

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

**Monday, June 18, 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. June 04, 2012 Meeting
  - b. June 12, 2012 Field Trip
4. **Zoning Agent's Report**
  - Monthly Activity Update
  - Enforcement Update
  - Other
5. **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. **Request for release and capping of bond escrow funds for Freedom Green (PZC File #636-4)**
    - Phase 4B: Request to release \$25,000 in escrow funds
    - Phase 4C: Request to cap collection of bond escrow funds at current balance (\$325,000)Memo from Zoning Agent
  - 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**
6. **New Business**
  - a. **Request to Modify Building Area Envelope, Lot 16 Beacon Hill Estates, PZC File #1214-2**  
Memo from Zoning Agent
  - b. **Application to amend the Zoning Regulations, Article VII, Section S.2; Article VIII; and Article X, Section A.4.d- M. Healey-applicant, PZC File #1310**
  - c. **8-24 Referral-LaGuardia Lane/Quiet Meadow Subdivision**  
Memo from Director of Planning and Development

- d. **8-24 Referral-School Building Project**  
Memo from Director of Planning and Development
  - e. **UConn Technical Park-Jurisdiction**  
Memo from Director of Planning and Development
  - f. **Consideration of Cancelling the July 2, 2012 Regular Meeting**  
Memo from Director of Planning and Development
  - g. **Other**
- 7. 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**
- 8. Communications and Bills**
- a. **None**
- 9. Adjournment**

**DRAFT MINUTES**  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, June 4, 2012  
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), R. Hall, K. Holt, G. Lewis, K. Rawn, B. Ryan  
Members absent: P. Plante, B. Pociask  
Alternates present: B. Chandy, V. Ward, S. Westa  
Staff Present: Linda Painter, Director of Planning and Development

Chairman Goodwin called the meeting to order at 7:20 p.m., and appointed Ward and Westa to act in place of absent members.

**Minutes:**

**5-21-12 Minutes-** Ryan MOVED, Ward seconded, to approve the 5/21/12 meeting minutes as written. MOTION PASSED with all in favor except Hall who was disqualified.

**Zoning Agent's Report:**

The Zoning Agent's report was noted.

**Public Hearings:**

a. **Special Permit for Cut/Fill Activities, Merrow Road Corn Maze, 3 Merrow Road, Mason Brook LLC/Christopher Kueffner, owner/applicant (PZC File #1309)**

Chairman Goodwin opened the continued Public Hearing at 7:27 p.m. Members present were Goodwin, Hall, Holt, Lewis, Rawn, Ryan and alternates Chandy, Ward and Westa. Alternates Westa and Ward were appointed to act. Linda Painter, Director of Planning and Development, noted a 5-31-12 letter received from David Morse.

Applicant Christopher Kueffner, of 192 Ravine Road and owner of 3 Merrow Road, submitted a copy of his letter to the Commission dated June 4, 2012. He summarized the letter, stating that he and Philip DeSiato of DeSiato Sand and Gravel met with the Central Vermont Railroad representative, Rick Boucher, on 5/22/12 at the site. Since it is uncertain when the Railroad might provide written permission to work in the right-of-way, Kueffner proposed that until written permission is received, he would accept a condition of approval prohibiting work within the 50-foot buffer.

Noting no further comments or questions from the public or Commission, Rawn MOVED, Holt seconded, to close the Public Hearing at 7:35 p.m. MOTION PASSED UNANIMOUSLY.

**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)**

After discussion, Chandy volunteered to work with staff on a draft motion for the next meeting.

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)**

Rawn MOVED, Holt seconded, effective June 15, 2012, revisions to Articles VII, VIII and X, of Mansfield's Zoning Regulations related to the Pleasant Valley Residence/Agriculture (PVRA) zone, Pleasant Valley Commercial/Agriculture (PVCA) zone, and Research and Development/Limited Industrial (RDLI) zone, as

presented in an March 5, 2012 listing of draft revisions with the correction noted below. The subject Zoning Regulation revisions were presented at Public Hearings on May 7, 2012 and May 21, 2012 and filed prior to the Public Hearing with the Mansfield Town Clerk.

The approved Zoning Regulation revisions, which are attached, shall be revised as follows:

- Correct the numbering of the last two sections of Article X, Section A.9 as (f) Open Space/ Recreation Facilities and (g) PVRA Design Criteria. These two sections were inadvertently mis-numbered as (c) and (d) in the draft revisions.
- Change the last sentence of the second paragraph of Article X, Section A.10.f to read as follows: "All property owners and prospective developers are encouraged to work with the Commission to identify an appropriate location(s) for preserved agricultural land, including other land in the Pleasant Valley area under the control of the applicant."

The revisions include:

1. Revisions to Art. VII, Section A.4 related to the review process for changes in use in the PVCA and RDLI zones.
2. Revisions to Art. VII, Sec. U to correct typos in the existing regulations and clarify the types of repair services allowed in the PVCA zone.
3. Revisions to Art. VIII, Sec. A including changes to minimum lot area and setbacks in the PVRA and PVCA zones.
4. Revisions to Article X, Section A.9 to refine and supplement requirements for the PVRA zone, including changes to provisions for agricultural land preservation, residential development standards, open space/recreation facilities and PVRA design criteria.
5. Revisions to Article X, Section A.10 to refine and supplement requirements for the PVCA zone, including changes to provisions for agricultural land preservation and PVCA Design Criteria.

In approving the subject zoning regulations, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and Development and the Mansfield Town Attorney. The zoning regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- the authority to divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of Chapter 124 of the Connecticut General Statutes; and, within such districts, the authority to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land;
- the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- the mandate to promote health and the general welfare; to prevent the overcrowding of land and to facilitate the adequate provision for transportation, water, sewerage, and other public requirements;
- the mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- the authority that reasonable consideration be given for the protection of existing and potential public surface and ground drinking water supplies;
- the authority to encourage energy-efficient patterns of development; and

- the mandate that zoning regulations shall be made with reasonable consideration for their impact on agriculture.

The subject zoning regulation revisions have been adopted because they promote these statutory goals. Furthermore, the Commission has adopted the subject zoning regulation revisions for the following reasons:

1. The subject revisions are consistent with recommendations contained in local, State and regional land use plans. See letter from WINCOG Regional Planning Commission and May 3, 2012 report from the Director of Planning and Development. More specifically, these revisions promote all policy goals contained in Mansfield's 2006 Plan of Conservation and Development and, in particular, recommendations associated with Policy Goal 1, objectives 1a, 1b and 1d; and Policy Goal 2, objectives 2a, 2c and 2d.
2. The subject regulation revisions promote goals and objectives contained in Article I of the Zoning Regulations and are consistent with the approval considerations contained in Article XIII, Section D of the Zoning Regulations.
3. The subject regulation revisions are acceptably worded and suitably coordinated with related Zoning provisions. The proposed wording has been found legally acceptable by the Town Attorney.
4. The explanatory notes contained in the 3/5/12 draft zoning and regulation revisions explain and provide additional support for the adopted revisions.
5. The proposed revisions are necessary and appropriate to ensure the public's health and safety and to promote compatibility between areas to be developed and areas to be preserved for agricultural use and/or conservation.
6. The proposed regulation revisions reflect the Commission's goal of balancing reasonable development opportunities (primarily due to the proximity of public sewer and water services) with the protection of the area's special agricultural, natural resource and scenic characteristics.

MOTION PASSED with all in favor except for Westa who disqualified herself.

**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 #1258

Tabled Pending 7/2/12 Public Hearing.

**New Business:**

- a. **BAE Revision, 357 Wormwood Hill Road, Neil Warren, owner/applicant (PZC File #1189)**  
Holt MOVED, Ryan seconded, that the Planning & Zoning Commission approve the proposed revision to the Building Area Envelope at 357 Wormwood Hill Road, as described in the 5/29/12 request from Neil Warren and shown on a plan also dated 5/29/12, because it will not affect neighboring properties, natural or manmade features or the overall character of the subdivision. This revision is consistent with the BAE location shown on the PZC-approved Douglas Subdivision plan in 2002. This action shall be noticed on the Land Record. MOTION PASSED with all in favor except Lewis who disqualified himself.

**b. Request for release and capping of bond escrow funds for Freedom Green (PZC File #636-4)**

- Phase 4B: Request to release \$25,000 in escrow funds
- Phase 4C: Request to cap collection of bond escrow funds at current balance (\$325,000)

Holt MOVED, Ward seconded, to refer these to staff.

**Reports from Officers and Committees:**

Vera Ward noted that the next meeting of the Regulatory Review Committee will be Wednesday, June 27th at 1:15 p.m. in Conference Room C. She invited all members of the PZC to attend.

Painter noted that the candidates for consultant have submitted their qualifications and a short list of 5 candidates have been chosen for interviews. She requested a volunteer from the PZC to sit on the interview panel. Susan Westa volunteered to participate.

**Communications and Bills:**

Noted.

A Field Trip was scheduled for June 12 at 3:30 p.m.

**Adjournment:** The meeting was adjourned at 7:50 p.m. by the chairman.

Respectfully submitted,

Katherine Holt, Secretary

MINUTES  
MANSFIELD PLANNING AND ZONING COMMISSION  
INLAND WETLANDS AGENCY  
CONSERVATION COMMISSION  
FIELD TRIP  
Special Meeting  
Tuesday, June 12, 2012

Members present: J. Goodwin, K. Holt, B. Ryan  
Alternates present: S. Westa  
Others present: S. Lehman-Conservation Commission (item 1 only)  
Staff present: G. Meitzler, Wetlands Agent/Assistant Town Engineer  
C. Hirsch, Zoning Agent

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

1. Town of Mansfield, North Eagleville Rd Sidewalks,  
IWA File #W1499  
Members were met on site by Tim Veillette, Project Engineer for the Town of Mansfield, and Dan Cefaratti of BBH Civil Engineering. Members observed current conditions, and site characteristics. No decisions were made.
2. Green Property, Gravel Permit Renewals 1090 Stafford Road  
PZC File #1258  
Members were met on site by Phil DeSiato and Karen Green. Members observed current conditions, and site characteristics. No decisions were made.
3. Banis property, Gravel Permit Renewals, on Pleasant Valley Road  
PZC File #1164  
Members were met on site by Steve and Tammy Banis. Members observed current conditions, and site characteristics. No decisions were made.
4. Hall property, Gravel Permit Renewals, on Old Mansfield Hollow Road  
PZC File #910-2  
Members were met on site by Ed Hall. Members observed current conditions, and site characteristics. No decisions were made.

The field trip ended at approximately 5:15 p.m.

Respectfully submitted,

K. Holt, Secretary

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To: Town Council/Planning & Zoning Commission  
 From: Curt Hirsch, Zoning Agent  
 Date: June 11, 2012



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

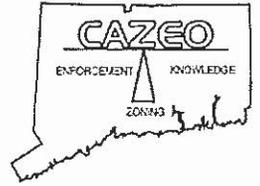
Activity	This month	Last month	Same month last year	This fiscal year to date	Last fiscal year to date
Zoning Permits issued	11	8	12	95	90
Certificates of Compliance issued	4	7	10	80	92
Site inspections	35	11	43	277	373
Complaints received from the Public	8	2	3	45	41
Complaints requiring inspection	5	2	3	33	34
Potential/Actual violations found	2	1	2	21	27
Enforcement letters	7	3	6	66	99
Notices to issue ZBA forms	0	0	1	8	3
Notices of Zoning Violations issued	0	1	2	11	15
Zoning Citations issued	2	0	0	10	39

Zoning permits issued this month for single family homes = 5, 2-fm = 0, multi-fm = 0  
 2011/2012 fiscal year total: s-fm = 8, 2-fm = 0, multi-fm = 0

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# Town of Mansfield



CURT B. HIRSCH  
ZONING AGENT  
HIRSCHCB@MANSFIELDCT.ORG

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

To: Planning & Zoning Commission  
From: Curt Hirsch, Zoning Agent  
Date: June 13, 2012

Re: **Freedom Green, PZC # 636-4**  
**Request for release of Phase IV-B escrow**  
**Request to cap escrow of Phase IV-C**

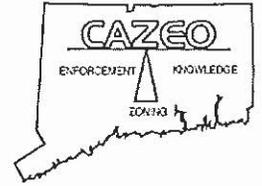
I forwarded the subject requests made by Dennis Poitras, on behalf of the Freedom Green developer, to the Villages at Freedom Green Association. The Association of course, is a major stakeholder in the satisfactory completion of the remaining portions of the development. I spoke with the Association's President this morning and he requested some additional time in which to thoroughly review and respond to the developer's request for release and capping of the escrow accounts. The Association would like to develop its own list of outstanding items as a comparison to the list of items submitted by the developer.

I see no urgency to the Commissions' taking action on this matter at its 6/18/12 meeting. I recommend that the PZC table any action until the owners association has provided its own comments on the developers' request.

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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: June 7, 2012

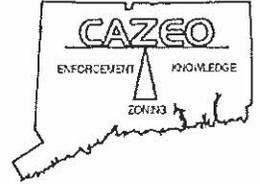
After the Commission's 6/4/12 regular meeting, there was a discussion about the likely absence of a number of members for the 7/2/12 public hearings on gravel renewals. The consensus seemed to suggest that we should reschedule that hearing for 7/16/12. This date change should be memorialized through a PZC motion/action to set the later date.

I recommend that the public hearings for the purpose of reviewing requests for the renewal of special permits for earth removal be scheduled for July 16, 2012.

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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: September 13, 2011

Re: **Proposed revision to Building Area Envelope (BAE)  
Lot 16, Beacon Hill Estates, PZC file # 1214-2**

The attached 6/6/12 request for Site/Building Modifications from Spring Hill Properties, LLC, seeks approval to revise the BAE for Lot 16 of the Beacon Hill Estates Subdivision. A Request for Site/Building Modifications form has been submitted together with a revised site plan dated June 5, 2012. This change will necessitate an expansion of the approved BAE to encompass the proposed house footprint.

Based on the provisions of Section 6.13 of the subdivision regulations, the PZC must approve any proposed revisions to the DAE or BAE. Very simply, the proposed revision will switch the locations of the house and septic system, as approved on the subdivision plan, in order to provide for a gravity fed system. As the plan shows, the approved BAE will be extended, without getting closer to the property boundary than as approved. The setback along the street line remains at the same, approved distance and is consistent with the adjoining lot. The approved subdivision plan placed the rear of a proposed house within a few feet of the BAE. There would have been very limited space available for future decks, sheds or a pool under the approved condition. Moving the house forward on the lot provides a larger rear yard for siting future structures.

I recommend that the Planning & Zoning Commission approve the proposed revision to the building Area Envelope for Lot 16 of the Beacon Hill Estates Subdivision, as described in the 6/6/12 request from Spring Hill Properties, LLC., and shown on a plan dated 6/5/12. This revision will not affect neighboring properties, natural or manmade features or the overall character of the subdivision. This action shall be noticed on the land record.



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

APPLICANT/OWNER SECTION

1. Owner(s) Spring Hill Properties, LLC Telephone 860-429-8227  
(please PRINT)  
Address P.O. Box 917 Town Storrs, CT Zip 06268

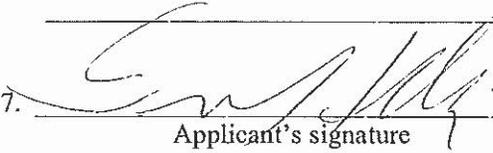
2. Applicant(s) same as owner Telephone \_\_\_\_\_  
(please PRINT)  
Address \_\_\_\_\_ Town \_\_\_\_\_ Zip \_\_\_\_\_

3. Site Location Beacon Hill Estates Subdivision, Lot 16, Beacon Hill Drive

4. Reference any approved map(s) that would be superseded if this request is approved:  
"Subdivision Plan "Beacon Hill Estates" Prepared For Smith Farm Development  
Group, LLC Mansfield City Road Mansfield, Connecticut Date: 01/05"  
Revised Through 03-28-06 Scale: 1" = 100' Sheet 2 of 15  
Prepared By Messier & Associates, Inc. Manchester and Putnam, CT

5. Reference any new map(s) submitted as part of this request:  
"Subsurface Sewage Disposal Design Prepared For Spring Hill Properties, LLC  
Beacon Hill Estates Subdivision -Lot 16- Beacon Hill Drive Mansfield,  
Connecticut Scale: 1" = 20' Date: April 5, 2012 Revised: June 5, 2012  
(Modified BAE Line)"

6. Itemize and describe the modification(s) being requested, using separate sheet where necessary. The description must be adequate to determine compliance with all applicable land use regulations: -  
Modification of front BAE line to move proposed house to front of lot  
to allow for gravity septic system at rear of lot.

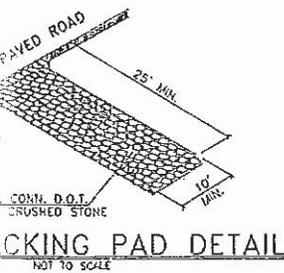
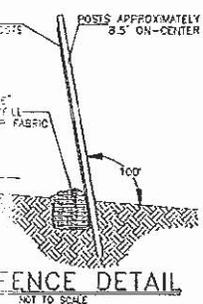
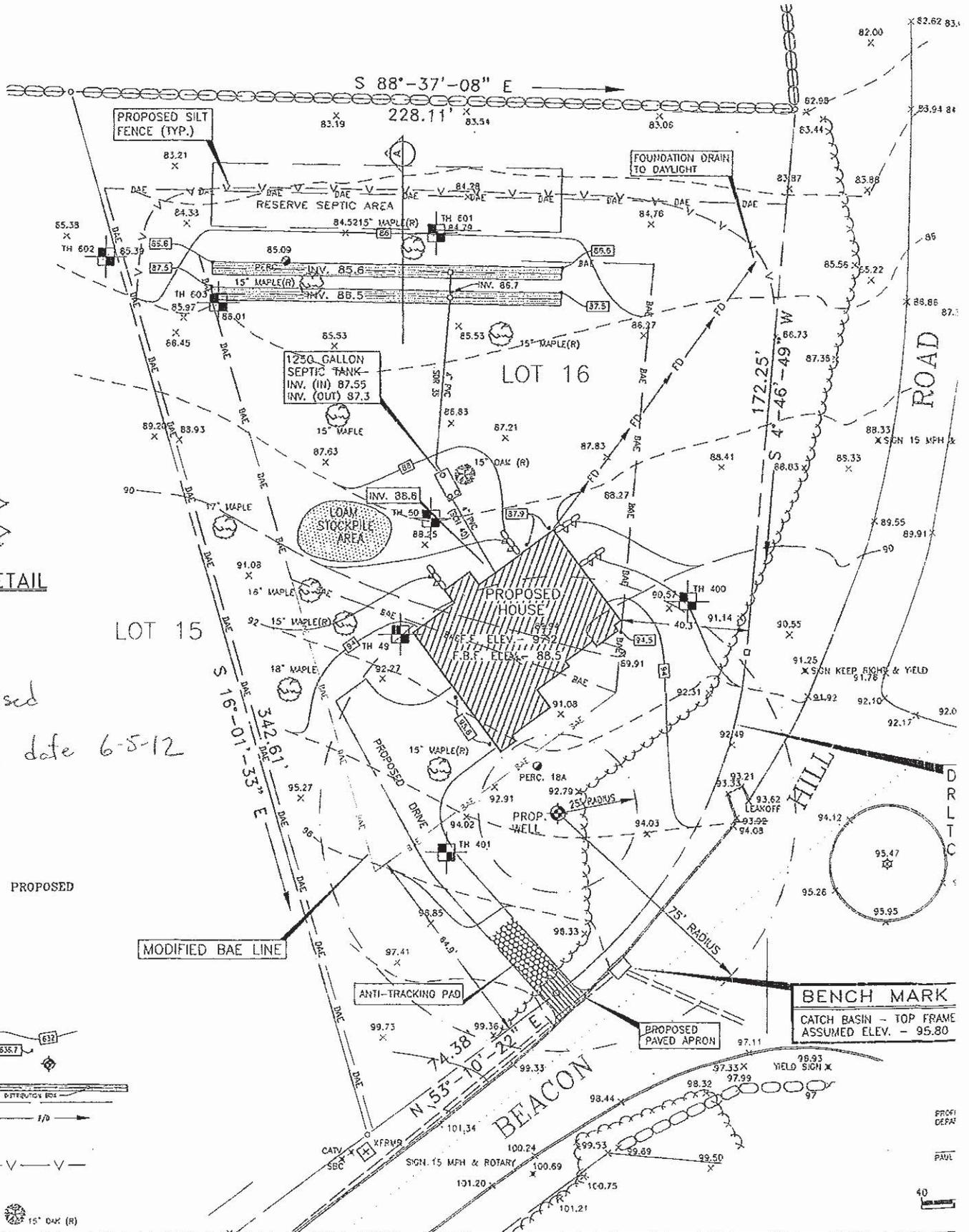
7.  date 6/6/2012  
Applicant's signature

REFERENCE MADE TO THE FOLLOWING MAPS:

- 1) SUBDIVISION PLAN 'BEACON HILL ESTATES' PREPARED FOR SMITH FARM DEVELOPMENT GROUP, LLC WANSFIELD CITY ROAD WANSFIELD, CONNECTICUT DATE: 01/05' REVISED THROUGH 03/28/05 SCALE: 1"=100' SHEET 2 OF 15 PREPARED BY VESSER & ASSOCIATES, INC. MANCHESTER AND FUTNAM, CT
- 2) TOPOGRAPHIC SITE DEVELOPMENT PLAN 'BEACON HILL ESTATES' PREPARED FOR SMITH FARM DEVELOPMENT GROUP, LLC WANSFIELD CITY ROAD WANSFIELD, CONNECTICUT DATE: 01/05' REVISED THROUGH 03/28/05 SCALE: 1"=40' SHEET 3 OF 15 PREPARED BY VESSER & ASSOCIATES, INC. MANCHESTER AND FUTNAM, CT
- 3) 'SOIL TEST DATA 'BEACON HILL ESTATES' PREPARED FOR SMITH FARM DEVELOPMENT GROUP, LLC WANSFIELD CITY ROAD WANSFIELD, CONNECTICUT DATE: 01/05' REVISED THROUGH 03/28/05 SCALE: NONE SHEET 12 OF 15 PREPARED BY VESSER & ASSOCIATES, INC. MANCHESTER AND FUTNAM, CT

TEST HOLE DATA:  
 TEST PIT OBSERVATION:  
 TEST HOLE 493  
 0-8" TOPSOIL  
 8-24" BROWN FINE  
 24-84" GRAY/BROWN  
 MOTTLED AT 21"  
 NO LEDGE  
 SEEPAGE AT 16"  
 ROOTS TO 22"  
 TEST HOLE 50  
 WATER FAILED 10 y.

EXISTING WELL



Revised  
 Plan date 6-5-12

LEGEND

- PROPOSED
- PROPERTY LINE
  - ABUTTER LINE
  - EDGE OF ROAD
  - BUILDING ENVELOPE
  - DEVELOPMENT ENVELOPE
  - TEST HOLE
  - PERCOLATION TEST
  - 10 FT CONTOUR
  - 2 FT CONTOUR
  - SPOT ELEVATION
  - WELL
  - LEACHING TRENCH
  - GRAVEL DRIVE
  - FOUNDATION DRAIN
  - TREELINE
  - STONEMALL
  - SILT FENCE
  - SURVEY CONTROL POINT
  - TREES
  - TREES TO BE REMOVED

BENCH MARK  
 CATCH BASIN - TOP FRAME  
 ASSUMED ELEV. - 95.80

PROF  
 DEPA  
 PAUL

RECEIPT OF APPLICATION FOR AMENDMENT TO THE ZONING REGULATIONS:

\_\_\_\_\_, MOVE and \_\_\_\_\_ seconds to receive the application  
submitted by Michael C. Healey  
to amend Article VII, Section S.2; Article VIII, and Article X, Section A.4.d  
of the Mansfield Zoning Regulations, File #1310

as submitted to the Commission, and to instruct the applicant to work with the on final wording prior to advertising, and to refer said application to WINCOG and the Town Attorney for review and comment and to set a Public Hearing for August 6, 2012.

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APPLICATION TO AMEND THE ZONING REGULATIONS  
(See Article XIII of the Zoning Regulations)

File # 1310  
Date 6-13-12

1. APPLICANT Michael C. Healey   
(Please PRINT) (Signature)  
Street Address 476 Storrs Road Telephone 860-456-4500  
Town Mansfield Zip Code 06250

2. AGENT who may be contacted directly regarding this application:

<u>Michael C. Healey</u>	<u>P.O. Box 557, Mansfield CT 06250</u>
Name (please PRINT)	Address
	<u>860-456-4500 or (cell) 860-377-9901</u>
	Telephone number

3. List article(s)/section(s) of Zoning Regulations to be amended:  
(Consideration should be given to interrelated sections that must also be modified to ensure consistency within the Regulations)

Article 7 Section S.2 Categories of permitted uses in the Neighborhood  
business 2 Zones requiring special permit approval  
as per the provisions in Article V Section B  
Article 8 Schedule of Dimensional Requirements (Add Footnote 17 & modify  
Article 10 Section A.4.D Special Dimensional Exceptions Footnote 1

4. Exact wording of proposed amendment(s) – use separate sheet if necessary:

See attached wording for regulation text changes  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Statement of Justification addressing approval considerations of Article XIII, Section C and

- (1) substantiating the proposal's compatibility with Mansfield's Plan of Development;
- (2) the reasons for the proposed amendment (including any circumstances or changed conditions that justify the proposal and how the amendment would clarify or improve the Zoning Regulations);
- (3) the effect the change would have on the health, safety, welfare and property values of Mansfield residents

(use separate sheet if necessary)  
See attached statement of justification

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. The following have been submitted as part of this application:

Application fee

Reports or other information supporting the proposed amendment (list or explain):

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(end of applicant's section)

\* \* \* \* \*

(for office use only)

Date application was received by PZC: \_\_\_\_\_ Fee submitted \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_ Date of PZC action \_\_\_\_\_

Action: Approved \_\_\_\_\_ Effective \_\_\_\_\_

Denied \_\_\_\_\_

Comments:

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\_\_\_\_\_  
Chairman, Mansfield Planning & Zoning Commission

\_\_\_\_\_  
Date

## Proposed Zoning Text Changes

Article 8 schedule of dimensional requirements

- 1) Change NB-2 Zone Maximum Building height from 30' to 35' in conformance with existing conditions of existing building heights within the NB-2 Zone.
- 2) Add Foot note #17 to maximum building height table
- 3) Modify footnote #17

17. Special provisions for dimensional requirements apply for all buildings, structures and site improvements approved after June 1, 2004 that are located within a designated Design Development District (see Article X, Section A.4.d).

- 4) Modifications to article X, Sections A.4.d

### **d. Special Dimensional Exceptions**

To encourage compliance with the goals and standards of Article X, Section R (Architectural and Design Standards) and to promote greater design and layout flexibility and the coordinated development of adjacent properties, Building setback requirements, Maximum Building Height , Maximum building Size, Maximum Building Ground Coverage, structures and site improvements, including parking, loading and outside storage areas, on properties in Design Development Districts ~~that abut properties that also are situated in a Design Development district or a street, shall be determined by the Commission. The required setbacks shall be determined by the commission~~ based on all applicable approval criteria of these Regulations, the design and layout provisions of Article X, Section R and all other applicable provisions of these Regulations.

- 1) Modifications to Article 7, Sections S.2.

**Proposal is to provide the commission with the discretionary flexibility of modifying size limitations under Special permit applications**

## **S. Uses Permitted In The Neighborhood Business 2 Zone (Route 195/Mansfield Center Area)**

**2. Categories of Permitted Uses in the Neighborhood Business 2 zones requiring special permit approval as per the provisions of Article V, Section B:**

No new structures in the Neighborhood Business 2 zones shall exceed 3,000 square feet in total floor area or exceed 2,000 square feet of floor area on the first floor of the building. Expansions of structures may be authorized as follows:

- Structures in existence prior to January 1, 1996 may be expanded by up to ten percent (10%) of the square footage of total floor area existing as of 1/1/96 even if the resultant square footage exceeds the size limits cited above for new structures;
- Any structure may be expanded up to the size limits cited above for new structures.

**The commission may modify size limitations for special permits authorized under Article X.A.4.d**

## Statement of Justification for Regulation Change

The Zoning text changes are designed to provide the commission with the appropriate discretionary authority intended under Article 10 section A.4.d. Changes in Article 8 include the necessary language to cross reference Article 8 Schedule of Dimensional requirements with the provisions of Article 10. Change in the maximum Building height provides for consistency with existing structures and maximum heights allowed for in neighboring residential zones. Change in Article Seven Section S.2 recognizes size limitation as a dimensional unit and provides cross reference to Article Ten Section A.4.d

All of the proposed regulation changes allows for greater design flexibility to take full advantage of the provisions of Article 10 Section R.

The proposed changes are compatible with the plan of conservation and community development.

Neighborhood Business-2 Zone consists of nine properties with structures located on the easterly side of Route 195. The current Zone has a maximum height requirement of 30' which is defined as " Height. The vertical distance measured from the average elevation of the proposed finished grade along the wall of a building to the highest point of such building".

Properties abutting the NB -2 zone are either a PO-1 zone can have a building height of 40 ft or a residential zone that can have a building height of 35 ft.

The following is a summary of the NB-2 Zone with its approximate building heights based on the height definition with existing ground elevations.

Along Route 195 corridor from south to north

452 HST Real estate 1-1/2 story cape	approx. height = 25'
454 Husky Package Store 1 story commercial building	approx. height = 25'
460 T+B Motors Commercial Garage	approx. height = 32'
466 Mansfield Restaurant	approx. height = 25'
476 2 story office (colonial)	approx. height = 33'
476 Barn (excluding cupola)	approx. height = 40'
518 4 family house (Colonial)	approx. height = 33'
522 Post office	approx. height = 25'
522 multi family house (Colonial)	approx. height = 36'
534 General Store	approx. height = 40'

To remedy the apparent inconsistencies we recommend changing the allowable maximum building height to 35 ft

This will allow for appropriate architectural design elements considering New England proportions of existing Colonials within the Mansfield Center village.

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

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LINDA M. PAINTER, AICP, DIRECTOR

**Memo to:** Planning and Zoning Commission  
**From:** Linda M. Painter, AICP, Director of Planning and Development  
**Date:** June 11, 2012  
**Subject:** 8-24 Referral: LaGuardia Lane/Quiet Meadow Subdivision

Pursuant to the provisions of Section 8-24 of the State Statues, the above-referenced proposed acquisition of land has been referred to the PZC for comment by the Town Manager. The Town is submitting a grant application to the Department of Energy and Environmental Protection (DEEP) Open Space and Watershed Land Acquisition Program to fund the acquisition of the Quiet Meadow Subdivision on LaGuardia Lane for Town open space. The subject property is an eight lot subdivision located on the east side of Dodd Road. The subdivision was approved in 2008 but has not yet been developed. The proposed acquisition does not include the house at 34 Dodd Road, which was technically the ninth lot of the subdivision.

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

- The property being considered by the Town is 18.7-acres in size, is undeveloped, is situated in an RAR-90 zone and is located adjacent to Mansfield Hollow State Park and existing town open space that was dedicated as part of the subdivision.
- The property is identified as Interior Forest Tract and Wetland on Map 21 - *Existing and Potential Conservation Areas* in the Plan of Conservation and Development (POCD).
- The property meets the following Open Space Acquisition Priority Criteria identified in Appendix K of the POCD used to assist in evaluating open space acquisitions:
  - The property is identified as a potential conservation area on Map 21 of the POCD
  - The property would expand an existing preserved open space area
- The property is adjacent to the Mansfield Center Historic District and across the street from the historic Dodd home. Preservation of this property would help preserve the historic ambiance of Mansfield's oldest settlement.
- The Open Space Preservation Committee reviewed this property at their November 22, 2011 meeting and recommended that the Town Council consider preservation of this property.

**Summary/Recommendation**

Based on open space priority criteria and mapping contained in Mansfield's Plan of Conservation and Development, Town acquisition of the LaGuardia Lane Property would promote goals set forth in Mansfield's Plan of Conservation and Development. It is recommended **that the PZC notify the Town Council that the proposed acquisition of the LaGuardia Lane Property would promote Mansfield's Plan of Conservation and Development through protection of interior forest and improved access to existing preserved open space.**

# 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 *MuH*  
Date: June 13, 2012  
Re: Referral: CT DEEP Open Space and Watershed Acquisition Grant - LaGuardia Property

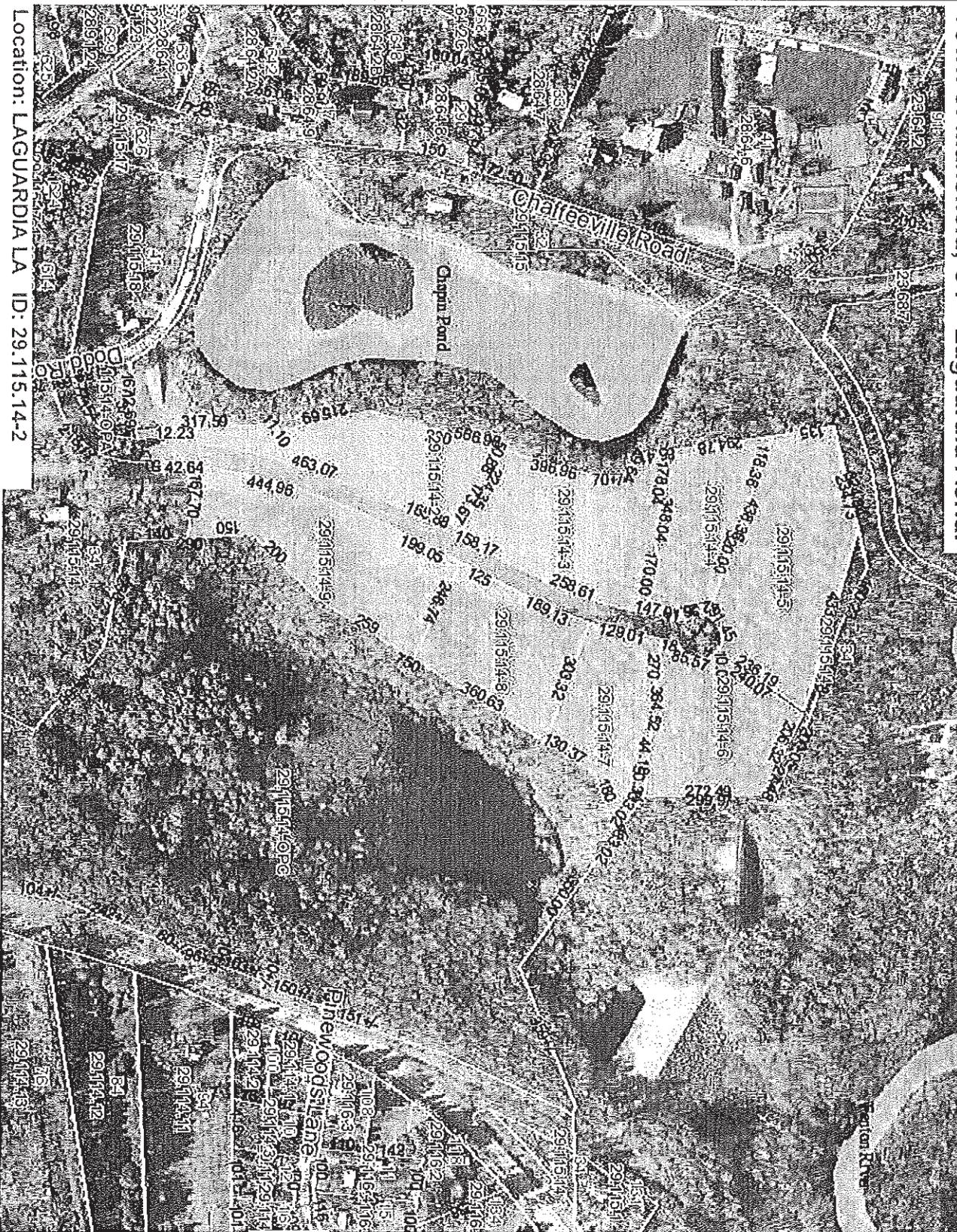
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The following motion was passed by the Town Council on 6/11/2012:

*Move, to refer the proposed acquisition of the 18.7-acre LaGuardia property to the Planning and Zoning Commission for review under Connecticut General Statutes § 8-24.*

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

# Town of Mansfield, CT - Laguardia Aerial



Location: LAGUARDIA LA ID: 29.115.14-2

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



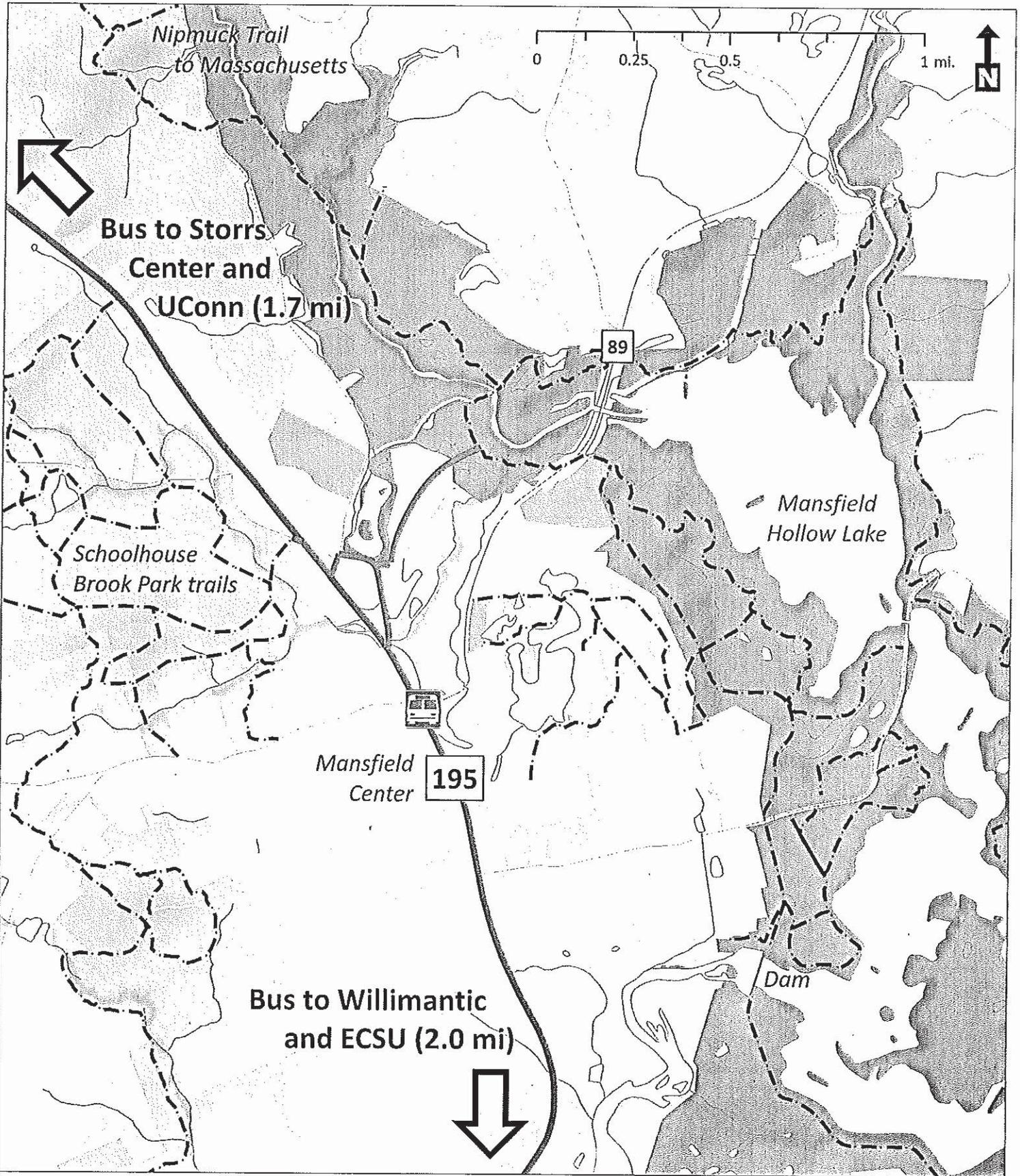
- MapGrid
- towns
- Dimensions
- Address
- ParcelID
- Area
- Streets
- Parcels
- powerlines
- water
- wetlands
- Town
- roads
- highways



1 in = 331.35 ft

Printed:  
12/19/2011

**MainStreetGIS**  
[www.mainstreetgis.com](http://www.mainstreetgis.com)



-  Project trail
-  Existing trail
-  Major roads
-  Storrs-Willimantic bus route
-  Project site (LaGuardia Property)
-  U.S. Army Corps property
-  Other protected open space
-  School, library, or camp property

**Town of Mansfield, CT**  
 FHWA PLHD application, FY 2012  
*Transit and Trail access  
 to Mansfield Hollow project map*



Town of Mansfield  
Agenda Item Summary

To: Town Council  
From: Matt Hart, Town Manager  
CC: Maria Capriola, Assistant to Town Manager; Linda Painter, Director of Planning and Development; Curt Vincente, Director of Parks and Recreation, Jennifer Kaufman, Parks Coordinator  
Date: June, 11 2012  
Re: CT DEEP Open Space and Watershed Acquisition Grant - LaGuardia Property

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**Subject Matter**

In consultation with the Open Space Preservation Committee (OSPC), staff is working on a grant application to the Connecticut Department of Energy and Environmental Protection's (DEEP) Open Space and Watershed Acquisition Program for funds to purchase the 18.7-acre LaGuardia property. Recall that the Town has submitted a Federal Highway Administration (FHWA) grant to acquire this parcel. The FHWA had planned to announce the grant awards in mid-May 2012, but has pushed the timetable back to this summer. Subsequently, DEEP has announced its grant application round. The Town has been successful in receiving grants from DEEP to acquire open space and is confident that the LaGuardia property would rank highly under DEEP's criteria. If the DEEP grant were awarded to the Town, the Council would need to conduct a public hearing regarding the proposed acquisition and to vote to authorize the purchase.

**Background**

The LaGuardia Property is an 18.7-acre parcel that in 2009 was subdivided into eight lots. The PZC's subdivision approval included a 37-acre open space dedication to the Town. The owner is currently marketing the 18.7-acre parcel as an estate lot for \$395,000. The OSPC reviewed this property at its November 22, 2011 meeting and recommended that the Town Council consider preservation of this property.

The property is an in-holding surrounded by Federal and Town lands on three sides (see map). Army Corps property includes land to the north and west (Mansfield Hollow State Park) and Town properties include the Chapin Brook valley on the east side and a corridor for an existing trail on north side. Nearby properties and amenities include a UConn Forest Tract and the Nipmuck Trail.

The land is a high, level glacial terrace that slopes steeply down to Chapin Pond on the west side (owned by the Army Corps) and to Chapin Brook on the east side (owned by the Town). The property features scenic views of Chapin's Pond and the field on the terrace from both Dodd Road and Chaffeeville Road. The south half of the property is a hay field that is prime farmland (Merrimack) and has been hayed by a local farmer for many years. The north half contains a mature pine woods.

The LaGuardia property lies within a DEEP Natural Diversity Data Base circle, and may host a species of concern to the state. Chapin Pond, which the property borders on the west side, is a Leatherleaf bog, an uncommon scrub-shrub wetland type, and is included in the list of "Significant Wildlife and Conservation Resources" in Appendix J of the Town's Plan of Conservation and Development. Consequently, the Town has an interest in preserving the pond's unique plant community and ecological integrity by protecting abutting land. During the subdivision application the OSPC expressed concern about potential impacts to Chapin Pond from nutrient flows via groundwater into the pond from septic systems and lawn chemicals. Preservation of the LaGuardia parcel would avoid that impact to the pond.

The location of this parcel on Dodd Road would provide easy access between Schoolhouse Brook Park and Mansfield Hollow and serve as part of a town-wide trail system. The popular trails in Mansfield Hollow are not accessible by public transit and the LaGuardia property's frontage on Dodd Road would provide easy access from the bus line along Storrs Road (Rte 195) to Mansfield Hollow.

The LaGuardia property is situated adjacent to the Mansfield Center Historic District and across the street from the historic Dodd home. Preservation of this property would help preserve the historic character of Mansfield's oldest settlement.

#### Financial Impact

DEEP grants cover up to 65-percent of the appraised value of the property. The remainder of the purchase price would be financed from the Town's Open Space Fund.

#### Recommendation

As staff is still working on the grant application, at this point we recommend that the Town Council refer the proposed acquisition of the LaGuardia property to the Planning and Zoning Commission (PZC) for review and comment under Section 8-24 of the *Connecticut General Statutes*. At the Council's next regular meeting on June 25, 2012, we will seek your authorization to submit the application to DEEP.

If the Town Council agrees with this recommendation, the following motion is in order.

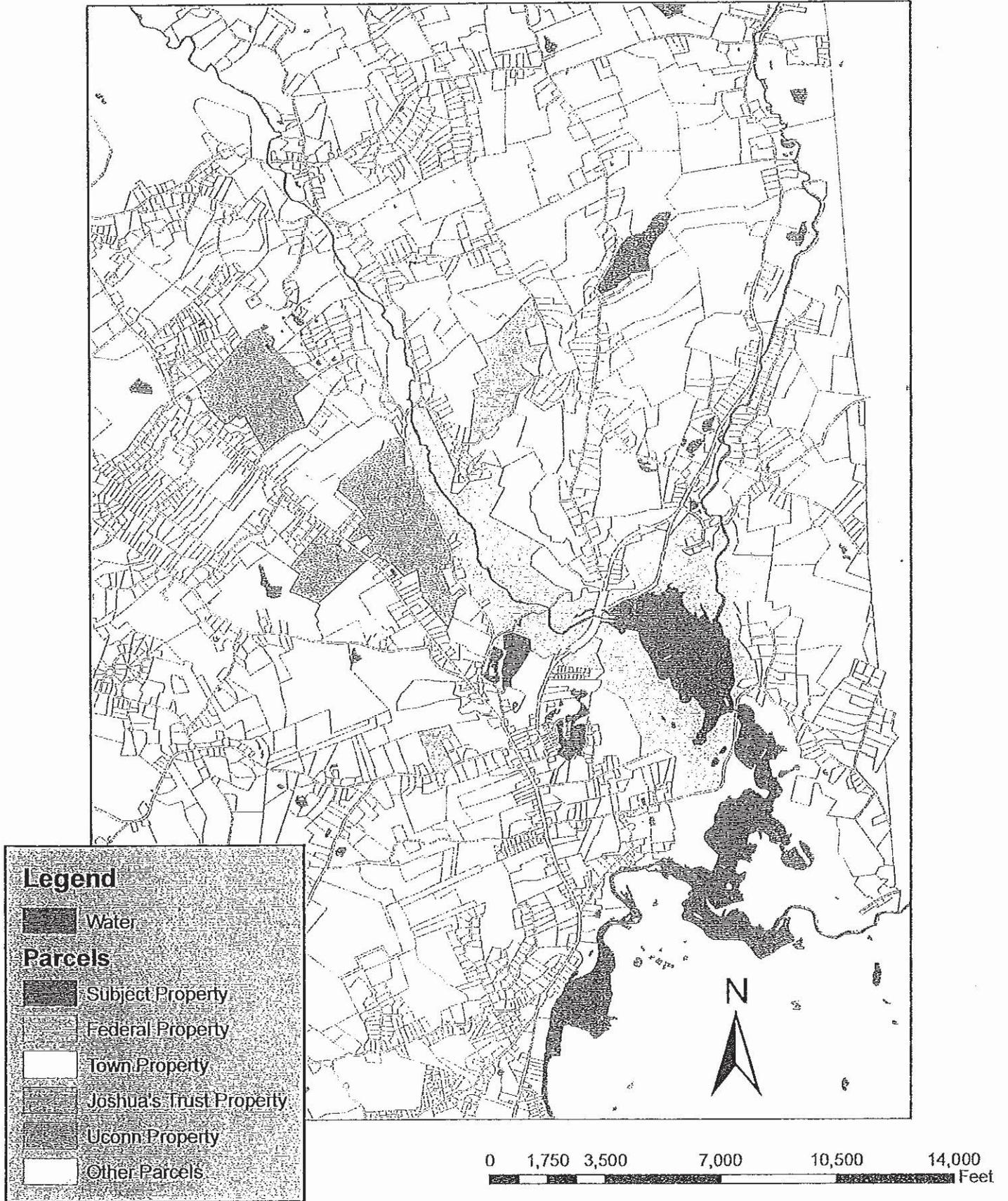
*Move, to refer the proposed acquisition of the 18.7-acre LaGuardia property to the Planning and Zoning Commission for review under Connecticut General Statutes § 8-24.*

Attachments

- 1) Maps of LaGuardia Property



Town of Mansfield, CT -  
Federal, State, Joshua's Trust, and Land Adjacent to Subject Property



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

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LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Mansfield Planning and Zoning Commission  
From: Linda M. Painter, AICP, Director *LMP*  
Date: June 11, 2012  
Re: 8-24 Referral: Elementary School Building Project

The attached memo from Matthew Hart, Town Manager, on behalf of the Town Council, refers for Planning and Zoning consideration a proposed school building project that will be presented at a referendum this fall. The referral has been made pursuant to section 8-24 of the State Statutes. The subject project involves demolition of the Annie E. Vinton and Dorothy C. Goodwin Elementary schools and construction of two new elementary schools on those sites, acquisition of property needed to accommodate the new school construction, closure of the Southeast Elementary School, and heavy renovations to the Mansfield Middle School including window and roof replacement, installation of solar panels and replacement of modular classrooms. No future use for Southeast Elementary School has been identified at this time. As initial plans include all three of the existing schools remaining open during construction, the new schools will be located on previously undeveloped portions of the Vinton and Goodwin properties. It is also anticipated that acquisition of property adjacent to the Goodwin property may be needed. If the project is approved through the referendum, Special Permit approval would be required for the new schools.

This referral seeks comments regarding whether the project is consistent with Mansfield's Plan of Conservation and Development. As the proposed project involves improvements to the town's educational facilities, it is consistent with Policy Goal 4.d: "To encourage retention and appropriate expansion of high quality educational, recreational, and other governmental facilities, programs and services." The first recommendation for this objective states "Continue to maintain high-quality educational and childcare facilities and, as funding allows, implement improvements that are consistent with the goals, objectives, and recommendations contained in this plan."

While the note following this recommendation indicates that no major educational facility needs were anticipated at the time the Plan was developed, the Board of Education has since determined that the construction of two new schools is the best approach to address shortcomings in the existing facilities and the best option to ensure that Mansfield continues its tradition of providing high quality education for all children.

**Summary/Recommendation**

Based on the above analysis, the proposed project is consistent with the Plan of Conservation and Development. The following resolution, prepared by the Town's Bond Counsel is considered appropriate and approval is recommended.

RESOLUTION OF THE PLANNING AND ZONING COMMISSION  
OF THE TOWN OF MANSFIELD, CONNECTICUT

RESOLVED, that the Planning and Zoning Commission of the Town of Mansfield approves the following project with respect to the Town's elementary and middle schools, pursuant to Section 8-24 of the General Statutes of Connecticut, consisting of:

1. The closure and demolition of the Dorothy C. Goodwin Elementary School and the Annie E. Vinton Elementary School, and the construction and equipping of a new elementary school on each of these sites, including, if necessary or desirable to accommodate the new school design, the purchase of land adjacent to either of these sites, and including related work and improvements;;
2. Select heavy renovations to the Mansfield Middle School, including but not limited to roof and window replacements, installation of solar panels, and the replacement of modular classrooms, and related work and improvements; and
3. The closure of the Southeast Elementary School, the future use of which is undetermined at this time; and

provided that this resolution is for approval of conceptual plans only. Each project is subject to and shall comply with all applicable zoning, site plan, subdivision, inland wetland and other laws, regulations and permit approvals, and this resolution shall not be a determination that any such project is in compliance with any such applicable laws, regulations or permit approvals.

C: Matthew Hart  
Cherie Trahan  
Fred Baruzzi  
Bill Hammon

# 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 *MWH*  
Date: June 13, 2012  
Re: Referral: School Building Project

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The following motion was passed by the Town Council on 6/7/2012:

*[Move] the Town Council proceed with further review and public input on the conceptual project for the Town's elementary and middle schools consisting of:*

- 1. The closure and demolition of the Annie Vinton and Dorothy Goodwin schools and the construction and equipping of a new elementary school on each of these sites, including if necessary or desirable to accommodate the new school design, the purchase of land adjacent to either of these sites, and related work and improvements;*
- 2. Specific renovations to the Mansfield Middle School, including but not limited to roof and window replacements, installation of solar panels, and the replacement of modular classrooms, and related work and improvements; and*
- 3. The closure of Southeast Elementary School, the future use of which is undetermined at this time.*

*This project shall be referred to the Planning and Zoning Commission for a report pursuant to Section 8-24 of the Connecticut General Statutes.*

Your assistance with this matter is greatly appreciated.

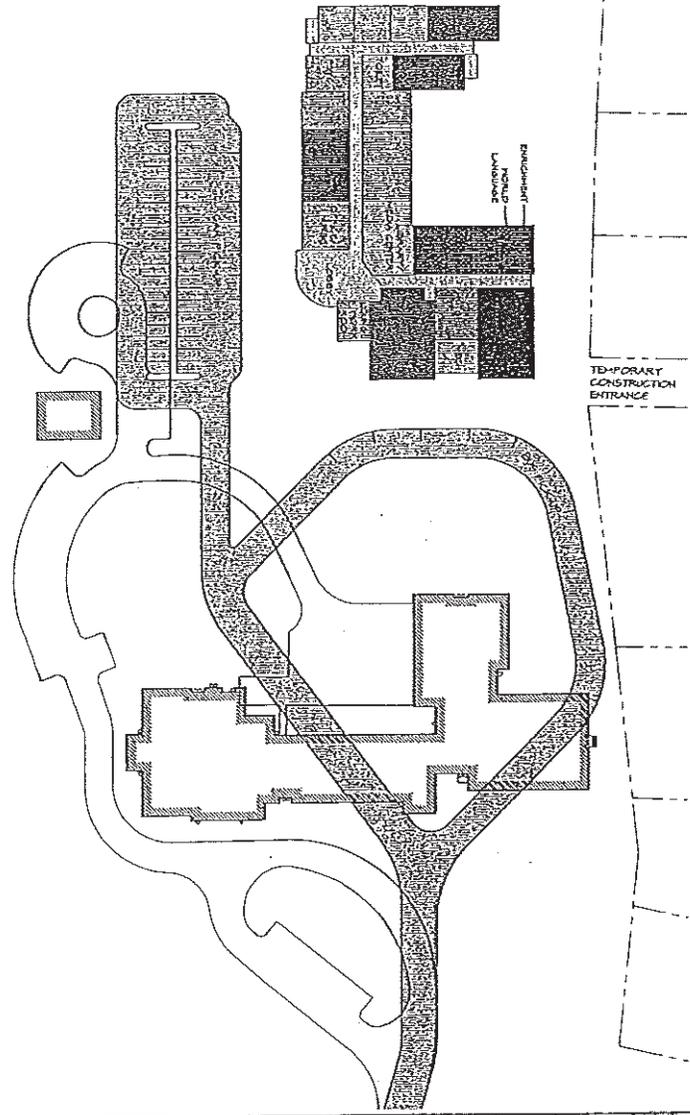
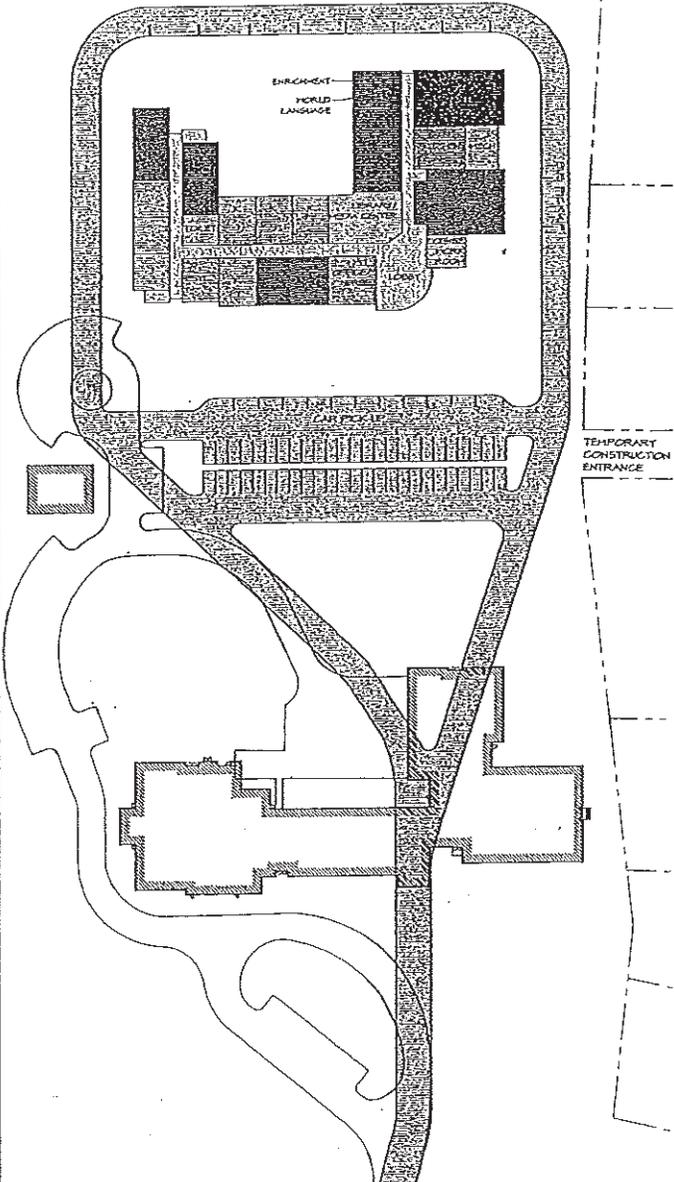
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SCHEME 2

SCHEME 1

APPROXIMATE EXTENT OF OPEN SPACE

APPROXIMATE EXTENT OF OPEN SPACE



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

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LINDA M. PAINTER, AICP, DIRECTOR

**Memo to:** Planning and Zoning Commission  
**From:** Linda M. Painter, AICP, Director of Planning and Development *JMP*  
**Date:** June 7, 2012  
**Subject:** University of Connecticut Technology Park

As you are aware, last year the Connecticut Legislature approved through Public Act 11-57 the issuance of \$172,500,000 in bonds to be used by “the University of Connecticut for the purpose of the development of a technology park and related buildings at the university, including planning, design, construction and improvements, land acquisition, purchase of equipment, on-site and off-site utilities and infrastructure improvements.” The legislation also included a requirement that the University consult with the Town regarding any on-site or off-site utilities that are financed through the bond issuance: “Notwithstanding any provision of the general statutes, the university shall have the charge and supervision of all aspects of the project authorized under this section, as provided in section 10a-109n of the general statutes. Such charge and supervision shall extend to any off-campus improvements undertaken as part of said project. The university shall work in consultation with the town of Mansfield regarding any on-site or off-site utilities that are financed pursuant to this section.”

Pursuant to the Final Environmental Impact Statement (FEIS) for North Hillside Road, the park is projected to include 966,000 square feet in addition to the 310,000 square feet existing at Charter Oak Apartments. The master planning effort for the park began at the end of May and is expected to be completed within the next three months. The programming and design for the first building, which will be owned and operated by the University, is also beginning. There will be opportunities for community input on the draft master plan.

A few months ago, a question was raised by a member of the Four Corners Sewer and Water Advisory Committee as to whether the town had jurisdiction over development in the park; particularly any buildings that would be privately developed or owned. As the question of local jurisdiction over private development on university property has been raised in the past, staff began the process of researching previous legal opinions for similarities to the current situation. In the interim, the University provided a copy of an informal opinion issued in December 2011 by the Assistant Attorney General regarding the ability of the Town of Farmington to regulate the development of the new Jackson Laboratory building which is being developed on UConn Health Center property. The full opinion is attached for your information; relevant excerpts are as follows:

\* \* \* \* \*

*This office has consistently opined that in the absence of specific statutory authority, local zoning officials have no jurisdiction over the construction of a building on state land, even if the building being constructed is owned by a private entity.*

*Relative to the zoning review, this office has consistently advised state agencies that local zoning regulations do not apply to such construction projects absent an explicitly articulated legislated intent. See Conn. Op. Atty. Gen. No. 86-63 (August 18, 1986) (Commercial property owned by University of Connecticut in Mansfield, Connecticut and leased to private businesses is not subject to local zoning); see also 26 Conn. Op. Atty. Gen. 98, 99 (Town of Windsor Locks lacks zoning authority over privately owned hotel at Bradley Field); and 33 Conn. Op. Atty. Gen. 38 (1963) (Lease out of state owned park property not subject to local zoning).*

\* \* \* \* \*

*Nor do state statutes vest in municipalities authority to regulate wetlands on state property. See, Conn. Op. Atty. Gen. 1975 WL 28320, May 29, 1975. (Local inland wetland regulations are inapplicable to regulated activities undertaken by an administrative agency of the state of Connecticut). In this case, jurisdiction over wetlands issues rests with the Department of Energy and Environmental Protection.*

*Further, it is important to note that the instant transaction has been fashioned pursuant to an explicit legislative mandate. In that regard, it demonstrates a clear governmental purpose with neither explicit or implicit authority vested in local zoning, building, or wetlands authorities.*

*Based on the foregoing, the construction project you have described herein is not subject to any Town of Farmington zoning, subdivision, wetlands, building permit or other land use approvals or permits.*

\* \* \* \* \*

Staff will be on hand to provide assistance during discussion of this item and is available to research the issue further if requested by the Commission.

GEORGE JEPSEN  
ATTORNEY GENERAL



University of Connecticut  
Health Center  
263 Farmington Avenue  
Room LMO43  
Farmington, CT 06030-8803

Tel. (860) 679-1114

Office of The Attorney General  
**State of Connecticut**

December 16, 2011

Thomas Q. Callahan  
Vice President and Strategy Officer  
for Bioscience Connecticut  
University of Connecticut Health Center  
263 Farmington Avenue  
Farmington, CT 06030

**Re: Request for Informal Opinion**

Dear Mr. Callahan:

Assistant Attorney General Henry Salton has asked me to respond to your letter to him dated December 14, 2011 relative to the applicability of Town of Farmington zoning, subdivision, wetlands, building permit or other land use approvals or permits on the construction of a research lab by a private, tax exempt entity on state property.

More specifically, your letter states:

The General Assembly of the State of Connecticut enacted, in an October 2011 Special Session, Bill. No 1401, An Act Establishing the Connecticut Bioscience Collaboration Program (the "Act"), which established within Connecticut Innovations, Incorporated ("CI") a program to support the establishment of a bioscience cluster anchored by a research laboratory housed at The University of Connecticut Health Center ("UCHC") in the Town of Farmington. Specifically, CI was mandated to work in collaboration with an entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code ("IRC") to "develop, construct and equip a structure for use as a research laboratory and office building operation".

The legislation further authorizes the State Bond Commission to issue bonds to provide financial aid in support of the proposed research facility.

As authorized by the Act, UCHC is in the process of negotiating a 98-year ground lease with an independent research organization that is exempt from taxation under Section 501(c)(3) of the IRC. The leased premises will be comprised of 17 acres of land on the UCHC campus, title to which is held by the State of Connecticut. The tenant shall construct, own, and operate, with financial assistance provided by CI, the "research laboratory and office building operation" and related amenities, including, without limitation, parking (collectively, the "Project") contemplated by the Act.

Against this background, UCHC would like legal clarification as to whether the Project which (a) is to be constructed, owned and operated on the UCHC campus by an independent research organization exempt from taxation under Section 501(c)(3) of the IRC, and (b) will serve as anchor to a Connecticut bioscience cluster, in furtherance of the Act and in collaboration with UCHC, among others, is subject to any Town of Farmington zoning, subdivision, wetlands, building permit or other land use approvals or permits.

This office has consistently opined that in the absence of specific statutory authority, local zoning authorities have no jurisdiction over the construction of a building on state land, even if the building being constructed is owned by a private entity.

Relative to the zoning review, this office has consistently advised state agencies that local zoning regulations do not apply to such construction projects absent an explicitly articulated legislative intent. See Conn. Op. Atty. Gen. No. 86-63 (August 18, 1986) (Commercial property owned by University of Connecticut in Mansfield, Connecticut and leased to private businesses is not subject to local zoning); see also 26 Conn. Op. Atty. Gen. 98, 99 (Town of Windsor Locks lacks zoning authority over privately owned hotel at Bradley Field); and 33 Conn. Op. Atty. Gen. 38 (1963) (Lease out of state owned park property not subject to local zoning).

This is similarly true relative to local building requirements. Building permit statutes must be interpreted in light of established principles governing the State's sovereignty. See, Conn. Op. Atty. Gen. No. 85-027 (April 17, 1985): "The rule of statutory construction which governs your inquires [about the State Building Code] is that it is 'a universal rule in the construction of statutes limiting rights, that they are not to be construed to embrace the government or sovereignty unless by express terms or necessary implication such appears to have been the clear intention of the legislature, and the rights of the government are not to be impaired by a statute unless its terms are clear and explicit, and admit of no other construction.'" Id. (citations omitted). In

reading the statutes cited in your request for advice I simply do not see a "clear and explicit" intention of the legislature to subject building activities on State owned land to the control of local authorities. On the contrary, the statutes specifically provide, as recognized in your request for advice, that "State agencies shall be exempted from the permit requirements of section 29-263 . . .", which is the local building inspector's statute. See, Conn. Gen. Stat. § 29-252a(h). This exemption is reiterated in Section 29-263 which starts with the statement that "[e]xcept as provided in subsection (h) of section 29-252a . . .". These provisions are consistent with the conclusion that the legislature did not intend that the use of State land be subject to regulation by local communities.

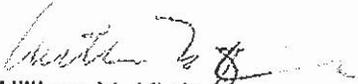
Nor do state statutes vest in municipalities authority to regulate wetlands on state property. See, Conn. Op. Atty. Gen. 1975 WL 28320, May 29, 1975. (Local inland wetland regulations are inapplicable to regulated activities undertaken by an administrative agency of the state of Connecticut). In this case, jurisdiction over wetlands issues rests with the Department of Energy and Environmental Protection.

Further, it is important to note that the instant transaction has been fashioned pursuant to an explicit legislative mandate. In that regard, it demonstrates a clear governmental purpose with neither explicit nor implicit authority vested in local zoning, building, or wetlands authorities.

Based on the foregoing, the construction project you have described herein is not subject to any Town of Farmington zoning, subdivision, wetlands, building permit or other land use approvals or permits.

Finally, as you know, this represents my legal analysis as an Assistant Attorney General and does not constitute a formal opinion of the Attorney General.

Very truly yours,

  
William N. Kleinman  
Assistant Attorney General

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**Excerpt of Public Act 11-57**

Sec. 92. (Effective July 1, 2011) (a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power, from time to time, to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate one hundred seventy-two million five hundred thousand dollars, provided one hundred fifty-four million five hundred thousand dollars of said authorization shall be effective July 1, 2012.

(b) (1) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by The University of Connecticut for the purpose of the development of a technology park and related buildings at the university, including planning, design, construction and improvements, land acquisition, purchase of equipment, on-site and off-site utilities and infrastructure improvements.

(2) Notwithstanding any provision of the general statutes, the university shall have the charge and supervision of all aspects of the project authorized under this section, as provided in section 10a-109n of the general statutes. Such charge and supervision shall extend to any off-campus improvements undertaken as part of said project. The university shall work in consultation with the town of Mansfield regarding any on-site or off-site utilities that are financed pursuant to this section.

(c) All provisions of section 3-20 of the general statutes, or the exercise of any right or power granted thereby, which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization which is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

## Connecticut General Statutes

**Sec. 10a-109n. Construction by the university of capital improvements.** (a) For the period from July 1, 2001, to June 30, 2018, or until completion of the UConn 2000 infrastructure improvement program, whichever is later, the university shall have charge and supervision of the design, planning, acquisition, remodeling, alteration, repair, enlargement or demolition of any real asset or any other project on its campuses.

(b) (1) The university shall cause to be prepared, proposed construction standards for all projects. The proposed standards shall, subject to applicable law, include, among other things, provisions relating to the quality and type of materials to be used, provisions for safety, fire protection, health and sanitation, provisions for the installation of fixtures, furnishings, equipment, machinery and apparatus, and construction features.

(2) Pursuant to such construction standards in effect at such time, the university shall cause to be prepared, within the costs available therefor, the detailed plans and specifications for each project. The university may from time to time modify, or authorize modifications to, such detailed plans and specifications, provided the plans and specifications as so modified shall comply with the construction standards, if any, adopted pursuant to sections 10a-109a to 10a-109y, inclusive, and in effect at the time of the modifications, and the provisions of section 10a-109e are complied with.

(3) The university shall identify the scope of work and hire, and contract with persons with the necessary experience and capability to perform such scope of work.

(4) The university may contract with a design professional for the design of any project, with a general contractor for the construction of any project; and with one or more prime trade contractors with respect to such construction work if the university determines that to do so will be in the public interest of the state.

(c) (1) Any construction contract to which the university is a party may include a provision that the design professional who designed the project, or an architect or professional engineer or construction manager retained or employed specifically for the purpose of supervision, may supervise the work to be performed through to completion and ensure that the materials furnished and the work performed are in accordance with the drawings, plans, specifications and contracts therefor.

(2) (A) Except as provided in subparagraph (B) of this subdivision, any total cost basis contract or other contract for the construction of a university project which is estimated to cost more than five hundred thousand dollars, shall be publicly let by the university. The university shall give notice to contractors interested in prequalifying to submit a project proposal or bid, by advertising, at least once, in one or more newspapers having general circulation in the state and by posting the advertisement on the university web site. The notice to prequalify shall contain the requirement that contractors be prequalified pursuant to section 4a-100, a statement of the time and place where the responses shall be

received and such additional information as the university deems appropriate. Upon receipt of such responses, the university shall select each contractor who has been prequalified pursuant to section 4a-100 and has shown itself able to post surety bonds required by such contract and has demonstrated that it possesses the financial, managerial and technical ability and the integrity necessary and without conflict of interest for faithful and efficient performance of the work provided for therein. The university shall evaluate whether each such contractor is responsible and qualified based on its experience with projects similar to that for which the bid or proposal is to be submitted and based on objective written criteria included in the application to request prequalification with respect to such contract. The university shall also consider whether a contractor, and any subcontractor on the contractor's previous projects, has been in compliance with the provisions of part III of chapter 557 and chapter 558 during the previous five calendar years.

(B) Notwithstanding the provisions of subparagraph (A) of this subdivision, the board of trustees may approve a total cost basis contract or other contract for the construction of a university project which is estimated to cost more than five hundred thousand dollars that has not been publicly let pursuant to the provisions of said subparagraph (A), provided the board deems the contract to address an emergency.

(3) The university shall thereafter give notice to those so prequalified by the university pursuant to subdivision (2) of this section of the time and place where the public letting shall occur and shall include in such notice such information of the work required as appropriate. Each bid or proposal shall be kept sealed until opened publicly at the time and place as set forth in the notice soliciting such bid or proposal. The university shall not award any construction contract, including, but not limited to, any total cost basis contract, after public letting, except to the responsible qualified contractor, submitting the lowest bid or proposal in compliance with the bid or proposal requirements of the solicitation document. The university may, however, waive any informality in a bid or proposal, and may either reject all bids or proposals and again advertise for bids or proposals or interview at least three responsible qualified contractors and negotiate and enter into with any one of such contractors that construction contract which is both fair and reasonable to the university.

(4) The notice to each contractor prequalified to submit a proposal or bid and the construction contract, including each total cost basis contract, awarded by the university shall contain such other terms and conditions, and such provisions for penalties as the university may deem appropriate.

(5) No payments shall be made by the university on account of any contract for the project awarded by or for the university until the bills or estimates presented for such payment shall have been duly certified to be correct by the university. No payments shall be made from any other fund on account of any contract for any project awarded by or for the university until the bills or estimates presented for such payment shall have been duly certified to be correct by the university.

(6) Provision shall be made in each contract to the effect that payment is limited to the amount provided therein and that no liability of the university or state shall and may be incurred beyond such

amount.

(7) The university shall require, for the protection of the state and the university, such deposits, bonds and security in connection with the submission of bids or proposals, the award of construction contracts and the performance of work as the university shall determine to be appropriate and in the public interest of the state.

(8) Any contract awarded by the university shall be a contract with the state acting through the university.

(9) The university shall not enter into a construction manager at-risk project delivery contract that does not provide for a maximum guaranteed price for the cost of construction which shall be determined not later than the time of the receipt and approval by the university of the trade contractor bids. Each construction manager at-risk shall invite bids and give notice of opportunities to bid on project elements, by advertising, at least once, in one or more newspapers having general circulation in the state. Each bid shall be kept sealed until opened publicly at the time and place as set forth in the notice soliciting such bid. The construction manager at-risk shall, after consultation with and approval by the university, award any related contracts for project elements to the responsible qualified contractor, who shall be prequalified pursuant to section 4a-100, submitting the lowest bid in compliance with the bid requirements, provided (A) the construction manager at-risk shall not be eligible to submit a bid for any such project element, and (B) construction shall not begin prior to the determination of the maximum guaranteed price, except for the project elements of site preparation and demolition that have been previously put out to bid and awarded.

(d) For the purposes of part III of chapter 557, a project undertaken by the university shall be deemed to be a state public works project and consist of public buildings.

(e) (1) Notwithstanding any provision of the general statutes, any license, permit, and approval required or permitted to be issued and any administrative action required or permitted to be taken pursuant to the general statutes in connection with any project by the university shall be issued or taken upon application to the particular commissioner or commissioners having jurisdiction over such license, permit, approval or other administrative action or such other state official as such commissioner shall designate. As used in this section, the term commissioner shall mean commissioners if more than one commissioner has jurisdiction over the subject matter and their designee, if any. No agency, commission, council, committee, panel or other body whatsoever other than such commissioner shall have jurisdiction over or cognizance of any licenses, permits, approvals or administrative actions concerning any project and no notice of any tentative determination or any final determination regarding any such license, permit, approval or administrative action and no notice of any such license, permit, approval or administrative action shall be required except as expressly provided pursuant to this subsection. For purposes of sections 10a-109a to 10a-109y, inclusive, a capital project is a state facility and accordingly, no ordinance, law or regulation promulgated by or any authority granted to any municipality or any other political subdivision of the state shall apply to a capital project. The State

Properties Review Board shall have jurisdiction over any project in the same manner as provided in chapter 60 for a priority higher education facility project. Such commissioner may issue licenses and permits, give such approval and take such administrative action as shall be necessary or desirable.

(2) All applications, supporting documentation and other records submitted to the commissioner and pertaining to any application for any license, permit, approval or other administrative action, together with all records of the proceedings of the commissioner relating to any license, permit, approval or administrative action shall be a public record and shall be made, maintained and disclosed in accordance with the Freedom of Information Act, as defined in section 1-200.

(3) All applications for licenses, permits, approvals and other administrative action required by any applicable provision of the general statutes shall be submitted to the commissioner as provided in subdivision (1) of this subsection.

(4) (A) Any hearing regarding all or any part of any project, provided for by this section, shall be conducted by the particular commissioner having jurisdiction over the applicable license, permit, approval or other administrative action. Legal notice of such hearing shall be published in a newspaper having general circulation in an area which includes the municipality in which the particular part of such project is proposed to be built or is being built not more than ten nor less than five days in advance of such hearing.

(B) In rendering any decision in connection with any project, the commissioner shall weigh all competent material and substantial evidence presented by the applicant and the public in accordance with the applicable statute. The commissioner shall issue written findings and determinations upon which its decision is based. Such findings and determinations shall consist of evidence presented including such matters as the commissioner deems appropriate, provided such matters, to the extent applicable to the particular permit, shall include the nature of any major adverse health and environmental impact of any project. The commissioner may reverse or modify any order or action at any time on the commissioner's own motion. The procedure for such reversal or modification shall be the same as the procedure for the original proceeding.

(C) Any administrative action taken by any commissioner in connection with any project may be appealed by an aggrieved party to the superior court for the judicial district of New Britain in accordance with the provisions of section 4-183, except as otherwise provided in sections 10a-109a to 10a-109y, inclusive. Such appeal shall be brought within ten days of the date of mailing to the parties to the proceeding of a notice of such order, decision or action by certified mail, return receipt requested, and the appellant shall serve a copy of the appeal on each party listed in the final decision at the address shown in such decision. Failure to make such service within such ten days on parties other than the commissioner who rendered the final decision may not, in the discretion of the court, deprive the court of jurisdiction over such appeal. Within ten days after the service of such appeal, or within such further time as may be allowed by the court, the commissioner which rendered such decision shall cause any portion of the record that had not been transcribed to be transcribed and shall cause either the original

or a certified copy of the entire record of the proceeding appealed from to be transmitted to the reviewing court. Such record shall include the commissioner's findings of fact and conclusions of law, separately stated. If more than one commissioner has jurisdiction over the matter, such commissioners shall issue joint findings of fact and conclusions of law. Such appeal shall state the reasons upon which it is predicated and, notwithstanding any provisions of the general statutes to the contrary, shall not stay the development of any project. The commissioner which rendered such decision shall appear as the respondent. Such appeals to the superior court shall each be privileged matters and shall be heard as soon after the return date as practicable. A court shall render its decision not later than twenty-one days after the date that the entire record, with the transcript, is filed with the court by the commissioner who rendered the decision.

(D) The court shall not substitute its judgment for that of the commissioner as to the weight of the evidence presented on a question of fact. The court shall affirm the decision of the commissioner unless the court finds that substantial rights of the party appealing such decision have been materially prejudiced because the findings, inferences, conclusions or decisions of the commissioner are: (i) In violation of constitutional or statutory provisions, (ii) in excess of the statutory authority of the commissioner, (iii) made upon unlawful procedure, (iv) affected by an error of law, (v) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record, or (vi) arbitrary, capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(E) If the court finds material prejudice, it may sustain the appeal. Upon sustaining an appeal, the court may render a judgment which modifies the decision of the commissioner, orders particular action of the commissioner or orders the commissioner to take such action as may be necessary to effect a particular action and the commissioner may issue a permit consistent with such judgment. Notwithstanding the foregoing, an applicant may file an amended application and the commissioner may, pursuant to the procedures set forth in sections 10a-109a to 10a-109y, inclusive, consider an amended application for an order, permit or other administrative action following court action.

(F) Notwithstanding the provisions of section 3-125, in consultation with the Attorney General, the university is authorized and may use the legal services of any private attorney, in connection with the construction, operation and maintenance of any project. The board of trustees shall determine the effective and efficient method or methods of legal services to accomplish the construction, operation and maintenance of all projects, taking into account the capacity, cost and expense of private counsel for such services and the capacity and direct and indirect cost and expense of and identified by the Attorney General for such services.

(f) On or before December thirty-first and June thirtieth of each year, the university shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding. Such report shall include the following information: (1) The names and addresses of contractors and subcontractors performing repair, addition, alteration and new construction on the university's campuses in the previous six calendar months, (2) the extent to which such contractors and subcontractors have been in compliance with the provisions of part III of chapter

557 and the provisions of chapter 558, and (3) any actions taken by the university to cooperate with the Labor Department in the enforcement of said provisions.

(P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; 95-230, S. 14, 45; P.A. 97-47, S. 31; P.A. 99-215, S. 24, 29; May 9 Sp. Sess. P.A. 02-3, S. 7; P.A. 06-134, S. 8, 20; June Sp. Sess. P.A. 07-7, S. 60; P.A. 10-104, S. 7.)

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

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LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Planning and Zoning Commission  
From: Linda M. Painter, AICP, Director of Planning and Development  
Date: June 13, 2012  
Subject: July 2, 2012 Meeting

Due to the upcoming Independence Day Holiday and the indication that several members will be absent at the July 2, 2012 meeting of the Planning and Zoning Commission and Inland Wetland Agency, the following motion has been prepared if members deem it appropriate. That the Planning & Zoning Commission cancel the July 2, 2012 meeting for the Planning and Zoning Commission and Inland Wetlands Agency.

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