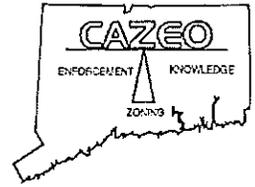




# Town of Mansfield



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 13, 2012

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

We have received two separate requests from Attorney Dennis Poitras, on behalf of Beaudoin Brothers, LLC, relating to the required escrow accounts for the Villages at Freedom Green. The 5/30/12 letter requests that the full \$25,000.00 remaining in the escrow account for Phase 4B be released. A 5/31/12 letter requests that the escrow account for Phase 4C, the final phase of development, be capped at an amount "to assure completion of the remaining, incomplete bonded items." Atty. Poitras' letter states that there is in excess of \$325,000.00 in the Phase 4C account at the present time. There are eight units under construction, which comprise the final units of the full development. Under the 1991 construction agreement between the developer and the town, through its Planning & Zoning Commission, 5% of the sale of each unit shall be placed into an escrow account to assure the completion of recreation and other specified purposes. I sent a letter on 6/6/12 to the Associations president, their attorney, Samuel Schrage, and to their management company, indicating that the PZC had received a request to release/cap escrow funds and inviting them to comment on the request. The 6/18/12 response is enclosed.

The Phase 4B escrow fund was reduced from \$150,000.00 to the current balance of \$25,000.00 in July, 2007 to cover a short list of remaining items. The Association President, Thomas Weinland's letter raises two additional issues not on the 2007 list. I will defer to the Assistant Town Engineer on items 1 and 2 and item 3 does not appear to be a zoning matter depending on the type of 'electrical box' Weinland refers to in his letter. I have verified that the items identified in 2007 have been addressed.

Attorney Poitras has submitted a list prepared by the developer itemizing the remaining work to be completed in Phase 4C. The cost estimate for completion of this identified work is \$47,400.00. The Assistant Town Engineer and I have each reviewed the list against our inspection of the site and work remaining to be completed. I do not have the expertise to verify the dollar amounts attached to each item on the list. I must comment however on the \$300.00 noted for completion of walking trails and signage. The remaining trail system is entirely through rear, grassed yard areas of completed units, following along the perimeter of wetlands.

There is no construction required, but simply signing the trail route.

I asked the Fire Marshal to look at the site also. He had several recommendations that should be followed up on that are not specifically part of the PZC approval. I will pass these on to the management company. The Fire Department does not have a key for the emergency access gate on Meadowbrook Road.

The Assistant Town Engineer and I have discussed the items listed in the Poitras request and the Associations concerns for work that may still be identified for completion prior to closing out the development fully. We each agree that retaining an escrow balance of \$100,000.00, will safely assure that any work known, and as may be further identified, can be performed.

**It is therefore my recommendation that the PZC authorize the Escrow Agent to release the full escrow balance of \$25,000.00 for Phase 4B of the Villages at Freedom Green to the developer. It is also my recommendation that the escrow account for Phase 4C of the Villages at Freedom Green be capped at \$100,000.00 and that the Escrow Agent is authorized to release the balance of the account to the developer.**

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

Telephone (860) 487-0350  
Fax (860) 487-0030 or (860) 429-4694

Email: [drpoitras@yahoo.com](mailto:drpoitras@yahoo.com)

May 30, 2012

Mansfield Planning and Zoning Commission  
c/o Linda Painter, Town Planner  
Town of Mansfield  
4 South Eagleville Road  
Storrs, CT 06268

Re: The Villages at Freedom Green – Phase IVB Bonding

Dear Linda:

I am writing on behalf of the developer, Beaudoin Brothers, LLC, to request authorization to release the remaining bond funds being held for Phase 4B to the developer. All bonded items are complete.

There is currently \$25,000.00 in the bond account for Phase 4B.

Respectfully submitted,

Dennis R. Poitras

Enc.

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

Telephone (860) 487-0350  
Fax (860) 487-0030 or (860) 429-4694

Email: [drpoitras@yahoo.com](mailto:drpoitras@yahoo.com)

May 31, 2012

Mansfield Planning and Zoning Commission  
c/o Linda Painter, Town Planner  
Town of Mansfield  
4 South Eagleville Road  
Storrs, CT 06268

Re: The Villages at Freedom Green – Phase IVC  
Bonding

Dear Linda:

I am writing on behalf of the developer, Beaudoin Brothers, LLC, to request the following:

1. that a cap be set on the amount being held in bond escrow for Phase 4C to assure completion of the remaining incomplete bonded items in Phase 4C
2. to authorize release of any bond funds in excess of the cap to the developer.

There is currently in excess of \$325,000.00 in the bond account for Phase 4C.

All units in The Villages at Freedom Green project have been declared and the project is being wound up. The bonded items remaining to be completed are as set forth in the letter from our engineer, Bob Amentea, dated April 17, 2012 enclosed herewith.

Linda Painter, Planner  
Mansfield PZC  
5/31/12

-2-

Our estimate for completion cost on the remaining items is as follows:

1. Roads	\$17,100.00
2. Driveways	\$7,000.00
3. Final grading and landscaping, plantings	\$20,000.00
4. Removal of construction debris	\$2,000.00
5. Clean catch basins	\$1,000.00
6. Complete walking trails and signage	\$300.00
<b>Total</b>	<b>\$47,400.00</b>

Respectfully submitted,

Dennis R. Poitras

Enc.



458 EAST MAIN STREET  
MERIDEN, CT 06450 203-235-9809

CONSULTING ENGINEERS  
LAND SURVEYORS

April 17, 2012

Mansfield Planning Department  
Town Hall  
4 So. Eagleville Road  
Mansfield, Ct. 06268  
Attn. Linda Painter, Planning Director

Re: Freedom Green Phase IV C  
Bonded related items

I have made an inspection of the site and have noted the following items that need to be completed;

1. Roads: The final top course of pavement has to be applied on Liberty Square from Unit 251 southerly to the end of the road. Approximately 15,300 sq.ft.
2. Driveways: 12 driveways (Units 234-240) @ approximately 250 sq.ft. each = 3,000 sq. ft.
3. Final grading, topsoil and seed areas around building under construction, (units 234-240) approximately 40,000 sq.ft.
4. Remove construction debris and stockpiled material behind buildings under construction and along the emergency access road.
5. Additional plantings per landscaping plan prepared by The Miniutti Group.

White pines	9
Shadblow	5
Witherod Viburnum	5
Gray Dogwood	7
Mugo Pine	15
Karl Foerster Feather Reed Grass	3
6. Clean all catch basins within this section.
7. Complete walking trails with mulch and signage

Respectfully submitted,  
DESIGN DEVELOPMENT GROUP LLC

  
Robert A. ... P.E. & L.S.

To: Planning and Zoning

Fr: Thomas Weinland, President of Villages of Freedom Green Board

Re: Release of escrow funds/ Capping of contributions

June 18, 2012

I would like to request that the PZC delay consideration of the release of escrow funds for V@FG 4B. While the section is essentially complete, I believe the work needs to be inspected by the town engineer or appropriate designee. I believe that this request is consistent with our view that the town and association should collaborate in reviewing the developer's compliance with both town regulations and our "green book".

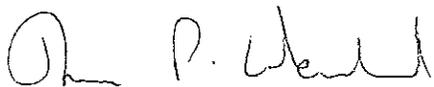
While Mr. Beaudoin has submitted a checklist for what he thinks needs to be completed to finish the work on 4B, we urge that the list be given a "reality check". We suspect that the amounts given may be well short of the funds needed.

Furthermore, in addition to the list of items submitted by the developer, we are aware of several items that should be corrected. Doug Murphy a community resident at 6 Uncas Court has reported to our board on several of these and might serve as a useful guide. Among the items, but not limited to these, are the following:

1. On the south-west corner of Liberty and Uncas, there is a electrical box within inches of the curb. Sooner or later a snowplow or a car will hit it. It should be set back. Other boxes should be checked as well.
2. We understand there is one storm drain that is not attached to the drainage system.
3. We have been informed that residents have seen exposed wiring leading out of the electrical boxes.

We recognize that the sum of \$325,000 may be sufficient for escrow for V@FG 4C. That said, until 4B is cleaned up and has passed inspection by a town official, we are reluctant to accept a cap at that amount at this time.

Thank you for your consideration.



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**TOWN OF MANSFIELD**  
**PLANNING AND ZONING COMMISSION**



JoAnn Goodwin, Chair

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599  
(860) 429-3330  
Fax: (860) 429-6863

**DRAFT**

July 17, 2012

To: Mansfield Town Council

From: JoAnn Goodwin, Chair

Subject: Right To Farm Ordinance and Municipal Tax Incentives for Farms

The Planning and Zoning Commission would like to express its strong support for the following ordinances currently under consideration by the Town Council:

- Ordinance Regarding the Right to Farm
- Ordinance Regarding Farm Tax Abatements
- Ordinance Providing an Additional Property Tax Exemption for Farm Machinery
- Ordinance Providing a Property Tax Exemption for Farm Buildings

One of the key policy goals contained in the Plan of Conservation and Development is the conservation and preservation of Mansfield's natural, historic, agricultural and scenic resources. While the Commission has implemented various land use regulation changes since the adoption of the Plan in 2006 to strengthen preservation of agricultural land and support expansion of agricultural enterprises, the proposed ordinances will provide financial incentives for the continued growth of local farms and further strengthen the message that Mansfield is a pro-agriculture community.

These proposed ordinances will support and have the potential to expand our agricultural community. Further, they assist in implementing key goals and objectives of the Plan of Conservation and Development. Accordingly, the Commission supports passage of these ordinances.



**TOWN OF MANSFIELD**  
PLANNING AND ZONING COMMISSION



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JoAnn Goodwin, Chair

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599  
(860) 429-3330  
Fax: (860) 429-6863

**DRAFT**

July 17, 2012

To: Mansfield Town Council

From: JoAnn Goodwin, Chair

Subject: Right To Farm Ordinance and Municipal Tax Incentives for Farms

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These proposed ordinances will support and have the potential to expand our agricultural community. Further, they assist in implementing key goals and objectives of the Plan of Conservation and Development. Accordingly, the Commission supports passage of these ordinances.

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Town of Mansfield  
Agenda Item Summary

To: Town Council  
From: Matt Hart, Town Manager *Matt*  
CC: Maria Capriola, Assistant to Town Manager; Jennifer Kaufman, Parks Coordinator; Curt Vincente, Director of Parks and Recreation; Linda Painter, Director of Planning and Development; Irene Luciano, Assessor; Agriculture Committee  
Date: June 11, 2012  
Re: Right to Farm Ordinance and Municipal Tax Incentives for Farms

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Subject Matter/Background

At its February 14, 2012 meeting, the Town Council referred the following proposed ordinances to the Ordinance Development and Review Subcommittee (ODRS), for review:

- *An Ordinance Regarding the Right to Farm*
- *An Ordinance Regarding Farm Tax Abatements*
- *An Ordinance Providing an Additional Property Tax Exemption for Farm Machinery*
- *An Ordinance Providing a Property Tax Exemption for Farm Buildings*

The ODRS met four times to review the ordinances. The Town Attorney, members of the Agriculture Committee and Mansfield's Assessor attended the meetings (see attached minutes). The subcommittee did not make any changes to the farm machinery exemption or the farm buildings and structures exemptions.

The subcommittee did refer the Right-to-Farm Ordinance to the Conservation Commission. As a result of comments from the commission, the subcommittee added the following statement to Section 3. Findings and Purpose, "...while being respectful of the land and conscious of potential impacts on natural resources."

The subcommittee held lengthy discussions with the Assessor and the Assessor from Woodstock, CT concerning the Farm Tax Abatements Ordinance. Following these conversations, the subcommittee reversed sections 4 and 5 of the ordinance to improve clarity, added a qualifying financial threshold for farms, and added language to clarify that the abatement would apply to all properties

that an individual entity is using for its farm operation. In addition, the subcommittee removed the term "nontraditional farm" as a type of farm that could qualify for the abatement. The subcommittee argued that, because the term "non-traditional farm," is not defined, the lack of clarity could create a situation for potential abuse and would make the ordinance difficult for the Assessor to administer.

#### Legal Review

The Town Attorney has assisted the ODRS in its review of the proposed ordinances.

#### Recommendation

The ORDS recommends scheduling a public hearing on the above referenced ordinances.

*Move, to schedule a public hearing for 7:30 PM at the Town Council's regular meeting on July 23, 2012, to solicit public comment regarding the following ordinances:*

- *An Ordinance Regarding the Right to Farm*
- *An Ordinance Regarding Farm Tax Abatements*
- *An Ordinance Providing an Additional Property Tax Exemption for Farm Machinery*
- *An Ordinance Providing a Property Tax Exemption for Farm Buildings*

#### Attachments

- 1) *An Ordinance Regarding the Right to Farm – 5/3/12 Draft (suggested additions underlined)*
- 2) *An Ordinance Regarding Farm Tax Abatements – 5/24/12 Draft (suggested deletions crossed out; suggested additions underlined)*
- 3) *An Ordinance Providing an Additional Property Tax Exemption for Farm Machinery – 2/9/12 Draft (no changes made)*
- 4) *An Ordinance Providing a Property Tax Exemption for Farm Buildings – 2/9/12 Draft (no changes made)*
- 5) *Ordinance Development and Review Subcommittee Minutes (5/24/12, 5/3/12, 4/5/12, 3/8/12)*
- 6) *Information relating to the ordinances submitted to the Town Council at the February 14, 2012 meeting.*



Town of Mansfield  
Code of Ordinances  
“An Ordinance Regarding the Right to Farm”

*May 3, 2012 Draft*

**Section 1. Title.**

This chapter shall be known and may be cited as the “Right to Farm Ordinance.”

**Section 2. Legislative Authority.**

This chapter is enacted pursuant to sections 1-1, 7-148 and 19a-341(a) and (c) of the Connecticut General Statutes.

**Section 3. Findings and Purpose.**

Agriculture plays a significant role in the heritage and future of the Town of Mansfield. The Town Council of the Town of Mansfield recognizes the importance of agriculture and farming to the quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife, and local economy of the Town of Mansfield. This ordinance is intended to encourage the pursuit of agriculture and farming, promote agriculturally based economic opportunities, and protect farmland within the Town of Mansfield by allowing agricultural uses and related activities to function with minimal conflict with abutting property owners and Town of Mansfield agencies.

It is the declared policy of the Town of Mansfield to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products and for its natural and ecological value, while being respectful of the land and conscious of potential impacts on natural resources. It is also determined that whatever the effect may be on others through generally accepted agricultural practices is offset and ameliorated by the benefits of local agriculture and farming to the neighborhood and to the people of the Town of Mansfield.

**Section 4. Definitions.**

The terms “agriculture and “farming” shall have all those meanings set forth in section 1-1(q), as amended, of the Connecticut General Statutes.

**Section 5. Right to Farm.**

Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility within the Town of Mansfield, or any of its appurtenances, or the operation thereof shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally accepted farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Connecticut Commissioner of Energy and Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or

crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Energy and Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment, or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

Section 6. Exceptions.

The provisions of this chapter shall not apply whenever a nuisance results from willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.



Town of Mansfield  
Code of Ordinances  
"An Ordinance Regarding Farm Tax Abatements"

*May 24, 2012 Draft*

Section 1. Title.

This chapter shall be known and may be cited as the "Farm Tax Abatements Ordinance."

Section 2. Legislative Authority.

This chapter is enacted pursuant to sections 7-148 and 12-81m of the Connecticut general Statutes.

Section 3. Findings and Purpose.

The Town Council of the Town of Mansfield believes that agriculture and farming are vitally important to the quality of life, environment, and economy of the Town of Mansfield, and wishes to encourage farming in the Town.

Connecticut General Statutes §12-81m allows towns to abate up to fifty percent of the property taxes on any dairy farm, fruit orchard, vegetable, nursery, or ~~nontraditional farm~~ including a vineyard for growing of grapes for wine, and to recapture abated taxes in certain circumstances in the event of a sale of the property.

The Town Council wishes to establish a mechanism whereby such tax relief may be granted to dairy farms, fruit orchards, vegetable, nurseries, or ~~nontraditional farms, including a vineyards~~ for growing of grapes for wine, as provided by law

Section 4. Property Tax Abatement.

Upon approval by the Tax Assessor and affirmative vote by the Town Council, the Town may abate up to fifty percent (50%) of the property taxes for any such dairy farm, fruit orchard, vegetable, nursery or ~~nontraditional farm~~, or vineyard.

- a. Any abatement shall continue in force for five years, or until such time as the dairy farm, fruit orchard, vegetable, nursery, or ~~nontraditional farm, including a vineyard~~ for growing of grapes for wine is sold, or until such time as the property ceases to be a dairy farm, fruit orchard, vegetable, nursery, or ~~nontraditional farm, including a vineyard~~ for growing of grapes for wine, or if any such business is deemed ineligible for an abatement based on a determination by the Tax Assessor that the beneficiary of the abatement has failed to show that they have derived at least fifteen thousand dollars in gross sales from such business or incurred at least fifteen thousand dollars in expenses related to such operation, with respect to the most recently completed taxable year of such business. Otherwise, any such abatement may be renewed for an additional five years by vote of the Town Council based on a proper reapplication made to the Office of the Tax Assessor at or near the end of the preceding five year term pursuant to the requirements for any initial application as set forth in this chapter.

b. The property owner receiving the abatement must notify the Tax Assessor and Town Council in writing within thirty (30) days of the sale of the property or the cessation of operations as a dairy farm, fruit orchard, vegetable, nursery, or nontraditional farm, including a vineyard for growing of grapes for wine.

**Section 5. Application for Property Tax Abatement.**

The Town of Mansfield may abate property taxes on dairy farms, fruit orchards, vegetable, nurseries, or nontraditional farms, including a vineyard for growing of grapes for wine, and recapture taxes so abated in the event of sale, in accordance with the following procedures and requirements:

- a. Any action by the Town concerning the abatement of property taxes for dairy farms, fruit orchards, vegetable, nurseries, or nontraditional farms, including a vineyard for growing of grapes for wine, or the recapture of any taxes so abated, shall be done pursuant to Connecticut General Statutes §12-81m, as such statute may be amended from time to time.
- b. Any request for an abatement must be made by application to the Office of the Tax Assessor of the Town of Mansfield by the record owner of the property, or a tenant with a signed, recorded lease of at least three years, which lease requires the tenant to pay all taxes on any dairy farm, fruit orchard, vegetable, nursery, or nontraditional farm, including a vineyard for growing of grapes for wine, as part of the lease.
- c. In order for an abatement to apply for the tax year beginning July 1, 2013, the application must be submitted no later than October 1, 2012. For any tax year thereafter, the application must be submitted by October 1 of the preceding year.
- d. An abatement is only available for dairy farms, fruit orchards, vegetable, nurseries, or nontraditional farms, including a vineyard for growing of grapes for wine. The applicant must provide the Assessor with evidence to support the status of the property as a dairy farm, fruit orchard, vegetable, nursery, or nontraditional farm, including a vineyard for growing of grapes for wine. In determining whether a property is a dairy farm, fruit orchard, vegetable, nursery, or nontraditional farm, including a vineyard for growing of grapes for wine, the Assessor shall take into account, among other factors: the acreage of the property; the number and types of livestock, vegetable production, fruit trees or bushes on the farm; the quantities of milk or fruit sold by the facility; the gross income of the farm derived from dairy, nursery, vegetable, or orchard related activities; the gross income derived from other types of activities; and, in the case of a dairy farm, evidence of Dairy Farm or Milk Producing Permit or Dairy Plant or Milk Dealer Permit, as provided by Connecticut General Statutes § 22-173. All residences and building lots are excluded, but any building for seasonal residential use by workers in an orchard which is adjacent to the fruit orchard itself shall be included.
- e. In addition to the aforementioned evidence that must be submitted to the Assessor, the applicant must also provide a notarized affidavit certifying that the applicant derived at least fifteen thousand dollars in gross sales from such eligible business or incurred at least fifteen thousand dollars in expenses related to such operation, with respect to the most recently

completed taxable year of such business. For purposes of this Chapter, such eligible business" shall cumulatively include all properties upon which an individual entity is doing business as a dairy farm, fruit orchard, vegetable, nursery, or nontraditional farm, including a vineyard for growing grapes for wine Otherwise, any such abatement shall be denied.

Subsequently, in order to retain any such abatement, within thirty days of each annual assessment date in the Town of Mansfield, the applicant must provide such notarized affidavit certifying that the applicant derived at least fifteen thousand dollars in gross sales from such business or incurred at least fifteen thousand dollars in expenses related to such operation, with respect to the most recently completed taxable year of such business. Otherwise, any such abatement shall be terminated by the Assessor with notice to the Town Council.

**Section 6. Recapture.**

Upon sale of the property, and subject to the authority of the Town Council per this chapter to waive any such payment, the property owner must pay to the Town a percentage of the original amount of the taxes abated, pursuant to the following schedule:

Number of Years Sale Follows Abatement Percentage of Original Amount of Taxes Abated for Given Tax Year Which Must be Paid

More than 10 years,	0%
Between 9 and 10	10%
Between 8 and 9	20%
Between 7 and 8	30%
Between 6 and 7	40%
Between 5 and 6	50%
Between 4 and 5	60%
Between 3 and 4	70%
Between 2 and 3	80%
Between 1 and 2	90%
Between 0 and 1	100%

a. Upon affirmative vote by the Town Council, the Town may waive any of the amounts which would otherwise be owed pursuant to the foregoing recapture provision if the property continues to be used as "farm land," "forest land," or "open space," as those terms are defined in Section 12-107b of the Connecticut General Statutes, after the sale of the property.

b. The taxes owed to the Town pursuant to the recapture provisions of this chapter shall be due and payable by the record property owner/grantor to the Town Clerk of Mansfield at the time of recording of her/his deed or other instrument of conveyance. Such revenue received by the Town Clerk shall become part of the general revenue of the Town. No deed or other instrument or conveyance which is subject to the recapture of tax, as set forth herein, shall be recorded by the Town Clerk unless the funds due under the recapture provisions herein have been paid, or the obligation has been waived pursuant to the immediately preceding subsection herein.

c. The Tax Assessor shall file, not later than 30 days after abatement is approved by the Town Council, with the Town Clerk, a certificate for any such dairy farm, fruit orchard, vegetable, nursery, or ~~nontraditional farm or~~ vineyard land that has been approved for a tax abatement, which certificate shall set forth the date of initial abatement and the obligation to pay the recapture funds as set forth herein. Said certificate shall be recorded in the land records of the Town of Mansfield.

**Section 7. Right of Appeal.**

Any person claiming to be aggrieved by any action or inaction of the Tax Assessor of the Town of Mansfield regarding this chapter may appeal to the Board of Assessment Appeals of the Town of Mansfield in the manner set forth in Connecticut General Statutes section 12-111, as amended. Appeals from any decision of the Board of Tax Review may be taken to the Superior Court for the Judicial District of Tolland pursuant to Connecticut General Statutes section 12-117a, as amended.

**Section 8. Effective Date.**

Following its adoption by the Town Council, this Ordinance shall become effective on the twenty-first day after publication in a newspaper having circulation in the Town.



Town of Mansfield  
Code of Ordinances

“An Ordinance Providing an Additional Property Tax Exemption for Farm Machinery”

*February 9, 2012 Draft*

**Section 1. Title.**

This Ordinance shall be known and may be cited as “An Ordinance Providing an Additional Property Tax Exemption for Farm Machinery.”

**Section 2. Legislative Authority.**

This Ordinance is enacted pursuant to the provisions of Section 12-91(b) of the Connecticut General Statutes, as it may be amended from time-to-time.

**Section 3. Findings and Purpose.**

The Town Council of the Town of Mansfield finds that the preservation of farming and farmland is vitally important to retaining Mansfield’s rural character and quality of life, as well as promoting economic and environmental sustainability. Therefore, pursuant to *Connecticut General Statutes* § 12-91(b), as amended, the Town of Mansfield seeks to protect, preserve and promote the health, welfare and quality of life of its people by providing an additional tax exemption for farm machinery.

**Section 4. Applicability and Benefits.**

(a) For a farmer who qualifies for the farm machinery exemption under *Connecticut General Statutes* § 12-91(a), any farm machinery as defined in said subsection 12-91(a) to the extent of an additional assessed value of one hundred thousand dollars (\$100,000.00), subject to the same limitations as the exemption provided under said subsection (a), and further subject to the application and qualification process provided in subsection (b), below, shall be exempt from taxation to that extent..

(b) Annually, within thirty days after the assessment date, each individual farmer, group of farmers, partnership or corporation shall make written application to the Assessor for the exemption provided in subsection (a) of this section, including therewith a notarized affidavit certifying that such farmer, individually or as part of a group, partnership or corporation, derived at least fifteen thousand dollars in gross sales from such farming operation or incurred at least fifteen thousand dollars in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year for which such application is made, on forms prescribed by the Commissioner of Agriculture. Failure to file such application in said manner and form within the time limit prescribed shall be considered a waiver of the right to such exemption for the assessment year. Any person aggrieved by any action of the Assessor shall have the rights and remedies for appeal and relief as are provided in the general statutes for taxpayers claiming to be aggrieved by the doings of the Assessor.



Town of Mansfield  
Code of Ordinances

“An Ordinance Providing a Property Tax Exemption for Farm Buildings”

February 9, 2012 Draft

**Section 1. Title.**

This Ordinance shall be known and may be cited as “An Ordinance Providing a Property Tax Exemption for Farm Buildings.”

**Section 2. Legislative Authority.**

This Ordinance is enacted pursuant to the provisions of Section 12-91(c) of the Connecticut General Statutes, as it may be amended from time-to-time.

**Section 3. Findings and Purpose.**

The Town Council of the Town of Mansfield finds that the preservation of farming and farmland is vitally important to retaining Mansfield’s rural character and quality of life, as well as promoting economic and environmental sustainability. Therefore, pursuant to *Connecticut General Statutes* § 12-91(c), as amended, the Town of Mansfield seeks to protect, preserve and promote the health, welfare and quality of life of its people by providing a tax exemption for certain farm buildings.

**Section 4. Applicability and Benefits.**

- (a) For a farmer who qualifies for the farm machinery exemption under *Connecticut General Statutes* § 12-91(a), any building used actually and exclusively in farming, as “farming” is defined in Section 1-1 of the Connecticut General Statutes, except for any building used to provide housing for seasonal employees of such farmer, upon proper application being made in accordance with this section, shall be exempt from property tax to the extent of an assessed value of one hundred thousand dollars.
- (b) This exemption shall not apply to any residence of any farmer.
- (c) Annually, within thirty days after the assessment date, each individual farmer, group of farmers, partnership or corporation shall make written application to the Assessor for the exemption provided in subsection (a) of this section, including therewith a notarized affidavit certifying that such farmer, individually or as part of a group, partnership or corporation, derived at least fifteen thousand dollars in gross sales from such farming operation or incurred at least fifteen thousand dollars in expenses related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year for which such application is made, on forms prescribed by the Commissioner of Agriculture. Failure to file such application in said manner and form within the time limit prescribed shall be considered a waiver of the right to such exemption for the assessment year. Any person aggrieved by any action of the Assessor shall have the rights and remedies for appeal and relief as are provided in the general statutes for taxpayers claiming to be aggrieved by the doings of the Assessor.

# Proposed Zoning Text Changes ■ Michael Healey

Draft: Revised July 13, 2012

Underlined Text: Added

~~Strikethrough Text~~: Deleted

*Italic Text*: Explanatory Notes

## Article Eight: Schedule of Dimensional Requirements

Amend Article VIII, Schedule of Dimensional Requirements as follows:

Note: Only changes proposed are shown, no changes to other districts are proposed

ZONE	MINIMUM LOT AREA/ACRES See Notes (3) (4) (18)	MINIMUM LOT FRONTAGE/FT See Notes (4)(6)(7)(13)(16)	MIN. FRONT SETBACK LINE (IN FEET) See Notes (4)(8)(9)(15)(16)(17)(21)	MIN. SIDE SETBACK LINE (IN FEET) See Notes (4)(10)(11)(15)(16)(17)(21)	MIN. REAR SETBACK LINE (IN FEET) See Note (4)(15)(16)(17)(21)	MAXIMUM HEIGHT See Note (14) <u>(17)</u>	MAXIMUM BUILDING GROUND COVERAGE <u>(17)</u>
NB-1, NB-2: SEE NOTE (1)	SEE NOTE (5)	200	60	50	50	<del>30</del> <u>35</u>	10%

### Notes Schedule of Dimensional Requirements

\* \* \* \* \*

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

\* \* \* \* \*

## Article Ten: Special Regulations

Amend Article X, Sections A. 4.d as follows:

### d. Special Dimensional Exceptions

To encourage compliance with the goals and standards of Article X, Section R (Architectural and Design Standards) and to promote greater design and layout flexibility and the coordinated development of adjacent properties, dimensional requirements related to building and site design identified in other sections of these regulations for setback requirements for buildings, structures and site improvements, including parking, loading and outside storage areas, on properties in Design Development Districts that abut properties that also are situated in a Design Development district or a street, shall be determined may be altered by the Commission through the site plan approval or special permit approval process. ~~The required setbacks~~ Appropriate dimensional requirements shall be determined by the Commission

based on all applicable approval criteria of these Regulations, the design and layout provisions of Article X, Section R and all other applicable provisions of these Regulations. Dimensional requirements that may be adjusted in accordance with this provision include those subject to Note 17 in Article VIII.A, Schedule of Dimensional Requirements; dimensional requirements unique to specific uses or zoning districts identified in Article VII; and dimensional requirements identified in Article X related to specific Design Development Districts. Any adjustments to dimensional requirements proposed through the site plan approval process shall require a public hearing in accordance with the requirements of Article V, Section B.2.

### **Statement of Justification for Regulation Change Provided by Applicant**

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

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

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

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

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

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

Along Route 195 corridor from south to north

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

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

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