out against even local regulation of running bamboo. It is apparent that the council is unlikely to take any action to ban or even restrict running bamboo.

A bill pending before the General Assembly, H.B. No. 5122, would make it unlawful for a person planting golden bamboo to allow such bamboo to spread onto a neighbor's property, and would require retailers of golden bamboo to provide purchasers with notice of this law. This legislation is a start and better than nothing, but it does not go far enough. The best approach would be to outlaw the plant altogether by amending Section 22a-381d to include golden bamboo as an invasive plant and thereby prohibit anyone, with rare exceptions, from moving, selling, purchasing, transplanting, cultivating, or distributing it. The General Assembly should consider outlawing all other running bamboo types, including yellow groove. Section 22a-381d lists 80 of the worst invasive plants now, including the common reed which has been

so destructive along the coast and the evil kudzu, the plant you see growing up utility poles and choking trees to death.

There is also action on the common law front. Rickel sued her neighbors on several grounds, principally in negligence, for planting the bamboo and not taking timely action to stop it from invading her property. The court denied the neighbors' motion to strike, finding that the fast growth and invasion were reasonably foreseeable and that as a matter of public policy the law should impose a duty of care.

Rickel's case is headed for trial providing an opportunity for Connecticut courts to clarify the law. At least four rules have evolved across the country. One is the "Massachusetts Rule" — a property owner may trim vegetation originating in a neighbor's yard at the point where the vegetation invades, but has no cause of action against the neighbor to force the neighbor to stop the invasion. It appears that Connecticut courts have apparently followed this rule as to tree trimming, also allowing lawsuits where the tree may cause a nuisance. A second approach is the "Virginia rule" — invading vegetation which is "not noxious in [its] nature" and has caused no "sensible injury" is not actionable and the property owner is limited to self-help. However, where injury has been inflicted by invading roots or other vegetation, a property owner who has been adversely affected does have a right of action against the neighbor for trespass.

The third rule comes from the Restatement (Second) of Torts, Sections 839, 840 (1979) and imposes an obligation on a land owner to control vegetation encroaching on adjoining land if the vegetation is "artificial," which is defined as planted and maintained by a person, rather than "natural."

Finally, there is the "Hawaii Rule" — vegetation is ordinarily not a nuisance but can become so if it causes actual harm or poses an imminent danger of actual harm to adjoining property. This sounds like golden bamboo. The court in Rickel's case correctly adopted this rule in denying the motion to strike. Our courts should follow the Hawaii Rule for all vegetation. •