# MEETING NOTICE AND AGENDA

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting

**Monday, July 16, 2012 ▪ 7:05 PM**

**(or upon completion of Inland Wetland Agency Special Meeting)**

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

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**
   a. June 18, 2012 Meeting
   b. July 11, 2012 Field Trip

4. **Zoning Agent's Report**
   - Monthly Activity Update
   - Enforcement Update
   - Other

5. **Public Hearing**
   **<u>7:15 p.m. Gravel Permit Renewals</u>**
   - 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

   Memo from Zoning Agent

6. **Old Business**
   a. **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

   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 pending further review (to be emailed to members)

   c. **Proposed Right to Farm and Agricultural Tax Incentive Ordinances**
      Draft support letter (to be emailed to members)

Binu Chandy ▪ JoAnn Goodwin ▪ Roswell Hall III ▪ Katherine Holt ▪ Gregory Lewis ▪ Peter Plante
Barry Pociask ▪ Kenneth Rawn ▪ Bonnie Ryan ▪ Vera Stearns Ward (A) ▪ Susan Westa (A) ▪ Vacant (A)

d. **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**
Tabled- Pending Public Hearing Scheduled for 8/6/12

e. **Other**

7. **New Business**

a. **The Gardens at Bassetts Bridge Farm**
Memo from Director of Planning and Development

b. **8-24 Referral-School Building Project**
Memo from Director of Planning and Development

c. **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. Assistant Attorney General opinion Re: UConn Tech Park
   (original transmitted in June 18, 2012 packet was missing page 2)
   b. 7/10/12 Notification of UConn Stage IA Water Conservation Alert
   c. 2011 UConn Water Quality Report
   d. UConn Spring 2012 Enrollment Figures
   e. Coventry Referral: IWA Application for a New Residence within 500' of Mansfield
   f. Coventry Referral: PZC Application for a New Residence within 500' of Mansfield
   g. Summer 2012 CTFPZA Quarterly Newsletter
   h. APA July 2012 Articles
   i. Other

10. **Adjournment**

Binu Chandy ▪ JoAnn Goodwin ▪ Roswell Hall III ▪ Katherine Holt ▪ Gregory Lewis ▪ Peter Plante
Barry Pociask ▪ Kenneth Rawn ▪ Bonnie Ryan ▪ Vera Stearns Ward (A) ▪ Susan Westa (A) ▪ Vacant (A)

**DRAFT** MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, June 18, 2012
Council Chamber, Audrey P. Beck Municipal Building

| | |
|---|---|
| Members present: | J. Goodwin (Chairman), B. Chandy, R. Hall, K. Holt (7:05 p.m.), G. Lewis, P. Plante, B. Pociask, K. Rawn, B. Ryan |
| Alternates present: | V. Ward, S. Westa |
| Staff Present: | Linda Painter, Director of Planning and Development |

Chairman Goodwin called the meeting to order at 7:00 p.m., appointing Ward to act until Holt's arrival at 7:05 p.m.

**Minutes:**
6-4-12 Minutes- Hall MOVED, Ryan seconded, to approve the 6/4/12 meeting minutes as written. MOTION PASSED with all in favor except Plante and Pociask who disqualified themselves.
6-12-12 Field Trip Minutes: Ryan MOVED, Holt seconded, to approve the 6/12/12 field trip minutes as written. MOTION PASSED with Goodwin, Holt, Ryan and Westa in favor and all others disqualified.

**Zoning Agent's Report:**
The Zoning Agent's report was noted.

**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)**
Chandy MOVED, Holt seconded, to approve to approve with conditions the Special Permit application (PZC File #1309) of Mason Brook, LLC, for the removal of approximately 4,200 cubic yards of gravel and associated regrading and drainage work, as described in the application dated April 23, 2012, including the statement of use and the Proposed Borrow Pit and Grading Plan dated April 17, 2012; and as presented at Public Hearings on 5/21/12 and 6/4/12. This approval is granted because the application as approved is considered to be in compliance with Article V, Section B (Special Permit Requirements), Article X, Section H (Sand and Gravel) and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1) **Extent of Approval.** This approval authorizes the removal of approximately 4,200 cubic yards of gravel, and associated grading and drainage improvements as depicted on the Proposed Borrow Pit and Grading Plan. Any significant change in the site work as described in application submissions and at the Public Hearing shall require further PZC review and approval. Any questions regarding what constitutes a significant change shall be reviewed with the Zoning Agent and, as deemed necessary, the PZC.

2) **Waivers.** Pursuant to the requirements of Article X, Section H.4, the following waivers to application requirements have been granted as the information was not needed to determine compliance with the Regulations:

   a) A-2 Survey and Location of Utility Poles (Article V, Section A.3.d)
   b) Data Accumulation Plan (Article X, Section H.3.b)

3) **Plan Revisions.** The Proposed Borrow Pit and Grading Plan shall be revised to include the following information:

   a) 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
   b) Requirement that all truck loads be covered, both on and off-site.
   c) Measures to control wind erosion and dust from stockpiles
   d) Locations of areas where excavation will exceed depth of 10 feet and 3 to 1 slope and safety measures for those areas.
   e) Use of best management practices as recommended by the Department of Energy and Environmental Protection (DEEP) and the USDA Natural Resources Conservation Service for the application of manure, fertilizer or pesticide once the property is replanted and management of animal waste if livestock are to be kept on the property.
   f) Requirement that the Town shall be informed by the applicant when excavation work is going to be done so that exposed soil conditions can be monitored. If necessary, the Assistant Town Engineer shall have the authority to raise the finished grade levels to ensure that current conditions for rainfall moving through the gravel to the underlying aquifer are maintained.
   g) Identification of an alternative stockpile location that meets the 50 foot setback from the railroad right-of-way to be used until such time as written approval is received for the railroad for the stockpile locations adjacent to their right-of-way.

4) **Authorization from New England Central Railroad.** Pursuant to Article X, Section H.5.e, the applicant is required to obtain written approval for any excavation or stockpiles within 50 feet of the railroad right-of-way. As there are existing stockpiles within the 50 foot setback, it is not beneficial to prohibit all work on the site until such time as written consent is received. As such, there shall be no further grading or other excavation activity within 50 feet of the right-of-way of the Central Vermont Railroad (aka New England Central Railroad) other than the spreading of loam stockpiled in that area across other portions of the site/property in accordance with the Proposed Borrow Pit and Grading Plan until such time as written approval is received and confirmed by the Zoning Agent. Upon receipt of such approval, the Zoning Enforcement Officer may authorize excavation, grading and stockpiling activities within 50 feet of the railroad right-of-way.

5) **Erosion and Sedimentation Controls.** Erosion and sedimentation controls shall be installed where necessary as determined by the Assistant Town Engineer/Inland Wetlands Agent, including an anti-tracking pad at the entrance to the site off of Merrow Road.

6) **Topsoil.** All disturbed areas shall be covered with a minimum of 6 inches of topsoil and revegetated as per regulatory requirements and application submissions. No topsoil shall be removed from the site without prior authorization.

7) **Bonding.** Due to the agricultural nature of the subject application and the adequacy of submitted plans, no site development bonding shall be required at this time. The PZC reserves the right to require bonding if site development problems arise.

8) **Validity.** This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records. If the subject excavation and site restoration work are not completed by 7/1/2013, renewal of this Special Permit shall be required.

MOTION PASSED UNANIMOUSLY.

b. **Request for release and capping of bond escrow funds for Freedom Green (PZC File #636-4)**
Item is tabled pending staff review.

c. <u>Gravel Permit Renewals</u>
Holt MOVED, Ryan seconded, 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. MOTION PASSED UNANIMOUSLY. The current permit period ends August 7, 2012.

**New Business:**
**Holt MOVED, Pociask seconded, to add to New Business two items: Field Trip for Beacon Hill Estates Section II, and the Pending Right to Farm Ordinance. MOTION PASSED UNANIMOUSLY.

a. **Request to Modify Building Area Envelope, Lot 16 Beacon Hill Estates, PZC File #1214-2**
Pociask MOVED, Ryan seconded, 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, subject to the condition that the stone walls be retained pursuant to Section 7.7 of the Subdivision Regulations. 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. MOTION PASSED UNANIMOUSLY.

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**
Holt MOVED, Ryan seconded, 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 staff 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. MOTION PASSED UNANIMOUSLY.

c. **8-24 Referral-LaGuardia Lane/Quiet Meadow Subdivision**
Holt MOVED, Hall seconded, 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. MOTION PASSED UNANIMOUSLY.

d. **8-24 Referral-School Building Project**
After extensive discussion, Plante MOVED, Pociask seconded, to table this item. MOTION FAILED with Plante, Pociask, Holt and Chandy in favor and Rawn, Hall, Lewis, Ryan and Goodwin opposed. Then Rawn MOVED, Hall seconded, 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. MOTION FAILED with Rawn, Lewis and Ryan in favor and Plante, Pociask, Hall, Goodwin, Holt, and Chandy opposed.

e. **UConn Technical Park-Jurisdiction**
Linda Painter, Director of Planning and Development, reviewed her memo and an opinion letter from an Assistant Attorney General regarding a project that is similar to the proposed Technology Park. After extensive discussion, the consensus of the Commission was, it does not believe it has jurisdiction over the project but it strongly encourages the Town of Mansfield to work with the University to ensure the Town has adequate sewer and water capacity for the future development in town that is likely to occur as a result of the Technology Park.

f. **Consideration of Cancelling the July 2, 2012 Regular Meeting**
Holt MOVED, Hall seconded, that the Planning and Zoning Commission cancel the July 2, 2012 and August 20, 2012 regular meetings of the Planning and Zoning Commission. MOTION PASSED UNANIMOUSLY.

g. **Field Trip Scheduling**
Staff recommended scheduling a field trip for Beacon Hill Estates Section II. It was agreed to schedule a field trip for July 10th at 3:30 p.m. If any new IWA items come in on July 16th, another field trip will be scheduled for July 24th.

h. **Proposed Right to Farm Ordinance**
Goodwin suggested that the Commission write a letter in support of the Right to Farm and Agricultural Tax Incentive Ordinances presently before the Town Council for action, as these proposed ordinances are consistent with, and support, the Commission's work in protecting and promoting agriculture. PZC members asked staff to provide samples of such ordinances used by other towns.

**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 any interested members of the PZC to attend.

**Communications and Bills:**
Noted.

A Field Trip was scheduled for July 10 at 3:30 p.m.

**Adjournment:** The meeting was adjourned at 8:37 p.m. by the chairman.

Respectfully submitted,

Katherine Holt, Secretary

DRAFT MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION
INLAND WETLANDS AGENCY
CONSERVATION COMMISSION
FIELD TRIP
Special Meeting
Tuesday, July 10, 2012

Members present: J. Goodwin, B. Chandy, K. Holt (3:30 p.m. to 4:00 p.m.)

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

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

1. Beacon Estates, Section 2, Mansfield City Road - PZC File #1214-3
   Members were met on site by Tom Boyle, Ed Pelletier, John Ianni, Frank Halle and Gille Halle. Members observed current conditions, and site characteristics. No decisions were made.

The field trip ended at approximately 5:30 p.m.

Respectfully submitted,

K. Holt, Secretary

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# Town of Mansfield

CURT B. HIRSCH
ZONING AGENT
HIRSCHCB@MANSFIELDCT.ORG

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

To: Planning & Zoning Commission
From: Curt Hirsch, Zoning Agent
Date: July 10, 2012

Re: Special Permit Renewal of Gravel Permits, 2011-2012 (Article X, Section H)
1) Steven Banis, Pleasant Valley Rd., PZC #1164
2) Edward Hall, Old Mansfield Hollow Rd., PZC #910-2
3) Karen Green, Stafford Rd., PZC #1258

Special permits for 'gravel' removal and/or filling expire on July 1st of each year but may be renewed by the PZC for additional periods of up to one year each. There are three active special permits for the removal of material and each permit- uested a renewal of the existing permit. (A special permit was ju Merrow Road, but will not be subject to renewal until 2014.) I permits separately below. The Commission conducted a field tr. 12, 2012. I have enclosed within your packets; the applicants speci gether with any supporting submission materials they may ha he PZC, 2011 approval actions. I am also anticipating a report on th Assistant Town Engineer.

PACKET

1) Banis, Pleasant Valley Ro 1164
Mr. Banis has submitted a letter dated 5/6/12 describing the status of his removal operation. His activity involves the blasting of rock ledge and the removal of the broken rock to an out-of-town location. A small amount is used on site. This is the twelfth year of the project. His letter states that only about 200 cubic yards of material was removed during the past permit period but the excavation has not expanded in area since last years renewal. He states that approximately 7050 cubic yards remain to be removed and estimates that several additional permit renewals will be required to finish his project. Area #1, of the approved plan has been completed and is currently being used for hay production. An agricultural barn was also constructed within area #1. Mr. Banis then proceeded into the southern portion of area #3 and that now has a good vegetation cover. Area #2 was completed near the end of 2006 and also has a good vegetative cover. The current activity is in Area 3 and Mr. Banis is proceeding northward from the previously completed phase of this area. There were two blast events during the past year, both permitted through the Fire marshal's Office.

In summary, this has been a well-managed operation. To date we have not received any information from the public in advance of the 7/16/12 public hearing and I have not received

any comments or complaints from the public during the past permit period. Bonding was not required for this operation. My review of the approval conditions shows that the applicant is in full compliance with the PZC approval.

2) Hall, Bassett's Bridge Road, PZC # 910-2

In addition to Mr. Hall's request to renew his special permit application, we have received a 7/9/12 letter from Robert McCarthy, an abutter to the south of the subject gravel site. The 5/28/11 land reclamation plan submitted for permit renewal last year remains applicable. This gravel excavation/removal operation is entering its 20th year of activity. The renewal request states that 1,200 to 1,500 cubic yards of material were removed during the past year. Condition #6 of the special permit limits yearly excavation to 8,000 yards or the amount remaining in phase 1, whichever is less. Mr. Hall's request indicates that there are approximately 2,500 yards remaining within the Phase 1 area. Last year the PZC approved a revision to the phasing of excavation approved in 1992. The revised phasing is shown on the enclosed site map. The active work is confined to a relatively small area and in my opinion has minimal impact on adjacent properties. There is no visual sign of erosion beyond the confines of the gravel pit and any soil movement that could occur, would move inward toward the excavation. The PZC retains an $8,300 bond for site stabilization and restoration.

Condition #7 of Hall's special permit requires that each yearly request for permit renewal shall include updated mapping and a status report prepared by a professional engineer. This requirement has been specifically waived by the Commission yearly, since 2007. I do not believe, given the limited activity on the site, that this requirement should be continued.

Condition #8 of the special permit addresses a requirement for maintaining an undisturbed, 50-foot buffer along the southern boundary of the adjacent, Julia Hall Trust property at 23 Mansfield Hollow Rd. Extension. The buffer is designated as 'C' on the site map. This parcel was originally part of the gravel permit premises but broken out as a separate parcel around 2006 as part of an estate. The 7/9 letter from Robert McCarthy specifically addresses this buffer requirement. I have enclosed a portion of the 1/26/06 map that he references in his letter. The Trust parcel received a zoning permit in 2006 for house additions and associated site grading. That permit also acknowledged this buffer requirement. The Trust site remains substantially opened up and Mr. Hall and the Trust have been subject to enforcement actions and fining through Mansfield's Zoning Citation Ordinance since 2009 for failing to restore the site. Mr. Hall not only has not completed restoration of the site, but continues to excavate and remove material off site, which has resulted in an encroachment into the buffer area. I have confirmed that there are areas behind the McCarthy property where the buffer may only be about 35 feet in width, instead of the required 50 feet. While the activity on the adjoining site is not directly part of the gravel permit premise, the special permit condition to maintain an undisturbed buffer has been violated due to this activity.

In summary: The excavation and earth removal on the permit premises remains confined to a relatively small area of the site and does not present any off-site problems or erosion concerns. There have not been any issues with wind-blown dirt that have been brought to my attention. The maintenance of an 'undisturbed' buffer along the southern boundary should be

continued as a permit condition until the adjacent site is fully restored. The encroachment into the buffer should be discussed with the applicant. I do not have a recommendation for tying the encroachment and continuing activity on the adjacent site into an approval of the permit renewal.

3) Green, Stafford Road, PZC # 1258

Mrs. Green has submitted a renewal application and fee. A copy of the PZC-approved, 2009 site plan is also included in your packet. This plan shows a revised site-access road that avoids the wetland crossing of the original plan. The work is being performed by DeSiato Sand & Gravel, which has obtained agreement of the property owner at 1002 Stafford Road to cross that property and bring the access road out to Stafford Road, directly opposite the DeSiato plant. The renewal request states that about 2600 cubic yards have been removed of a planned 13,600 yard operation. Activity on the site is done at a frequency when DeSiato is not especially active on other jobs. I recommend that the existing special permit be renewed along with the existing approval conditions. Any approval should reference the revised access road location plan of 5/28/12.

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Memorandum: July 11, 2012
To: Planning & Zoning Commission
From: Grant Meitzler, Assistant Town Engineer
Re: Gravel Permit Renewals - Banis, Hall, Green

**Banis - Pleasant Valley Rd**

There has been some activity here in the last year. All of this work has taken place within the areas approved before. With little work having taken place this year the site roadways are stable and open earth areas extremely limited being mainly stockpiled rock areas.

**Hall - Old Mansfield Hollow Rd**

The area of work has moved into the new areas approved last year that are north of the older sections formerly active. This new area was broken into defined sections and excavation has been nearly completed in the first subsection of the new area and will be moving into the second defined area.

The older sections of the excavation area appear to have been inactive over the past year.

**Green - Stafford Rd**

Work on this original permit area has been completed for some time. This refers to the areas on the hillside north of the red house and the large barn behind it.

The modification area of this original permit has been active, and remains so, in areas south of the house and near North Eagleville Rd. Originally access was approved with a wetlands crossing near the Green home and extending south to the gravel removal area. Access has been through a gated accessway opposite the DeSiato Sand and Gravel site such that no work is within 150' of wetlands.

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Plante MOVED, Holt seconded, to continue the Public Hearing to the 7/18/11 meeting. MOTION PASSED with all in favor except Pociask who had disqualified himself.

**Old Business:**

1. **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**

**Banis property on Pleasant Valley Road File #1164**

Holt moved, Plante seconded, to approve with conditions the special permit renewal application (file 1164) of Steven D. Banis for the removal of approximately 7,500 cubic yards of excess material from Area #3 to be used for agricultural purposes on property located at Pleasant Valley Farm, Pleasant Valley Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 6/1/05 revised through 5/5/11, accompanied by a 4/8/11 and a 6/14/11 letter, and as presented at Public Hearings on 6/6/11 and 6/20/11. This approval is granted because the application as hereby approved is considered to be in compliance with Article X, Section H, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted subject to the following conditions:

1. The applicant shall implement the suggestions and recommendations for soil and erosion control contained in a 7/12/00 letter from David Askew, District Manager of the Tolland County Soil and Water Conservation District, Inc. This work includes the stabilization of areas adjacent to watercourses, the stabilization of the largest intermittent stream channel, the phasing of land-disturbing activity to minimize periods of soil exposure and the revegetation of disturbed areas.

2. No blasting or excavation work shall take place within fifty feet of a property line. Particular care shall be taken in meeting this requirement adjacent to the Wadsworth property.

3. All work shall be conducted between 7 a.m. and 7 p.m. Monday through Friday and between 9 a.m. and 7 p.m. Saturday. There shall be no blasting, excavation, loading of trucks or other work related to the Special Permit on Sundays.

4. All blasting work shall be subject to the permitting process administered by the office of the Fire Marshal. The applicant's blasting agent shall notify the Windham Airport prior to blasting activity pursuant to a schedule to be agreed upon by the blasting agent, Mansfield's Fire Marshal and the Windham Airport manager. In addition, the applicant shall place a temporary sign along Pleasant Valley Road at least twelve (12) hours prior to blasting activity. The sign shall note the anticipated period of blasting.

5. Based on the applicant's submissions, all material removed from site is to be trucked out of Mansfield. All trucks hauling material offsite shall use Pleasant Valley Road to Route 32 to Route 6, and all loads shall be covered during transit.

6. The site shall be maintained as follows:
   A. There shall be no rock-processing equipment onsite;
   B. There shall be no rock or stump burial onsite;
   C. Onsite stockpiling shall be kept to a minimum to help prevent safety problems;
   D. No topsoil shall be removed from the site;
   E. The applicant shall submit bi-weekly erosion and sedimentation monitoring reports to the Zoning Agent until disturbed areas are revegetated;

7. Subject to compliance with all conditions, this permit shall be in effect until July 1, 2012;

8. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.

MOTION PASSED with all in favor except Rawn who abstained.

Green property, 1090 Stafford Road PZC File #1258

Holt MOVED, Pociask seconded, to approve with conditions the application of K. Green (File # 1258) for a special permit renewal for gravel removal activity at 1090 Stafford Road. The approved area for new excavation is shown on maps dated 7/2/09 and authorized work is described in a 6/15/09 letter from the applicant, other application submissions, and testimony at Public Hearings on 6/6/11 and 6/20/11. This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and Article X, Section H of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. All disturbed areas shall be covered with a minimum of 4 inches of topsoil and revegetated as per regulatory requirements and application submissions. No topsoil shall be removed from site without prior authorization.
2. The haul route indicated on the 7/2/09 plans and approved by the Assistant Town Engineer shall be utilized. An anti-tracking pad shall be installed at the Route 32 intersection of the haul route.
3. Erosion and sedimentation controls shall be installed where necessary as determined by the Assistant Town Engineer/Inland Wetland Agent. Particular attention shall be given to the area where a haul road culvert will be placed.
4. Due to the agricultural nature of the subject application, the distance of the site activity from wetland/watercourse areas and the adequacy of submitted plans, no site development bonding shall be required at this time. The PZC reserves the right to require bonding if site development problems arise.
5. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records. If the subject excavation and site restoration work are not completed by 7/1/2012, renewal of this Special Permit shall be required.

MOTION PASSED UNANIMOUSLY.

**Hall property on Old Mansfield Hollow Road File #910-2**

Holt MOVED, Rawn seconded, to approve with conditions the special permit renewal application of Edward C. Hall (file 910-2) for excavating and grading on property owned by the applicant, located off Bassetts Bridge Road, as submitted to the Commission and shown on a plan dated 5/28/11, and as presented at Public Hearings on 6/6/11 and 6/20/11. This renewal is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and Article X, Section H of the Mansfield Zoning Regulations. Approval is granted with the following conditions, which must be strictly adhered to, due to potential adverse neighborhood impacts. Any violation of these conditions or the Zoning Regulations may provide basis for revocation or non-renewal of this special permit.

1. No activity shall take place until this renewal of special permit is filed on the Mansfield Land Records by the applicant. This approval for special permit renewal shall apply only to the authorized Phase I area of the site as modified by this approval which allows a northerly expansion of Phase 1.
2. This special permit renewal shall be effective until July 1, 2012;
3. Excavation activity shall take place only in accordance with plans dated 5/22/92, as revised to 5/28/11;
4. This permit renewal acknowledges that up to 500 cubic yards of clean topsoil may be brought onto the Phase 1 premises. Prior to depositing any topsoil/fill, the applicant shall contact the Assistant Town Engineer and identify the source of the topsoil material. The Assistant Town Engineer shall make a determination about the suitability of the material source and may require that it be tested for contamination. Only clean topsoil shall be brought in, and it shall be spread or stockpiled solely within the Phase 1 area.
5. All work shall be performed by Edward C. Hall or his employees. No other subcontractors or excavators shall excavate in or haul from this site. All work shall be performed using the equipment stated on said plans and in the applicant's Statement of Use;
6. No more than 8,000 cubic yards of sand and gravel or the amount of material remaining in Phase I, whichever is less, shall be removed per year;
7. In association with any request for permit renewal, the following information shall be submitted to the Commission at least one month prior to the permit expiration date:
   A. Updated mapping, prepared by a licensed professional engineer, depicting current contour elevations and the status of site conditions, including areas that have been revegetated;
   B. A status report statement that includes information regarding:
      - the amount of material removed in the current permit year and the estimated remaining material to be removed in the approved phase;
      - the planned timetable for future removal and restoration activity;
      - conformance or lack thereof with the specific approval conditions contained in this renewal motion.
8. This permit renewal denies the applicant's request to remove permit restrictions in the area depicted as "C" on the approved plan. These restrictions shall not be removed until completed areas of Phase 1 are graded and stabilized per the 5/22/92 Land Reclamation Plan. The existing area to the south and southeast of the approved excavation phase shall be retained in its existing wooded state. This area provides a buffer between the subject excavation activity and neighboring residential uses and is deemed necessary to address neighborhood impact requirements. The buffer shall extend southerly from the approved Phase I area to the Stadler-McCarthy property and shall extend southeasterly along the Gray and Dyjak properties to Mansfield Hollow Road Extension. The southeasterly extension shall have a minimum width of 50 feet (see Article X, Section H.5.e);
9. Topsoil:
   A. A minimum of 4" of topsoil shall be spread, seeded and stabilized over areas where excavation has been completed;

B. No loam shall be removed from the property. All stockpiled loam presently on the site shall be used for restoration of the area where gravel is removed.

10. In order to ensure that dust does not leave the site, erosion and sedimentation controls and site restoration provisions as detailed in the plans shall be strictly adhered to and the following measures shall be implemented:
    A. No more than 1.5 acres shall be exposed at any one time;
    B. Both roads shall be kept dust-free and maintained to trap fine material and to keep the gravel surface of the road clean. A tracking pad at least 50' in length shall be installed and maintained at the haul road exit on Bassetts Bridge Road;
    C. If the above measures do not control dust on the site as evidenced by complaints from nearby residents and verification by the Zoning Agent, dust monitors shall be installed immediately, with the advice of the applicant's engineer, and with their operation approved by the PZC;
    D. The haul road shall be watered as necessary to prevent dust;
    E. All loads shall be covered at the loading location;
    F. There shall be no stockpiles of any material other than topsoil located outside the excavation area. Any stockpiles will be only as part of the daily operation of the excavation and shall not exceed 10 cubic yards in size. All stockpiled material shall be graded off and stored within the lower portions of the site in order to minimize any windblown transport.

11. In order to ensure that there is no damage to the major aquifer underlying the subject property and nearby wells, the following shall be complied with:
    A. Excavation shall not take place within 4 feet of the water table;
    B. Materials stored onsite shall be limited to those directly connected with the subject excavation operation or an agricultural or accessory use authorized by the Zoning Regulations. Any burial of stumps obtained from the permit premises shall be in conformance with the DEP's regulations;
    C. With the exception of manure, which shall be spread in accordance with the letter received at the 4/6/94 PZC meeting from Joyce Meader of the Cooperative Extension Service, no pesticides or fertilizers shall be applied unless a specific application plan is approved by the PZC. All operations to restore the subject site shall employ Best Management Practices as recommended by the Natural Resources Conservation Service and State Department of Environmental Protection for the application of manure, fertilizers or pesticides and the management of animal wastes;
    D. No refueling, maintenance or storage of equipment shall be done onsite, in order to minimize the potential for damage from accidental spills;

12. In addition to Old Mansfield Hollow Rd, this permit renewal authorizes the use of a new haul road to Bassetts Bridge Road shown as "D" on the approved plan;

13. All zoning performance standards shall be strictly adhered to;

14. Approval of this permit does not imply approval of any future phase;

15. The existing cash bond plus accumulated interest shall remain in place until the activity has ceased and the area has been stabilized and restored to the satisfaction of the PZC;

16. Hauling operations and use of site excavation equipment shall be limited to the hours of 8:00 a.m. to 5:30 p.m. Mon.-Fri., and 8:00 a.m. to 1:00 p.m. on Saturday, with no hours of operation on Sunday;

17. The Planning and Zoning Commission waives the requirement of a map submission as per Condition #7A, but reserves the right to require it again if the conditions warrant;

18. This special permit shall become valid only after it is obtained by the applicant from the Mansfield Planning Office and filed by him upon the Mansfield Land Records.

MOTION PASSED with all in favor except Plante who was opposed.

# 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: Steven Banis
From: Curt Hirsch, Zoning Agent
Date: ~~March 26, 2012~~

Re: **Renewal of Special Permit for gravel removal/filling**

Your special permit approval for gravel removal and/or filling expires on July 1, 2012. All applications for renewal of gravel permits shall be submitted to the Planning and Zoning Commission no later than May 15, 2012. The submission of a renewal request shall give the Commission and its staff the right to enter upon the permit premises at reasonable times for the purpose of determining compliance with the approved permit and the zoning regulations. Denial of such permission shall be cause for revocation of the permit. You will be given written notice of any proposed site inspection.

Please indicate below whether *you do or you do not* wish to renew your special permit. You shall submit a written statement containing any information about your removal/fill activity which has changed since your permit was issued, or last renewed. The Commission will use your statement and information gathered from an inspection of your site to determine whether you are in compliance with the permit and therefor, if the permit should be renewed. Please provide the following **minimum** information for Commission review (your permit may include additional renewal conditions that should be addressed with any request for a renewal):

- What is the amount of material removed/filled in the last year?
- 
- What is the volume of material left to be removed or filled on the site?
- 
- How long will it take to complete the authorized work?
- 
- Are there any changes in the type or amount of equipment being used for this activity?

*CIRCLE ONE:*
I do / I do not wish to renew my special permit. Signature: _____

*Please complete and return to the Zoning Agent no later than* **May 15, 2012** *with a renewal fee of* **$250.00**.

PAID CK # 6878

May 6th, 2012

Steven D. Banis
29 Norwich Rd
Salem, CT 06420

Town of Mansfield
Curt Hirsch- Zoning Agent
Audrey P. Beck Building
4 South Eagleville Rd
Storrs, CT 06268

Re: Renewal of Special Permit for gravel removal/filling

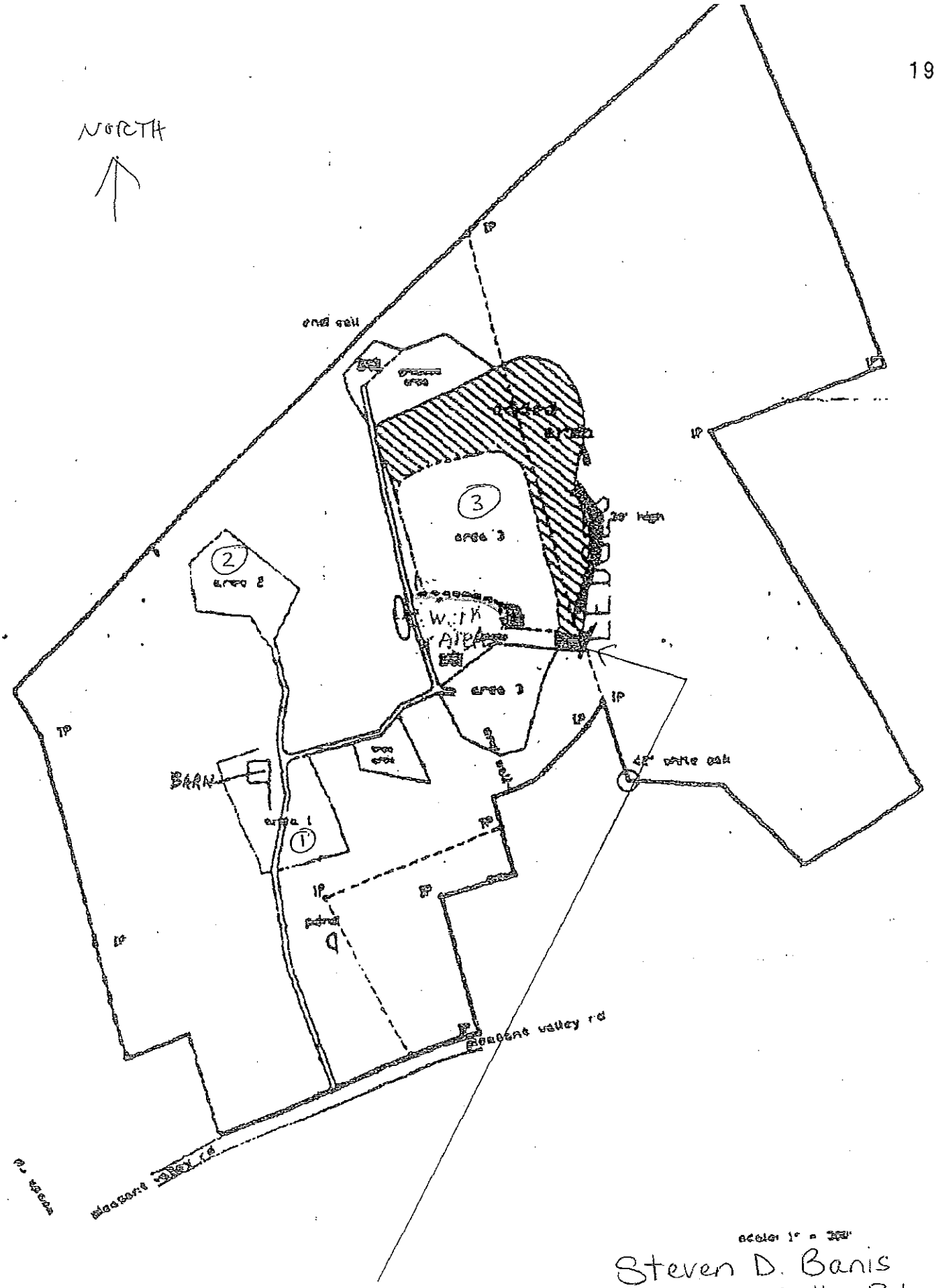
Yes, I do wish to renew my special permit. Enclosed is a check for $250.00 for the renewal fee. I have removed 200 +/- yards of material from the farm. Also some material has been used on site around the farm. I still have 7050 +/- yards of material yet to be removed. I estimate that I will need several more renewals.

The site will have no expansion this year on the area of the removal.
There has been no change in the type of equipment being used.
I have attached a copy of the approved site plan, and it has been revised to show the existing condition of the removal activity.

If any questions please call me at (860) 884-3728.

Sincerely yours,

Steven D. Banis




Steven D. Banis
Pleasant Valley Rd
May 6th, 2012
PZC #1164

PAGE
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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: Edward Hall
From: Curt Hirsch, Zoning Agent
Date: March 26, 2012

Re: **Renewal of Special Permit for gravel removal/filling**

Your special permit approval for gravel removal and/or filling expires on July 1, 2012. All applications for renewal of gravel permits shall be submitted to the Planning and Zoning Commission no later than May 15, 2012. The submission of a renewal request shall give the Commission and its staff the right to enter upon the permit premises at reasonable times for the purpose of determining compliance with the approved permit and the zoning regulations. Denial of such permission shall be cause for revocation of the permit. You will be given written notice of any proposed site inspection.

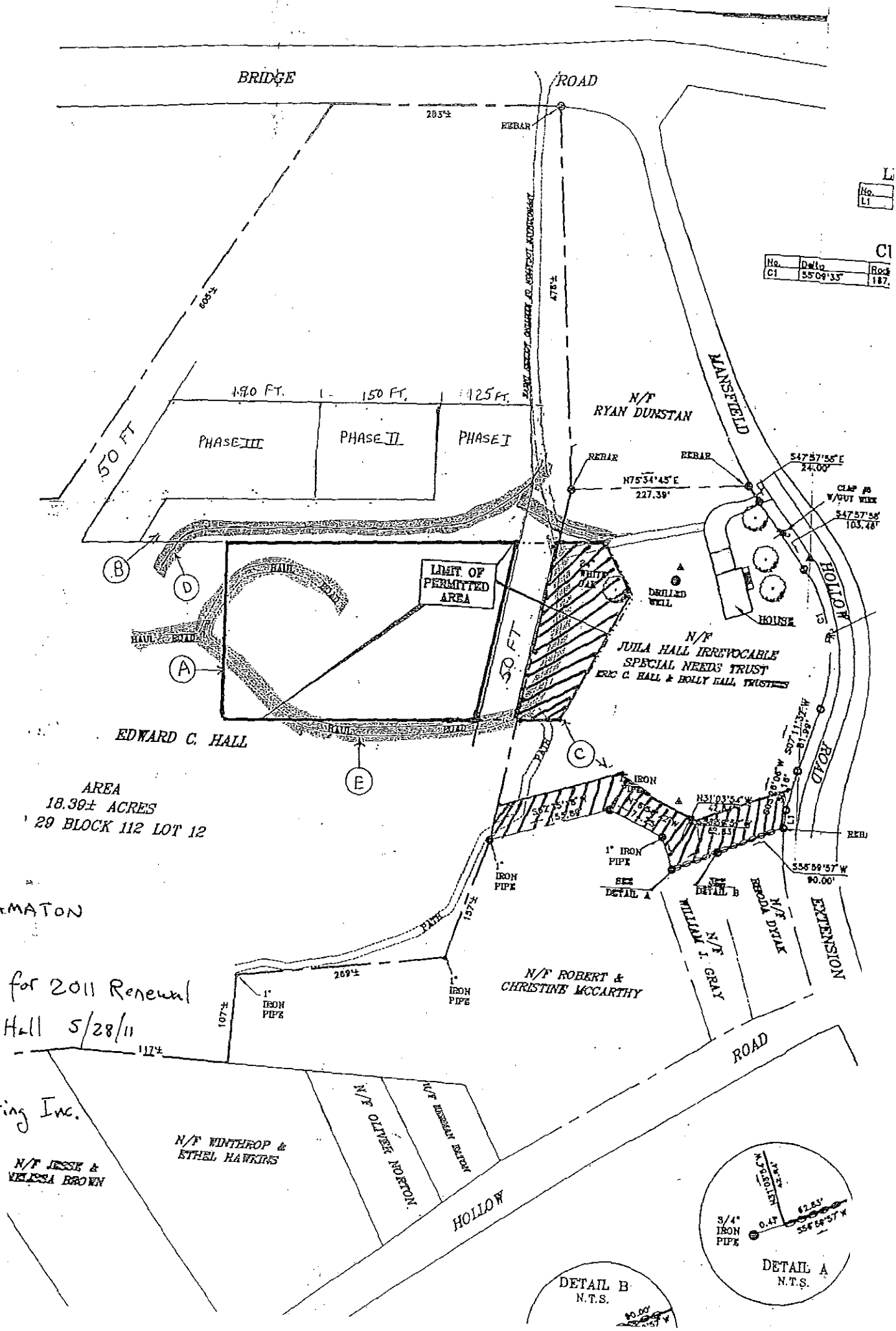
Please indicate below whether *you do or you do not* wish to renew your special permit. You shall submit a written statement containing any information about your removal/fill activity which has changed since your permit was issued, or last renewed. The Commission will use your statement and information gathered from an inspection of your site to determine whether you are in compliance with the permit and therefor, if the permit should be renewed. Please provide the following **minimum** information for Commission review (your permit may include additional renewal conditions that should be addressed with any request for a renewal):

- What is the amount of material removed/filled in the last year? 1,200 - 1,500
- 
- What is the volume of material left to be removed or filled on the site? 2,500 cu yds
- 
- How long will it take to complete the authorized work?
- 
- Are there any changes in the type or amount of equipment being used for this activity? NO

***CIRCLE ONE:***
I do / I do not wish to renew my special permit. Signature: Edward C Hall

*Please complete and return to the Zoning Agent no later than* **May 15, 2012** *with a renewal fee of* **$250.00**.

Check # 4313




ND RECLAMATON
PLAN

ed Changes for 2011 Renewal
y Edward C. Hall 5/28/11
ious maps by
wne Engineering Inc.

To: Mansfield Planning and Zoning Commission
From: Christine Stadler McCarthy, and Robert McCarthy
Date: July 9, 2012

The intent of this statement is not necessarily to oppose the 1 year petition to continue the sand and gravel removal from the property of Edward Hall, but to raise the important question of whether or not there are sufficient incentives to assure reclamation and compliance in the future. There is strong evidence that the petitioner will not comply, based on previous experience and his current operation on the Julia Hall Trust Property.

Comparing the Survey Map dated 1/26/06 to the present conditions, there are stark differences.

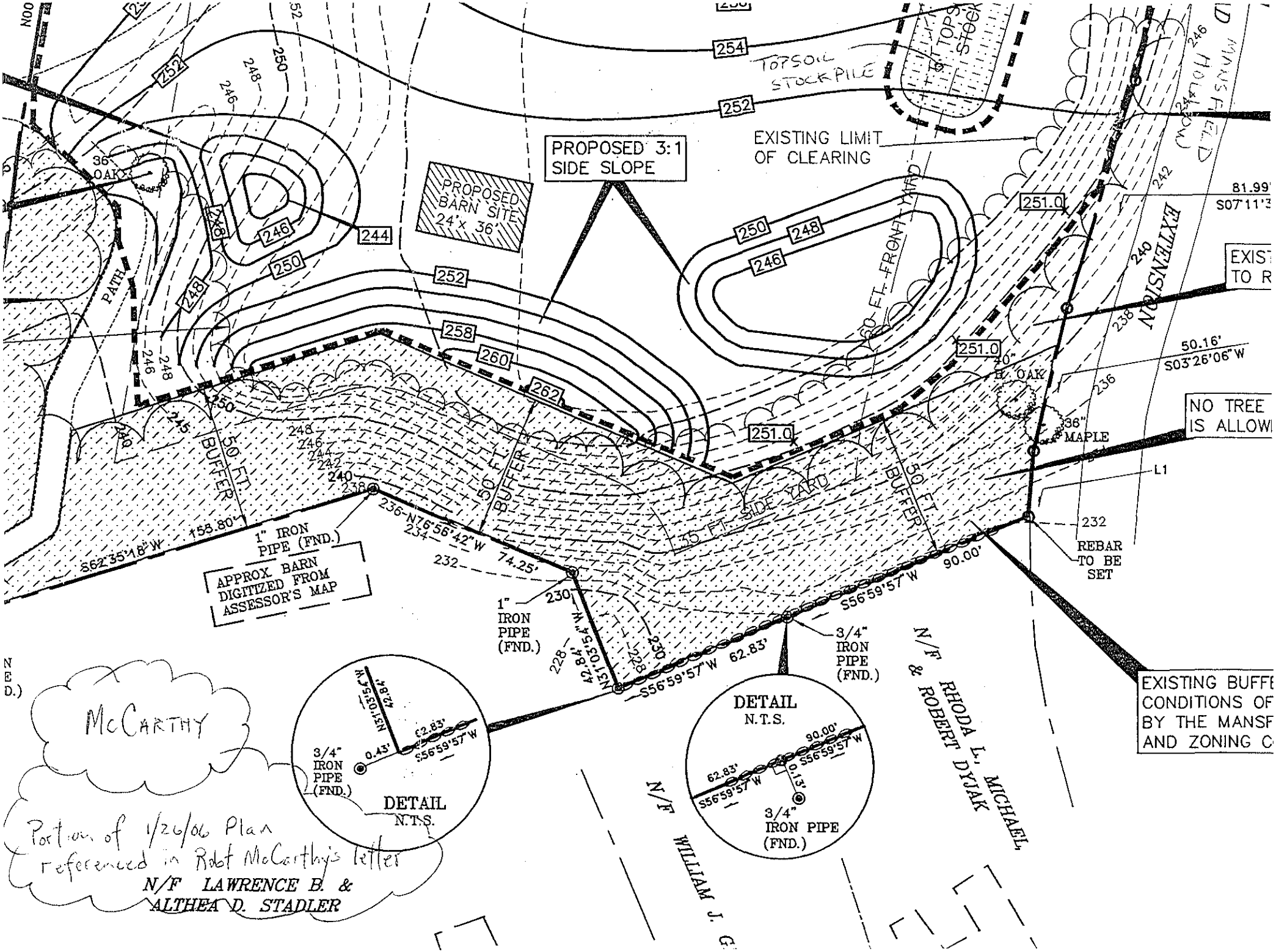
Going clockwise, the grading and removal has gone to Mansfield Hollow Road Extension along about 200 feet. The noted existing limit of clearing and the proposed tree-line have been removed. Where the Map indicates the 50 foot buffer between the stone wall and the hill top, the distance appears to be 50' across the ground to the hill top. However, about 25' of additional clearing and tree removal occurred here since the 2006 Map. There appears to be no siltation barrier, topsoil stockpile, or catch basin where indicated.
Proceeding to the end of the stone wall, there is a steep upward slope to a 1" iron pipe [property marker]. At this pipe, the distance to the crest of the hill and the end of the 50' buffer appears to be about 45'. That is, the buffer is violated and the hillside height reduced by several feet.

If we go to the next pin [property marker], the distance from the pin to the top of the hill (and first excavation) appears to be under 40'. Where the buffer has disappeared, the hill crest dropped several feet. The hill will continue to slump as more sand and gravel is removed. Between these two pins, beyond the 50' buffer, there is a proposed 3:1 side slope. As seen from the Mansfield Hollow Road Extension, much material has been removed beyond the buffer. It would seem that material now must be brought in to achieve these final contours, restore the hill, and replant trees. This is an expensive reclamation. Current work on this property may only make economic sense if the operation can depend on inadequate incentives to require this eventual reclamation cost.

The installation of a silt fence on the hillside, within 20' of the Stadler property, seems to convey the operator's intent to ignore the 50' buffer line in further excavation. What started out as a proposed driveway (8 to 10 years ago) has morphed into a full-tilt (Sundays included) sand and gravel operation.

There appears to be inadequate incentives in this situation to modify any behavior of either the operator or the Trustee of the Property. This is surprising, because the Trustee may open himself to personal liability for actions detrimental to trust assets [a fiduciary responsibility]. Hopefully, in this situation, the answer to "who is the responsible party?" is not "neither". If adequate incentives can be built into the petition for continuation of operations, then there should be no problems like the ones observed with the Julia Hall Trust Property.

Robert P. McCarthy


PROPOSED 3:1 SIDE SLOPE
EXISTING LIMIT OF CLEARING
TOPSOIL STOCKPILE
TOPSOIL STOCK
PROPOSED BARN SITE 24'x 36'
60 FT. FRONT YARD
35 FT. SIDE YARD
50 FT. BUFFER
PATH
36" OAK
40" H. OAK
36" MAPLE
EXTENSION
MANSFIELD
81.99'
S07°11'3
50.16'
S03°26'06"W
EXIST
TO R
NO TREE
IS ALLOW
EXISTING BUFFE
CONDITIONS OF
BY THE MANSF
AND ZONING C
L1
232
REBAR TO BE SET
1" IRON PIPE (FND.)
APPROX. BARN DIGITIZED FROM ASSESSOR'S MAP
158.80'
S62°35'18"W
236-N76°56'42"W
74.25'
S56°59'57"W
90.00'
62.83'
N31°03'47"W
42.84'
0.43'
0.13'
3/4" IRON PIPE (FND.)
DETAIL N.T.S.
N/F RHODA L. MICHAEL & ROBERT DYJAK
N/F WILLIAM J. G
McCarthy
Portion of 1/26/06 Plan referenced in Robt McCarthy's letter
N/F LAWRENCE B. & ALTHEA D. STADLER

# 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: Karen Green
From: Curt Hirsch, Zoning Agent
Date: March 26, 2012

Re: **Renewal of Special Permit for gravel removal/filling**

Your special permit approval for gravel removal and/or filling expires on July 1, 2012. All applications for renewal of gravel permits shall be submitted to the Planning and Zoning Commission no later than May 15, 2012. The submission of a renewal request shall give the Commission and its staff the right to enter upon the permit premises at reasonable times for the purpose of determining compliance with the approved permit and the zoning regulations. Denial of such permission shall be cause for revocation of the permit. You will be given written notice of any proposed site inspection.

Please indicate below whether *you do or you do not* wish to renew your special permit. You shall submit a written statement containing any information about your removal/fill activity which has changed since your permit was issued, or last renewed. The Commission will use your statement and information gathered from an inspection of your site to determine whether you are in compliance with the permit and therefor, if the permit should be renewed. Please provide the following **minimum** information for Commission review (your permit may include additional renewal conditions that should be addressed with any request for a renewal):

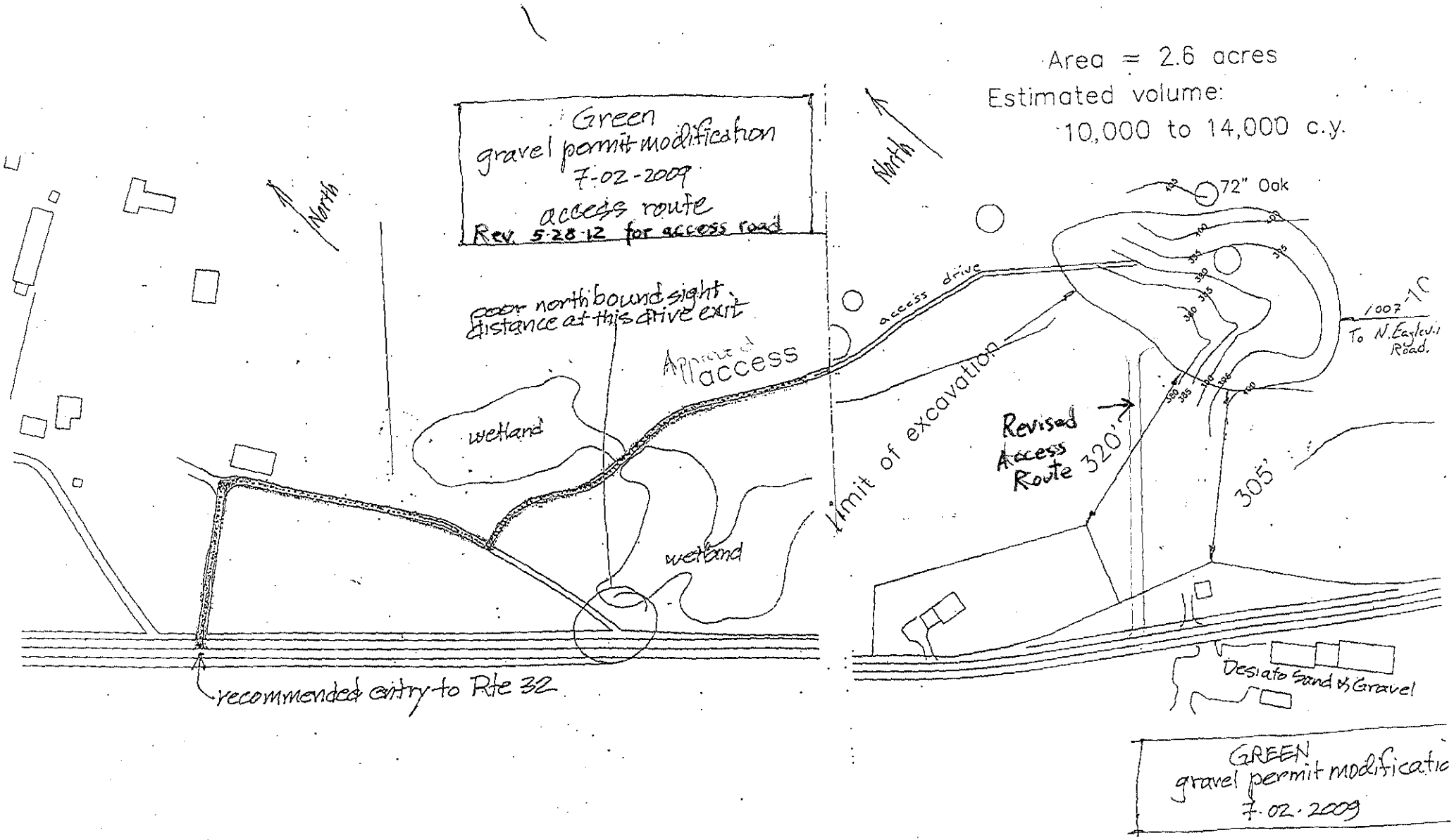
- What is the amount of material removed/filled in the last year? 2,600 CY
- What is the volume of material left to be removed or filled on the site? approximately 11,000 CY
- How long will it take to complete the authorized work? 2 years
- Are there any changes in the type or amount of equipment being used for this activity? NO

***CIRCLE ONE:***
I do / I do not wish to renew my special permit. Signature: Karen W Green

*Please complete and return to the Zoning Agent no later than* **May 15, 2012** *with a renewal fee of* **$250.00**.

Paid - DeSiato
5-28-12

Area = 2.6 acres
Estimated volume:
10,000 to 14,000 c.y.



# 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:** July 12, 2012

**Subject:** **The Gardens at Bassetts Bridge Farm (File 1217-2)**

On December 19, 2011, the Planning and Zoning Commission approved a special permit application for seasonal use of the Gardens at Bassetts Bridge Farm as a wedding and brunch venue subject to several conditions. Condition Number 5 required the applicants to have a soil scientist to examine the potential for impacts on the nearby stratified drift aquifer from the proposed septic system:

> *The applicant shall not apply for a Zoning Permit for Phase 2 improvements (restroom addition to barn and installation of the septic system) until a report prepared by a sanitary engineer, geologist or other qualified professional pursuant to the requirements of Article VI, Section B.4.m.1 regarding potential impact from the proposed septic system on the aquifer has been submitted to the Commission for review and approval. Such report should include any necessary mitigation measures, including relocation of the system if necessary to ensure that the waste disposal system discharges will not contaminate aquifer recharge areas. The Commission may refer the report to the Mansfield Health Officer, the Mansfield Conservation Commission, Connecticut Department of Health and Connecticut Department of Energy and Environmental Protection for review and comment prior to making a decision.*

In response to this condition, the applicants have submitted a letter from Steven P. Dumas, Principal Environmental Soil Scientist with SPD Environmental Services, LLC, stating that "Given the distance of the system from the nearest mapped stratified drift deposit and the overall design of the proposed system, no impact to the surrounding recharge areas would be expected." I have reviewed this recommendation with Grant Meitzler, Assistant Town Engineer, and he concurs with this analysis.

Condition Number 3 addressed requirements for the issuance of Temporary Special Outing Permits:

> *A Temporary Special Outing Facility Permit is approved as part of this special permit application subject to the applicant providing written approval from the Mansfield Police Department prior to any event at which alcohol is to be served. The applicant shall provide documentation verifying that they have complied with the Department of Consumer Protection Liquor Control regulations. Failure to comply with any conditions of the Police Department approval or problems resulting from the provision of alcoholic*

*beverages may result in reconsideration of the Temporary Special Outing Facility Permit by the Planning and Zoning Commission.*

Since the adoption of this condition, I have had further discussions with the Town Manager in his capacity of head of the Mansfield Police Department and recommend that the condition be amended as follows:

> *A Temporary Special Outing Facility Permit is approved as part of this special permit application subject to ~~the applicant providing written approval from the Mansfield Police Department prior to any event at which alcohol is to be served. The applicant shall provide documentation verifying that they have complied~~ compliance with the Department of Consumer Protection Liquor Control regulations. Failure to comply with ~~any conditions of the Police Department approval~~liquor control regulations or problems resulting from the provision of alcoholic beverages may result in reconsideration of the Temporary Special Outing Facility Permit by the Planning and Zoning Commission.*

If the Commission concurs with the above recommendations, the following motion would be in order:

_____ MOVES, _____ SECONDS , that the Commission accept the statement provided by Steven Dumas as satisfaction of Condition #5 for the special permit for a wedding and brunch venue at the Gardens at Bassetts Bridge. Furthermore, Condition #3 of the original approval is hereby modified to read:

> *A Temporary Special Outing Facility Permit is approved as part of this special permit application subject to compliance with the Department of Consumer Protection Liquor Control regulations. Failure to comply with liquor control regulations or problems resulting from the provision of alcoholic beverages may result in reconsideration of the Temporary Special Outing Facility Permit by the Planning and Zoning Commission.*

# SPD ENVIRONMENTAL SERVICES, LLC

June 14, 2012

Wesley Bell
The Gardens' at Bassett Bridge Farms
552 Bassett Bridge Road
Mansfield, CT
06250

RE: Potential Contamination - Aquifer Recharge Area
552 Bassett Bridge Road
Mansfield, CT

Dear Wes:

The purpose of his letter is to address concerns regarding potential impacts to aquifer recharge areas within 500' of the proposed septic system. Based on CTDEEP GIS mapping and an October 1979 *Groundwater Recharge Area* map referenced in Article 6 Section B4m1 of the Town of Mansfield Zoning Regulations the nearest stratified drift recharge areas are located beyond the western property boundary approximately 400' from the proposed system.

In addition, SPD personnel reviewed test pit data, percolation test data and system design calculations (leach field size, daily discharge rates etc) presented in a March 2012 schematic titled *Subsurface Sewage Disposal System Details* prepared by Richard F Mihok P.E. Based on the schematic data, the system appears appropriate for the proposed use of the property as a wedding reception facility.

Given the distance of the system from the nearest mapped stratified drift deposit and the overall design of the proposed system, no impact to the surrounding recharge areas would be expected.

Please feel free to call if you have any questions.

Sincerely,

Steven P Dumas
Principal Environmental Soil Scientist

Office 860.455.2030 ◦ Cell 860.208.1010 ◦ dumas_1@charter.net ◦ 50 North Bedlam Road Chaplin, CT 06235

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# TOWN OF MANSFIELD
## DEPARTMENT OF PLANNING AND DEVELOPMENT

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Mansfield Planning and Zoning Commission
From: Linda M. Painter, AICP, Director
Date: **July 12, 2012**
Re: 8-24 Referral: Elementary School Building Project

On July 9, 2012, the Town Council voted to refer the proposed school building project back to the Commission for further review pursuant to Section 8-24 of Connecticut General Statutes. In making the referral, the Council expressed the desire to understand and hopefully address the concerns of the Commission that led to the rejection of the first referral. As such, representatives from the Mansfield Board of Education, Town Council, and project team will attend the July 16th meeting for the purposes of presenting an overview of the project and answering any questions that the Commission may have. The Commission must report back to the Council by Monday, August 20, 2012 to meet the statutory requirements for reporting within 35 days of receipt.

Project Description

The attached memo from Matthew Hart, Town Manager, includes details of the 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 Connecticut General Statutes, which states:

> ***Municipal improvements.*** *No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads.*

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 definitive 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 and potentially for reuse of the Southeast site depending on the nature of the reuse plans.

**Consistency with the Plan of Conservation and Development (POCD)**

One of the questions raised during discussion of the initial referral was whether the Commission's review as part of the 8-24 referral process was limited to reviewing consistency of the project with the Plan of Conservation and Development (POCD). While Section 8-24 does not specifically reference the POCD as the guiding document to be used in making a report to the Council, that is the standard which has always been applied by the Commission in its review of other 8-24 referrals. Based on this past practice, my review is based on the consistency of the proposal with the POCD.

- *Land Use Designations.* The Goodwin, Vinton and Mansfield Middle School sites are located in areas designated as Low Density Residential (Map 22).

- *Existing/Potential Conservation Areas (Map 21).* A portion of the Vinton Elementary School and Mansfield Middle School properties are identified as Existing Preserved Open Space. In doing the preliminary test fit for a new school on the Vinton site, the architect was made aware of the approximate boundary of the preserved open space by the previous Director of Planning and used that boundary to identify a conceptual site location for the new building that would not encroach on the open space. The Middle School property is shown as being part of an interior forest tract as well as containing some existing preserved open space. The building expansion proposed as part of the middle school project is anticipated to be constructed in the same general location as the existing portable buildings (see attached floorplan and aerial photograph), so tree removal will be minimal.

- *Policy Goal 4: To strengthen and encourage a sense of neighborhood and community throughout Mansfield.* 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. I expect that more information will be provided by the BOE representative on July 16th as to the deficiencies of the existing facilities and how the proposed project will address those deficiencies and provide educational enhancements.

**Summary/Recommendation**

Based on the above analysis, the proposed school building project is generally consistent with the Plan of Conservation and Development. The Commission will have the ability to conduct a more detailed review of the proposed schools as part of the Special Permit process if they are approved through the referendum. Prior to the special permit review, detailed site and building plans would be developed and submitted to allow the Commission to determine compliance with all applicable zoning regulations as well as to ensure that the proposed construction does not encroach on preserved open space areas.

If after completing its review of the project the Commission concurs with the above analysis, a motion to find the proposed project in compliance with the POCD would be appropriate. As this project is the subject of a bond referendum, the specific language of the suggested motion has been prepared by the Town's bond counsel with input from staff based on the comments made by the Commission during the initial referral. As one of the concerns at the previous meeting concerned the combining of both the elementary and middle school projects into one resolution, we have also prepared separate resolutions as an alternative to one combined resolution. Bond counsel will be present at the July 16th meeting to answer any questions and assist in amending the motion if so desired.

Suggested Motion:

RESOLVED, that the Mansfield Planning and Zoning Commission approves the issuance of a report to the Mansfield Town Council that the proposal for the school building project is in compliance with the Town's Plan of Conservation and Development; provided that this report is limited to a review pursuant to Section 8-24 of the General Statutes of Connecticut. For the purposes of this report, the school building project includes the following components:

- Renovations to the Mansfield Middle School;
- Construction of two new elementary schools on the Goodwin and Vinton sites, including demolition of the existing buildings and the acquisition of adjacent property as necessary; and
- Closure of Southeast Elementary School, with future use to be determined

Furthermore, the proposed 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 the project is in compliance with any such applicable laws, regulations or permit approvals.

Alternative: Three Separate Resolutions for Each Project Component

*Mansfield Middle School Renovations*

RESOLVED, that the Mansfield Planning and Zoning Commission approves the issuance of a report to the Mansfield Town Council that the proposal for renovations to the Mansfield Middle School is in compliance with the Town's Plan of Conservation and Development; provided that this report is limited to a review pursuant to Section 8-24 of the General Statutes of Connecticut. The proposed 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 the project is in compliance with any such applicable laws, regulations or permit approvals.

**********

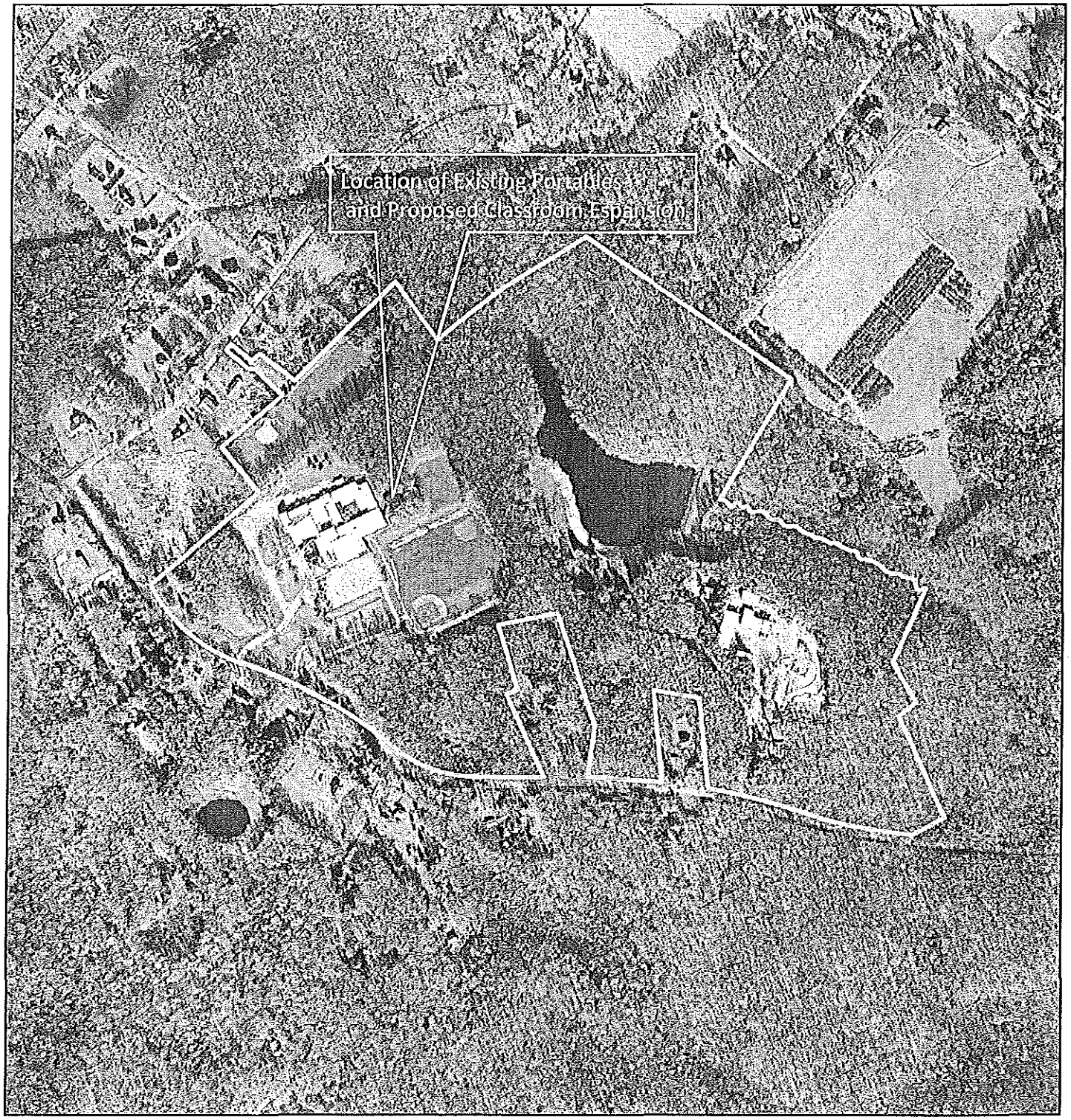
*Two New Elementary Schools*

RESOLVED, that the Mansfield Planning and Zoning Commission approves the issuance of a report to the Mansfield Town Council that the proposal for construction of two new elementary schools on the Goodwin and Vinton sites, including demolition of the existing buildings and the acquisition of adjacent property as necessary, is in compliance with the Town's Plan of Conservation and Development; provided that this report is limited to a review pursuant to Section 8-24 of the General Statutes of Connecticut. The proposed 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 the project is in compliance with any such applicable laws, regulations or permit approvals.

**********

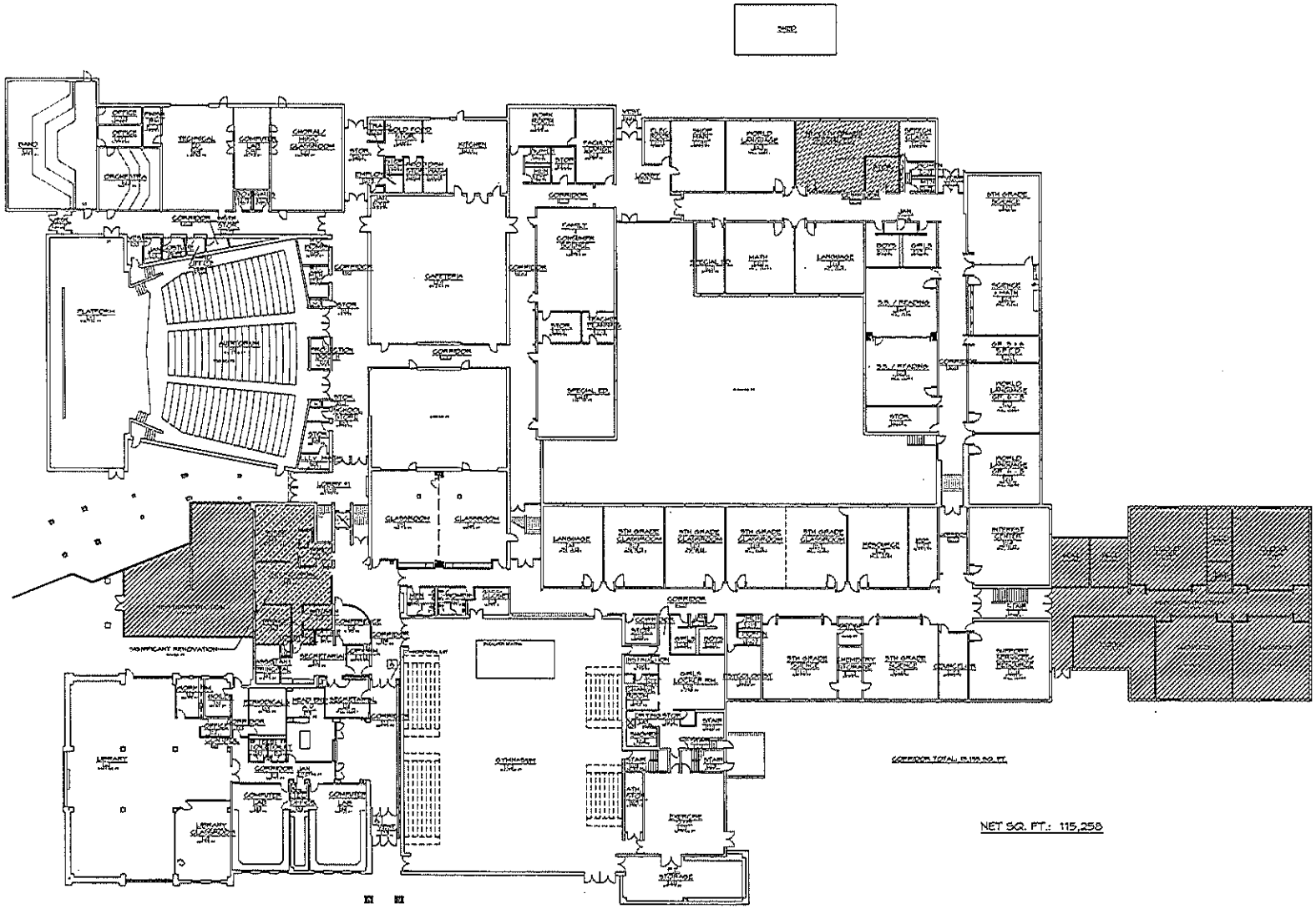
*Southeast Elementary School Closure*

RESOLVED, that the Mansfield Planning and Zoning Commission approves the issuance of a report to the Mansfield Town Council that the proposal for closure of Southeast Elementary School, with future use to be determined, is in compliance with the Town's Plan of Conservation and Development; provided that this report is limited to a review pursuant to Section 8-24 of the General Statutes of Connecticut. The proposed 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 the project is in compliance with any such applicable laws, regulations or permit approvals.



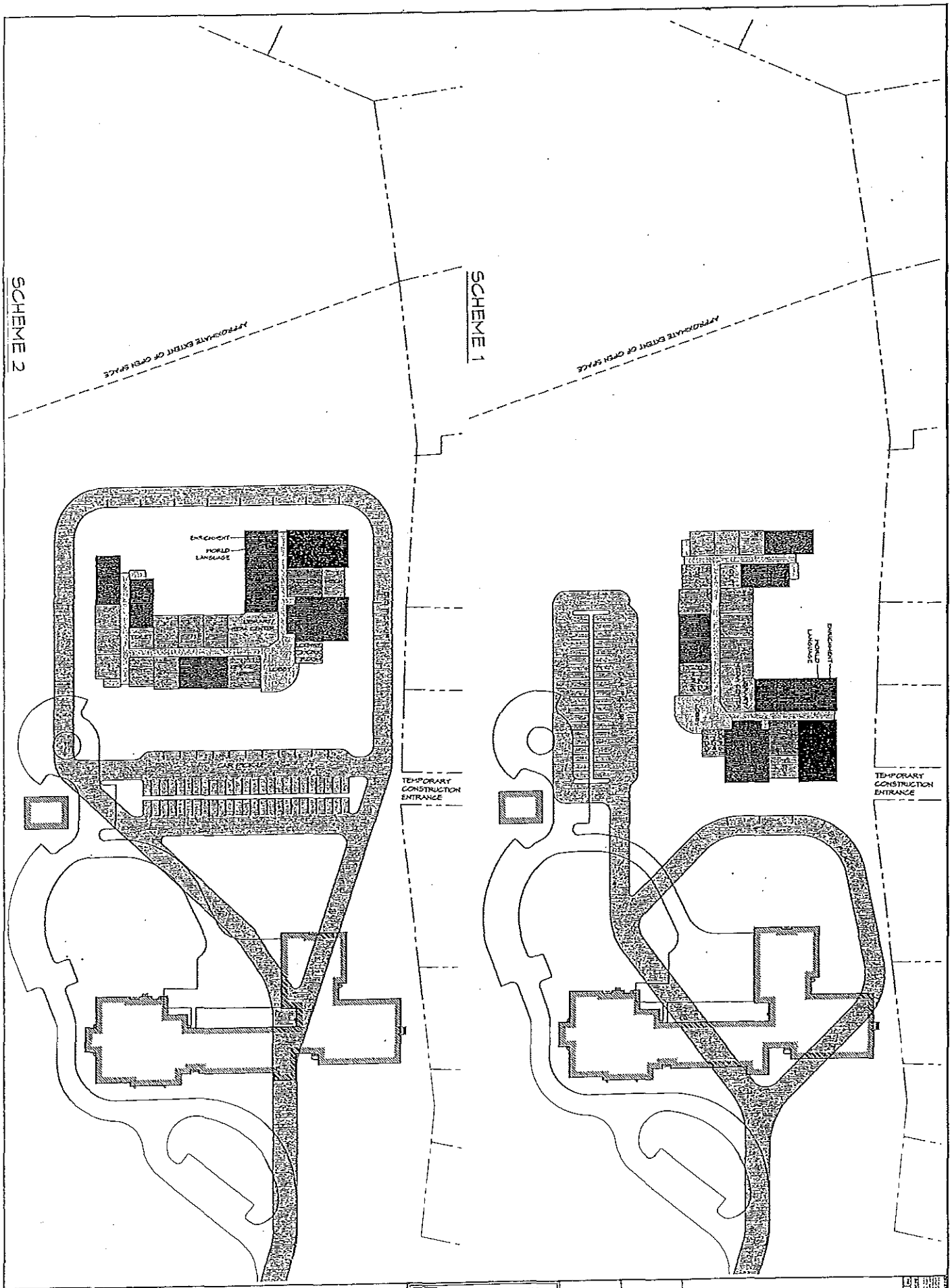

# Mansfield Middle School

NORTH


SIGNIFICANT RENOVATION
NET SQ. FT.: 115,258

# Vinton Elementary School

NORTH



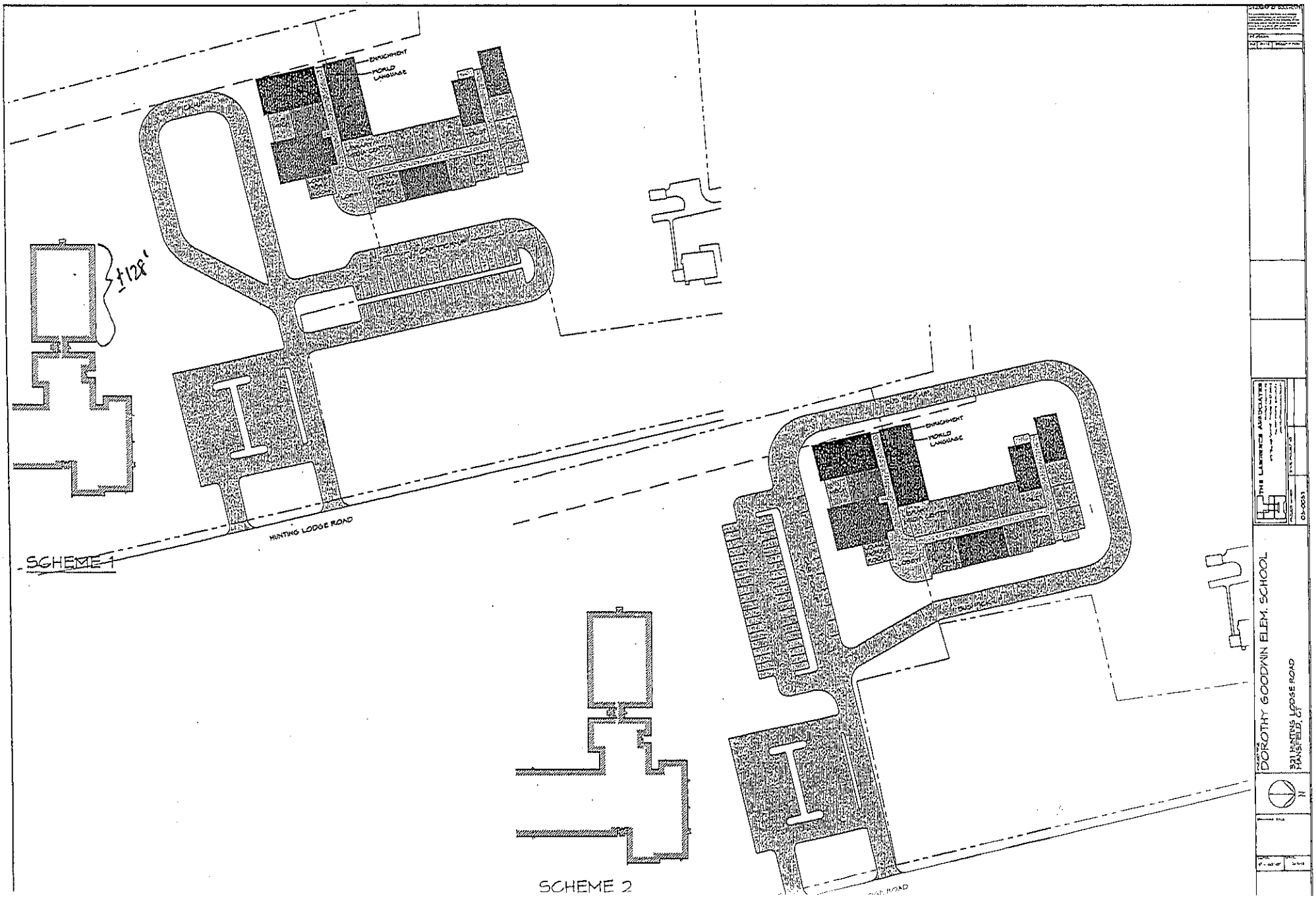

ANNIE VINTON ELEMENTARY SCHOOL
306 STAFFORD ROAD
MANSFIELD, CT

THE LAWRENCE ASSOCIATES

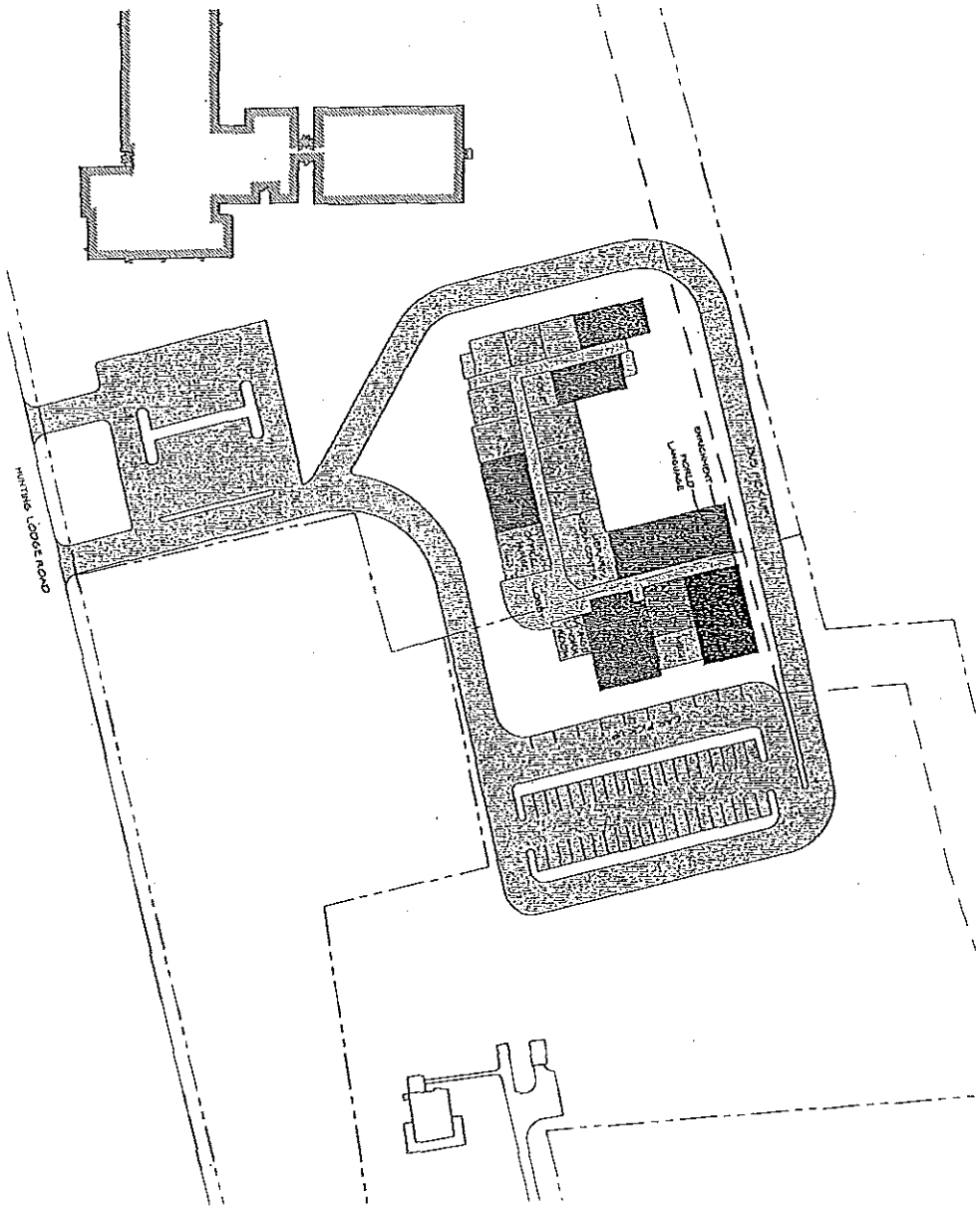
06-0257

# Goodwin Elementary School

NORTH


ENRICHMENT
WORLD LANGUAGE
±128'
MUNTING LODGE ROAD
SCHEME 1
ENRICHMENT
WORLD LANGUAGE
SCHEME 2
THE LAMPRECHT ASSOCIATES
DOROTHY GOODWIN ELEM. SCHOOL
271 HUNTING LODGE ROAD
MANSFIELD, CT

SCHEME 3




DOROTHY GOODWIN ELEM. SCHOOL

321 HUNTING LODGE ROAD
MANSFIELD, CT

N

THE LAWRENCE ASSOCIATES

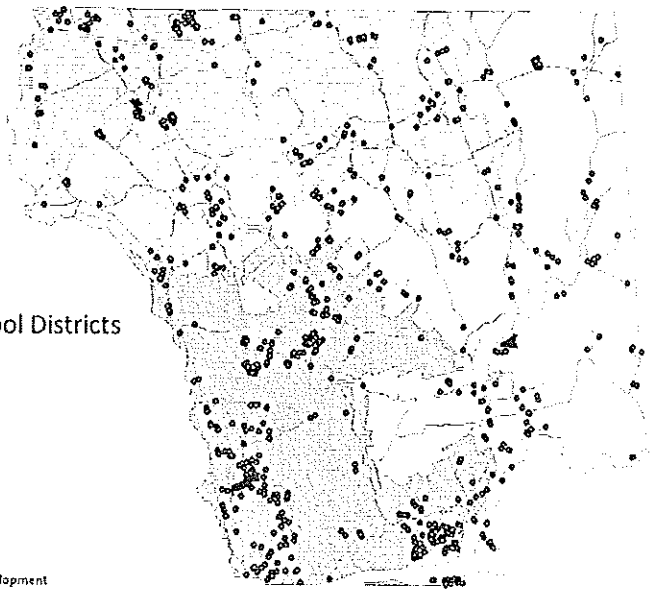
1

# School Siting Considerations

Town Council Special Meeting
May 17, 2012

Prepared by: Department of Planning and Development

2

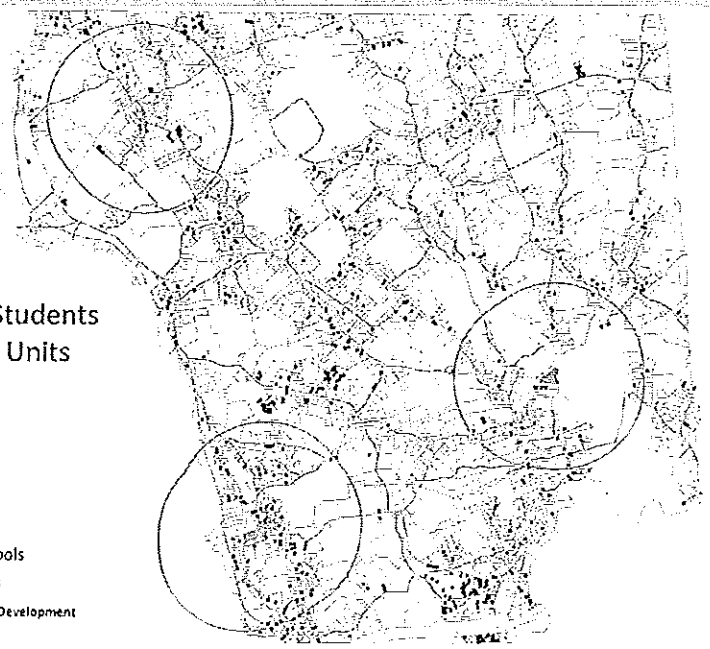


Elementary School Districts

- Students
- Elementary Schools
- Goodwin District
- Southeast District
- Vinton District

Department of Planning & Development
May 15, 2012

3



## Location of Students and Housing Units

- Single Family
- Two Family
- Three Family
- Four Family
- Multi-Family
- Students
- Elementary Schools
- One Mile Radius

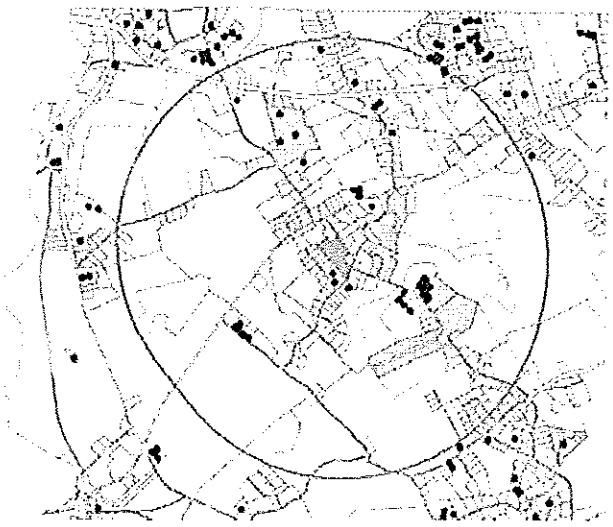
Department of Planning & Development
February 21, 2012

4

## Within One Mile Radius of Goodwin Elementary

- 215 Single Family Homes
- 10 Two-Family Homes
- 1 Three-Family Home
- 2 Multi-Family Developments* (Holinko Estates and Renwood)
- **Total Units: 337**

*Does not include student apartments



5

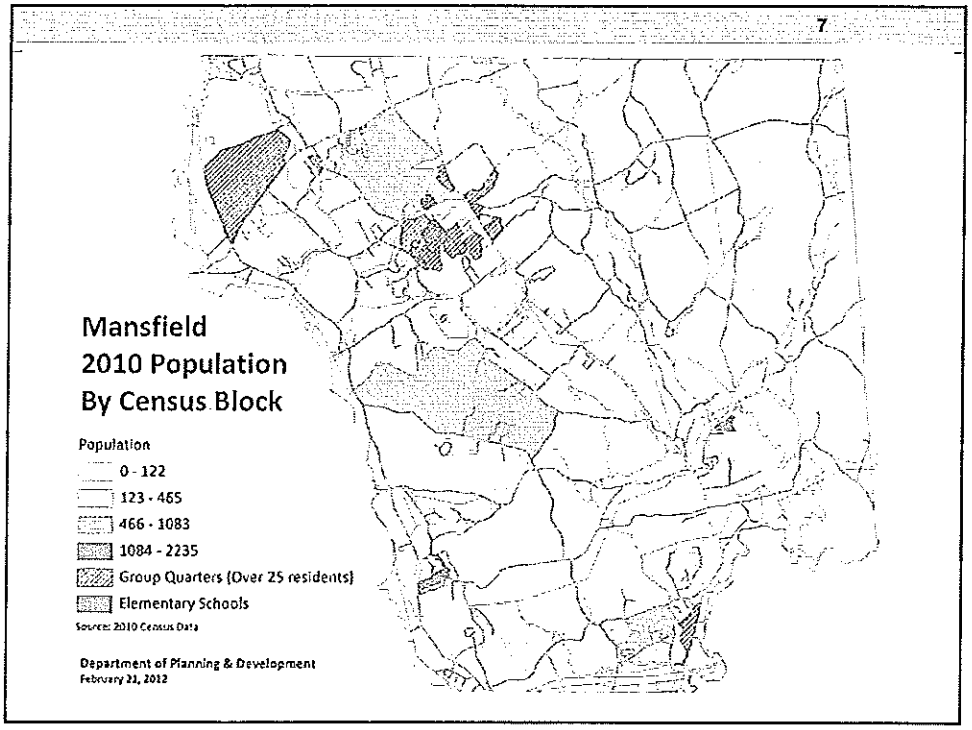
## Housing Units Within One Mile Radius of Vinton Elementary

- 410 Single Family Homes
- 18 Two-Family Homes
- 6 Three-Family Home
- **Total Units: 434**

6

## Housing Units Within One Mile Radius of Southeast Elementary

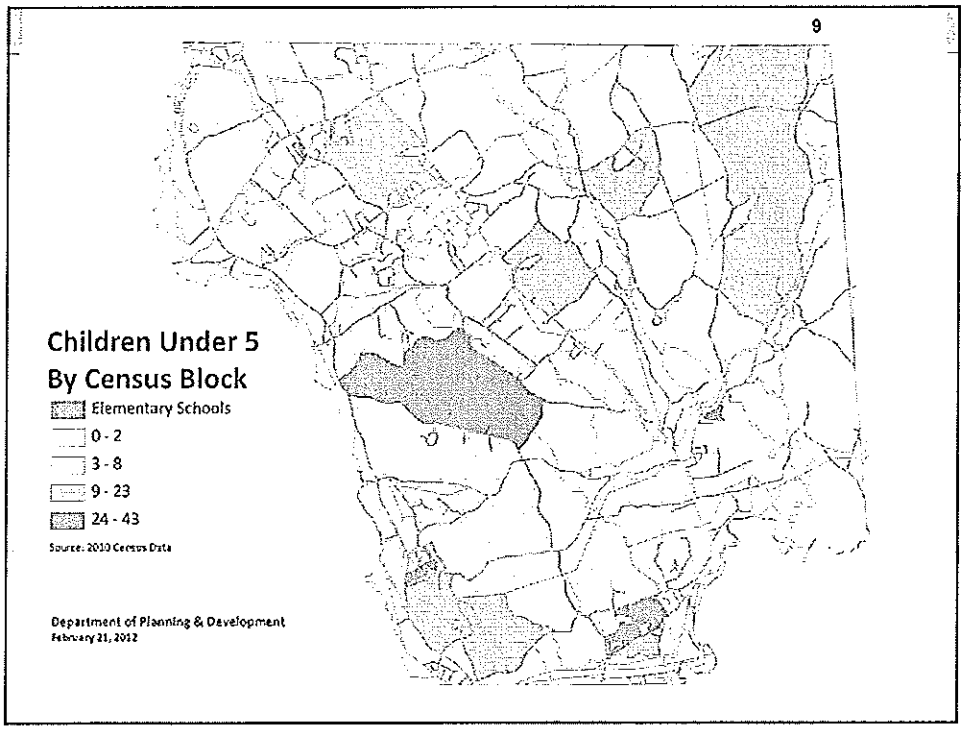
- 251 Single Family Homes
- 20 Two-Family Homes
- 1 Three-Family Home
- 2 Four Family
- 1 Multi-Family Developments
- **Total Units: 284**




8

# 2010 Population Density

- As expected, the highest population density is located in and around UConn. Hatched areas represent blocks containing group quarters (university housing, correctional facility, etc.) providing housing for 25 or more residents
- For areas not adjacent to the university, the highest density per census block is in the area bounded by Maple Road on the north and Mansfield City Road on the South, and the Freedom Green area in southeast Mansfield

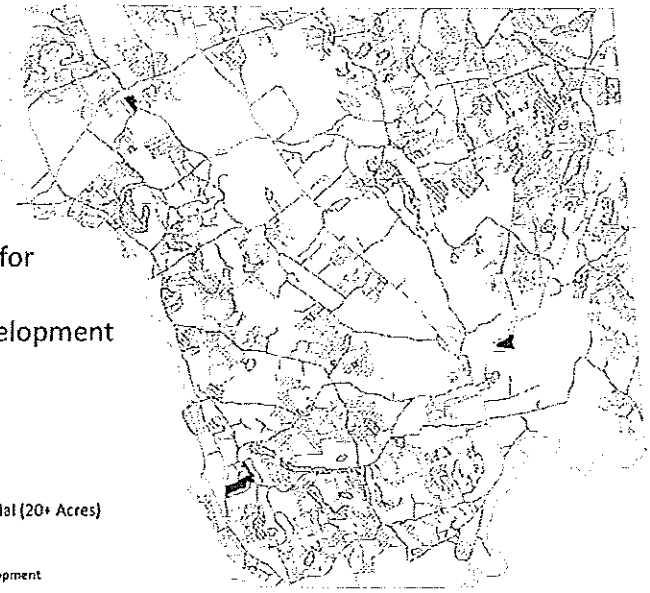



10

## 2010 Population Density: Children Under the Age of 5

- Similar to the overall population density map, the highest concentrations of children under the age of 5 years are located in the area bounded by Maple Road on the north and Mansfield City Road on the South, and the Freedom Green area in southeast Mansfield

11



## Potential Areas for Low Density Residential Development

Percentage Slope
- 20%+
- 30%+
- Wetlands
- Elementary Schools
- Low Density Residential (20+ Acres)

Department of Planning & Development
February 21, 2012

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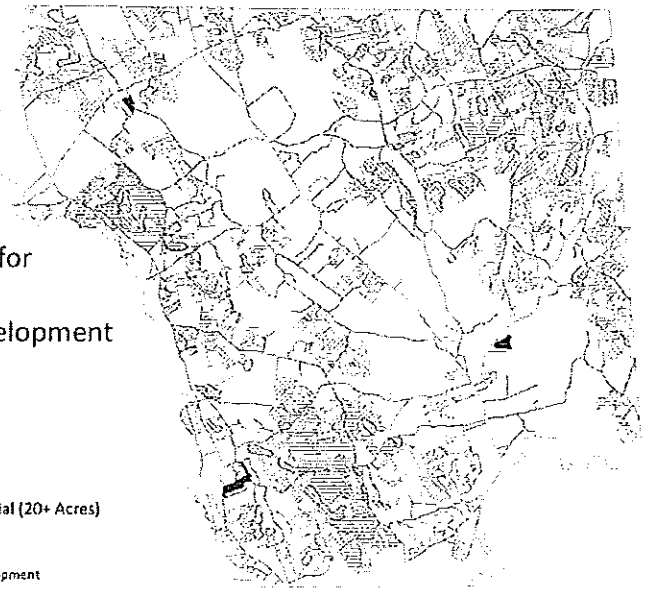

## Potential Areas for Low Density Residential Development

Percentage Slope
- 20%+
- 30%+
- Wetlands
- Agricultural Soils
- Low Density Residential (20+ Acres)
- Elementary Schools

Department of Planning & Development
February 21, 2012

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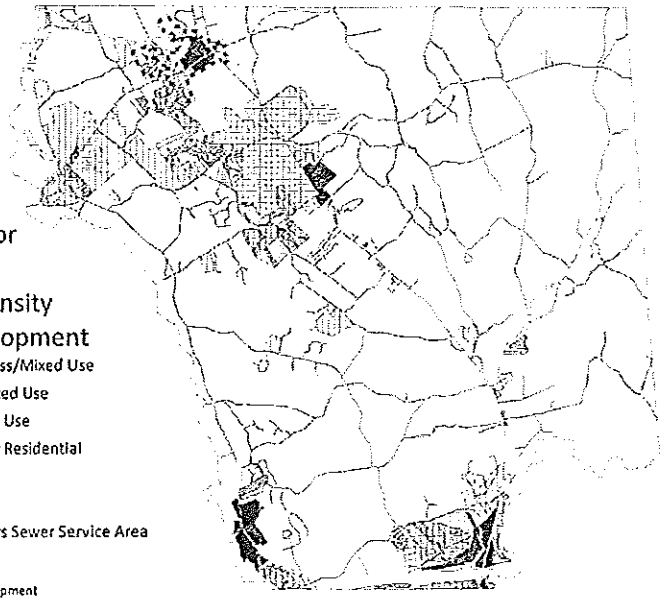
## Potential Areas for Low Density Residential Development

- To identify the area with the greatest potential for single-family residential development, the maps on the previous slides isolated parcels 20 acres or greater in size.
- Of the ±9,600 acres shown, approximately 2,600 are covered by wetlands; there are also several areas of steep slopes that further limit suitability for development.
- Of the areas suitable for development, a large portion is classified as agricultural soils, which in many cases the town has an interest in preserving
- Most of the land identified as potentially suitable for low density development is located south and west of Mansfield City Road, and along Route 32, north of Route 275

14



Potential Areas for Mixed Use and Medium-High Density Residential Development

- Neighborhood Business/Mixed Use
- Planned Business/Mixed Use
- Planned Office/Mixed Use
- Medium-High Density Residential
- Water Service Areas
- Sewer Service Areas
- Proposed Four Corners Sewer Service Area
- Elementary Schools

Department of Planning & Development
February 21, 2012

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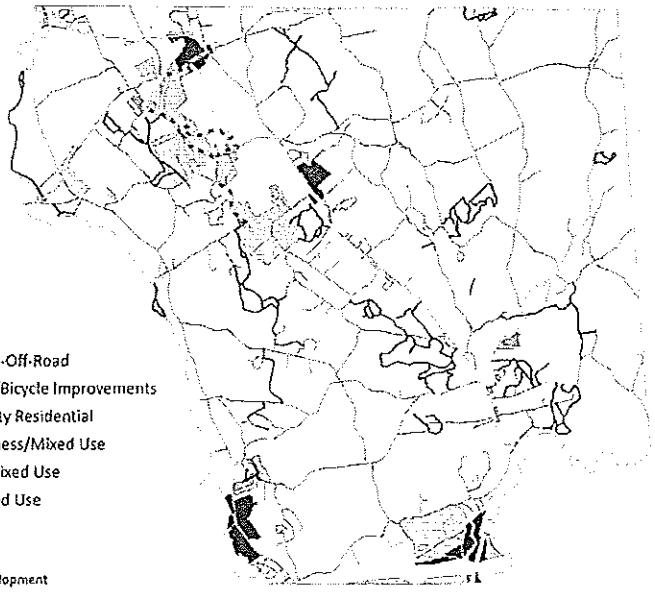
# Potential Areas for Mixed Use and Medium to High Density Residential Development

- Areas identified as potentially supporting medium to high density residential development and more intense commercial development are located in areas with the potential to be served by water and sewer
- Most of the potential mixed use and higher density residential development is anticipated to occur in the areas north and west of UConn, as well as southern Mansfield between Mansfield City Road and Route 195.
- Perkins Corner is also identified as an area for future development. There is a potential sewer project being initiated by the Town of Coventry that could serve this area.

16



Transportation Infrastructure

- Trails_Town
- Pedestrian & Bicycle-Off-Road
- Planned Pedestrian/Bicycle Improvements
- Medium-High Density Residential
- Neighborhood Business/Mixed Use
- Planned Business/Mixed Use
- Planned Office/Mixed Use
- Elementary Schools

Department of Planning & Development
February 21, 2012

## Proximity to Transportation Infrastructure

- As shown in the previous slide, Goodwin Elementary currently has the best access for pedestrians and bicyclists.
- A pedestrian walkway is planned, but not yet funded, to connect Southeast Elementary to Mansfield Center.

GEORGE JEPSEN
ATTORNEY GENERAL

University of Connecticut
Health Center
263 Farmington Avenue
Room LM043
Farmington, CT 06030-3803

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

PAGE
BREAK

University of Connecticut
*Office of the Executive Vice President*
*for Administration and Chief Financial Officer*

Architectural, Engineering
and Building Services

July 10, 2012

Dear UConn Water System Users:

UConn is issuing a Stage IA Water Conservation Alert because seasonally dry conditions have reduced area streamflows. We are enlisting your cooperation to conserve water until further notice.

The University's water supply remains adequate to meet current and forecasted system demands and any emergency needs such as firefighting. Per UConn's Water Supply Plan, we are committed to operating an environmentally sustainable water supply system. Given current streamflow conditions and rainfall forecast, we are asking our students, faculty, staff and our off-campus municipal, commercial, and residential users to be conscientious of their daily water use and to conserve water voluntarily by:

* Taking shorter showers
* Running dishwashers and clothes washing machines with full loads
* Shutting off water while washing dishes, shaving, brushing teeth, and lathering up to wash hands, rather than running the water continuously
* Avoiding vehicle washing or power-washing homes and other buildings
* Not using water to clean sidewalks, driveways and roads
* Reducing, to the extent possible, the watering of lawns, recreational and athletic fields, gardens, or other landscaped areas (if watering is essential, late-evening hours are best)
* Not using public water to fill residential swimming pools

By issuing the Stage IA Water Conservation Alert, we encourage you to reduce how much water you use. Thank you for your help. We appreciate your cooperation. UConn is actively monitoring conditions and will continue to provide updates as conditions change.

Sincerely,

Eugene Roberts
Director of Deferred Maintenance and Infrastructure Management

*An Equal Opportunity Employer*

31 LeDoyt Road Unit 3038
Storrs, Connecticut 06269-3038
web: http://www.aes.uconn.edu

PAGE
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# 2011 Water Quality Report

University of Connecticut

**Main Campus, Storrs** (Public Water System ID No. CT 0780021)
**Depot Campus, Mansfield** (Public Water System ID No. CT 0780011)

The University is pleased to provide you with the 2011 Water Quality Report of the Main Campus Water System in Storrs and the Depot Campus Water System in Mansfield. This report includes a brief overview of your drinking water supply and the results of water quality tests conducted from January through December of 2011. This "Consumer Confidence Report" is an annual requirement of the Federal Safe Drinking Water Act to provide consumers with water quality information. We hope this report gives you a better understanding of your water supply.

The Main Campus and Depot Campus systems experienced no water quality or monitoring/reporting violations in 2011. Further, there were no interruptions to water service as a result of the local power outages experienced during Tropical Storm Irene and Storm Alfred.

New England Water Utility Services, Inc. (NEWUS) continued to provide the University water systems with professional management as well as daily and after-hours emergency operation and maintenance throughout 2011. Under their contract with the University, NEWUS provides a team of certified operations and management staff for day to day operations of the water systems; meter reading, billing and response to customer inquiries; advising on current and proposed regulatory requirements; and overseeing major maintenance and capital improvements.

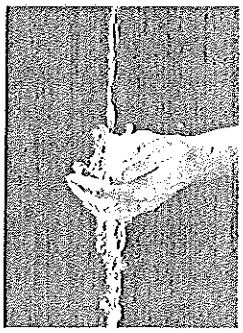
In addition to providing water quality results for 2011, this report also describes many of the ongoing improvements we are making to our water systems, including:

- Completion of a new emergency power supply at the Willimantic Wellfield.
- Continued work on the new chemical treatment building.
- The start of construction of the Reclaimed Water Facility.

In 2011, the University also completed the latest update to its Water Supply Plan. The Plan incorporates the wellfield management strategies recommended in the 2005 Fenton River Study and the conservation strategies from the 2010 Willimantic River Study. The latest Water Supply Plan also identifies several possible new sources of water that would ensure an adequate water supply now and for the foreseeable future. Those possible sources are being analyzed in an ongoing Environmental Impact Evaluation kicked off in June 2011.

For more information concerning drinking water quality in the University systems, call week days between 8 a.m. and 5 p.m. to the University's Department of Environmental Health and Safety at 860-486-3613, or New England Water Utility Services, Inc.'s project manager at 860-486-1081, or visit our Web site at www.facilities.uconn.edu.

## Source Protection



The University is committed to protecting its wells and wellfields, and the Fenton and Willimantic Rivers, which are invaluable water resources. Pursuant to the Connecticut Environmental Policy Act (CEPA), the University completes detailed Environmental Impact Evaluations for projects based on their size, location, cost or other factors consistent with the Generic Environmental Classification Document for State Agencies. This process, administered through the State Office of Policy and Management (OPM), provides numerous state agencies, the town of Mansfield, environmental organizations, and interested citizens with an opportunity to review and comment on a project regarding its potential environmental impact. The University also cooperates with Windham Water Works regarding watershed inspections on the Main Campus. This interaction is designed to protect the Fenton River wellfield and the Fenton River, as well as the downstream reservoirs that serve the Windham Water system.

The University utilizes its aquifer mapping information to better understand the areas of groundwater recharge. This hydraulic evaluation, required by the Department of Energy and Environmental Protection (DEEP), shows the critical areas of direct recharge that must be protected. The State of Connecticut Department of Public Health (DPH), in conjunction with the DEEP, has on record the Source Water Assessment Program (SWAP) report on the Fenton River and Willimantic River wells. This report evaluates potential sources of contamination near our wells. The University's wellfields have an Overall Susceptibility Rating of "LOW," the best possible rating. To ensure continued source protection however, the University will remain vigilant in protecting all of its water supply sources in the years to come. For more information regarding the SWAP report, visit the DPH's Web site at www.ct.gov/dph.

## Regulatory Oversight

To ensure that tap water is safe to drink, the Federal Environmental Protection Agency (EPA) and the DPH established regulations that limit the amount of certain contaminants in the water provided by public water systems. Water quality testing is an ongoing process, and the frequency of testing for each parameter varies as prescribed by these drinking water regulations. Due to testing schedules, not all of these tests were required during 2011, but the most recent test data are shown in the table located on page three. Samples from the University's water systems are tested regularly at state-certified laboratories to ensure compliance with state and federal water quality standards. Water samples are collected for water quality analyses from our wells, from entry points into our systems, and from sample locations within our distribution system.

## System Description

The University owns and operates the Main Campus Water System at Storrs and the Depot Campus Water System in Mansfield. Although the Main and Depot systems are interconnected, the source of water within each system can vary. The Main Campus receives water from gravel-packed wells located in the Fenton River and Willimantic River wellfields. The Depot Campus receives water only from the Willimantic River wellfield. Our wells do not pump directly from the Fenton and Willimantic Rivers; rather, the wells are located near the rivers and pump groundwater from underground aquifers. As groundwater moves very slowly through the fine sands that make up these aquifers, the water is naturally filtered. The result is water of excellent chemical, physical, and bacteriological quality pumped from each wellfield. The only water treatment added is sodium hydroxide for pH adjustment and corrosion control, and chlorine for disinfection. The University continues to have an ample supply of high quality drinking water to meet the needs of its on-campus and off-campus users. In addition, it has over 7.6 million gallons of water storage capacity to meet all domestic, process, and fire protection needs. Large booster pumps help maintain adequate system pressures, and emergency generator power ensures continued operation during electric power outages.

## Water Quality

As water travels over the land surface and/or through the ground, it dissolves naturally occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or human activity, including:

- viruses and bacteria, which may come from septic systems, livestock and wildlife;
- salts and metals, which can be natural or may result from storm water runoff and farming;
- pesticides and herbicides, which may come from a variety of sources such as agriculture, urban storm water runoff or lawn care;
- organic chemicals, which originate from industrial processes, gas stations, storm water runoff and septic systems; and
- radioactive substances that can be naturally occurring.

To ensure safe tap water, EPA prescribes limits on these substances in water provided by public water systems. The presence of these contaminants does not mean that there is a health risk. The University complies with EPA and DPH water quality requirements to ensure the quality of the water delivered to consumers. There were no water quality violations in the University's systems in 2011.

## Stage 2 Disinfectants and Disinfectants By-products Rule (DBPR)

The Environmental Protection Agency's Stage 2 Disinfectants and Disinfectants By-products Rule (DBPR) requires all water systems to evaluate the potential for producing elevated levels of certain "disinfectant by-products" that have potential adverse health effects. These chemical compounds can be produced by the reaction of disinfecting chemicals with naturally occurring chemical compounds found in the water. Water quality test results over eight consecutive quarterly sampling periods showed that none of the samples contained levels of disinfection by-products in excess of allowable levels. Because of these favorable sample results, both the Depot and Main Campus water systems have been designated as in compliance with the DBPR.

## Health Information

Consumer Confidence Reports are required to contain public health information for certain contaminants and compounds, even if the levels detected in the system were less than the Maximum Contaminant Levels (MCL) established for those parameters. The presence of contaminants does not necessarily indicate that the water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline (800-426-4791).

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk for infections. These people should seek advice about drinking water from their health care providers. EPA and the Federal Center for Disease Control guidelines on reducing the risk of infection by Cryptosporidium and other microbial contaminants are available from EPA's Safe Drinking Water Hotline (800-426-4791).

CRYPTOSPORIDIUM. Cryptosporidium is a microbial parasite found in surface waters throughout the U.S. Since the University uses groundwater (wells) rather than surface water (reservoirs), the University is not required to test for Cryptosporidium.

COPPER & LEAD. The University currently meets regulatory requirements for both lead and copper. Lead and copper were tested in 2010 (Depot Campus) and 2011(Main Campus), and will be tested again in 2013 (Depot Campus) and 2014 (Main Campus). None of the samples collected exceeded the Action Levels for lead or copper. Nonetheless, the University believes it is important to provide its customers with the following information regarding lead and copper.

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. The University's Main Campus and Depot Campus water systems provide high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap water for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water is available from the Safe Drinking Water Hotline or at www.epa.gov/safewater/lead.

Similarly, elevated copper levels can also have health impacts. Copper is an essential nutrient, but like lead, its levels can vary from location to location. Some people who drink water containing copper in excess of the Action Level over a relatively short period of time could experience gastrointestinal distress and may also suffer liver or kidney damage. People with Wilson's disease should consult their personal physician. If you are concerned about elevated copper levels, you may wish to have your water tested. Running your tap for 30 seconds to 2 minutes before using for drinking or cooking will significantly reduce copper levels in the water.

# Water Quality Testing

The table below lists the results of water quality monitoring conducted in 2011. Most of the data below is from testing done in 2011. However, the tests for some substances are required only once every two or three years because the concentrations are expected to be relatively constant. Because of this, some of the data, though representative of the water quality, may be more than one year old. If levels were tested prior to 2011, the year is identified in parentheses. Any contaminant/compound detected in the latest round of testing is included in the table. As required by the EPA and the DPH, the University also periodically tests for "unregulated contaminants." Unregulated contaminants are those that do not yet have a drinking water standard set by EPA. The purpose of monitoring for these contaminants is to help EPA decide whether the contaminants should have a standard. The last required samples for those unregulated compounds were collected in July 2009 with all sample results below detection levels.

| | | | Main Campus | | | Depot Campus | | | |
|---|---|---|---|---|---|---|---|---|---|
| Water Quality Test | MCL | MCLG | Highest Level Detected | Range of Detections | MCL Exceeded? | Highest Level Detected | Range of Detections | MCL Exceeded? | Possible Contaminant Source |
| Copper (ppm) | AL 1.3 | AL 1.3 | 0.31 | no sample above AL | No | 0.12 (2010) | no sample above AL | No | Corrosion of household plumbing systems |
| Lead (ppb) | AL 15 | AL 15 | 14 | 3 samples above AL | No | 6 (2010) | no sample above AL | No | Corrosion of household plumbing systems |
| Barium (ppm) | 2 | 2 | 0.015 | 0.015 | No | 0.015 | 0.015 | No | Erosion of natural deposits |
| Chloride (ppm) | 250 | NA | 26 | 26 | No | 26 | 26 | No | Erosion of natural deposits |
| Fluoride (ppm) | 4 | 4 | ND | ND | No | ND | ND | No | Erosion of natural deposits |
| Nitrate (ppm) | 10 | 10 | 0.65 | 0.1-0.65 | No | 0.65 | 0.65 | No | Runoff from fertilizer use |
| Nitrite (ppm) | 1 | 1 | ND | ND | No | ND | ND | No | Runoff from fertilizer use |
| Sodium (ppm) | NL=28 | NA | 26.3 | 26.3 | No | 27.5 | 27.5 | No | Erosion of natural deposits |
| Sulfate (ppm) | NA | 250 | 13 | 13 | No | 13 | 13 | No | Erosion of natural deposits |
| Turbidity (ntu) | TT (5 ntu) | NA | 2.45 | ND-2.45 | No | 4.9 | <0.2-4.9 | No | Soil runoff, pipe sediment, or precipitation of minerals or metals |
| Total Coliform Bacteria | presence in >5% of mo. samples | 0 | 0 | ND | No | <1 | Present in 5 samples for the year | No | Naturally present in the environment |
| Alpha Emitters (pCi/L) | 15 | 0 | ND (2010) | ND | No | ND (2010) | ND | No | Erosion of natural deposits |
| Combined Radium (pCi/L) | 5 | 0 | 1.2 (2010) | ND-1.2 | No | ND (2010) | ND | No | Erosion of natural deposits |
| Uranium pCi/L | 30 | 0 | ND (2010) | ND | No | ND (2010) | ND | No | Erosion of natural deposits |
| Chlorine (ppm) | MRDL 4 | MRDLG 4 | 1.2 | 0.1-1.2 | No | 0.4 | 0.02-0.4 | No | Water additive used to control microbes |
| HAA5 (ppb) [Haloacetic acids] | 60 | NA | 4.2 | ND-4.2 | No | ND | ND | No | By-product of drinking water disinfection |
| TTHMs (ppb) [Total Trihalomethanes] | 80 | 0 | 6.11 | ND-6.11 | No | 6.4 | ND-6.4 | No | By-product of drinking water disinfection |

## Definitions and Key Terms

**AL (Action Level):** The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.

**MCL (Maximum Contaminant Level)**: The highest level of a contaminant allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology. Typically when MCLs are exceeded a violation occurs and public notification is required.

**MCLG (Maximum Contaminant Level Goal)**: The level of a contaminant in drinking water below which there is no known or expected health risk. MCLGs allow for a margin of safety.

**MRDL (Maximum Residual Disinfection Level)**: The highest level of a disinfectant allowed in drinking water.

**MRDLG (Maximum Residual Disinfection Level Goal):** The level of a drinking water disinfectant below which there is no known or expected risk to health.

**Detected Contaminant**: A detected contaminant is any contaminant measured at or above a **Method Detection Level.** Just because a contaminant is detected does not mean that its MCL is exceeded or that there is a violation.

**N/A**: Not applicable.

**ND**: Not detected.

**NL:** Notification level.

**ppb (parts per billion)**: One part per billion = ug/L; the equivalent of 1 penny in $10,000,000.

**ppm (parts per million)**: One part per million= 1 mg/l; the equivalent of 1 penny in $10,000.

**PCi/L (picocuries per liter)**: A measure of radioactivity.

**TT (Treatment technique)**: A required process intended to reduce the level of a contaminant in drinking water.

**< :** Less than.

# 2011
# Annual Water Quality Report

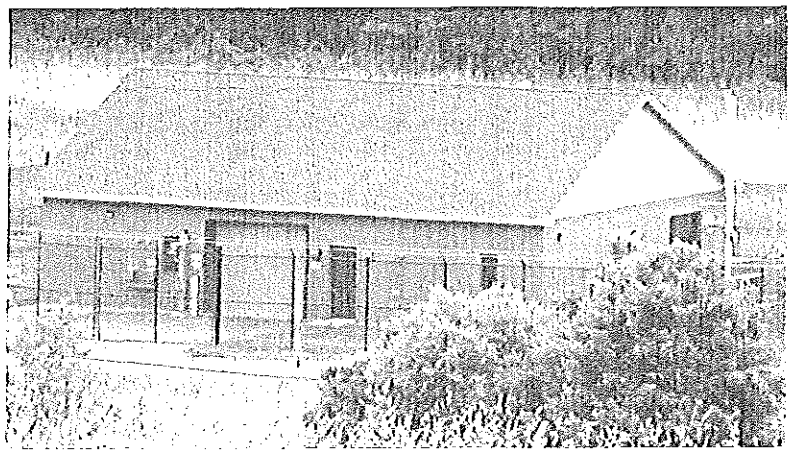
*Proudly Presented By:*

**University of Connecticut**
Facilities Operation Building
25 LeDoyt Road, Unit 3252
Storrs, CT 06269

## 2011 Water System Improvement Projects

A number of important improvements to the University of Connecticut water system were initiated, continued or completed in 2011, including:

- Standby power improvements at the Willimantic Wellfield have been completed. The new on-site generator can power all four Willimantic wells and replaces the generators that were capable of providing power to only two wells.
- Construction progressed on the Willimantic wellfield's new water treatment building. Once complete, this facility will provide centralized pH adjustment (helps prevent pipe corrosion) and disinfection, and allow two older treatment facilities to be retired.
- Construction of the new Reclaimed Water Facility broke ground in June 2011. Once complete, the facility will "polish" treated wastewater from the University's Water Pollution Control Facility for reuse at the University Central Utility Plant. Using recycled wastewater for non-potable heating and cooling purposes will conserve up to 400,000 gallons per day of treated drinking water supplies. In the future, we expect additional water will be conserved as reclaimed water is also used for irrigation.
- The University also commissioned the design of several projects to be completed in the years to come, for example, a replacement transmission pipe to the Willimantic wellfield, upgrades to the 1951 water tower, and improvements to the underground 5.4 million gallon "High Head" reservoir.



*New Willimantic Wellfield water treatment facility*

## System Reliability

Tropical Storm Irene and Storm Alfred resulted in two of the largest power outages in Connecticut's history. Fortunately, the UConn water system was minimally disrupted by the storms and service continued uninterrupted throughout. Careful planning and coordinated responses by both the UConn Facilities Operations and NEWUS were pivotal in preventing an emergency condition. The generators at the wellfields and booster pumps worked as designed, kicking on when downed tree limbs interrupted normal electrical service. Water supply from the Willimantic wellfield was never affected, and when downed lines temporarily cut power from the Fenton wellfield generator to the wells, the UConn Electrical Shop quickly restored the emergency power connections, and the UConn Utilities Department and NEWUS managed the Willimantic wellfield supply to serve the system's demand for water.

## Future Water Supply Planning

2011 also saw the submittal of the latest 5-year update of the University's Water Supply Plan to the DPH and the kick-off of a comprehensive evaluation of possible future sources of water.

The Water Supply Plan for the University's water system, the fourth such iteration, was prepared with the following principal goals of water system planning in mind: (1) to ensure an adequate quantity of pure drinking water, now and in the future; (2) to ensure orderly growth of the system; and (3) to make efficient use of available resources.

The University and its consultant made sure this Plan was a well informed document built off the extensive river studies and master planning efforts done since the last Plan was drafted. In addition, the University took the unique step of making the draft available for public review and comment before submitting to the DPH in May 2011.

A critical element of water supply planning is forecasting future demands and addressing how the system can meet those demands. Activation of the Reclaimed Water Facility and maximizing non-potable reclaimed water for use at the Central Utility Plant will allow the University to meet public health goals for the next several years. However, the Plan's forecasts indicate the University will need to add supply to its domestic water system in the next 20 and 50 year planning periods. The Plan identified several possibilities for this new supply, all of which are now being evaluated.

Having recently incorporated public comments into the Plan and then submitting it to the DPH for review, the time was right to thoroughly explore which of the possible new sources of water was the most feasible and prudent. The University, in collaboration with the Town of Mansfield, initiated an Environmental Impact Evaluation (EIE) of the various potable water supply alternatives for the region. These include interconnecting via a new pipeline to other existing water supply systems, as well as new wellfields within Mansfield either along the Willimantic River or around Mansfield Hollow.

The selected alternative will provide the University and the surrounding Town areas with at least 0.5 to 1 million gallons per day of additional water. This will enable growth of the University and surrounding area consistent with the University Water Supply Plan and University Master Plans – particularly for the proposed University Technology Park to be developed on the University's North Campus. This additional source of water supply will also enable economic development as delineated in the Town Plan of Conservation and Development, particularly as envisioned for the Mansfield Four Corners and Storrs Center and other areas in northern Mansfield. The proposed action will improve the University water supply's margin of safety and supplement available water during times in drier years when the existing supply is limited in response to aquatic and environmental concerns.

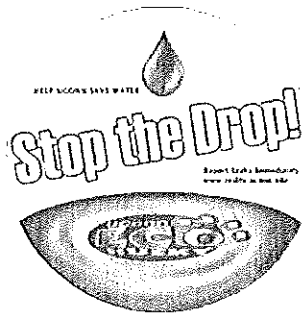
The EIE is being conducted pursuant to the Connecticut Environmental Policy Act (CEPA), which seeks to identify and evaluate the impacts of proposed state actions which may affect the environment. A public scoping meeting for the EIE was held on June 28, 2011, with a second public scoping meeting held January 24, 2012. Finalization of the EIE and identification of a preferred water supply alternative is expected by December 2012.

# Water Usage

Water usage in 2011 was essentially the same as that of 2010 despite a slight increase in population, leading to a drop in the year-to-year per capita usage. The drop in per capita usage occurred during a wetter year when streamflows were sustained throughout and there were no direct requests for water conservation in response to environmental concerns. If conservation had been needed, a larger drop would have been expected.

The average daily demand for the water systems has decreased from 1.49 million gallons per day (mgd) in 2005 to 1.29 mgd in 2011. During those years student enrollment and faculty/staff increased by over 9 percent, but the average daily water demand in our water system decreased by 13 percent.

These reductions in system demands did not happen by accident but were the result of deliberate actions taken by the University to conserve water. Over the years, the University has made water system operation changes to maximize water efficiencies, thereby reducing wasted water and has completed a comprehensive water conservation program in University buildings. The University regularly invests in leak detection and repair, the installation of water-saving devices and more efficient water chillers, the replacement of old water mains, as well as the retrofit or replacement of equipment with more efficient methods. Though the more significant savings from conservation efforts may have already been realized, it is important to continue to promote conservation and reinforce the need for wise use of water.

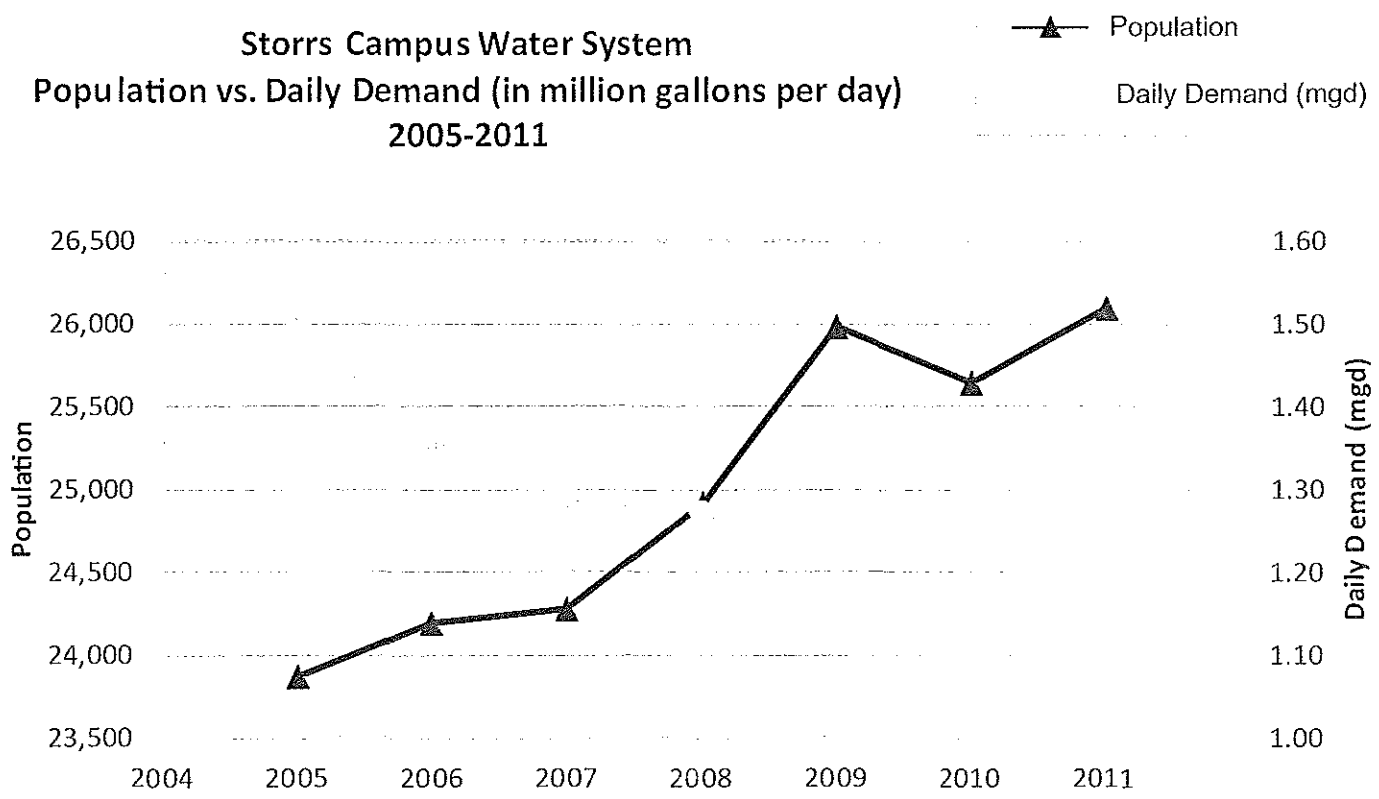



# Water Conservation

Water conservation measures at the onset of low streamflows are now incorporated in the University's updated water supply plan and were put into practice during 2010 as dry weather conditions brought about streamflows undesirable for river habitat. Because of the wetter weather experienced in 2011, streamflows remained at or above target levels and water conservation measures were not placed into effect during the calendar year. However, the University and NEWUS encourage the wise and efficient use of water at all times by applying the following tips:

## Conservation Tips

- Install water-efficient fixtures and equipment, such as water-saving shower heads and toilets.
- Take shorter showers.
- Turn off faucets and showers when not in use.
- Wash full loads in washing machines/dishwashers.
- Limit running water in food preparation.
- Limit outdoor watering to early mornings or evenings and do not water on windy days.
- Mulch around plants to reduce evaporation.
- Limit running water time when washing a car, or use a car wash.
- Repair leaks:
    - In UConn dorms, promptly report leaks to your Resident Advisor.
    - In other campus buildings, report leaks to Facilities Operations at 860-486-3113.



**UCONN STUDENTS ENROLLED AT STORRS CAMPUS, 1990-2012**
UPDATED AS OF JUNE, 2012

| Academic Year | Undergrad. F/T | Undergrad. P/T | Total Undergrad. | Total Grad. | Total |
|---|---|---|---|---|---|
| Spring, 1992 | 10,838 | 1,329 | 12,167 | 4,131 | 16,298 |
| Fall, 1992 | 11,321 | 1,170 | 12,491 | 4,399 | 16,890 |
| Spring, 1993 | 10,353 | 1,228 | 11,581 | 4,206 | 15,787 |
| Fall, 1993 | 10,830 | 1,075 | 11,905 | 4,549 | 16,454 |
| Spring, 1994 | 9,849 | 1,149 | 10,998 | 4,229 | 15,227 |
| Fall, 1994 | 10,328 | 1,058 | 11,386 | 4,503 | 15,889 |
| Spring, 1995 | 9,546 | 1,144 | 10,690 | 4,118 (est.) | 14,808 |
| Fall, 1995 | 10,271 | 1,059 | 11,330 | 4,405 | 15,735 |
| Spring, 1996 | 9,475 | 1,184 | 10,629 | 4,068 | 14,697 |
| Fall, 1996 | 10,271 | 1,059 | 11,330 | 4,405 | 15,735 |
| Spring, 1997 | 9,557 | 1,106 | 10,663 | 3,882 | 14,545 |
| Fall, 1997 | 10,362 | 956 | 11,318 | 3,863 | 15,181 |
| Spring, 1998 | 9,567 | 1,142 | 10,709 | 3,287 | 14,355 |
| Fall, 1998 | 10,740 | 942 | 11,682 | 3,646 | 15,328 |
| Spring, 1999 | 9,894 | 732 | 10,626 | 3,187 | 13,813 |
| Fall, 1999 | 11,411 | 576 | 11,987 | 3,347 | 15,334 |
| Spring, 2000 | 10,662 | 718 | 11,380 | 3,152 | 14,532 |
| Fall, 2000 | 12,234 | 728 | 12,962 | 3,246 | 16,708 |
| Spring, 2001 | 11,309 | 728 | 12,037 | 3,222 | 15,259 |
| Fall, 2001 | 13,017 | 571 | 13,588 | 3,367 | 16,955 |
| Spring, 2002 | 12,103 | 928 | 13,031 | 2,867 | 15,898 |
| Fall, 2002 | 13,688 | 525 | 14,213 | 3,705 | 17,918 |
| Spring, 2003 | 13, 136 | 869 | 14,005 | 3,539 | 17,865 |
| Fall, 2003 | 14,318 | 845 | 15,163 | 3,927 | 19,090 |
| Spring, 2004 | 13,642 | 899 | 14,541 | 3,815 | 18,507 |
| Fall, 2004 | 14,752 | 508 | 15,722 | 3,692 | 19,857 |
| Spring, 2005 | 14,170 | 937 | 15,107 | 3,807 | 19,073 |
| Fall, 2005 | 15,277 | 814 | 16,091 | 4,031 | 20,122 |
| Spring, 2006 | 14,482 | 843 | 15,325 | 3,851 | 19,176 |
| Fall, 2006 | 15,594 | 745 | 16,339 | 3,834 | 20,173 |
| Spring, 2007 | 15,027 | 1,056 | 16,083 | 3,408 | 19,491 |
| Fall, 2007 | 15,607 | 733 | 16,340 | 3,845 | 20,185 |
| Spring, 2008 | 15,693 | 776 | 16,469 | 3,790 | 20,259 |
| Fall, 2008 | 16,073 | 681 | 16,754 | 4,009 | 20,763 |
| Spring, 2009 | 16,135 | 785 | 16,920 | 3,795 | 20,715 |
| Fall, 2009 | 16,325 | 671 | 16,996 | 4,019 | 21,015 |
| Spring, 2010 | 15,732 | 757 | 16,489 | 3,830 | 20,319 |
| Fall, 2010 | 16,614 | 717 | 17,331 | 4,172 | 21,503 |
| Spring, 2011 | 16,028 | 801 | 16,829 | 3,907 | 20,736 |
| Fall, 2011 | 17,057 | 751 | 17,808 | 4,202 | 22,010 |
| Spring, 2012 | 16,452 | 832 | 17,284 | 3,913 | 21,197 |

**These numbers include Mansfield Apartments as well as Northwood Apartments, Charter Oak and Hilltop Apartments. Since Fall of 2007 these numbers include all complexes that are part of the Residential Life housing stock.
Source: Division of Student Affairs, Housing Services, University of Connecticut

## UCONN STUDENTS LIVING ON-CAMPUS AT STORRS, 1990-2012
UPDATED AS OF JUNE, 2012

| Acad. Year | Undergrad./ Non-Degree | Grad. | Total |
|---|---|---|---|
| Spring, 1992 | 7,437 | 430 | 7,867 |
| Fall, 1992 | 7,628 | 424 | 8,052 |
| Spring, 1993 | 6,889 | 428 | 7,317 |
| Fall, 1993 | 7,152 | 465 | 7,615 |
| Spring, 1994 | 6,390 | 456 | 6,846 |
| Fall, 1994 | 6,702 | 421 | 7,123 |
| Spring, 1995 | 6,100 | 414 | 6,514 |
| Fall, 1995 | 6,567 | 390 | 6,957 |
| Spring, 1996 | 6,020 | 410 | 6,430 |
| Fall, 1996 | 6,675 | 414 | 7,089 |
| Spring, 1997 | 6,089 | 372 | 6,471 |
| Fall, 1997 | 6,473 | 418 | 6,819 |
| Spring, 1998 | 5,969 | 378 | 6,347 |
| Fall, 1998 | 7,212 | 414 | 7,626 |
| Spring, 1999 | 6,635 | 417 | 7,052 |
| Fall, 1999 | 7,818 | 430 | 8,248 |
| Spring, 2000 | 7,142 | 411 | 7,553 |
| Fall, 2000 | 8,259 | 440 | 8,699 |
| Spring, 2001 | 7,952 | 421 | 8,373 |
| Fall, 2001 | 9,247 | 543 | 9,790 |
| Spring, 2002 | 8223 | 425 | 8,648 |
| Fall, 2002 | 9,868 | 449 | 10,317 |
| Spring, 2003 | 9,409 | 560 | 9,969 |
| Fall, 2003 | 10,567 | 423 | 10,990 |
| Spring, 2004 | 10,257 | 485 | 10,742 |
| Fall, 2004 | 10,658 | 497 | 11,155 |
| Spring, 2005 | 10,323 | 509 | 10,832 |
| Fall, 2005 | 11,010 | 514 | 11,524 |
| Spring, 2006 | 10,731 | 416 | 11,147 |
| Fall, 2006 | 11,135 | 512 | 11,647 |
| Spring, 2007 | 10,749 | 490 | 11,239 |
| Fall, 2007 | 10,751 | 556 | 11,307 |
| Spring, 2008 | 10,322 | 519 | 10,841 |
| Fall, 2008 | 11,427 | 523 | 11,970 |
| Spring 2009 | 11,025 | 492 | 11,517 |
| Fall, 2009 | 11,912 | 403 | 12,315 |
| Spring, 2010 | 11,599 | 372 | 11,971 |
| Fall, 2010 | 12,247 | 299 | 12,546 |
| Spring, 2011 | 11,842 | 279 | 12,121 |
| Fall, 2011 | 12,290 | 210 | 12,341 |
| Spring, 2012 | 12,040 | 180 | 12,220 |

**These numbers include Mansfield Apartments as well as Northwood Apartments, Charter Oak and Hilltop Apartments. Since Fall of 2007 these numbers include all complexes that are part of the Residential Life housing stock.
Source: Division of Student Affairs, Housing Services, University of Connecticut

Notice of Certain
Planning and Zoning Matters
in Neighboring Municipalities

RECEIVED
12:00 P.M.
JUL 5 2012
C. Hawthorne
TOWN CLERK
TOWN OF MANSFIELD

DATE: JULY 2, 2012

TO: Town Clerks of: Mansfield

FROM: ☒ Planning and/or Zoning Commission ☐ Zoning Board of Appeals ☐ Inland Wetland Commission

Town of Coventry

Pursuant to P.A. 87-307 which requires zoning, planning, and inland wetland commissions and zoning boards of appeals to notify the clerk of any adjoining municipality of the pendency of an application, petition, request, or plan concerning any project on any site in which:

1) Any portion of the property affected by a decision of such board is within five hundred feet of the boundary of the adjoining municipality;
2) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
3) A significant portion of the sewer or water drainage from the project on site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
4) Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice is to be made by registered mail and mailed within seven days of the date of receipt of the application, petition, request, or plan.

No hearing may be conducted unless the adjoining municipality has received notice required by P.A. 87-307. A representative may appear and be heard at any such hearing.

This letter is to inform you of the pendency of such a project described as follows:

Description of application and location PZC application # 12-07. DESIAN Sand & Gravel, Old Eastern Rd; 1 lot Subdivision

Scheduled hearing:
Date: 8 · 13 · 12
Time: 7:00 PM
Place: TOWN HALL ANNEX

DATE: 6/25/2012 APPLICATION # #12-07

# TOWN OF COVENTRY
## PLANNING AND ZONING COMMISSION
## SUBDIVISION APPLICATION

Application information must be completely filled out (please type or print legibly).

APPLICATION IS FOR: ☑ SUBDIVISION ☐ RESUBDIVISION ☐ OPEN SPACE SUBDIVISION

TITLE OF SUBDIVISION Desiato Sand + Gravel Corp.

STREET Old Eagleville Road, Coventry ZONE(S) R/Aquifer (R/A) Zon.

ASSESSOR'S MAP 19 BLOCK 51 LOT 0003

NO. OF PROPOSED LOTS 1 (New) ACREAGE _____ NO. PROPOSED STREETS N/A

APPLICANT Same As Above PHONE # _____

MAILING ADDRESS Same As Above ZIP CODE _____

OWNER(S) OF RECORD Desiato Sand + Gravel Corp PHONE # 860-429-6474

MAILING ADDRESS 999 Stafford Road Storrs, CT. ZIP CODE 06268

ENGINEER/SURVEYOR Messier + Associates, Inc. PHONE # 860-646-6013

MAILING ADDRESS 288 Main Street, Manchester, CT 06042 ZIP CODE 06042

*NAME, ADDRESS, AND PHONE NUMBER OF PERSON TO WHOM ALL COMMUNICATIONS ARE TO BE ADDRESSED: Mark Lavith 863 Flanders Road, Coventry, CT. 06238

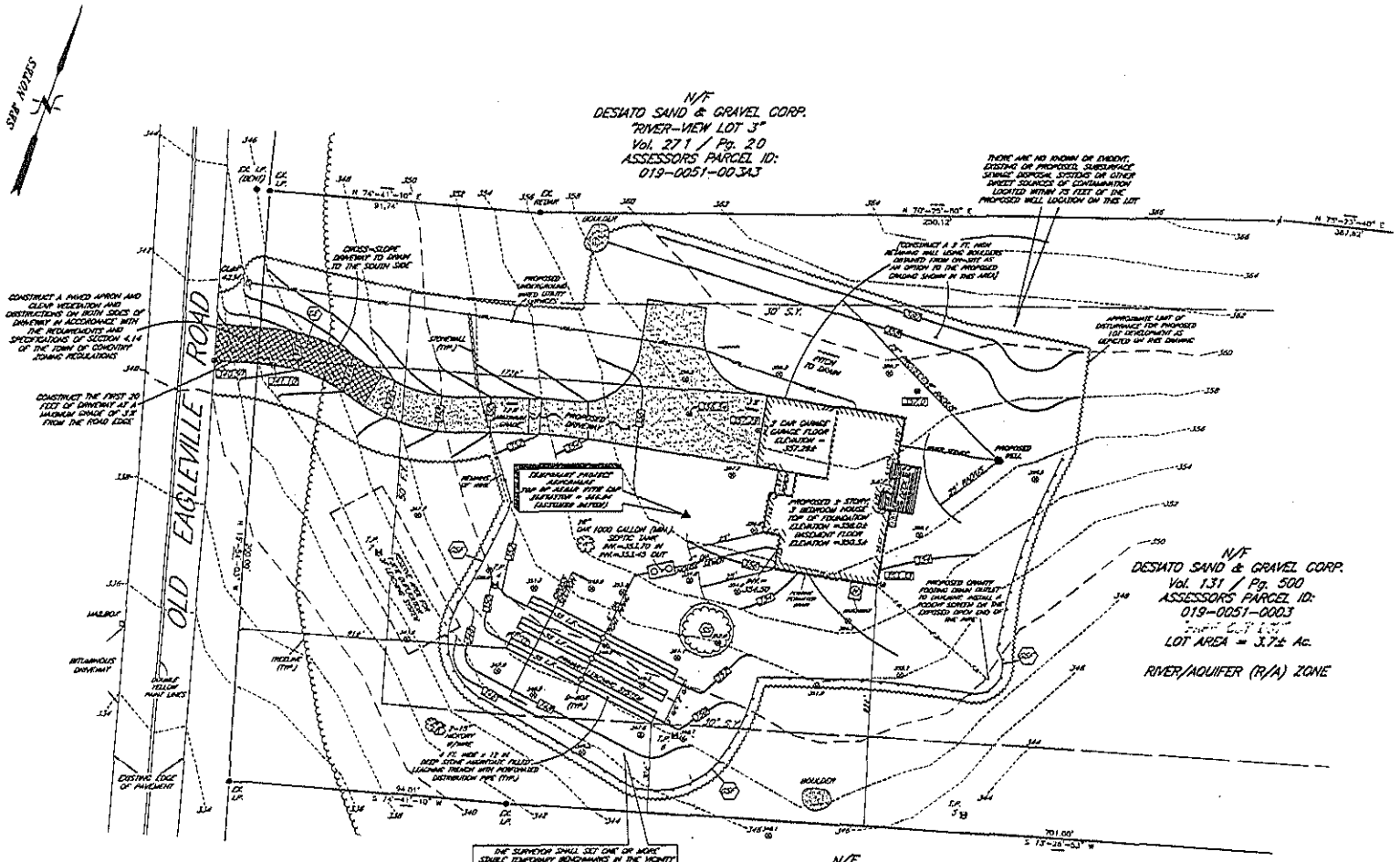
*All correspondence for this application will be sent to this person only; it will be their responsibility to notify all others named on this application regarding changes to plans, meeting notices, etc.

~ APPLICATION POLICY ~

*In order to provide a complete, timely, and legally compliant review of all subdivision applications, the Commission requires that all necessary information for filing of a formal subdivision application be filed with the signed application and fee at the time of submittal to the Planning office. The submittal requirements are outlined in Chapter III, Section 3, and are attached for clarification purposes.*

*This includes, but is not limited to any specific written requests for waivers of the subdivision regulations (i.e.: Open Space Subdivision Design) and supporting information for the Commission's consideration (i.e.: alternative design proposals).*

*Any application found to be incomplete may be denied by the Commission without prejudice to a future complete application.*


SITE NOTES
N/F
DESIATO SAND & GRAVEL CORP.
"RIVER-VIEW LOT 3"
Vol. 271 / Pg. 20
ASSESSORS PARCEL ID:
019-0051-003A3
OLD EAGLEVILLE ROAD
CONSTRUCT A PAVED APRON AND CLEAR VEGETATION AND OBSTRUCTIONS ON BOTH SIDES OF DRIVEWAY IN ACCORDANCE WITH THE REQUIREMENTS AND SPECIFICATIONS OF SECTION 4.14 OF THE TOWN OF COVENTRY ZONING REGULATIONS
CONSTRUCT THE FIRST 30 FEET OF DRIVEWAY AT A MAXIMUM GRADE OF 3% FROM THE ROAD EDGE
CROSS-SLOPE DRIVEWAY TO DRAIN TO THE SOUTH SIDE
PROPOSED UNDERGROUND PAVED UTILITY CONNECT
STONEWALL (TYP.)
30' S.Y.
THERE ARE NO KNOWN OR EVIDENT, EXISTING OR PROPOSED, SUBSURFACE SEWAGE DISPOSAL SYSTEMS OR OTHER DIRECT SOURCES OF CONTAMINATION LOCATED WITHIN 25 FEET OF THE PROPOSED WELL LOCATION ON THIS LOT
PROVIDE A 3 FT. HIGH RETAINING WALL USING BOULDERS OBTAINED FROM OFF-SITE AS AN OPTION TO THE PROPOSED GRADING SHOWN IN THIS AREA
APPROXIMATE LIMIT OF DISTURBANCE FOR PROPOSED 1.5± DEVELOPMENT AS DEPICTED ON THIS DRAWING
PITCH TO DRAIN
3 CAR GARAGE FLOOR ELEVATION = 307.28±
PROPOSED WELL
PROPOSED 2 STORY 3 BEDROOM HOUSE TOP OF FOUNDATION ELEVATION = 318.0± BASEMENT FLOOR ELEVATION =300.5±
TEMPORARY PROJECT BENCHMARK TOP OF REBAR WITH CAP ELEVATION = 311.24± (EASTERN DATUM)
DRY 1000 GALLON (MIN.) SEPTIC TANK INV.=331.70 IN INV.=331.49 OUT
PROPOSED GRAVEL DRIVE (BUILT TO INCLUDE INSTALL A POOLIT SCREEN ON THE EXPOSED GRAVEL END OF THE PIPE)
PROPOSED 4" PVC PIPE
PROPOSED 4" PVC PIPE
PROPOSED 4" PVC PIPE

PAGE
BREAK

# Notice of Certain Planning and Zoning Matters in Neighboring Municipalities

RECEIVED
11:00 A.M.
JUL - 12 2012
C. Hawthorne,
TOWN CLERK
TOWN OF MANSFIELD

DATE: June 29, 2012

TO: Town Clerks of: Mansfield

FROM: ☐ Planning and/or Zoning Commission ☐ Zoning Board of Appeals ☒ Inland Wetland Commission

Town of Coventry

Pursuant to P.A. 87-307 which requires zoning, planning, and inland wetland commissions and zoning boards of appeals to notify the clerk of any adjoining municipality of the pendency of an application, petition, request, or plan concerning any project on any site in which:

1) Any portion of the property affected by a decision of such board is within five hundred feet of the boundary of the adjoining municipality;
2) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
3) A significant portion of the sewer or water drainage from the project on site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
4) Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice is to be made by registered mail and mailed within seven days of the date of receipt of the application, petition, request, or plan.

No hearing may be conducted unless the adjoining municipality has received notice required by P.A. 87-307. A representative may appear and be heard at any such hearing.

This letter is to inform you of the pendency of such a project described as follows:

Description of application and location IWA application #12-18W; Wm. Jobbagy, applicant; Desiato Sand & Gravel, owner; Old Eastville Rd; construct new single-family residence.

Scheduled hearing:
Date: July 25, 2012
Time: 7:30 pm.
Place: Annex Building
Town Hall, 1712 Main St.
Coventry, CT 06238

APPLICATION # _____

# Town of Coventry
# Inland Wetlands Agency
# Application to Conduct Regulated Activity

Applicant: William Ishbagy Phone: 860-742-9401

Address: 280 Sam Green Road, Coventry, CT. 06238

Owner: Desiato Sand + Gravel Corp. Phone: 860-429-6474

Address: 999 Stafford Road, Storrs, CT. 06268

Agent: Mark Lavoie Phone: 860-306-6293

Address: 803 Flanders Road, Coventry 06238

**All correspondence for this application will be sent to the applicant and it will be their responsibility to notify all others named on this application regarding changes to plans, meetings notices, etc.**

**Location of Activity** (location map to be included on site plan):

Street Address: Old Eaglesville Road

Map: 019 Block: 0051 Lot#: 0003

**Description of Project:**

To Construct a single family house with driveway, Septic System and well

(Use Separate paper if more space is needed.)

| List of Regulated Activities: | Square Feet of Wetlands, Watercourse and/or Regulated Area Impacted: |
|---|---|
| 1. None | None |
| 2. | |
| 3. | |
| 4. | |

Certification by Applicant: (Please check as appropriate)

1. Is any portion of the property on which the regulated activity is proposed located within 500 feet of an adjoining municipality? ☑ Yes ☐ No

   *If the answer is yes you must send notice of the application by certified mail, return receipt requested, on the same day as filed, to the inland wetlands agency of the adjoining municipality. Documentation of such notice shall be provided to the Coventry Inland Wetlands Agency.*

2. Will any traffic attributable to the completed project on the site use streets within the adjoining municipality to enter or exit the site? ☐ Yes ☑ No

3. Will sewer or water drainage from the project site flow through and impact the sewage or drainage system within the adjoining municipality? ☐ Yes ☑ No

4. Will water run-off from the improved site impact streets or other municipal or private property within the adjoining municipality? ☐ Yes ☑ No

5. Is any portion of the inland wetland or watercourse on which a regulated activity proposed within the mapped watershed boundary of a water company as defined by Section 16-1 of the Connecticut General Statues? ☐ Yes ☑ No

   *If the answer to 5 is yes, notice to the water company by the applicant shall be made by certified mail, return receipt requested, within seven days of the filing of the application. Documentation of such notice shall e provided to the Agency.*

**The undersigned applicant hereby grants permission to the Agency and its Agent to conduct any necessary inspection of this property, at reasonable times, both before and after the permit in question has been granted by the Agency/Agent.**

The undersigned warrants the truth of all statements contained herein and in all supporting documents according to the best of his/her knowledge and belief.

OWNER'S SIGNATURE: _____ DATE: 6/25/2012
(Required)

APPLICANT'S SIGNATURE: Mark C. Jarrett AGENT DATE: 6/25/2012

FEE PAID: _____ * This fee does not include Agent or Town Engineer's Fee.

*For Office Use Only*

Date Received in Office: _____ *Fee Paid: _____

Date Received by Inland Wetlands Agency: _____

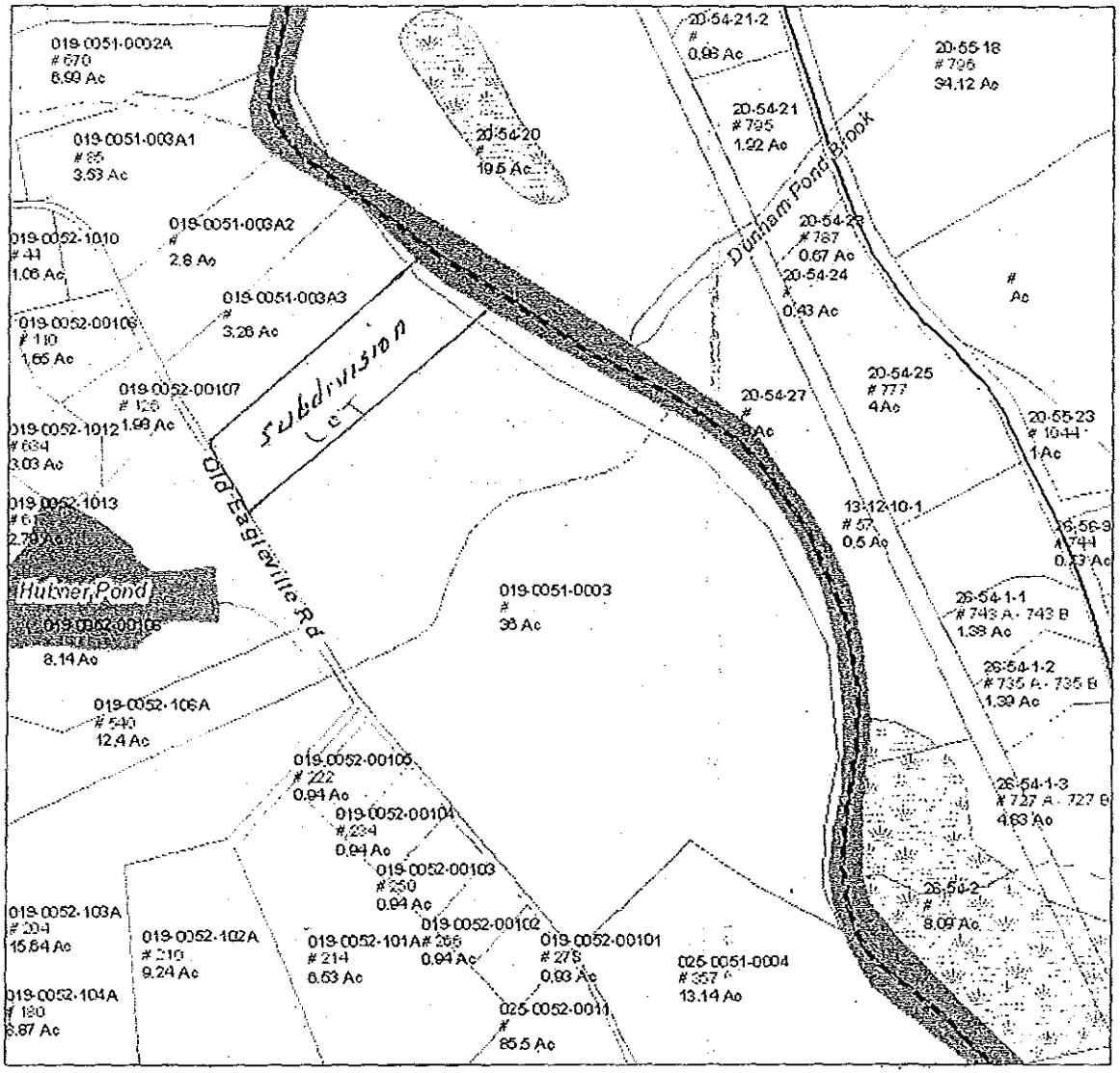
Public Hearing Required: ☐ Yes Date: _____ ☐ No

*See attached fee schedule.

# WINCOG

Geographic Information System (GIS)

Date Printed: 6/5/2012




**MAP DISCLAIMER - NOTICE OF LIABILITY**

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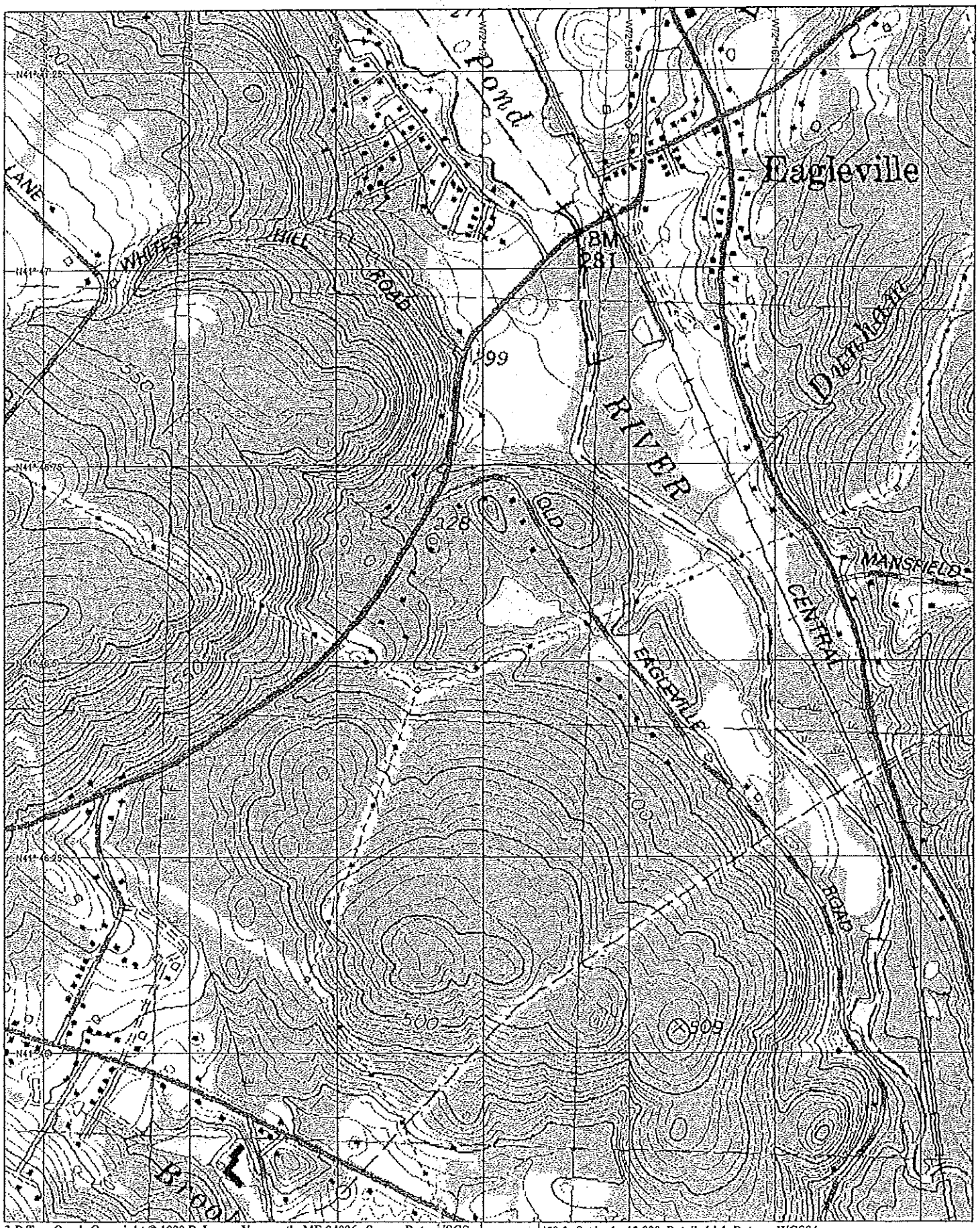
Approximate Scale: 1 inch = 400 feet

0 400 Feet

N W E S

# Map Unit Legend

| State of Connecticut (CT600) | | | |
|---|---|---|---|
| Map Unit Symbol | Map Unit Name | Acres In AOI | Percent of AOI |
| 34C | Merrimac sandy loam, 8 to 15 percent slopes | 0.2 | 4.2% |
| 38E | Hinckley gravelly sandy loam, 15 to 45 percent slopes | 0.2 | 4.3% |
| 61C | Canton and Charlton soils, 8 to 15 percent slopes, very stony | 0.9 | 18.8% |
| 62D | Canton and Charlton soils, 15 to 35 percent slopes, extremely stony | 0.8 | 15.1% |
| 73E | Charlton-Chatfield complex, 15 to 45 percent slopes, very rocky | 2.6 | 51.1% |
| W | Water | 0.3 | 6.6% |
| **Totals for Area of Interest** | | **5.0** | **100.0%** |




3-D TopoQuads Copyright © 1999 DeLorme Yarmouth, ME 04096 Source Data: USGS 450 ft Scale: 1 : 12,000 Detail: 14-1 Datum: WGS84

# CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

Summer 2012 Volume XVI, Issue 3


## REFUSAL TO LIFT A CEASE AND DESIST ORDER IS NOT AN APPEALABLE DECISION

A cease and desist order was issued by a ZEO to a property owner stating that the riding of dirt bikes on a residential property was not permitted by the zoning regulations. The zoning regulations provided for a 30 day period during which a cease and desist order could be appealed to the zoning board of appeals. No appeal was taken during this period. After the 30 day appeal period had run, the property owner requested in writing to the ZEO that he rescind the cease and desist order. The ZEO's refusal to do so was appealed to the zoning board of appeals.

The zoning board of appeals heard the appeal and ruled in favor of the ZEO to not rescind his order. An appeal to court followed.

The court found that the time period established by the zoning regulations is mandatory and could not be waived by the ZBA by holding a hearing on the matter. The court then considered when the appeal period began to run – when the cease and desist order was issued or when the ZEO decided to not rescind the order. In making its decision, the court determined what the 'operative event' was. The operative even was the final determinative action of the ZEO as to what was a permitted use for the property. In this case, it was the cease and desist order. The fact that the ZEO refused to change his mind on the validity of the order did not reset the appeal period. If it did, then no order of the ZEO would ever be final and always subject to an appeal. *See Cardwell v. ZBA, 53 Conn. L. Rptr. 291 (2012).*

## COURT CAN NOT DECIDE AN ISSUE NOT DECIDED BY THE LAND USE AGENCY

A cease and desist order was issued to the owner of a parcel of land which lay partly within a business zone and partly within a residential zone. The property owner used the entire parcel to operate his garbage hauling and recycling business. The current zoning regulations prohibited recycling and junkyards in both the residential and business zones. The issuance of the cease and desist order was appealed to the Board. Evidence was offered on whether the business use of the property was nonconforming as well as whether the current use of the property violated the zoning regulations. The Board affirmed the issuance of the cease and desist order, finding that the ZEO was correct to issue it as the current use of the property violated the zoning regulations. The issue of whether the use was nonconforming was not decided by the board.

The trial court dismissed the appeal, finding that the use did violate the zoning regulations and also that said use was not nonconforming. An appeal to the Appellate Court followed. The Appeals court found that the matter regarding whether the property owner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CONNECTICUT FEDERATION OF
PLANNING AND ZONING AGENCIES
QUARTERLY NEWSLETTER

Summer 2012 Volume XVI, Issue 3

had a valid nonconforming use should have been remanded to the Board as the Board had not decided the issue. While evidence had been presented and discussed during the public hearing, the issue of whether or not a valid nonconforming use was present was not part of the discussion which took place at the Board's public meeting. Thus, it was not a reason for its decision. As such, the trial court was incorrect to decide the issue as it is for the Board to decide first. *See Malone v. ZBA, 134 Conn. App. 716 (2012).*

## MERGER OF NONCONFORMING LOTS DEPENDANT ON LOCAL REGULATIONS

Two adjacent nonconforming lots were owned by the same person. A single family home was located on one lot, while the other lot was vacant. The lots were nonconforming as they did not meet the minimum lot size requirement. Upon the death of the owner, a prospective purchaser of the lot with the home on it inquired of the ZEO as to whether the lots could be purchased separately. The ZEO stated that purchasing only one lot would not violate the zoning regulations. The lot with the home on it was duly purchased, with the purchase of the vacant lot by another party taking place later. When a zoning permit was issued to build a home on the vacant lot, the purchaser of the other lot appealed to the ZBA claiming that the lots had merged.

In reaching its decision, the Zoning Board of Appeals had followed long established precedent in town that no merger had taken place because the lots were separately owned, although by the same person. The person taking the appeal, citing case law, claimed that the lots had merged because there was no separate ownership as the same person owned the two adjoining nonconforming lots at the same time. An appeal to court followed.

The court sustained the Board's decision. There was substantial evidence in the record that the term 'separate ownership' meant that lots were separately recorded in the land records with no relevance to whether the lots were owned by the same person and that this had been the consistent interpretation applied by the board of the merger provision in the zoning regulations. *See Cockerham v. ZBA, 52 Conn. L. Rptr. 562 (2011).*

## RIGHT TO APPEAL CONSERVATION COMMISSION DECISION IS EXTENDED

A property owner appealed a decision of a conservation commission which approved a permit to conduct a regulated activity on an abutting parcel of property. The wetlands involved did not abut the appellant's property. The question was raised whether the person taking the appeal was aggrieved by this decision as his property did not abut the wetlands involved.

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Connecticut General Statutes sec. 22a-43(a) provides that an appeal can be taken by any person owning or occupying land which abuts lor is within 90 feet of the wetlands involved in the application. The court interpreted this provision to mean that a person who abuts property which contains a regulated area is aggrieved, even if his property does not abut or is within 90 feet of the regulated area itself. *See Civitano v. Conservatio Commission, 52 Conn. L. Rptr. 677 (2011).*

## AUTHORITY TO REGULATE SOLID WASTE FACILITIES RESTORED

In a case reported in an earlier issue of this newsletter, a Superior Court ruled that only the State has the authority to regulate solid waste facilities. This past legislative session saw a new law passed which provides that a municipality, through its zoning powers, can regulate this type of land use. The law goes on to provide that this does not include prohibiting solid waste facilities. The law can be accessed at www.ct.gov under its designation as PA 12-2.

## LEGISLATIVE UPDATE

Thanks to Public Act 12-27, planning commissions can now satisfy the notice requirement to regional planning agencies found in Connecticut General Statute sec. 8-26b by using e-mail.

Some local authority over the siting of telecommunications towers has been restored by Public Act 12-165 which requires local approval if the tower is to be located within 250 feet of a school or daycare center.

## ANNOUNCEMENTS

**Membership Dues**

Notices for this year's annual membership dues were mailed March 1, 2012. The Federation is a nonprofit organization which operates solely on the funds provided by its members. So that we can continue to offer the services you enjoy, please pay promptly.

**Workshops**

If your land use agency recently had an influx of new members or could use a refresher course in land use law, contact us to arrange for a workshop. At the price of $175.00 per session for each agency attending, it is an affordable way for your commission or board to keep informed.

**Workshop Booklets**

Copies of the booklets handed out at workshops are now available to members at the price of $6.00 each and to non-members for $9.00 each.

### *ABOUT THE EDITOR*

*Steven Byrne is an attorney with an office in Farmington, Connecticut. A principal in the firm of Byrne & Byrne, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.*

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## BOOK ORDER FORM

Name of Agency: _____

Person Making Order: _____

Address: _____

_____

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"PLANNING AND ZONING IN CONNECTICUT"
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at $9.00 each for nonmembers
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American Planning Association *Making Great Communities Happen*

Planning — July 2012

# The ABCs of Solar

Schools across the country are saving serious money by putting solar power to work.

*By Jeffrey Spivak*

The Library at Clearview Regional Middle School in Mullica Hill, New Jersey, can be a busy place. Occasionally, though, students pause on their way in or out to visit a stand-alone kiosk. There, they check on the progress of their school's venture into green energy.

The kiosk displays hourly bar graphs of how much power the school is producing from hundreds of solar panels covering more than 20,000 square feet of rooftop. During the middle of the day, the system will generate close to 200 kilowatts of electricity, enough to save the school about 30 percent on its utility costs.

Students aren't the only ones interested in the daily power tally. So is the school district's business administrator, Esther Pennell. In New Jersey, solar production can earn paper certificates that can be sold to utilities trying to meet state-mandated solar generation requirements. For Clearview Regional, these sales are worth thousands of dollars a year, depending on utilities' bid prices. So Pennell checks on the school's solar bar graphs, too, to gauge how much the district may eventually earn.

"I feel like I'm in the stock market," Pennell says, "but it's bringing money into our district."

**Schools take the lead**

Solar power is emerging as a new way for budget-strapped schools to raise additional revenues or save on their building operations costs. Thanks to a variety of federal and state government incentives, schools across the country are at the forefront of solar's boom in the U.S., offering potential lessons to planners and other government entities interested in exploring this renewable energy trend. "We've reached a tipping point where it's generally understood that solar can help schools' bottom lines," says Judy Marks, director of the nonprofit National Clearinghouse for Educational Facilities in Washington, D.C.

"There are enough school districts that have done this now that it builds the case for others to do it."

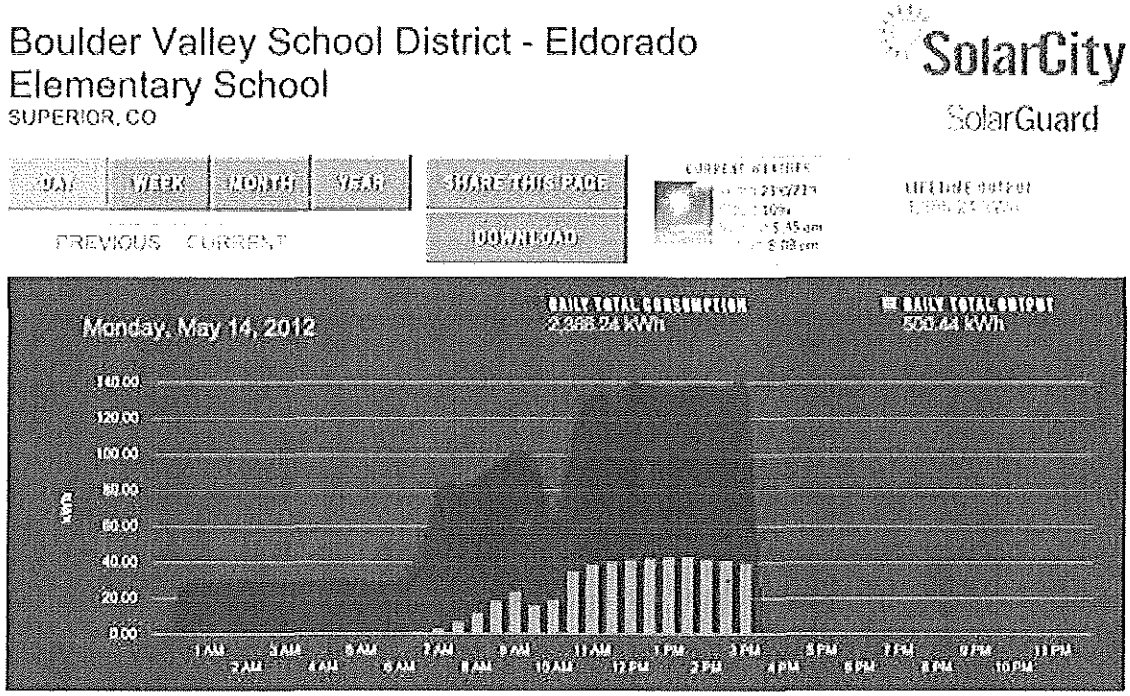
Large-scale solar installations have been done mainly as stand-alone projects in big-city school districts such as Denver, San Jose, and Portland, Oregon, as well as in suburban districts such as Rockville, Maryland; Worthington, Ohio; and Danville, California. The estimated investment return from solar at schools ranges from thousands to several millions of dollars a year, depending on the size of the systems and how they are financed.

The financing typically involves one of two approaches. A school might strike a deal in which an outside company, such as a utility, constructs the solar system and promises the school some guaranteed savings on electricity costs. In that scenario, the savings can start the first year. The other option is for the school to build the system on its own, which requires substantial up-front investment but offers potentially greater monetary returns through sales of excess electricity. The return is typically estimated to take between one and 10 years, depending on the system's size and the incentives and rebates the school received. "The biggest hurdle has been breaking the myth that solar isn't cost effective," says Barbara Worth, director of strategic development at the Council of Educational Facility Planners International, an Arizona-based nonprofit that promotes creative school planning. "It's almost too good to be true, and no one believes it."

Judging solely by news headlines, it might appear that the solar industry is sinking. There have been well-publicized bankruptcies, manufacturing plant closings, political clashes over federal subsidies, and trade disputes with China. But these events belie the fact that solar installations have been soaring. The total size of solar photovoltaic projects in the U.S. has doubled twice in the past two years, with California, New Jersey, and Arizona leading the way.

Solar is popping up almost everywhere. This year, panels have turned up atop parking garages at Phoenix's airport, beyond the outfield at Kansas City's major league baseball stadium, and on the roof of a mall in Elizabeth, New Jersey. Yet, solar is still considered so novel that many communities have not addressed it in their planning or zoning documents. Earlier this year the International City/County Management Association released a survey of 2,500 city and county governments that found that just 113 jurisdictions had addressed solar energy in their comprehensive plans; 140 had tackled the issue with zoning ordinances.

"Solar is important for planners to understand because it's a growing option against energy dependency on fossil fuels," says Jessie Feller, a senior energy planner with the New York-based Regional Plan Association, which recently released a report on metropolitan New York's potential leadership in solar energy. "Solar is not a panacea, but it's a large piece of the clean energy solution."




**Greening schools**

A green schools movement has blossomed in recent years. The U.S. Green Building Council established the Center for Green Schools in 2010. The U.S. Department of Education launched the Green Ribbon Schools recognition program in 2011. Meanwhile, green building's share of education construction tripled between 2008 and 2011, from 15 percent of the college and schools market in 2008 to an estimated 45 percent in 2011, according to McGraw-Hill Construction. "The green movement is no longer a sidelight in our nation's schools," U.S. Education Secretary Arne Duncan told a green schools conference earlier this year.

Solar has been key to the growth of green. A decade ago, solar panels at schools were considered such a curiosity that officials would travel from out-of-state districts just to take a look. Today, solar projects are becoming so commonplace that school and industry organizations can't keep track of them all. No firm statistics exist on large-scale solar installations at schools, but they likely number in the few thousands, or just a fraction of the nation's 98,000 K–12 public schools, experts estimate.

Part of the difficulty in tracking projects is that there are two different kinds of solar programs at schools. So-called "Solar Schools" initiatives are sweeping the country, with state programs in Illinois, Louisiana, and California, among others. These programs typically include funding from philanthropic foundations and involve small, one- to five-kilowatt arrays that are used as teaching tools about electric power. Their size means that they don't really contribute much electricity.

On the other hand, there are the large-scale installations intended to reduce greenhouse gas emissions and to help school budgets. These are the projects that are raising solar's profile. They generally trim 30 percent to 50 percent from a school's electricity bill. "We have seen a lot of schools that have done this," says Nate Allen, an advocacy leader at the Center for Green Schools. "It's a very visible sign that a school and a community have a commitment to renewable energy and the environment."

That was certainly the motivation for the Boulder Valley School District in Boulder, Colorado. It's a progressive district that has its own sustainability coordinator and recently built the first school in Colorado to achieve LEED Platinum, the highest level of recognition from the Leadership in Energy and Environmental Design green building program. After a handful of the district's 55 schools won grants to install small solar arrays, the district explored the potential of large-scale solar.

Boulder Valley ended up partnering with SolarCity, a solar system developer, which installed systems at 14 schools, primarily on roofs. All the systems were scheduled to be running last spring, with some schools hoping to eventually save as much as 30 percent on their energy costs.

"We're basically switching providers for a portion of our electricity," says Ghita Carroll, Boulder

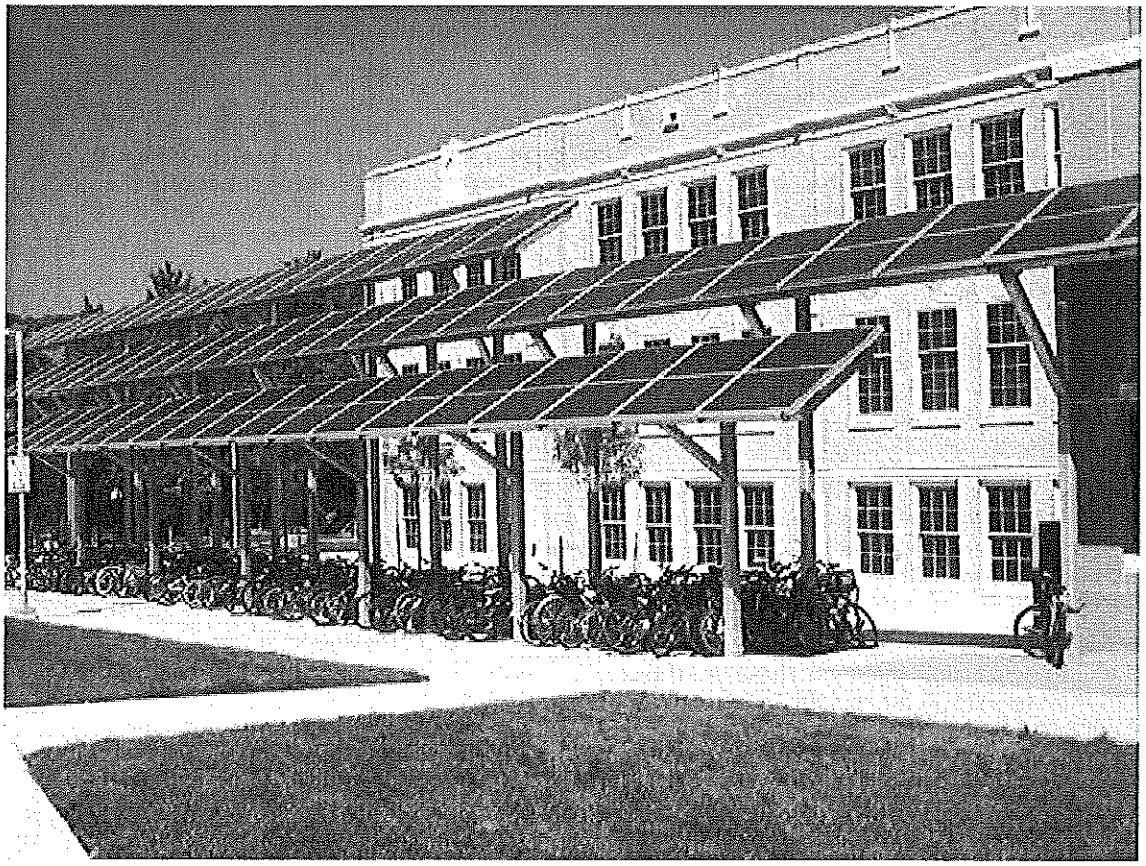
Valley's sustainability coordinator. "For us, it was a no-brainer to support an environmentally friendly electric generator at the same or a little less cost."

Other school districts, though, are more into solar for the money, as utility costs are typically a school's second largest expense, behind salaries. The Antelope Valley Union High School District outside Los Angeles anticipates saving $40 million on its electric bills over 20 years from some 40,000 solar panels installed at 10 sites last year. The San Ramon Valley Unified School District outside San Francisco expects to save $24 million over 25 years from 10,000 solar panels erected last year over parking lots at five schools. And the Mount Diablo Unified School District, also outside San Francisco, forecasts that its total savings over three decades could top $200 million from panels being installed at 51 schools.

Mount Diablo began exploring solar a half-decade ago after experiencing a spike in its electricity rates. The effort took on added significance as California continued cutting its school funding to one of the lowest per-pupil levels in the country. The district decided to build its own system after determining that it could initially save $6 million a year that way, versus $300,000 a year through an outside company.

Developing its own system, though, required a bond election, during which the $78 million up-front cost became an issue. But district leaders showed the community that federal and state incentive programs cut the system's financing costs in half. "It definitely helped sell it to the community," says Mount Diablo superintendent Steven Lawrence.

In fact, special financing programs have been one of the driving forces behind solar's growing popularity.



**Affordability factor**

In the past decade, a dizzying array of incentives has emerged from federal and state governments to support solar and other renewable energy projects. Many school officials say they wouldn't have been able to afford solar projects without such subsidies.

At the federal level, the American Recovery and Reinvestment Act of 2009 — better known as the stimulus package — provided more than $20 billion for school construction and clean energy projects

combined. Solar-specific provisions included a U.S. Treasury Department 30 percent project grant and a Department of Energy loan guarantee program for solar manufacturers. Plus, some school districts made use of low-interest school construction bonds distributed to states as part of the package.

At the state level, at least 15 states offer grants and rebates for renewable energy use or development, and about half the states provide some solar business or manufacturing incentives or tax credits, according to the Database of State Incentives for Renewables & Efficiency.

To help make solar more financially attractive, 40 states allow "net metering," in which extra unused solar generation can earn reimbursement from utility companies — it's one of the reasons some California schools expect to reap millions of dollars from solar projects. Also, eight eastern states from New Jersey to Ohio allow solar producers such as schools to sell Solar Renewable Energy Certificates to utilities, thus earning revenue on their total solar generation, although prices for these credits do fluctuate.

With so many grants, loans, rebates, reimbursements, tax credits, energy credits, and the like, a cottage industry of solar developers and financing consultants has cropped up to help institutions understand and navigate the opportunities. One of these newer companies, SolarVision, a small Ohio-based solar developer and contractor, partnered with the Worthington City School District outside Columbus, Ohio, to install 300 panels on an elementary school, saving about 25 percent on the school's electricity bill.

"If it wasn't for SolarVision, we wouldn't have done this project because of the creative financing involved," says Tim Gehring, the school district's director of facility management.

SolarVision packaged a bundle of federal and state grants and tax credits into a Power Purchase Agreement, in which SolarVision installed and will operate the solar array at no cost to the district, with the district leasing its roof space and receiving cheaper electricity. Typically, such agreements are viewed as a win-win because a developer can collect the tax credits and create an income stream from selling the solar electricity, while a school district locks in stable power costs and avoids volatile utility rates.

"It's a good investment, like a stable long-term annuity," says Nick Addivinola, vice president of finance for another solar deal developer, New York-based REgeneration Finance.

Going forward, however, solar financing programs may not be as pervasive. Some governments have started reining in their incentives. The U.S. Treasury grants from the federal stimulus package have expired, and New Jersey discontinued its Customer On-Site Renewable Energy rebate last year.

"Solar is still like every other alternative energy source out there — it needs subsidies," says Greg Kuss, president of Ohio's SolarVision. "They're out there. You just have to look harder."

Nevertheless, solar's momentum is expected to continue because of other cost trends. Solar modules, which comprise about half of a total system's cost, have plunged more than 50 percent in price in the last few years primarily because of excess production by China's burgeoning solar manufacturing sector. And as panel prices have dropped, so have solar electricity prices. The U.S. is now nearing a milestone where solar electricity will cost less than fossil-fuel-generated electricity off the utility grid.

With solar's newfound cost advantage, industry analysts at investment firm Piper Jaffray and at the Solar Energy Industries Association trade group both predict U.S. solar installations will basically double again between 2011 and 2013, then double once more between 2013 and 2016.

"We expect solar subsidies to be phased out and demand to pick up as solar becomes (more price) competitive with other forms of energy generation," Piper Jaffray analysts wrote in a report earlier this year.

**Spreading the word**

For planners, solar still represents something of a new frontier for green building and environmental sustainability in the public sector. With schools showing how it can be done, solar could find its way onto more municipal and civic buildings.

"Rooftops and parking lots are more valuable public assets than they may appear," says Bill Kelly, a managing director at SunPower, a solar manufacturer that is partnering with schools on a state-sponsored California Solar Initiative.

Yet most local governments don't appear entirely ready to promote or address solar. The

PAGE
BREAK

American Planning Association Making Great Communities Happen

Planning — July 2012

# The Zombie Defense and Survival Kit

How Nashville is reviving unfinished subdivisions.

*By Christine Kreyling*

According to Oxford Dictionaries, the word "zombie" refers to "a corpse said to be revived by witchcraft" or "a cocktail consisting of several kinds of rum, liqueur, and fruit juice." In the housing industry, a "zombie" is a subdivision conceived during the 21st century bubble that died when the bubble burst — and apparently requires voodoo to revive. And it's government officials, gazing out at half-baked infrastructure and holding failed letters of credit in their hands, who have needed the cocktail.

Images of zombie subdivisions are available to anyone who Googles: utility pipes poking up into scrubby lots like prairie dogs, driveways and sidewalks to nowhere, tidy homes surrounded by acres that nature is reclaiming.

For local governments, the ramifications of unfinished subdivisions extend beyond residents' complaints about the lack of streetlights and finished roads that are one mark of bankruptcies and foreclosures. In Portage, Indiana, the street department had to repair damage done to snowplows that hit manholes on streets lacking their final layer of asphalt.

Nashville is not in the same boat as Sunbelt cities like Phoenix and Las Vegas. In central Arizona, some officials estimate that the region may contain as many as one million dirt lots scraped for development before the market crashed.

"The recession slowed things down, of course, but the housing market didn't completely die in Nashville," says Robert Leeman, AICP, the planning manager for the land development division of the Metro Planning Department (Nashville and Davidson County have had a combined government since 1963). While not dead, the market is severely anemic.

In 2007, Metro Nashville issued 2,968 building permits for single-family dwellings. By 2011 that figure had shrunk to 1,078. And the city has experienced its share of bankruptcies and foreclosures. Since the recession hit in 2008, however, the city's planners have developed coping mechanisms. To understand them it's first necessary to grasp the basics of how subdivisions happen in Nashville.

**Subdivision 101**

To build a new subdivision in Nashville, a developer first submits a preliminary plat to the planning department. The planners and other government departments — public works, water and sewer, codes, urban forestry — review the plat against the subdivision regulations, checking items such as lot sizes, street layout, easements, and rights-of-way. After a public hearing, if the planning commission approves, the developer submits a final plat for review and approval. Only when this plat is recorded at the register of deeds can the developer begin selling lots.

Before the plat can be recorded, however, regulations require that the developer have security — a "performance bond" — for the subdivision's public infrastructure: roads, sidewalks, stormwater retention ponds, water and sewer lines, street trees, and the like. The same departments that review the plat establish the amount of the bond, based on what they estimate it would cost Metro government to build the infrastructure — not what it would cost the developer, which is frequently less. "We have to protect the taxpayers in case Metro has to call the bond and ends up responsible for doing the work," Leeman explains.

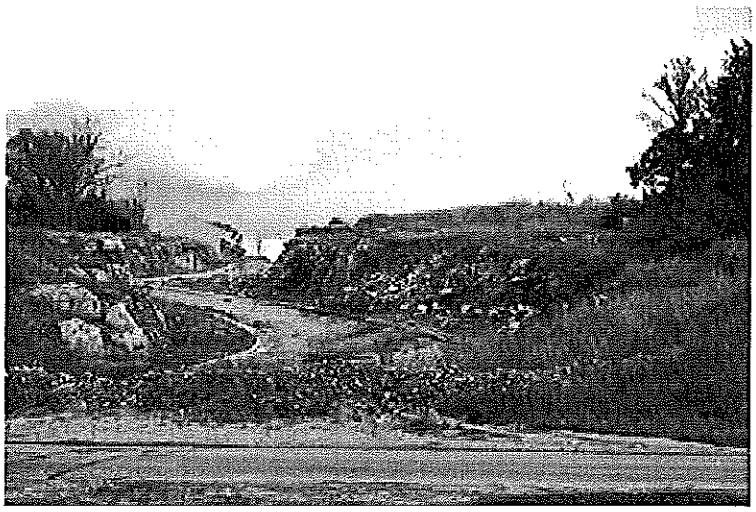
The planning department's development finance officer then crafts a performance agreement that is reviewed by Metro's legal department. The contract includes a schedule for the infrastructure, the total bond amount, and the type of security the developer intends to use: cashier's check, letter of credit from a bank, or a surety bond, typically supplied by an insurance company. It also includes the "breach date," the date by which the developer must complete the infrastructure.

"We typically ... give the developer as much time as possible, either to submit a request to extend the bond, get a new bond, or finish the work," Leeman says.

The developer applies to the planning department to release the bond once the infrastructure is completed. For the release to occur, the departments reviewing the infrastructure must agree that it meets Metro standards, such as ADA requirements for sidewalks. Typically, 75 percent of the subdivision also must have been built out.

As Leeman explains, "We don't want to release the bond and accept the infrastructure with a bunch of empty lots remaining. A new builder might buy some and then damage the infrastructure when he's building his houses — dump trucks rolling over and cracking sidewalks or curbs, a bunch of mud silting up the detention ponds after a heavy rain. Metro would be liable for the repairs and cleanup."

Through 2007 Metro's procedures for subdivisions seemed to work well, enabling development while protecting taxpayers from financial liability. "We were going fast and furious, approving subdivisions and building permits," Leeman says. Then came 2008.



**Carrolton Station**

Improvements to be made at the intersection of Hickory Hollow Parkway and Una Antioch Pike

Installation of binder and final asphalt on Chadfield Drive

Clean and tack the binder course and install final asphalt on Bowfield Drive

Re-grade roadway on Payne Road

Installation of stormwater drainage system as shown on construction plans

Casting adjustments and execution of deeds

---

**The Woodlands, Phase 4, Section 1B**

Installation of cul-de-sac

Removing and replacing broken curbs and gutters

Installation of all required sidewalks and curb ramps

Cleaning of binder course and installation of final asphalt

Construction of stormwater detention ponds per construction plans

Cleaning of all inlets and culverts

Stabilizing existing soils

Grouting pipes

Casting adjustments and execution of deeds

---

**Edison Park**

Installation of sidewalks along the vacant lots and open space

Removing and replacing broken curbs and gutters

Cleaning of binder course, apply tack coat, and installation of final asphalt

Cleaning of all inlets and culverts

Stabilizing soils

Location junction boxes

Installation of rip rap

Grouting headwalls

Valve and manhole work

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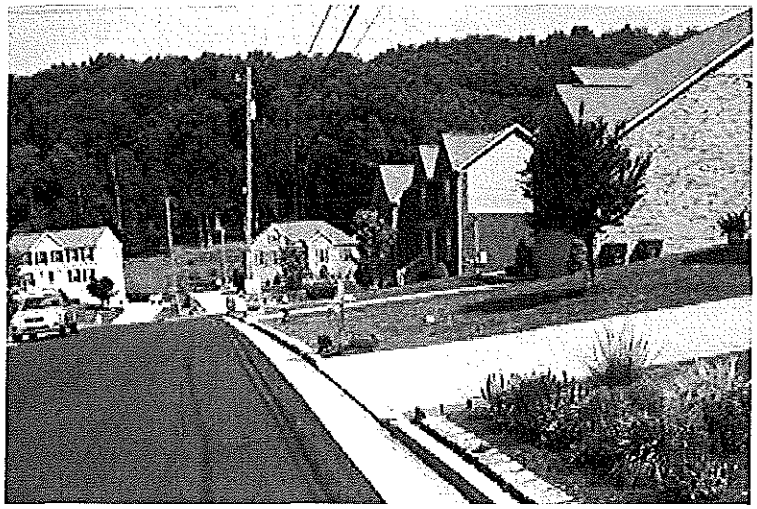

**Quail Ridge, Phase 2, Section 7**

Replaced the asphalt binder course

Installed the final asphalt paving

Cleared and cleaned all curb inlets and gutter flow lines of mud, dirt, gravel, spilled concrete, and debris.

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**Into the breach**

The bad news surfaced slowly at first. "There were complaints to the mayor's office from some residents of a subdivision about incomplete infrastructure," Leeman says. "It had occasionally happened before: a sewer grate missing, a pothole in a road, minor stuff." The planner checked the case and discovered that the letter of credit for the subdivision had expired. "That's not supposed to happen," he explains. "The bank is off the hook for the funds, the infrastructure is unfinished, and Metro is left holding nothing."

By July 2008, it was discovered that there were 40 cases of subdivisions with expired letters of credit. There were multiple causes. Sloppy record keeping by the planning department's series of bond officers was one. "It was a clerical position, not highly paid, and there was a lot of turnover," Leeman says.

Another cause was less-than-timely reviews of infrastructure by department inspectors. The volume of subdivisions was high and inspectors frequently fell behind. In November 2008, even after the housing market had cooled considerably, the planners were overseeing 530 performance bonds; in March 2012 the figure was 225. "We didn't call the bonds because we didn't know the status of the infrastructure and the burden of proof is on us," Leeman explains. "We were naive in assuming that a new letter of credit would arrive, because it had before."

Leeman admits, however, that "our practice with letters of credit had become overly flexible" during the housing boom. "On the few occasions when we'd threatened to call a bond, it wasn't a friendly conversation" with the bank or developer. Banks resist because they don't want to shell out the money for the bond. Developers fear the damage to their credit rating. And once a bond is called, the planning department can place a hold on all the undeveloped lots without active building permits in the affected subdivision, so the builders can't do any work.

"We didn't want to stop development in Davidson County," Leeman says. "But that's no excuse. We should have been calling the letters of credit when the deadlines came up."

It took the department over a year to get accurate data on all incomplete subdivisions. The planners plowed through the bond files, the department inspectors made punch lists for the infrastructure work remaining to be done, and all the departments met to calculate the bond amount for each

subdivision. Then it was time to figure out how to move forward.

**The defense kit**

Nashville's planning department began by reforming the process to prevent future occurrences of default. In 2009, executive director Rick Bernhardt, FAICP, upgraded the bond officer position to a professional level and hired David Edwards, who holds an MBA and had finance experience, to fill it. Edwards consolidated expiration dates for new letters of credit to occur on the first or the 15th day of the month, so bonds can be tracked more easily. And he became proactive in monitoring infrastructure status and providing multiple reminders to developers and banks when deadlines loom.

Leeman created a website where developers can check the status of their bonds. He developed an internal centralized database in which each department updates bond amounts after infrastructure review. "It's a better tracking system with more shared responsibility," Leeman explains. "Before, we e-mailed each department, waited for them to e-mail back, and then we'd enter the data." Further, he created a bond procedural manual outlining every step of the process, so that even if Edwards is, say, on vacation, the planners will know what to do.

Bernhardt says that "a lack of review that had been going on for at least 25 years probably wouldn't have come to light without the economic downturn. And now, with development picking up again, we're better equipped to handle it."

**The survival kit**

In 2010 Metro Nashville's planners and lawyers began to strategize about ways to complete the infrastructure in the city's stalled subdivisions. They had to navigate a catch-22 situation.

By law Metro cannot invest public money in private property. Subdivision infrastructure only becomes public when Metro accepts it from the developer. But in 2010 Metro could not legally accept infrastructure until it was complete to government standards. Not to mention that local officials, in very tight budget times, didn't have the funds to complete the infrastructure even if they legally could.

There was no motivation in the private sector to build the infrastructure. Some of the developers who'd initiated the subdivisions had expired bonds or had gone bankrupt. And Metro had placed holds on permits for the undeveloped lots. "The purpose of the holds is to protect citizens who might otherwise buy a lot in a fire sale unaware that there's no security for their infrastructure," explains Doug Sloan, Metro's attorney for performance agreements. But the holds inhibit kick-starting a stalled subdivision.

Those developers whose bonds hadn't expired couldn't sell their lots because builders weren't buying. And builders didn't want to construct more houses because existing homes weren't selling.

By now, however, the banks had begun foreclosing on developers and builders with vacant lots. And bank officers came to Metro looking for ways to get properties with permit holds off their rolls.

Metro planners and legal staff set up the first of what became weekly meetings with local representatives of banks in this situation. The point was to say "we're with you in this," Sloan says. "We brought staff from all the involved Metro departments to these meetings. Not just somebody who took notes, but people with the authority to make decisions."

The first meeting was held in the office of Mayor Karl Dean to stress that Metro perceived the gravity of the situation. Leeman explained to the bankers, "Now that they were property owners in these subdivisions, they'd sort of have to become developers. To get the holds released they'd have to hire contractors to complete the infrastructure so that Metro could accept it." Passersby reported seeing a mushroom cloud over the Metro courthouse as the bankers absorbed this information.

"The bankers kept saying, 'We're not developers,'" Leeman says. He countered that Metro wasn't a developer either, and that it would be more cost effective for the banks to contract for the infrastructure than pay Metro to do it. "So we did some matchmaking, setting them up with contractors who'd been involved in the projects before."

Leeman points to Cane Ridge Farms in southeast Nashville, where the original developer went bankrupt and Metro had called and collected from Pinnacle Bank seven letters of credit, for different phases and sections of the subdivision, to the tune of $1.4 million. "We agreed to hold the funds in escrow for Pinnacle, which had foreclosed on the vacant lots," Leeman says.

The bank's Allen Dixon hired a contractor to do the infrastructure in all but one section of the subdivision, where there were not enough houses to justify infrastructure completion. Dixon worked

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# By the Numbers

A monthly column on stats in the news.

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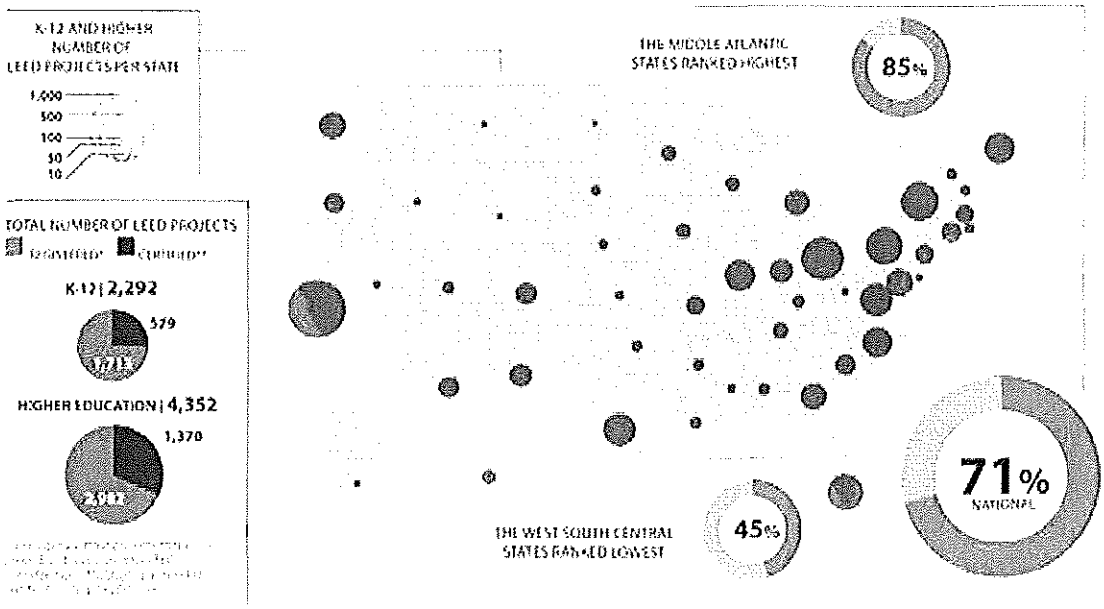
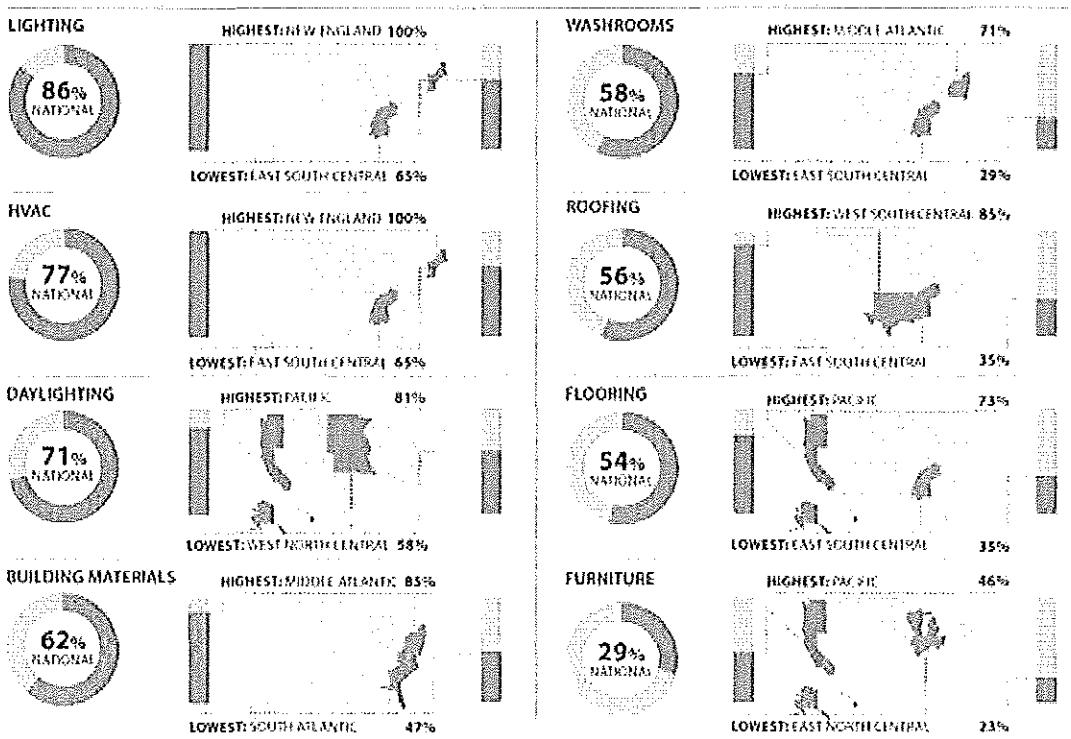



## Areas of green decision making

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