

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

**Tuesday, September 3, 2013 ■ 7:05 PM**

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

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
  - a. August 19, 2013 Regular Meeting
4. **Zoning Agent's Report**
  - Monthly Activity Update
  - Enforcement Update
  - Other
5. **Public Hearings**
  - a. 7:05 p.m.
    - **Application to Amend the Zoning Regulations; Storrs Center Alliance, LLC, applicant, (File #1246-14)**
    - **Application to Amend the Zoning Map; Storrs Center Alliance, LLC, applicant, (File #1246-15)**  
Memos from Director of Planning and Development and Fire Marshal
  - b. 7:30 p.m.  
**Special Permit Application, Retail and Retail Sale of Automotive Fuels, 1659 Storrs Road/625 Middle Turnpike; OMS Development LLC, Owner and Applicant (File #1319)**  
Memo from Director of Planning and Development
6. **Old Business**
  - a. **Special Permit Application, Building Addition, Charles River Laboratories, Inc, 65-67 Baxter Road (File #1320)**
  - b. **Application to Amend the Zoning Regulations; Joshua's Tract Conservation and Historic Trust, owner/applicant (File #1321)**
  - c. **Special Permit Application, Retail and Retail Sale of Automotive Fuels, 1659 Storrs Road/625 Middle Turnpike; OMS Development LLC, Owner and Applicant (File #1319)**
  - d. **Application to Amend the Zoning Regulations; Storrs Center Alliance, LLC, applicant, (File #1246-14)**
  - e. **Application to Amend the Zoning Map; Storrs Center Alliance, LLC, applicant, (File #1246-15)**

- f. **Approval Request: Revised Plans for Paideia Greek Theater Project Exhibit Building, 28 Dog Lane (File #1049-7)**  
Memo from Director of Planning and Development
- g. **Town Council Referral – Water Supply EIE Preferred Alternative**  
Draft Memo for Discussion
- h. **Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA) and Pleasant Valley Commercial/Agriculture Regulations, PZC File #907-40**  
(Tabled pending 10/7/13 Public Hearing)
- i. **Other**

**7. New Business**

- a. **Other**

**8. Mansfield Tomorrow | Our Plan ▶ Our Future**

**9. Reports from Officers and Committees**

- a. **Chairman’s Report**
- b. **Regional Planning Commission**
- c. **Regulatory Review Committee**
- d. **Subcommittee on Infrastructure**
- e. **Planning and Development Director’s Report**
- f. **Other**

**10. Communications and Bills**

- a. **9/11/13 ZBA LEGAL NOTICE**
- b. **Other**

**11. Adjournment**

**DRAFT MINUTES**  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, August 19, 2013  
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), R. Hall, G. Lewis (7:01 p.m.), P. Plante, K. Rawn, B. Ryan  
Members absent: B. Chandy, K. Holt, B. Pociask,  
Alternates present: A. Marcellino (7:05 p.m.), V. Ward, S. Westa  
Staff Present: Linda Painter, Director of Planning and Development  
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:00 p.m. and appointed alternates Marcellino, Ward and Westa to act in the absence of members. In Secretary Holt's absence, Chairman Goodwin appointed Vice Chair Ryan as Acting Secretary.

**Minutes:**

July 15, 2013 Regular Meeting: Ward MOVED, Hall seconded, to approve the 7/15/13 Meeting Minutes as presented. MOTION PASSED UNANIMOUSLY. Ryan and Westa noted for the record that they reviewed the recording of the meeting.

**Zoning Agent's Report:**

Noted

**Public Hearings:**

**Application to Amend the Zoning Regulations; Joshua's Tract Conservation and Historic Trust, owner/applicant (File #1321)**

Ryan recused herself and Chairman Goodwin appointed Rawn to act as secretary for this item only.

Chairman Goodwin opened the Continued Public Hearing at 7:02 p.m. Members present were Goodwin, Hall, Lewis, Plante, Rawn, and alternates Marcellino, Ward and Westa, who were appointed to act in members' absence. Linda Painter, Director of Planning and Development, read again the legal notice as it appeared in The Chronicle on 7/2/13 and 7/10/13 and noted an August 8, 2013, memo from Linda Painter, Director of Planning and Development. Painter also noted receipt of a letter from the Windham Regional Planning Commission dated July 10, 2013, and read the comments into the record.

Rudy Favretti, representing the applicant, Joshua's Tract Conservation and Historic Trust, reviewed the request for an amendment to the Zoning Regulations to incorporate Preservation Use as a permitted use in the RAR-90 Zone.

Chairman Goodwin noted no comments from the Commission or Public. Hall MOVED, Rawn seconded to close the Public Hearing at 7:13 p.m. MOTION PASSED with all in favor except Ryan who had recused herself.

**Special Permit Application, Retail and Retail Sale of Automotive Fuels, 1659 Storrs Road/625 Middle Turnpike; OMS Development LLC, Owner and Applicant (File #1319)**

Chairman Goodwin opened the Continued Public Hearing at 7:14 p.m. Members present were Goodwin, Hall, Lewis, Rawn, Ryan and alternates Marcellino, Ward and Westa, who were appointed to act in members' absence. Plante disqualified himself. Linda Painter, Director of Planning and Development, stated that the legal notice which appeared in The Chronicle on 7/2/13 and 7/10/13 was read at the last meeting. She noted the following communications received and distributed to members: an August 19, 2013, memo from Linda Painter, Director of Planning and Development; Memos from Assistant Town

Engineer dated June 23, 2013 and August 7, 2013; a memo from Jeff Polhemus, Eastern Highlands Health District dated August 16, 2013; a memo from Fran Raiola, Fire Marshal, dated August 15, 2013; a letter from Samuel L. Schrager dated June 27, 2013 requesting continuance of public hearing from to July 15, 2013; a letter from Samuel L. Schrager dated July 10, 2013 requesting continuance of public hearing from to August 19, 2013.

Attorney Samuel Schrager, representing the applicant, presented the proposal. He reviewed the issues raised in the Director of Planning's memo and noted the following points of significance in the application: a 1,175 square foot addition on the northerly side of the structure; easements in favor of the property to provide driveway access for a drive-thru on the westerly side of the building with access from the north; a new entrance drive to align with the Route 320 intersection; that the Route 44 access will remain; new parking spaces on the northerly side of the building; new sidewalk along Route 195 and Route 44 (8' in most areas); a walkway to the building from the sidewalks on Routes 44 and Route 195; a new bus stop cut out and bus shelter on Route 195; landscape buffer on Route 195; new septic design and new façade.

Alan Lampson, FLB Architecture and Planning, reviewed the building architecture and façade materials.

Attorney Schrager stated that a signage plan has not yet been prepared, but the applicant will return with this plan for approval. He also submitted fill calculations for the site work showing that site will require 1,007 cubic yards of fill material.

Ward asked if the number of pumps will change. Attorney Schrager said the number of pumps will remain the same and that all fuel deliveries will be made between 4am and 6am, prior to the Dunkin Donuts opening.

Linda Painter noted that CT DOT approval will be needed and can be a condition of approval. She asked that the PZC determine whether it preferred narrowing portions of the sidewalk to a width of 5' width so as to allow for a wider landscape buffer or have less planting and more sidewalk width.

Hall stated that he is concerned there is not enough stacking room for those vehicles exiting the site at Route 44 and turning left to approach Route 195. Schrager responded Grant Meitzler, Assistant Town Engineer addressed this issue in his memo and found the stacking acceptable.

It was the consensus of the Commission that the applicant must address the requirements of the fill regulations before the close of the Public Hearing.

Noting no further comments from the Commission, Hall MOVED Rawn seconded, at 7:50 p.m. to continue the Public Hearing to the 9/3/13 meeting. MOTION PASSED UNANIMOUSLY.

#### **Old Business:**

- a. **Special Permit Application, Building Addition, Charles River Laboratories, Inc, 65-67 Baxter Road (File #1320)**  
After Commission discussion of this application, Hall volunteered to work with staff on a draft motion for the next meeting.
- b. **Application to Amend the Zoning Regulations; Joshua's Tract Conservation and Historic Trust, owner/applicant (File #1321)**  
After Commission discussion of this application, Plante volunteered to work with staff on a draft motion for the next meeting.
- c. **Special Permit Application, Retail and Retail Sale of Automotive Fuels, 1659 Storrs Road/625 Middle Turnpike; OMS Development LLC, Owner and Applicant (File #1319)**  
Item was tabled pending a 9/3/13 Continued Public Hearing.

- d. **Application to Amend the Zoning Regulations; Storrs Center Alliance, LLC, applicant, (File #1246-14)**  
Item was tabled pending a 9/3/13 Public Hearing.
- e. **Application to Amend the Zoning Map; Storrs Center Alliance, LLC, applicant, (File #1246-15)**  
Item was tabled pending a 9/3/13 Public Hearing.
- f. **Approval Request: Revised Plans for Paideia Greek Theater Project Exhibit Building, 28 Dog Lane (File #1049-7)**  
Item was tabled until 9/3/13.

**New Business:**

- a. **Modification Request, BAE Revision, Lot 13 Beacon Hill Estates, PZC File #1214-2**  
After extensive discussion, the Commission determined that there was no justifiable reason presented by the applicant to support its request to modify the BAE on this lot. The Commission found that the structure was built without regard to the lot requirements. Hall MOVED, Plante seconded, that the Planning & Zoning Commission not approve the proposed revision to the Building Area Envelope for Lot 13 of the Beacon Hill Estates Subdivision, as described in the 8/12/13 request from Datum Engineering & Surveying, and shown on a revised plan dated 7/31/13. MOTION PASSED with all in favor except Ryan and Westa who were opposed.
- b. **Request for Special Permit Extension, United Services, Inc., North Frontage Road, PZC File #1302**  
Ryan MOVED, Plante seconded, that the PZC approve a one-year extension, until September 19, 2014, of the special permit granted to United Services, Inc., for the construction of an office building and associated site development on North Frontage Road. MOTION PASSED UNANIMOUSLY.
- c. **Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA) and Pleasant Valley Commercial/Agriculture Regulations, PZC File #907-40**  
Hall MOVED, Ryan seconded, that a public hearing be scheduled for October 7, 2013 to hear comments on the proposed revisions to the Zoning Regulations for the PVRA and PVCA zones to reduce the maximum amount of prime agricultural soils/active farmland to be preserved for agricultural use from 40% to 35%. The draft regulations shall be referred to the Town Attorney, WINCOG Regional Planning Commission, adjacent municipalities, Town Council, Conservation Commission, Economic Development Commission and Agriculture Committee. MOTION PASSED UNANIMOUSLY.
- d. **Town Council Referral – Water Supply EIE Preferred Alternative**  
Linda Painter, Director of Planning and Development summarized the Town Manager’s 8-13-13 memo expressing the Town Council’s request for comments regarding the CT Water Company proposal. She also noted an 8-18-13 email received from Elizabeth Wassmundt that was distributed to members and provided a general overview of the CWC proposal as it presently exists. Members expressed concern over the short review period it has been given for a critical land use issue. It was decided that a special meeting of the PZC Subcommittee on Infrastructure Needs should meet for discussion of this issue and drafting of preliminary comments for the PZC to review at its 09/03/13 meeting. The committee will meet 8/26/13 at 6pm in Council Chambers.

Elizabeth Wassmundt, Storrs, expressed concern that Tom Callahan recently stated that CWC will be supplementing the UConn water system, but has previously said that CWC will be the new UCONN water system.

Pat Suprenant, Mansfield, expressed concern about advocacy, overlay zones, bonding, timing and wheeling fees. She is concerned that after so much time has been expended by the university studying

this issue, that the Town is now being asked to comment within 60 days.

Virginia Raymond, Maple Road, Storrs, expressed concern that there has been no information sharing nor consultation with the community to see if it wants public water, since ultimately the tax payers will be paying for it. She also felt the Town is being asked to rush and stated that this issue has been in discussion since 1973.

Hall stated that there have been opportunities for the public to gather information during various public forums.

Plante stated that it is not the PZC's decision if there is a public water supply, its source or its costs. The PZC's purview is strictly related to land use.

e. Mansfield Tomorrow | Our Plan ▶ Our Future

Painter noted an 8/29/13 Advisory Group Meeting.

Zoning Regulation Revision:

Chairman Goodwin asked that members continue to forward any thoughts on issues regarding the Regulations to Linda Painter for inclusion in the master list for discussion this fall. She requested this item be removed from future agendas until the Commission is ready to schedule these discussions in the fall.

Reports from Officers and Committees:

Chairman Goodwin asked that all final versions of reports from Mansfield Tomorrow Groups be distributed to PZC Members in hard copy.

Communications and Bills: None noted.

Adjournment: The Chairman declared the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Bonnie Ryan, Secretary



# Town of Mansfield



CURT B. HIRSCH  
ZONING AGENT  
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AUDREY P. BECK BUILDING  
4 SOUTH EAGLEVILLE ROAD  
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Memo to: Planning and Zoning Commission  
From: Curt Hirsch, Zoning Agent  
Date: August 29, 2013

## MONTHLY ACTIVITY for August, 2013

### ZONING PERMITS

| <u>Name</u>                 | <u>Address</u>        | <u>Purpose</u>               |
|-----------------------------|-----------------------|------------------------------|
| Allison                     | 638 Browns Rd.        | Home Occupation – consultant |
| Beall/Higgins               | 828 Wormwood Hill Rd. | 24 x 30 barn                 |
| Beall/Higgins               | same                  | lot line revision            |
| Newcity                     | Lot 1, S. Bedlam Rd.  | 1 fm dw                      |
| Prewitt                     | 4 Pine Ridge La.      | enclosed porch               |
| Schott                      | 131 Hickory La.       | 16 x 16 shed                 |
| Grove                       | 72 Cemetery Rd.       | shed & deck                  |
| Zimmer                      | 43 Bundy La.          | 22 x 26 house addition       |
| E.O. Smith H.S.             | 1235 Storrs Rd.       | replace 'event' sign         |
| One Tribe (retail clothing) | 1 Royce Cir.          | Identity sign                |
| Singh                       | 330 Browns Rd.        | membrane gaarage             |

### CERTIFICATES OF COMPLIANCE

|                        |                        |                        |
|------------------------|------------------------|------------------------|
| Bell                   | 24 Willowbrook Rd.     | deck                   |
| Bruder                 | 3 Boulder La.          | above pool & deck      |
| Pelletier              | 34 Farrell Rd.         | above pool             |
| Storrs Center Alliance | 1 Royce Cir.           | Mixed-use building     |
| Gottman                | 580 Gurleyville Rd.    | deck                   |
| Kalichman              | 279 Woodland Rd.       | shed                   |
| Town of Mansfield      | 303 Maple Rd.          | bus shelter            |
| Baker                  | 109 Thornbush          | elevate existing house |
| Hadden                 | 34 Fern Drive          | 3-season room          |
| Watson                 | 56 Lorrain Dr.         | garage addition        |
| Reilein                | 50 Mountain Rd.        | screen porch           |
| Wazer                  | 253 Maple Rd.          | seasonal farm stand    |
| Butler                 | 45 Hillcrest Dr.       | shed                   |
| McKinney               | 22 Higgins Hwy.        | storage/workshop       |
| Poudel                 | 1 Royce Cir.           | Package store          |
| Keegan                 | 883 Mansfield City Rd. | 1 fm dw                |
| Neborsky               | 389 Browns Rd.         | garage/sunroom         |
| Grove                  | 72 Cemetery Rd.        | shed/deck              |
| Singh                  | 330 Browns Rd.         | membrane garage        |

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

LINDA M. PAINTER, AICP, DIRECTOR

**Memo to:** Planning and Zoning Commission

**From:** Linda M. Painter, AICP, Director of Planning and Development *slp*

**Date:** August 28, 2013

**Subject:** **PZC File #1246-14**  
**Proposed Revisions to Zoning Regulations**  
**Article IV, Section B, Definitions (New Definition 34: Hotel-Limited Service)**  
**Article X, Section S.4.a Uses Permitted in the Storrs Center Special Design District (New xxvi: Limited Service Hotels)**

**PZC File #1246-15**  
**Storrs Center Special Design District Zoning Map Amendment**  
**(Amendment to Master Plan to allow 100 room Limited Service Hotel in Phase 1C)**

Overview of Zoning Amendment Process

My review comments are based on application submissions, consideration of existing Zoning Regulations, Mansfield's Plan of Conservation and Development, State and Regional land use plans and professional conclusions regarding the merits of the proposed regulation revisions and zoning map amendment. My comments must be reviewed with respect to testimony and information presented at the September 3<sup>rd</sup> Public Hearing and any subsequent continuations and the Commission's collective knowledge of the Town's needs and desires. No new information should be received from the applicant or the public after the close of the Public Hearing process. It is important to note that unless extensions are authorized, the public hearing must be closed by October 8, 2013. The Commission must make a decision on these applications within 65 days of the close of the Public Hearing. Collective reasons for the Commission's decisions should be clearly documented.

As with any proposed regulation amendment or zoning map amendment, the PZC must weigh anticipated public and private benefits versus anticipated public and private costs. All zoning regulations should be designed to serve a community need while protecting the "public's health, safety, convenience and property values". The Commission has the legislative discretion to determine what is best for the community as a whole, and the Zoning Regulations and Map can and should be modified to meet changing circumstances, Plan of Conservation and Development goals, objectives and recommendations or to address a recognized public need. Section 8-2 of the Connecticut General Statutes and Articles I and XIII of the Zoning Regulations provide information on the legislative framework within which PZC decisions must be made. Section 8-3a of the Connecticut General Statutes requires that the Commission making a finding regarding consistency with the Plan of Conservation and Development.

### Overview of Storrs Center Special Design District

The Storrs Center Special Design District (SC-SDD) currently permits 26 different uses, including multi-family residential and a wide range of commercial uses such as restaurants, retail, repair services, art galleries, dance halls (no alcohol), live music, recreation facilities, private clubs and sale of alcoholic liquor. The zone has both public water and sewer service.

In contrast to other zones, where most uses require special permit approval from the Planning and Zoning Commission, uses in the SC-SDD are permitted by right. The need for special permit approval for specific uses was eliminated by the creation of a two-stage process through which development is approved in the SC-SDD. This process includes public hearings for both stages.

The first stage involved the preparation of a Preliminary Master Plan that identifies a general layout for the development as well as a Master Traffic Study, Master Parking Study, Master Stormwater Drainage Study and Design Guidelines specific to Storrs Center. The design guidelines are more specific than general zoning regulations for other zoning districts and address height, massing, building design, pedestrian orientation, signs, and parking among other things.

The Storrs Center Master Plan was approved in 2007 as part of the amendment to the Zoning Map creating the SC-SDD zoning district. The applicant is currently requesting approval to amend the Preliminary Master Plan in accordance with the provisions of Article S, Section S.3.h, which allows the Commission to modify the approved plans for the SC-SDD through the zoning map amendment process. A full description of the two pending applications can be found below, under *Description of Proposed Amendments*.

The second stage of the development approval process is related to the issuance of a Zoning Permit. In other zones, issuance of a Zoning Permit is an administrative process handled by the Zoning Agent based on compliance with the Zoning Regulations and any approvals granted by the Commission such as a special permit or subdivision approval. For Storrs Center, the Zoning Permit review process is established in the SC-SDD Regulations (Article X, Section S). Upon receipt of a zoning permit application, it is referred to the Mansfield Downtown Partnership for the purpose of holding a public hearing on the application and providing an advisory opinion to the Planning Director. In approving a Zoning Permit, the Director of Planning and Development must find that the proposed development is reasonably consistent with the Preliminary Master Plan, Master Parking Study, Master Traffic Study, Master Stormwater Drainage Study and Design Guidelines, as well as other applicable Zoning Regulations.

In summary, the development review process that has been established for the Storrs Center Special Design District ensures that potential impacts of new development are addressed and provides opportunity for public input for each new building.

### Description of Proposed Amendments

Storrs Center Alliance LLC has submitted two applications to amend the Storrs Center Special Design District (SC-SDD). One application (PZC File 1246-14) would amend the Zoning Regulations to add a definition of Limited Service Hotel (Article IV, Section B) and add Limited Service Hotels to the list of permitted uses in the SC-SDD (Article, X, Section A.4.a).

*Proposed Definition of Limited Service Hotel*

A hotel that provides sleeping accommodations in single rooms or suites and may include on the premises other limited facilities, such as breakfast buffet bar, afternoon/evening beverage and food bar, pool and exercise room, but which does not include conference facilities.

*Proposed Addition to List of Permitted Uses*

Limited Service Hotels, provided that not more than a total of 100 hotel rooms or suites may be allowed in all of the Storrs Center Special Design District

The second application would amend the SC-SDD Master Plan for the Phase 1C area of the master plan to allow development of a limited service hotel on Parcel 2 (located immediately north of Storrs Commons) as an alternative to the current master plan, which anticipated mixed residential and commercial buildings in this area. The hotel alternative would be limited to 100 rooms, and if developed, the residential component of the project would have a corresponding reduction of 100 units. As part of this alternative, an amendment to the Design Guidelines is also proposed that would reduce the allowable building height on Parcel 2 from 85 feet to 65 feet for the proposed hotel use. The map amendment includes a conceptual layout of Parcel 2, including a new driveway connection between Storrs Road and Royce Circle.

The applicant has submitted Statements of Justification in support of the proposed text revision and map change. Additionally, they have submitted updates to the traffic, parking and stormwater studies to identify how the proposed new use will change the overall impacts of the project.

- *Use.* The following table identifies the approved development program for Storrs Center as amended in 2012 for the Market Square Alternative, as well as how the overall development program would change with the proposed amendment.

|  | Residential<br>(Dwelling<br>Units) | Retail<br>(SF) | Office<br>(SF) | Market<br>(SF) | Hotel<br>(Rooms) |
|--|------------------------------------|----------------|----------------|----------------|------------------|
| <b>Original 2007 Master Plan</b>                       | 690                                | 164,110        | 46,750         | 0              | 0                |
| <b>Amendment SDD-1<br/>(Market Square Alternative)</b> | 690                                | 118,900        | 23,300         | 31,500         | 0                |
| <b>Proposed<br/>Amendment SDD-2</b>                    | 590                                | 118,900        | 23,300         | 31,500         | 100              |

As shown in the above table, the proposed amendment would reduce the number of allowable residential units from 690 to 590 to allow for the proposed addition of 100 hotel rooms. The overall commercial space allowed in the district was decreased in 2012 with the approval of the Market Square Alternative, which approved the construction of a supermarket at the intersection of Storrs Road and Charles Smith Way (fka Post Office Road).

The proposed location for the hotel was zoned PB-2 prior to the creation of the Storrs Center

SDD. Hotels are allowed pursuant to special permit in several zones as noted below, including the PB-2 zone:

- Planned Business 1 (Route 195/Route 6 area)
  - Planned Business 2 (Route 195/Dog Lane Area)
  - Planned Business 3 (Route 195/Route 44 Four Corners Area)
  - Business Zone (Route 195/Flaherty Road Area)
  - Research and Development/Light Industrial Zone (North Hillside Road area)
- *Layout and Design* – The proposed amendment to the Preliminary Master Plan includes an alternative layout for Phase 1C, with two parcels separated by a driveway connecting Storrs Road to Royce Circle. The driveway would provide two-way access from Royce Circle and one-way entry only from Storrs Road that would access a drop-off area for the hotel. The drop-off area includes one through travel lane and a parking space on either side for guests checking into the hotel. The Mansfield Traffic Authority reviewed the proposed zoning map change at their meeting on August 27, 2013 and had the following comments/recommendations:
- The new curb cut on Storrs Road and the proposed drop-off/building access will require approval from the Office of the State Traffic Administration.
  - The applicant should consider relocating the proposed guest drop-off/portico closer to Royce Circle to eliminate potential conflicts with Storrs Road.
  - Regardless of location, the final design of the portico/drop-off area needs to accommodate emergency vehicle access between Storrs Road and Royce Circle (fire trucks, ambulances, etc.) For more information on emergency access requirements, see the August 26, 2013 memo from the Fire Marshal.
  - A sidewalk connection between Storrs Road and Royce Circle should be provided as described below.

The amended Pedestrian Facilities and Open Space map indicates that all pedestrian access between Royce Circle and Storrs Road will be on the north side of the driveway, and that no pedestrian access is being provided from Royce Circle to the east side of the hotel. **This map should be amended to provide continuous pedestrian access along the south side of the driveway to allow guests exiting the lobby to have a direct route to Royce Circle and the parking garage without crossing the driveway.** This access is especially important given the dual function of the driveway for both guests and service vehicles for the adjacent mixed use building to the north.

The Preliminary Master Plan also shows a small parking area located between the hotel and Royce Circle. Based on the grading plan submitted, it appears that this parking area will be located approximately four feet below the grade of Royce Circle. **As parking between the building and the street is generally discouraged by the guidelines, the applicant should submit details as to how this area will interface with the Village Street as part of the Design Guideline addendum.** Furthermore, it is noted that the way the building addresses Royce Circle will be critical and should be given special attention during the zoning permit review process.

- *Traffic* – The update to the Master Traffic Study prepared by BL Companies concludes that “...no perceptible change in traffic operations would result from the replacement of 100 residential units with a 100 room limited service hotel.” The hotel would generate 16 more morning peak hour trips than 100 dwelling units and 7 fewer trips during the afternoon peak hour. The overall change in trip generation is small compared to the overall peak hour trips that were projected for the Storrs Center development: 420 morning peak hour trips and 970 afternoon peak hour trips. Furthermore, the report notes that the morning peak is not the critical time period for traffic capacity and level of service since overall traffic volumes are lower in the morning than in the afternoon.

**The Traffic Study does not address how the proposed new driveway connection could be expected to impact the operation of Storrs Road; this is something that needs to be addressed prior to the close of the public hearing.**

- *Parking* – The update to the Master Parking Study prepared by Desman Associates comparing the parking demands for 100 hotel rooms to 100 dwelling units concludes that the proposed change will have “no negative impact on the ability of the Storrs Center parking supply to adequately accommodate parking demand across the project.” Based on the information provided, the parking demand for a limited service hotel is equivalent to or less than the required residential parking ratio for the project (1.25 spaces per dwelling unit). According to the study, the Urban Land Institute recommends a base parking ratio for business hotels of 1.25 spaces per room for weekdays and 1.08 spaces per room on weekends. The report also notes that there may be more possibility for shared parking with the hotel use than residential use, which could reduce overall parking demand since the Master Parking Study requires that 1.25 spaces per unit be set aside exclusively for residential use.
- *Stormwater* – The update to the Master Stormwater and Drainage Study indicates that no changes are required in terms of stormwater management since the proposed hotel development would generate equal runoff rates and matching discharge peak rates as identified in the approved Master Stormwater Study. There are no changes to discharge rates since the originally approved Master Plan had no permeable surfaces on the portion of Phase 1C that is being changed.
- *Water and Sewer Service* – The University of Connecticut is committed to providing 169,300 GPD of water to the Storrs Center Development according to UCONN’s 2011 Water Supply Plan. The applicant has indicated as part of the Statement of Justification for the map change that the proposed changes will have no impact on the provision of potable water and sanitary sewer services to Storrs Center by the University of Connecticut.

**While there are no proposed changes to the overall water supply for the development, the applicant should be prepared to discuss the differences in water use between 100 residential units and a 100 room hotel to address potential concerns regarding overall water supply and demand.**

Additional testimony is expected at the September 3<sup>rd</sup> Public Hearing. As with any zoning amendment application, the burden is on the applicant to demonstrate that the proposal is acceptable and in the best interests of the Town.

### Consistency with State and Regional Land Use Plans

#### *2013-2018 Conservation and Development Policies for the State of Connecticut*

The Storrs Center development is consistent with the growth management principles and policies outlined in the new state plan, including Principle 1: Redevelop and revitalize regional centers and areas with existing or currently planned physical infrastructure and Principle 3: Concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options.

#### *2010 Windham Regional Land Use Plan*

Storrs Center is located within the Storrs Regional Center identified in the 2010 Windham Region Land Use Plan. The proposed change is consistent with the policy to "Support the implementation of the plans for Storrs Center as envisioned by the Mansfield Downtown Partnership." The Windham Regional Planning Commission reviewed the proposed changes and found them to be consistent with the Windham Regional Land Use Plan. The RPC also noted as part of their recommendations that 'Development should be sensitive to water resources and protect water supply recharge areas.'

### Approval Criteria

Pursuant to Article XIII, Section D, the Commission must determine that the applicant's proposal will promote the public's health, safety, property values and general welfare. As discussed in the applicant's Statement of Justification, the addition of a limited service hotel as a permitted use is not expected to have any significant impact on the public health, safety, property values or general welfare. Development of a hotel in the Storrs Center project would be subject to the same design requirements as all other buildings in the project, and is consistent with the mix of uses already permitted in the district.

Furthermore, the Commission is required to make the following findings:

1. *The proposal is complete and contains all required information.*

Pursuant to Article XIII, Section B, the applicant submitted a complete application forms, Statements of Justification and exact wording of the proposed amendment as well as the following reports:

- Update to Master Traffic Study prepared by BL Companies dated July 10, 2013
- Update to Master Parking Study prepared by Desman Associates dated July 10, 2013
- Update to Master Stormwater Drainage Study prepared by BL Companies dated July 10, 2013
- Addendum to Storrs Center Design Guidelines
- Amended Preliminary Master Plan for Phase 1C

2. *The proposal is consistent with the goals, policies and recommendations contained within the Mansfield Plan of Conservation and Development. This finding shall be stated on the record, pursuant to Section 8-3a of the State Statutes.*

Policy Goal 1, Objective c of the Mansfield Plan of Conservation and Development (POCD) specifically encourages “. . .mixed-use developments, such as the Storrs Center “Downtown” project, in areas with existing or potential sewer and water.” The notes for this objective specifically reference the Commission’s review of the Municipal Development Plan (MDP) for Storrs Center and finding of consistency with the POCD.

3. *The proposal is consistent with the expression of regulatory intent and purpose contained in the provisions of Article I of these regulations and Section 8-2 of the Connecticut General Statutes, as amended.*

As described in Article I of the Regulations, the zoning regulations have been designed to meet the Town’s statutory responsibilities as outlined in the Connecticut General Statutes, as well as several purpose statements, including the protecting the community’s health, safety and welfare, providing for orderly growth, protecting character and property values, encouraging safe and efficient vehicular and pedestrian circulation, encouraging a variety of housing and economic development opportunities and encouraging appropriate and compatible use of land within the various districts and throughout the town.

The proposed introduction of a Limited Service Hotel into the Storrs Center Special Design District would be consistent with the overall mix of uses and is not anticipated to result in significant increases to overall traffic generation or parking demand.

4. *Any proposal to amend the Zoning Regulations is appropriately worded and legally sound and comprehensive and consistent with respect to other regulatory provisions.*

The proposed regulation revisions to add limited service hotels to the list of permitted uses in the SC-SDD and inclusion of a definition of limited service hotel to Article IV does not result in the need for other changes to the regulations. The Town Attorney has provided an opinion with regard to the legality of the proposed amendment and found that Commission has the legislative authority and discretion to implement the proposed revision.

5. *Any proposal to revise the Zoning Map has comprehensively considered: the size and physical characteristics of the subject area; the character and supply of land currently zoned in the subject classification; and the effect of the proposal on existing land uses in the surrounding area.*

With the exception of the minor layout and design changes identified in this report, the primary change proposed by the map amendment is the introduction of a Limited Service Hotel. The introduction of a hotel use would be compatible with the overall development of the Storrs Center Special Design District provided the layout and design issues identified in this report are addressed and the final building design is consistent with the Storrs Center Design Guidelines.

6. *The Preliminary Master Plan, Master Stormwater Drainage Study, Master Parking Study, Master Traffic Study and Design Guidelines are consistent with the Municipal Development Plan for Storrs Center dated August 2005 as modified on May 2, 2013 and are adequate to ensure safe and appropriate implementation of permitted uses.*

The Municipal Development Plan (MDP) establishes the framework for the overall use and design of the project. As referenced in many sections of the MDP, the goal of the plan was to provide flexibility to adapt to changing conditions over the long-term. As noted in the Statement of Justification, the concept that a hotel might be located within Storrs Center was described in the

MDP; however it was not specifically listed as a permitted use. The Mansfield Downtown Partnership recently approved a minor modification to the MDP to clarify that hotels would be an allowed use.

As noted in the description of the proposed amendments, the updates to the traffic, parking and stormwater studies conclude that the proposed amendments will not result in significant changes to the original studies. The proposed change to the guidelines will reduce the allowable height on one parcel to provide a better transition with the adjacent property to the south.

### Summary

The proposed Zoning Regulation and Map amendments present a policy issue for the Commission's legislative discretion. Subject to any Public Hearing comments, my review indicates that the proposed regulation revision is acceptably worded and can be adopted without conflict with other regulatory provisions. With regard to the proposed map amendment, the following items should be addressed by the applicant prior to the close of the public hearing:

- Revise the Addendum to the Design Guidelines to address the parking area located between the building and Royce
- Revise maps to comply with emergency access requirements of the Fire Marshal and address the recommendations of the Traffic Authority
- Revise maps to include continuous pedestrian access along the south side of the driveway between Royce Circle and Storrs Road
- Update the Traffic Study to address potential impacts of the new curb cut on Storrs Road
- Provide information on current water usage for existing multi-family residential units and projected water usage for Limited Service Hotel

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### NOTES

- The analysis and recommendations contained in this report are based on the following information submitted by the applicants:
  - Application to Amend the Zoning Regulations submitted July 11, 2013 and received by the PZC on July 15, 2013, including:
    - Statement of Justification
    - Proposed text of regulation change
  - Application to Amend the Zoning Map (Amendment to the Storrs Center Special Design District Master Plan) submitted July 11, 2013 and received by the PZC on July 15, 2013, including:
    - Statement of Justification
    - Update to Master Traffic Study prepared by BL Companies dated July 10, 2013
    - Update to Master Parking Study prepared by Desman Associates dated July 10, 2013
    - Update to Master Stormwater Drainage Study prepared by BL Companies dated July 10, 2013
    - Addendum to Storrs Center Design Guidelines
    - Amended Master Plan for Phase 1C
- The following correspondence regarding the proposed amendments has been received:
  - Letter from Sherry Hilding dated July 14, 2013
  - Letter from the Windham Regional Planning Commission dated August 7, 2013
  - Letter from Windham Water Works dated August 9, 2013

- Letter from Dennis O'Brien, Town Attorney, dated August 15, 2013
  - Memo from Fran Raiola, Fire Marshal, dated August 26, 2013
  - Email from Bhikhu Gandhi dated August 27, 2013 with attached June 27, 2013 letter and supplemental water usage data
- Neighborhood Notification Forms are required to be sent to property owners within 500 feet of the subject property at least 10 days in advance of the scheduled public hearing. Pursuant to Article XIII, Section C, the notice must include the Statement of Justification, a map showing the subject zone change area, the date and time of the scheduled public hearing and the fact that the subject plans are on file in the Mansfield Planning Office. Copies of Article XIII, Section D (Approval Considerations) and E (Adoption/Protests) must also be included in the notice. Copies of the notice, list of property owners notified and return receipts from the certified mailing must be provided to the Planning Office at least 5 days in advance of the hearing. **As of the date of this report, email documentation of notices had been received; hard copies must be submitted prior to the start of the meeting.**
  - The Public Hearing on this item will be opened on September 3, 2013 and must be closed by October 8, 2013 unless a written extension is granted by the applicants.
  - Before rendering a decision, the Planning and Zoning Commission must consider other referral reports and public hearing testimony. A decision must be made within 65 days of the close of the Public Hearing unless the applicants grant a written extension.

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# O'Brien and Johnson

Attorneys at Law

120 Bolivia Street, Willimantic, Connecticut 06226

Fax (860) 423-1533

Attorney Dennis O'Brien  
dennis@OBrienJohnsonLaw.com  
(860) 423-2860

August 15, 2013

Attorney Susan Johnson  
susan@OBrienJohnsonLaw.com  
(860) 423-2085

Planning and Zoning Commission  
Town of Mansfield  
Audrey P. Beck Building  
Four South Eagleville Road  
Mansfield, CT 06268-2599

Re: **Proposed Revisions to Storrs Center Spécial Design District Zoning Regulations to create a new Article Four, Section B.34 and a new Article Ten, Section S.4.a.(xxvii)**

Ladies and Gentlemen:

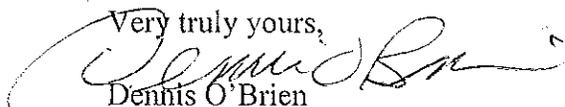
As requested by Director of Planning and Development Linda M. Painter, I have completed my review of the change recently proposed by Storrs Center Alliance, LLC to add "hotels" as an allowed land use within the Storrs Center Special Design District, to be considered by the PZC at a public hearing to be held on September 3, 2013.

As you know, the only question for me as town counsel is whether the proposed revision is legal. For the most part, it is my responsibility to say whether the proposed revision is within the purview of the Commission's authority under our constitutions and laws, especially Connecticut General Statutes section 8-2, the statute which expressly authorizes the PZC to adopt regulations controlling the zoning of land to the extent set forth in that particular law.

My review of the zoning law of the State of Connecticut has revealed no legislative provision or case directly on point that provides or holds that any use like that proposed in this revision is beyond the scope of the legislative mandate, or unconstitutional.

My opinion is that the proposed revisions present policy issues to be determined by the PZC. The Commission does have the legal authority and discretion to enact and to implement the subject proposed revision to the Town of Mansfield's Zoning Regulations. Pursuant to Connecticut General Statutes section 8-3(a), any approved revision must include a finding regarding compatibility of the change with the Mansfield Plan of Conservation and Development.

Please let me know if you need any more from me on this.

Very truly yours,  
  
Dennis O'Brien  
Town Attorney

cc: Linda M. Painter, Director of Planning and Development

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# Town of Mansfield Mansfield Fire Department



**To:** Planning and Zoning Commission

**From:** Fran Raiola, Deputy Chief/Fire Marshal *FR*

**CC:** Linda Painter, Director of Planning

**Date:** August 26, 2013

**Re:** Storrs Center –

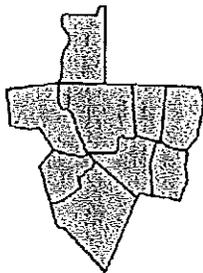
PZC File # 1246-15

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After reviewing the plans dated August 29, 2012 and the revised plans dated July 8, 2013 for the above referenced project for compliance with the Town of Mansfield Regulations for Fire Lanes and Emergency Vehicle Access, I have the following comments.

1. Please provide details demonstrating adequate access and maneuverability for emergency vehicles in the area of the overhead carport. Inside turning radius should be at least 25 feet and the minimum height/overhead clearance should be 13' 8".
2. Please provide details for adequate signs/markings of the fire lanes. §125-7
3. The scope of this review is for compliance with The Town of Mansfield Fire Lane Regulations to ensure adequate access for emergency vehicles only. The applicant is required to apply for a building permit and submit plans and specifications to the Building Department and the Office of the Fire Marshal, to determine compliance with Fire and Building codes.

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# WINDHAM REGION COUNCIL OF GOVERNMENTS

Chaplin Columbia Coventry Hampton Lebanon Mansfield Scotland Willington Windham

## REGIONAL PLANNING COMMISSION

Date: August 7, 2013  
Referral #: 13-07-18-MD  
Report on: **Zoning**

**MANSFIELD**  
**Limited Service Hotels in**  
**Storrs Center Design District**

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

Commissioners;

This referral involves: A proposal to add limited service hotels in a subzone within the Storrs Center Design District.

Receipt is hereby acknowledged of the above referral. Thank you for this courtesy referral.

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

- The proposal is consistent with the Windham Regional Land Use Plan which identifies the Storrs Center Design District as part of the Storrs Regional Center, an area with the highest priority for development.
- Development should be sensitive to water resources and protect water supply recharge areas.
- The proposal is not anticipated to create negative intermunicipal impacts.

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

Sincerely,

  
Ted Melinosky, Vice Chair  
WINCOG RPC

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# TOWN OF WINDHAM WATER WORKS

174 Storrs Road  
Mansfield Center, CT 06250  
Tel. 860-465-3075 • FAX 860-465-3085

- Inland Wetlands Commission
- Zoning Commission
- Planning & Zoning Commission
- Zoning Boards of Appeals

TOWN:       Ashford       Chaplin       Eastford  
               Hampton       Mansfield       Pomfret  
               Union       Willington       Windham  
               Woodstock

INSPECTED BY: *Troy Quick*  
*Troy Quick* W.W.W. Watershed Inspector

DATE: August 9, 2013 WW file #M0813

The Windham Water Works has received notification of a proposed project per the requirements of Public Act 89-301.

**PROJECT DESCRIPTION:**

Amend zoning map for Storrs Ctr Special Design District (SC-SDD) Phase 1C, Parcel 2 to reduce building height and permit a Limited Service Hotel: 100 rooms max, on 0.58 acres of the SC-SDD

Applicant: Storrs Center Alliance, LLC

**COMMENTS:**

The Windham Water Works has reviewed the proposed project and with best management practices and with proper soil and erosion control measures throughout the duration, we would have no objections, we will monitor accordingly.

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July 14, 2013

Dear PZC Members,

I am writing concerning the request from Mr. Howard Kaufman, Principal for Storrs Center to allow 'hotels' as a new permitted use in the Storrs Center District.

It is my understanding that Mr. Kaufman wishes to have a 100-bed hotel built; possibly supplanting plans for 100 apartments. Student housing is needed in Storrs, as UCONN accepts more students than it provides housing for. As far as I can see, the Center is largely an extension of UCONN, and creating housing for UCONN students makes sense. Often Mansfield residential districts are ruined by being turned into student housing districts – Hunting Lodge Rd. between N. Eagleville and Rte 44 is a good example of this; at one time many years ago, this was a nice residential area.

As a town resident living near the Storrs Center directly across from the Storrs Post Office, I do not wish for there to be more traffic and congestion than is already planned. It seems to me that students, many walking to class, will be less of a traffic issue than hotel guests with cars; this is just common sense.

Mr. Kaufman also talked about an underground garage for the hotel. The original plans for the Market Square section of this development included an underground garage and no giant parking lot. I was told on no uncertain terms, that the Price Chopper could not have an underground garage, as it was so very expensive – hence an ugly parking lot, and the strip mall effect. I was told, that in the original plans, it was promised that there would be no strip mall effect with this development project. I wonder if this new plan will change as time goes on. Is this bait and switch? What are the unspoken plans here?

On another note I am very disturbed by the attitude displayed at the June 17 meeting by Mr. Kaufman and business owners in the Center. As stated, the Nathan Hale has 45% occupancy and the Best Western has 35% occupancy. It is quite possible that the Best Western will be driven out of business if a new hotel is built. In my humble opinion, if the town supports this venture it will be "stealing from Peter to pay Paul." The business owners and Mr. Kaufman appeared to have very little concern for the owners/workers of the Nathan Hale and Best Western and their livelihoods. I would hope that the town of Mansfield has more concern for its' residents and taxpayers. I would hope that the town does not aid and abet these vampires. I can hear the cry that this is just capitalism at work. This is not true. A hotel built in this development would be supported by all the wheeling and dealing that has gone on between town, university and developer. It would be supported by taxpayer money. This is not simple old "clean" capitalism. If the Storrs Center is in need of something more to assure its' success - if that is what is really at the bottom of this - let creative minds come up with something that will not destroy someone else's livelihood and leave more real estate vacant – not good for the

environment. I believe in win/win. The Storrs Center should not be the ONLY concern of the town planners.

In summation, I think that a better use of the Center would be to put in apartments rather than a hotel. As a nearby resident I think that that would create less congestion and traffic. I also think that the town planners need to show concern for all of Mansfield's citizens and business owners and find ways to make the development a win/win venture, not a win/lose situation.

Thank you,

Sherry Hilding  
104 Courtyard Lane  
Storrs, CT 06268

**Curt B. Hirsch**

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**From:** BHIKHU GANDHI <bhikhugandhi@hotmail.com>  
**Sent:** Tuesday, August 27, 2013 2:09 PM  
**To:** Curt B. Hirsch  
**Subject:** RE: BEST WESTERN INPUT

curt  
can you please include information i provided on June 2013 be part of the 09/03/2013 public hearing for the  
storrs center application  
bhikhu

---



Best Western  
Regent Inn

123 Storrs Rd.  
Mansfield Center, CT 06250  
(860) 423-8451  
Fax (860) 423-8451

June 27, 2013

Mansfield PZC

Dear members

Please find with this letter annual water usage for Best Western Regent inn located at 123 storrs rd, This hotel has 87 rooms and the occupancy is 32.5%. All toilets ,faucets and shower heads are less than 5 years old so they are as efficient as the one on the market today, hence there will be no added efficiency on any new project.

I would like to clarify my position on new hotel proposal,

My opposition is based on rules. Rules are to be followed by everybody. It would be irresponsible for a body like you to treat one part of the town different than the rest of us. By changing the land use you are basically giving applicant preferential treatment.

If someone were to propose new hotel on the land behind East brook mall which is I believe is zoned for such use I might not like it but at least that person would be following the same rules on the book hence he/she would not be receiving any preferential treatment and I would have absolutely no reason to protest such proposal

Thanking you

Bhikhu Gandhi

A handwritten signature in black ink, appearing to be "Bhikhu Gandhi", with a horizontal line extending to the right.

Apx to: 800-~~456~~-7736  
456-

Windham Water & Sewer Department

## Customer Transaction Summary

**Customer Information**

ACCT. NO : 4015400  
SHANTI CORP  
PO BOX 258  
MANSFIELD, CT 06250

**Location Information**

SERVICE ID : 40154  
123 STORRS RD  
MANSFIELD CENTER, CT 06250-

| Date       | Type      | Read Date  | Reading | Usage | Prior Balance | Transaction Amount | Balance |
|------------|-----------|------------|---------|-------|---------------|--------------------|---------|
| 01/01/2012 | Charge    | 12/06/2011 | 54855   | 22500 | 0.00          | 677.85             | 677.85  |
| 02/01/2012 | Pcnalty   |            |         |       | 677.85        | 20.34              | 698.19  |
| 02/01/2012 | Charge    | 01/03/2012 | 56310   | 14550 | 698.19        | 467.18             | 1165.37 |
| 02/15/2012 | Payment   |            |         |       | 1165.37       | -1376.04           | -210.67 |
| 03/01/2012 | Charge    | 02/06/2012 | 58150   | 18400 | -210.67       | 569.20             | 358.53  |
| 03/26/2012 | Payment   |            |         |       | 358.53        | -698.19            | -339.66 |
| 04/01/2012 | Charge    | 03/06/2012 | 59985   | 18350 | -339.66       | 567.88             | 228.22  |
| 04/11/2012 | Payment   |            |         |       | 228.22        | -228.22            | 0.00    |
| 05/03/2012 | Charge    | 04/09/2012 | 62090   | 21050 | 0.00          | 639.43             | 639.43  |
| 05/16/2012 | Payment   |            |         |       | 639.43        | -567.40            | 72.03   |
| 06/03/2012 | Charge    | 05/14/2012 | 64945   | 28550 | 72.03         | 838.18             | 910.21  |
| 06/19/2012 | Payment   |            |         |       | 910.21        | -910.21            | 0.00    |
| 07/03/2012 | Charge    | 06/07/2012 | 67310   | 23650 | 0.00          | 708.33             | 708.33  |
| 07/26/2012 | Payment   |            |         |       | 708.33        | -708.33            | 0.00    |
| 08/03/2012 | Charge    | 07/11/2012 | 70350   | 30400 | 0.00          | 887.20             | 887.20  |
| 08/15/2012 | Payment   |            |         |       | 887.20        | -887.20            | 0.00    |
| 09/03/2012 | Charge    | 08/09/2012 | 72605   | 22550 | 0.00          | 679.18             | 679.18  |
| 09/13/2012 | Payment   |            |         |       | 679.18        | -679.18            | 0.00    |
| 10/03/2012 | Charge    | 09/05/2012 | 75230   | 26250 | 0.00          | 777.23             | 777.23  |
| 10/10/2012 | Payment   |            |         |       | 777.23        | -708.33            | 68.90   |
| 11/02/2012 | Charge    | 10/04/2012 | 78585   | 33550 | 68.90         | 970.68             | 1039.58 |
| 11/03/2012 | Penalty   |            |         |       | 1039.58       | 2.07               | 1041.65 |
| 11/03/2012 | Interest  |            |         |       | 1041.65       | 1.03               | 1042.68 |
| 11/09/2012 | Payment   |            |         |       | 1042.68       | -1042.68           | 0.00    |
| 12/01/2012 | Charge    | 11/05/2012 | 82965   | 43800 | 0.00          | 1276.96            | 1276.96 |
| 12/17/2012 | Adjustmct |            |         |       | 1276.96       | -34.66             | 1242.30 |
| 12/17/2012 | Payment   |            |         |       | 1242.30       | -1042.68           | 199.62  |
| 12/17/2012 | Payment   |            |         |       | 199.62        | -1042.68           | -843.06 |
| 01/01/2013 | Charge    | 12/05/2012 | 85515   | 25500 | -843.06       | 757.35             | -85.71  |

0\*

22,500.00 +  
15,550.00 +  
18,400.00 +  
18,350.00 +  
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28,550.00 +  
23,550.00 +  
30,400.00 +  
22,550.00 +  
25,250.00 +  
33,550.00 +  
43,800.00 +  
25,500.00 +

013

327,100.00 &

Sum of meter readings 12/06/11 through 12/05/12

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

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LINDA M. PAINTER, AICP, DIRECTOR

**Memo to:** Planning and Zoning Commission  
**From:** Linda M. Painter, AICP, Director of Planning and Development *gmp*  
**Date:** August 19, 2013  
**Subject:** OMS Development (Public America Gas Station)  
1659 Storrs Road/625 Middle Turnpike  
Special Permit Application (File 1319)

This memo supplements my August 19, 2013 report. Since the public hearing, the applicant has submitted the following additional information:

- Letter from David L. Spear with DLS Traffic Engineering LLC indicating that the difference in the size of the addition studied in the original traffic report would generate less than 5 additional peak hour trips; the change does not change their original conclusion.
- Fill calculations and associated map dated August 26, 2013
- An update to the Statement of Use dated August 26, 2013 that addresses the requirements of Article X, Section H related to filling/grading/excavation/removal/processing of soil, stone, sand, gravel, peat moss and other materials

The public hearing was continued on August 19, 2013 due to new information that indicated the amount of net fill (1,007 cubic yards) would exceed the threshold that could be approved by Zoning Permit and therefore needed to be approved as part of the Special Permit approval. The Assistant Town Engineer has reviewed the proposed fill map and calculations and determined that the proposed fill is reasonable and consistent with the overall plan.

The applicant's updated statement of use addresses the submission requirements required by Article X, Section H.3.a and has indicated that the data accumulation plan (off-site information such as contours, drainage patterns, wetlands, aquifers, streets and dwelling units) and comprehensive analysis of test pit and soil boring information (used to determine ground water elevations for excavation activities) required by Section H.3.b and 3.c, respectively, are not applicable to this proposal. Pursuant to the statement of use, the purpose of the fill is to 'provide sufficient material for the proper coverage of a redesigned sanitary septic system as a result of the expansion of the retail structure on the property.' Based on the type of fill and re-grading that is proposed, it does not appear that this information is needed. If the Commission concurs with this determination, a waiver to those two requirements in accordance with Article X, Section H.4 will be needed.

Based on the information provided, it appears that the proposed fill activity would meet the standards of approval for fill activities as identified in Article X, Section H.5 (attached).

#### 4. Waiver Provisions

Depending on the nature of the proposal, the Planning and Zoning Commission may, by majority vote, waive the submission of all or part of the information required in preceding subsections 3A and 3B. These requirements may be waived only in situations where the information clearly is not needed to determine compliance with these Regulations. Reasons for any waivers shall be cited by the Commission. In general, these waiver provisions are most applicable to minor filling and excavation activities associated with existing agricultural or horticultural uses, existing residential or governmental land uses, or minor subdivision grading, filling or removal activities.

#### 5. Approval Criteria

In addition to the approval criteria contained or cited in Article V, Section B (or, where applicable, Mansfield's Subdivision Regulations), all proposed filling, grading, excavation or removal applications subject to this regulation shall comply with the requirements listed below (see subsection 6 for special approval criteria for proposals involving the processing of materials):

- a. Except as noted below, to protect the health, welfare and safety of Mansfield residents, all approved work shall be performed between the hours of 7 a.m. and 7 p.m., Monday through Friday. Additionally, sales and deliveries may be made from 7 a.m. to 7 p.m. on Saturday. Depending on specific site and neighborhood characteristics, the Commission shall have the right to modify these time restrictions, including the imposition of more restrictive work hours and restrictions on trucks arriving at a site prior to authorized hours of operation.
- b. Truck access roads to and within the permit premises shall be arranged to minimize danger to vehicular and pedestrian traffic and to minimize nuisance to surrounding property owners. When required by the Commission, such access roads shall have a dustless surface, which is to be maintained in good condition at all times.
- c. Provisions shall have been made for appropriate traffic controls, including barricades or fencing, highway warning signs and traffic control persons as deemed necessary by the Planning and Zoning Commission.
- d. In considering any proposed activity, the Commission shall determine that appropriate measures shall be taken to protect nearby property owners from visual impacts, drainage impacts, noise impacts, dust impacts and potential property value impacts. Such measures, in addition to others required by the Commission, may include:
  1. Limitation on the location and height of stockpiles; (unless approved by the Commission, stockpiles shall not exceed a height of twenty (20) feet and no stockpile shall be located within fifty (50) feet of a property line);
  2. Provisions for the wetting, chemical treatment and/or revegetation of stockpiles and other exposed areas;
  3. Erection of fences, berms and/or planting of evergreen screening;
  4. Covering of all truck loads, both within the site and offsite;
  5. Limitation on the size of project phases;

6. Limitations on the term or length of time authorized to complete the project or a particular phase.

As a condition of approval, the Commission shall have the right to require the submission of professional monitoring reports including, but not limited to, information on noise levels and compliance with approved plans, including contour elevations.

- e. All excavation shall take place at least fifty (50) feet from a property line, unless written approval to reduce the separation distance to less than fifty (50) feet has been granted by adjacent property owners. Depending on specific site and neighborhood characteristics, the Commission shall have the right to require a greater separation distance from a residential property line if the additional distance will help minimize the potential for detrimental neighborhood impacts;
- f. Where an excavation has a depth of more than 10 feet and a slope of more than 3 to 1, suitable safety precautions as determined by the Commission shall be taken to prevent conditions detrimental to the public safety, health and welfare. Such precautions may include fencing, terracing, berms, control of the entrances and exits to the site and requirements for daily regrading of cut faces.
- g. In considering any proposed activity, the Commission shall determine that appropriate measures shall be taken to protect onsite as well as offsite natural resource features, including surface and ground water quality. In addition to requiring strict adherence to the site development principles and sediment and erosion control plan provisions of Article VI, Sections B.4.r and s, the Commission shall have the right to require undisturbed buffer areas (see Article VI, Section B.4.q.2), the right to limit the size of project phases, and the right to restrict onsite vehicle maintenance and onsite storage of fuels, oils or other chemicals. Additionally, as a condition of approval, the Commission shall have the right to require periodic environmental testing and the submission of professional monitoring reports, including, but not limited to, information on ground water elevations and ground water and surface water quality.
- h. To help protect ground water quality and assure the suitability of the site for future uses, including onsite septic systems, all excavations (except as noted below) shall retain an undisturbed area at least five (5) feet thick above the maximum ground water elevation. For excavations directly associated with a proposed subdivision or specific construction project or for exceptional situations within sewered areas or commercial zones, the Commission shall have the right to reduce this distance above maximum ground water elevation, provided the applicant demonstrates with detailed documentation that a reduction on all or part of the subject site will not detrimentally affect potential permitted uses of the site or ground water quality.
- i. Topsoil stripped from the site shall be stockpiled on the premises and shall not be sold or removed from the premises without prior Commission approval. Upon completion of site work within each approved project phase, the site shall be restored in accordance with the approved erosion and sedimentation control plan and in a manner compatible with anticipated future uses. At a minimum, all revegetated areas shall have a uniform depth of at least four (4) inches of topsoil, of a quality acceptable for the subject restoration plan. In situations where subsoil is excessively drained, more than four (4) inches of topsoil can be required. The

Commission also shall have the right to restrict the onsite burial of trees, stumps or rocks, and no trash, refuse or other materials shall be buried onsite.

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

# DLS Traffic Engineering LLC

14 Bent Road  
E-mail: dlspe@aol.com

Windsor, Connecticut 06095

Phone: 860.298.9316

Fax: 860.219.9316

August 27, 2013

Attorney Samuel L. Schrager  
Law Office of Samuel L. Schrager & Associates, LLC  
P.O. Box 534  
1733 Storrs Road  
Storrs, Connecticut 06268

Re: Traffic Study  
1659 Storrs Road  
Mansfield, Connecticut

Dear Attorney Schrager:

Reference is made to our Traffic Study completed for 1659 Storrs Road in Mansfield dated May 15, 2013. Our May 15 study indicates that the convenience store will be expanded by 1,020 SF. Revisions to the plans since the completion of our Traffic Study have resulted in a convenience store expansion of 1,176 SF or 156 SF more than indicated in our original report.

Peak hour trips associated with 156 SF of convenience store are less than 5. Five convenience store trips are not significant to the analyses included in our May 15 study. Our prior conclusions remain the same with the small additional convenience store square footage currently proposed. Namely, we have determined that traffic associated with the proposed expansion can be accommodated without significant negative impact on safety or traffic operations. The relocation of the Route 195 Site Drive opposite Route 320 with signalization will improve traffic operations and safety.

We appreciate having been of service to you on this project. Should you have any questions concerning this letter, please feel free to contact this office.

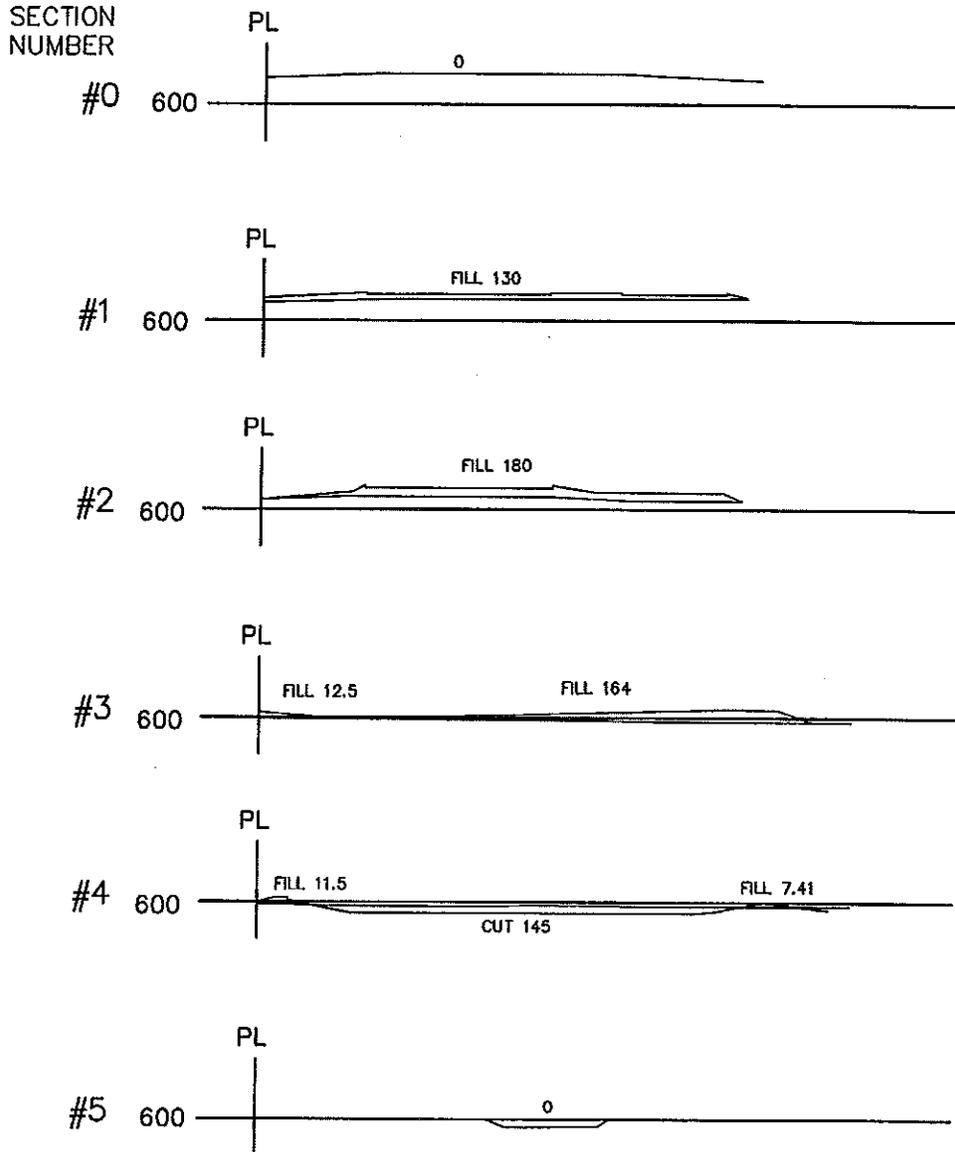
Very truly yours,  
DLS Traffic

*David L. Spear*

David L. Spear, P.E.  
Principal



CROSS SECTIONS



FOUR CORNERS  
MEEHAN & GOODIN  
08-26-13  
SCALE: 1" = 40'

Four Corners

Cut and fill

8/19/2013

| Section | Area | Average | dist | Vol      | CY   |
|---------|------|---------|------|----------|------|
| 0       | 0    | 65      | 70   | 4550     | 169  |
| 1       | 130  | 155     | 66   | 10230    | 379  |
| 2       | 180  | 172     | 78   | 13416    | 497  |
| 3       | 164  | 82      | 7    | 574      | 21   |
| 3.5     | 0    | 63      | 7    | 441      | 16   |
| 4       | 126  | 63      | 18   | 1134     | 42   |
| 5       | 0    |         |      |          |      |
|         |      |         |      | Fill     | 1066 |
|         |      |         |      | Cut      | 58   |
|         |      |         |      | Net Fill | 1007 |

**SUPPLEMENTAL STATEMENT OF USE FOR SPECIAL PERMIT  
APPLICATION  
RE: FILL PERMIT**

**OMS Development, LLC  
625 Middle Turnpike and 1659 Storrs Road  
(Routes 44/195), Mansfield, CT**

**August 26, 2013**

OMS Development, LLC proposes to add approximately 1,000 cubic yards of fill to the premises at 1659 Storrs Road in the Storrs section of Mansfield. The purpose of the fill application is to provide sufficient material for the proper coverage of a re-designed sanitary septic system as a result of the expansion of the retail structure on the property.

Pursuant to the provisions of Article X, Section H. Filling/Grading/Excavation/Removal/Processing of Soil, Stone, Sand And Gravel, Peat Moss and Other Similar Materials, 3. Application Materials, the applicant provides the following information:

a. Statement of Use required information:

1. Proposed days and hours of operation for both onsite activities and offsite hauling activity; **Construction and deliveries of material shall take place only on weekdays between 8:00 a.m. and 4:30 p.m.**
2. Amount of material involved in the proposal and estimate of the length of time necessary to complete each designated phase of the proposed activity; **The amount of material to be brought on site shall be 1,007 cubic yards. It is anticipated that the delivery of material and its installation shall take no more than 2 weeks.**
3. Proposed truck routes to and from the subject site and, as appropriate, proposed traffic controls, such as signage and use of traffic control persons; **Material will come from DeStato Sand & Gravel on Stafford Road and be delivered from Stafford Road, to Middle Turnpike. Deliveries shall enter the site through the adjacent 625 Middle Turnpike property and trucks will reverse that route to return to the**

**Stafford Road facility. Signage and control persons will be provided as required.**

4. Estimate of the number of truckloads of material to be deposited or removed from the site; **The material will be delivered in 62 truckloads.**
5. Listing of the number and type of portable machinery to be used on the site; **Dump trucks will be utilized for delivery of material. On-site equipment shall include a backhoe and bulldozer.**
6. Description of any processing (screening, sorting, crushing, etc.) activity that will take place onsite; **None**
7. Description of any proposed vehicle maintenance and refueling that will take place onsite, including information regarding storage of fuels, oil, or other chemicals; **Fuel will be trucked to the site for individual pieces of equipment. No fuel, oil, or other chemicals will be stored onsite.**
8. Description of any existing or proposed buildings or construction trailers; **None**
9. Description of any proposed rock or stump burial areas; **None**
10. Description of any proposed stockpiling, including maximum height of stockpiles and actions to be taken to prevent wind erosion and dust problems, particularly from stockpiles, interior haul roads or other unvegetated areas; **None. All material will be installed upon delivery. See #14.**
11. Description of any proposed drainage work and any related drainage structures; **See plan for permanent drainage work. There will be no drainage work related to the placement of the fill material.**

12. As applicable, a description of the proposed depth of excavation with respect to phasing, cut faces and potential steep slope problems. The proposal shall detail the actions that will be taken on a daily basis to help prevent the occurrence of an unsafe situation; **Not applicable.**
  
13. Description of proposal with respect to maximum groundwater elevation as determined by test pits, borings, or other means; **See plan. There will be no de-watering of any portion of the site.**
  
14. Description of restoration plans, including information about the amount and nature of topsoil to be used, the amount of reusable topsoil onsite and fertilizer and chemical application; **Existing topsoil will be temporarily stockpiled and then re-installed after completion of the septic system, rain garden, and driveway. There will be no fertilizer or chemical applications.**
  
15. Description of future uses **None**
  - b. Data accumulation plan, with Class D and TD certification, prepared by a licensed professional land surveyor, showing offsite information. **Not applicable**
  - c. Comprehensive analysis of test pit and soil boring information **Not applicable**

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TOWN OF MANSFIELD  
DEPARTMENT OF PLANNING AND DEVELOPMENT



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LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Mansfield Planning and Zoning Commission (PZC)  
From: Linda M. Painter, AICP, Director of Planning and Development *LMP/jls*  
Date: July 11, 2013  
Subject: Paideia Request to Construct Exhibit Area and Upper Plaza of Amphitheatre Project at 28 Dog Lane, PZC File # 1049-7

**Project Background**

2001-2006 ▪ The Paideia Amphitheatre/Exhibit Hall Project at 28 Dog Lane was granted Special Permit approval on 9/3/2001. On July 21, 2003, the Commission found that the applicant had complied with pre-construction conditions and authorized the recordation of the Special Permit on the land records. The attached notice includes the original conditions of approval as modified by the 2003 action. However, construction was not authorized until 2006, which is the date of the first approved plan set.

2007 ▪ The project was stopped due to unauthorized changes in the approved plans.

March 3, 2008 ▪ The PZC authorized a number of modifications and work on some elements of the theatre project was allowed to continue. Modifications included a rotation of the theater, elimination of the upper plaza, a 6 foot reduction in the height of the wall surrounding the theater and a slight reduction in the size of the exhibit building. Paideia was not authorized to do any other additional work until architectural plans for the altered exhibit area were approved by the PZC.

September 8, 2009 ▪ The 2008 approval was modified to allow Paideia to complete work on the stage.

June 1, 2010 ▪ Communications were received from neighboring property owners who raised concern about the timing of the project and the lack of landscaping work.

March –June 2011 ▪ Ilias Tomazos, President of Hellenic Society Paideia, Inc., submitted a floor plan for the exhibit area and an elevation plan depicting exterior walls of the exhibit area. The revised plans restored the upper plaza above the exhibit area that was eliminated in 2008. Due to discrepancies between the revised exhibit hall plans and the submitted landscaping plans, the Commission allowed the landscaping work to proceed but retained the stop work order on the exhibit hall and plaza until more complete plans were submitted.

2011-2013 ▪ Portions of the approved landscaping were installed during the summer/fall of 2011; however, many of the trees and plantings failed to thrive and others were stolen. As a result, much of the landscaping needs to be replaced.

The applicant has submitted revised plans for the project as well as a request to allow use of the amphitheater prior to completion of certain features. These requests are the subject of this report. Property owners neighboring the Paideia site were notified of the pending modifications and request to defer certain

improvements prior to the June 17<sup>th</sup> meeting. Correspondence has been received in response to that notification and has been provided to the Commission. Mr. Tomazos, the applicant's representative, is expected to be present at the July 15<sup>th</sup> meeting to address questions and issues raised.

### Plan Modifications

The following comments are based on a review of a 16- page plan set dated July 1, 2013 prepared by SGN Associates. These plans were only reviewed for site plan and exterior design issues and details related to prior Planning and Zoning Commission approvals, not for issues related to construction and other building/fire code issues such as bathrooms, framing, etc. The applicant is responsible for obtaining building permits for any modifications that may be approved by the Commission. If substantial changes to the site plan or exterior building elevations are made as a result of comments received during building permit review, additional review by the Commission may be needed.

The following modifications from the approved plans have been identified by staff:

- **Amphitheater.** Changes to the amphitheater included in the proposed plans include columns at the entry points to the theater, decorative gates at the entries, revised wheelchair seating area, and materials for the pedestrian walkway/standing area around the perimeter of the seating.
  - *Columns.* The columns noted above have already been installed; however, no details are provided in the plans. Additionally, the railing along the eastern pedestrian ramp does not appear to match the detail shown on sheet A.1.5.
  - *Ornamental Gates.* Several plan sheets identify the installation of ornamental gates at the entries to the amphitheater; no details for these gates have been provided.
  - *Handicap Accessibility.* Previous plans identified handicap access to the theater floor from a gate on the eastern side of the building that is accessible from the service drive. While the gate remains, notes regarding handicap accessibility have been removed. This access may need to be restored if accessibility to the theater floor is required by Building Code.

The revised site plan indicates that the accessible seating has been relocated to the seating section located closest to the western entrance to the theater.

- *Lighting.* Sheet A0.2 includes lighting specifications, but not lighting locations. The previously approved lighting locations should be added to this sheet.
- *Materials.* According to the July 11, 2002 memo from the Town Planner: "Retaining walls and the refuge/exhibit area exterior walls are to be concrete covered with white marble veneer with natural coloration; the floors of the upper and lower plazas will have a reddish paver surface; the dumpster enclosure will be of terra cotta colored brick, and the stage will have white marble columns, a red tile roof and the wall facing the orchestra will be white marble with natural coloration. The orchestra floor will consist of white marble tiles cut in circular rings of grey and black."

The most recent plan set contains limited notes on materials. The following differences were noted from the originally approved plans:

- **Dumpster Enclosure:** Color should be specified per the original approval.
- **Perimeter aisle of amphitheater:** random shape granite pavers. Based on what has been installed to date, color is also random. The applicant is advised that the Building Official

will need to determine whether the pavers meet Building Code requirements for handicap accessibility as well as pedestrian surface material. The applicant also needs to clarify if these pavers will be used for the entire perimeter aisle; the plan appears to show use of the pavers only in the area of wheelchair seating. If this is the case, the material for the remainder of the perimeter aisle needs to be identified.

- Theater seating: Identified as concrete; installed seating is marble.

Material specifications shall be added to the plans consistent with the prior approval. Any change from these materials/color specifications needs to be specifically identified by the applicant.

- Exhibit Hall. The footprint of the proposed Exhibit Hall is generally the same as what was approved in 2008, with the exception of the main entry. The building has been pulled back in this area to include a recessed entry and stairs to the upper plaza. With regard to the building elevations, three windows have been added to the northern elevation, which is oriented to the access drive off of Dog Lane. These windows help to break up the mass of the building in that area. On the eastern elevation facing the amphitheater, smoked glass panels have been added behind a series of 6 columns to provide an interior viewing area of the amphitheater. These panels have no details or divided lights similar to the other windows in the building. The applicant should consider adding more detail/dimension to these windows through the use of divided lights.

With regard to the elevation drawings, both the south and northwest elevations imply a curvature in the building which does not exist by floor plan. It appears that this section of the elevation may be related to the section facing the amphitheater, which would not be visible from those perspectives. These elevations should be corrected.

- Upper Plaza. While the original plans approved in 2003 included a plaza above the exhibit hall that connected to the parking lot located along Dog Lane, the upper plaza was removed from the plans as part of the 2008 modification. The current plans again include an upper plaza; however, there is no connection to the parking lot. The only access to the upper plaza will be from stairs on the south side of the building. The other change from the original design of the upper plaza is the inclusion of railings along the perimeter instead of the originally proposed 3 ½ foot parapet wall. Along the eastern façade facing the theater, a marble railing will be installed. The remainder of the perimeter is enclosed by a detailed wrought iron fence connected to marble pillars.

With the elimination of the connection to the parking lot, the upper plaza will not be accessible to those with disabilities. The applicant will need to confirm that ADA accessibility is not required by the Building Code and that there is sufficient emergency egress from the plaza. If the Building Code requires that the upper plaza be accessible, the applicant will either need to amend the plans to add ADA access or remove the upper plaza. Accessibility requirements will be determined at the time of building permit review. Similarly, the applicant will need to address any Fire Code issues with regard to emergency egress.

- Site Plan/Landscape Areas. The applicant has made several revisions to the landscape plan that was approved in 2011, which include removal of several plantings along the walkway surrounding the amphitheater, elimination of proposed street trees along Dog Lane adjacent to the Exhibit Hall building, elimination of the extension of the existing fieldstone wall and reconfiguration of the plantings on top of the landscape berm. With the exception of the reconfiguration of plantings on the landscape berm, the other changes all reduce the amount of landscaping proposed and result in a more barren appearance. The plantings on the west side of the access drive approved in 2011 should be restored to the plan along with the fieldstone wall extension. The landscape plan should also address any needed plantings within the retention pond. The details for the fieldstone wall extension including a cedar gate that were part of the original approval should be added to the landscape plan.

The Fire Marshal and Assistant Town Engineer have both reviewed the revised plan set and issued comments that are provided separate from this memo. These comments need to be addressed by the applicant.

#### Request to Defer Certain Improvements

As the amphitheater portion of the project nears completion, the applicant has requested authorization to begin holding events prior to completion of the following improvements related to the amphitheater:

- Completion of the landscape area  
*In accordance with the Commission's 2011 action, the applicant installed the bermed planting area along Dog Lane in 2011. Since installation, many of the trees died and others were stolen. The applicant replanted trees in late June, which is outside the recommended planting season. These tree installations will need to be closely monitored to ensure that they do not die.*
- Completion of outer perimeter marble carpet (anticipated completion date June 2013)
- Completion of seating row 11
- Add marble sheathing to the theater's front wall at ground level
- Sheath the concrete columns with marble
- Install marble railings on the front of the second floor of the theater
- Complete the interior of the first and second floors

Condition 11 of the Special Permit requires that all site work be satisfactorily completed prior to any use of the amphitheater or issuance of a Certificate of Compliance. This condition also notes that pursuant to Article V, Section B.7.c of the Zoning Regulations, a variation of this condition may be authorized by the Commission where public health and safety components of the project have been satisfactorily completed. The completion of public health and safety components would need to be verified by the Zoning Agent and Building Official prior to issuance of a Certificate of Compliance for the theater. At the time of this memo, the public health and safety components have not yet been completed.

As this project has extended significantly beyond the projected completion date identified at the time of the Special Permit approval, the Commission must determine whether allowing the applicant to use the facility prior to completion of all improvements would be appropriate. Regardless of the determination on use prior to completion, a new development schedule should be prepared for consideration by the Commission.

#### Summary

The Commission needs to determine:

- Whether to allow use of the amphitheater prior to completion of all required site improvements. If the Commission is inclined to approve this request, it must be noted that all public health and safety components of the project must be completed prior to use. At this time, the public health and safety components have not been completed. A determination would need to be made by the Zoning Agent, Fire Marshal and the Building Official that such improvements have been completed before the Zoning Agent would be able to issue a Certificate of Compliance. Furthermore, the applicant should be aware that issuance of a Zoning Certificate of Compliance does not guarantee that the Building Official will issue a partial Certificate of Occupancy. If the Commission were to approve the request, completion of the remaining site improvements related to the theater should be tied to a specific timeframe, particularly those related to site improvements and the view of the property from Dog Lane.

- Whether the proposed plan modifications identified in this memo are appropriate. If the Commission approves the modifications as described herein, staff would recommend that a condition of that approval require the applicant to submit a revised plan set that consolidates the originally approved plans with the subsequent changes approved in 2008 and 2013. This revised plan set should be limited to sheets that are pertinent to the Commission's review (survey, site plan, grading/drainage, landscaping, building elevations, etc.). Sheets containing construction details (bathrooms, framing, etc.) should not be included. The final plan set should also include a consolidated list of approval conditions, specifications and details related to fixtures, materials, colors, etc. and pertinent dimensions such as top of wall height, etc.
  
- A new completion schedule. Since the original development schedule has already been exceeded, a new development schedule with milestones should be prepared for consideration by the Commission.

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Memorandum:

July 10, 2013

To: Planning & Zoning Commission  
From: Grant Meitzler, Assistant Town Engineer  
Re: Paideia - Dog Lane

Plan reference: dated revised 7-01-2013 current  
Earlier submission 12-12-2007 (approved 2008)

Traffic, parking and interior circulation have been dealt with in past submissions. The Storrs Downtown project now supplies the availability of garage parking that has not previously been at hand in this area.

The "exit only" driveway to Dog Lane currently needs minor regrading. This has been part of the Dog Lane project and I am informed by Eric Ohlund that the current punch list of work remaining to be done includes improvement of this driveway grading.

Interior access to the Paideia parking is provided by access located at the southwest corner of the Paideia parking lot via connection to the new garage access drive (Royce Circle).

#### Drainage

Although currently roughly graded only, final grading for the areas along the easterly property is needed. Grading was initially laid out to contain runoff from areas around the theater without any new concentrations of flow onto the adjacent residential property. The earlier plan referred to above shows grading that is very nearly the same as that originally approved (my recollection). The earlier plan shows a graded swale paralleling the stone wall property east and a sizable area is shown as a retention pond. The current plan has submitted specific design figures for this pond and minor modification to the layout of this pond are shown on the current plan.

The sizing of the pond with 3 feet depth is acceptable. However, a very steep grade is show along the area of this retention pond closest to the theater. A minor redesign of the retention pond layout is needed to reduce the side slopes of the retention pond to 2:1 slope. This appears to be possible with reconfiguration of the pond.

The swale along this property and the retention pond have been roughed to the point of being functional but have nor been finally graded and stabilized yet.

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# Town of Mansfield Mansfield Fire Department



**To:** Planning and Zoning Commission  
**From:** Fran Raiola, Acting Deputy Chief/Fire Marshal  
**CC:** Linda Painter, Director of Planning  
**Date:** June 12, 2013  
**Re:** Greek Theater , Dog Lane PZC File #

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After reviewing the revised plans dated April 12, 2013 for the above referenced project for compliance with the Town of Mansfield Regulations for Fire Lanes and Emergency Vehicle Access, I have the following comments.

1. The access driveway to the lower level should be increased to a minimum width of 12 feet and have load bearing shoulders capable of supporting fire apparatus.
2. Please provide details demonstrating adequate space for a turnaround at the end (lower level) of the access drive.
3. The scope of this review is for compliance with The Town of Mansfield Fire Lane Regulations to ensure adequate access for emergency vehicles only. The applicant is required to apply for a building permit and submit plans and specifications to the Building Department and the Office of the Fire Marshal, to determine compliance with Fire and Building codes.

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Dear Members of the Mansfield PZC,

On behalf of the Willowbrook and Dog Lane neighborhoods I thank you for informing us of Paideia's recent request to begin using their theater before completing the adjoining exhibit area/upper plaza portion of the theater complex.

We urge you to reject this request.

We believe that permission to use the theater before completion of the complex would remove all incentive to finish this project in the timeliest way possible. This project has languished in our neighborhood for well over a decade. We would like to see it finished and do not believe that authorizing the use of the theater will lead to that end; nor do we believe there is any legitimate justification for requesting this permission.

Past experience has proved that the Paideia Society does not respond in good faith to PZC conditions on their requests. In April 2011 the Paideia Society requested permission to commence construction once again after it had been halted by the Town. The neighborhood requested that there be no further construction until the frontage along Dog Lane was cleaned up and landscaped according to the plans approved in 2002. The PZC supported this condition and approved Paideia's request. Subsequently, Paideia planted the area and *then totally neglected it*, allowing most of the evergreens to turn orange during the summer. The orange trees were allowed to stand until late this winter – over a year and a half after they had turned orange! It seems clear that Paideia lacks interest in the spirit of the law.

Furthermore, we are concerned with the unapproved construction of two columns (please see the attached photo) opposite the Dog Lane – Willowbrook intersection. As indicated in the text above the photo, the Zoning Agent verified that this pair of columns is nowhere to be found on the plans approved by the PZC. It is not the first time that Paideia has taken liberties with the approved plans (and asked for permission after the fact). Before approving Paideia's application for this project in 2002, the PZC made a sincere and concerted effort to protect the neighborhood from inappropriate ornamentation and design choices. Every effort was made to reduce the visual impact of this project. We are grateful for that and are disturbed that Paideia has constructed these columns, which are clearly and starkly out of context with the neighborhood surroundings. They are obtrusive and unnecessary. We sincerely hope that you will have Paideia remove these unauthorized structures. It is troubling to witness flagrant violations of the approved plan and dispiriting to see them tolerated.

Thank you for your time and consideration.

Sincerely,

Suzanne Singer Bansal  
67 Willowbrook Rd.,  
Storrs, CT 06268  
June 10, 2013

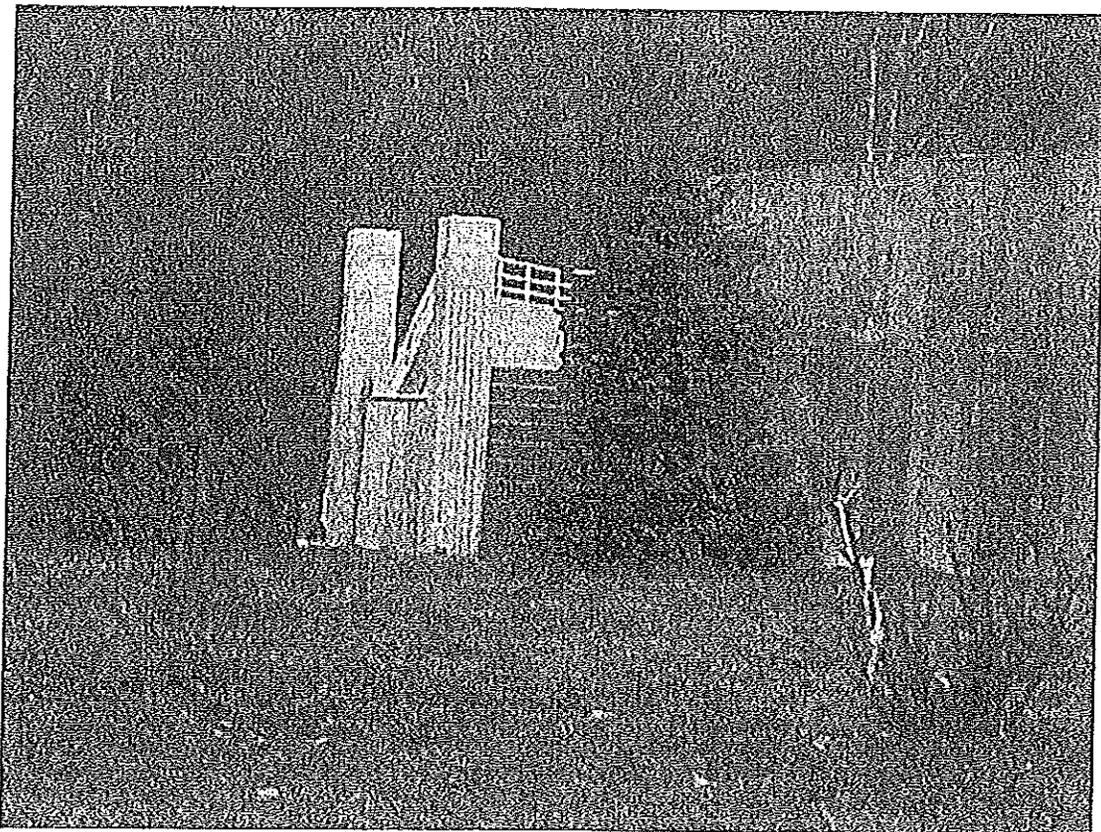
This photo was taken from Dog Lane in November 2012.  
In early Spring 2011 the PZC insisted that Paideia's landscape plans be implemented before any more construction took place. The trees and bushes pictured below were planted soon after the PZC's decision. The plantings were neglected once in the ground and started turning orange in the summer of 2011. This photo was taken more than a year after the trees turned orange.



S. Singer Bansal June 10, 2013

This photo was also taken from Dog Lane in November of 2012. In late summer or early fall of 2012 the two columns pictured were constructed. The columns were not on the construction plans approved by the PZC (verified by the Town's Zoning Agent). When the application for construction of the theater was approved in July 2002, the PZC took great pains to ensure that the character of both Dog Lane, a designated Scenic Road, and the Willowbrook Rd. neighborhood would not be impacted by jarring aesthetic and design choices. This unauthorized pair of columns is exactly what the PZC attempted to protect the neighborhood against.

Unfortunately, the printed version of this photo does not reveal that the two evergreen trees were orange from ground to tips until they were finally removed several weeks ago.



S. Singer Bansal June 10, 2013

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Jessie Shea

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From: Sheila Musiek <smusiek@yahoo.com>  
Sent: Monday, June 10, 2013 11:13 PM  
To: PlanZoneDept  
Subject: Paidia's theater

I am writing to you because we will be in Sweden and can not attend the Monday night meeting. The Paidia theater needs to be finished and landscaped before they start using it for shows and concerts or it will never be done. It is an eyesore in it's present state of neglect. The trees that were stuck in the ground have mostly died and weeds are everywhere. It truly looks like Greece. Plans have been changed, commitments and rules ignored, and we have a mess waiting to be cleaned up and finished and turned into a delightful, unique theater. As the town grows and becomes a destination, we want our neighborhood to look finished, groomed and a part of the new Storrs.

thank you,  
Sheila Musiek

Jessie Shea

---

From: Soroka,George I. <GSOROKA@travelers.com>  
Sent: Monday, June 17, 2013 12:33 PM  
To: PlanZoneDept  
Cc: Jen (jennifer.soroka@gmail.com)  
Subject: Paideia Society Request

My name is George Soroka and I live at 85 Willowbrook Rd (corner of Willowbrook and Dog Lane). I've been told that one of the agenda items at tonight's meeting is to hear a request from the Society to gain permission to use the theater prior to the completion of the complex. I have other commitments this evening and will not be able to attend the meeting however I wanted to let you know that my wife Jennifer and I strongly oppose the idea of early use.

We've only been at 85 Willowbrook since August 2011. At the time we purchased the home we were concerned with appearance of the "empty lot" across the street from us on Dog Lane. We were told that there was a comprehensive plan in place to finish the project and that part of it involved extensive landscaping of the berm along Dog Lane. We've seen firsthand the sluggish pace at which the project has moved, including a half-hearted attempt to landscape the berm. We're concerned that allowing the Society to use the theater now will further delay (or possibly stop entirely) the completion of the project as it was originally planned.

Please consider denying their request.

Thank you  
George Soroka

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This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.

TOWN OF MANSFIELD  
PLANNING AND ZONING COMMISSION

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AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILL ROAD  
STORRS, CT 06268  
(860) 429-3330

Tuesday, June 21, 2011

Hellenic Society Paideia  
Illias Tomazos, President  
P.O. Box 818  
28 Dog Lane  
Storrs, CT 06268-0818

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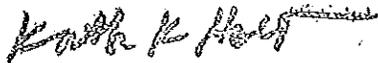
Dear Mr. Tomazos,

At a meeting held on 6/20/11, the Mansfield Planning and Zoning Commission adopted the following motion:

"That the PZC allow landscaping work to go forward and that it be noted that approval at this time is only for landscaping and that the stop work order on the project is still in effect for structural work until the PZC receives and approves more complete plans for the exhibit area and plaza."

If you have any questions regarding this action, please call the Planning Office at 429-3330.

Very truly yours,



Katherine K. Holt, Secretary  
Mansfield Planning & Zoning Commission

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Dear Members of the Mansfield PZC,

On behalf of the Willowbrook and Dog Lane neighborhoods I am expressing three items of concern regarding Paideia's most recent application to the PZC for approval of changes to the previously approved theatre plan.

1. We have noticed detailed concrete work being done on the stage area. Workmen have tediously smoothed over the original underlying concrete and have inscribed vertical lines as though to represent fluted columns. It has lead us to believe that Paideia might be planning to leave the stage in concrete, rather than to face the concrete with marble as was approved by the PZC in Sept. 2002 (please see attached page 4 of a memo from Greg Padick to the PZC dated July 11, 2002 in which it is clearly noted that the stage would be faced with marble). We ask that the PZC clarify Paideia's intentions. We feel strongly that consistency in building materials is critical to preserving aesthetic integrity and to prevent the project from acquiring a theme-park appearance. The stage is clearly visible from the road. The Dog Lane and Willowbrook neighborhoods really do care about Dog Lane's *Scenic Road* designation and urge the PZC to honor it.
2. We ask that you stick to the previously proposed railing design along the top of the plaza if you should choose to approve the plaza at all. Paideia has not specified the material to be used in their newly proposed, highly ornate railing. While the newly proposed railing could be engaging in white-on-white marble, it is more likely that it would end up being done in wrought iron, thus taking the project's aesthetic appeal and integrity down several notches. Again, this part of the structure is highly visible and is well within the area designated *scenic road*. The previously approved railing, I believe, was evaluated positively by the Town design committee when the original plans were submitted. If the design committee was consulted the first time around, the neighborhood believes it would be appropriate for the committee to evaluate the new proposal as it is a sensitive architectural detail with great visual impact.
3. The Dog Lane and Willowbrook neighborhoods ask you not to allow further construction until extensive landscaping has actually taken place (again, please see Greg Padick's attached memo to the PZC dated July 11, 2002, page 3). Promises and good intentions on the part of Paideia have not proven effective to date. This project was supposed to have taken two years to complete after breaking ground. It has been an eyesore for several years now. We hope that the PZC will assert some authority at this time.

Thank you.



Suzanne Singer Bansal  
67 Willowbrook Rd.

April 19, 2011

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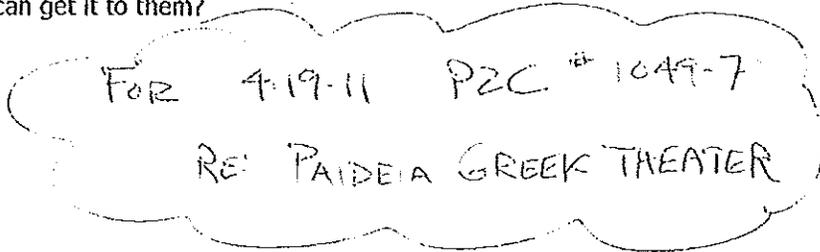
Curt B. Hirsch

From: Timothy Bell [Timothy.Bell@business.uconn.edu]  
Sent: Tuesday, April 19, 2011 11:02 AM  
To: Curt B. Hirsch  
Cc: Timothy Bell  
Subject: Zoning Board of Appeals - 4/19/2011 - Item #2 on Old Business / Paidela Greek Theater Project

Curt,  
I don't think that I will be able to attend the ZBA meeting tonight, but I wanted to make sure that they heard my views. Can you confirm that this e-mail will get to the Zoning Board of Appeals in time for tonight's meeting or, if not, suggest how I can get it to them?

Thank you,

tim bell  
24 Willowbrook Rd.



FOR 4-19-11 PZC # 1049-7  
RE: PAIDELA GREEK THEATER

To the Zoning Board of Appeals,

I live on the far end of Willowbrook from the Greek Theater construction. The project was already under construction when I purchased my house 4 1/2 years ago, and I am a bit surprised that it is not yet complete, although the prediction of a slow completion schedule was made by several of my (now) neighbors when I joined this gem of a neighborhood.

Because I was not a part of the original hearings and/or negotiations related to the construction permits, I cannot speak to what should or should not have been agreed to. I can only speak to how I believe that it is best for the overall community to proceed once those agreements have been established.

To that end, I believe that, once those original agreements were made, the Zoning Board of Appeals (ZBA) should be biased against subsequent changes to the permit unless such changes are considered acceptable by the surrounding community.

While I obviously have a "neighborhood interest" and also have friends in the Dog Lane /Willowbrook area, I also have friends that I believe are members of the Greek Church community (although I have gone out of my way to not discuss the Theater project with them) that is sponsoring the project.

Although I do not have first-hand knowledge of the history of this project, I have been told (by several of my neighbors) that the sponsors have a history of agreeing to (and getting approval for) one thing and then subsequently doing something else, and seeking approval ex post. I suspect that you, the ZBA, has documentation of this if it is true. If so, I believe that such a history should bias the ZBA against any new approvals in the presence of local opposition.

However, if their request is to return to a previously approved version or design, I assume that: A- either by law the previous approval still stands; or B- a request to return to a previously approved design should be viewed favorably, as long as the remainder of that previously approved design also is part of the current application.

I do have personal experience from my previous community in Massachusetts, where I served on my Town's Finance and Advisory Committee and my wife previously served on the Planning Board and subsequently the Zoning Board of Appeals, of cases where Permit A was applied for, Construction B took place, and, although Construction B would not have been approved ex ante, the ZBA approved Construction B ex post. Although no reasonable person wants to "punish" an honest mistake, I believe that such ex post approvals encourage and reward deceptive behavior and is Bad Policy.

4/19/2011

Personally, I would consider my own sense of "aesthetic" weak, and so I generally do not impose my aesthetic view on others. For that reason, I do not have a personal view on the particulars of the currently proposed design changes.

However, I consider this neighborhood to be of an overall sense of charm, elegance and community that is unrivaled in Mansfield, or for that matter, most places in the United States. I believe that the existence of such a "charming neighborhood" enhances Mansfield far beyond the Willowbrook/Dog Lane residents.

I also believe that the current state of the Theater construction significant damages our "charming neighborhood" and that damage may, I fear, be more than temporary.

I believe that it would reduce the damage if the construction area were to be "aesthetically landscaped" as soon as possible, and although the project owners might see their overall project cost increase as a result, that such additional cost to them is equitable, given the damage currently being caused to the neighborhood.

I defer to others on the particulars.

If you feel that any or all of this is not directly on point to the case before you, I apologize for wasting your time.

Respectfully and Sincerely,

Timothy Bell  
24 Willowbrook Rd.  
a.k.a. "Dr. Gilman's house"

TOWN OF MANSFIELD  
MANSFIELD PLANNING AND ZONING COMMISSION

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILL ROAD  
STORRS, CT 06268  
(860) 429-3330

September 11, 2009

Hellenic Society Paideia  
Ilias Tomazos, President  
P.O. Box 818  
28 Dog Lane  
Storrs, CT 06268-0818

Re: Mansfield's PZC Approval  
PZC file #1049-7

Dear Mr. Tomazos,

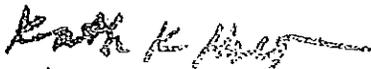
At a meeting held on 9/8/09, the Mansfield Planning and Zoning Commission adopted the following motion:

"That the Planning and Zoning Commission modify their 3/3/08 action regarding the Greek Amphitheater/Exhibit area project on Dog Lane to revise condition #1 to read as follows:

The only work authorized at this time is the placement of fill and stone within the theater, the installation of theater seating, the completion of the stage, the completion of a ramp to the stage area and associated drainage and sediment and erosion control work. No additional work shall take place until architectural plans for the altered exhibit area structure have been approved by the PZC."

If you have any questions regarding this action, please call the Planning Office at 429-3330.

Very truly yours,



Katherine K. Holt, Secretary  
Mansfield Planning and Zoning Commission

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TOWN OF MANSFIELD  
PLANNING AND ZONING COMMISSION

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILL ROAD  
STORRS, CT 06268  
(860) 429-3330

Wednesday, March 05, 2008

Hellenic Society Paideia  
Illias Tomazos, President  
P.O. Box 818  
28 Dog Lane  
Storrs, CT 06268-0818

Dear Mr. Tomazos,

At a meeting held on 3/3/08, the Mansfield Planning and Zoning Commission adopted the following motion:

"That the PZC Chairman and Zoning Agent be authorized to approve revisions to the Greek Amphitheater/Exhibit area project at 28 Dog Lane as described in 12/7/07 and 12/8/07 communications from I. Tomazos and as described on a site plan revised to 12/12/07, a landscape plan revised to 12/11/07 and elevation plans dated 2/28/08. This authorization is subject to the following conditions:

1. The only work authorized at this time is the placement of fill and stone within the theater, the installation of theater seating, the completion of a ramp to the stage area and associated drainage and sediment and erosion control work. No additional work shall take place until architectural plans for the altered exhibit area structure have been approved by the PZC.
2. Except for the modification revisions and the specific work requested and authorized by this approval, plans and conditions of approval cited in the PZC's 9/3/02 Special Permit approval and subsequent 7/21/03 action shall remain in effect.
3. All applicable Building and Fire Code requirements shall be met."

If you have any questions regarding this action, please call the Planning Office at 429-3330.

Very truly yours,



Katherine K. Holt, Secretary  
Mansfield Planning & Zoning Commission

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

- I Notice is hereby given that the Mansfield Planning and Zoning Commission, at a regular meeting held on September 3, 2001, did grant to Hellenic Society Paideia, Inc. a special permit for a Greek amphitheatre, pursuant to Article V, Section B, and other provisions of the Mansfield Zoning Regulations. In addition, on July 21, 2003, the Commission approved a modification of condition #5 which is given below, immediately after the listing of initial conditions.
- II The special permit for a Greek amphitheatre was approved subject to the conditions which follow. Failure to comply with these conditions may result in revocation of the special permit. Information regarding any modifications of the permit may be found in the files of the Planning Office.
1. The applicant's proposal specifies the site will be used for "educational and cultural events only." The subject site is within an RAR-90 zone and immediately adjacent to a Planned Business zone. Educational uses are permitted in the RAR-90 zone, subject to special permit approval. This special permit is granted expressly on the conditions that uses will only be for educational and cultural events, that no commercial uses shall be allowed, and that all uses must be sponsored by and all events managed by the applicant. Any questions regarding potential uses shall be reviewed in advance with the PZC.
  2. To minimize neighborhood impact, the applicant shall be limited to five (5) performances a year where attendance exceeds or is reasonably estimated to exceed 150 people, unless specifically authorized otherwise by the PZC. Additional performances may be authorized by the PZC upon submittal of performance details, demonstration that previous events have been managed in accordance with this approval and that inappropriate neighborhood impact has not occurred.
  3. The applicant has represented that amplification equipment will not be used, with the exception of individual headsets used to assist hearing-impaired individuals. This special permit is granted expressly on this condition.
  4. All events must occur within daylight hours and lighting improvements shall be limited to those depicted on final plans. Only specifically approved security lighting shall be used during nighttime hours.
  5. \*Prior to the signing of final maps and filing of the special permit on the Land Records by the applicant, and prior to the issuance of any permit for site work or construction, the applicant shall provide the following to the PZC for approval (see July 21, 2003 PZC action):
    - a. Written approval from UConn officials for the proposed water and sewer connections and use of parking facilities.
    - b. Documentation and evidence acceptable to the PZC that the entire project will be completed in a timely manner consistent with the time period provisions of Article XI, Section C.4.
    - c. A revised set of plans, signed and sealed by all responsible professionals that incorporate the following revisions:
      1. revised site lighting that incorporates lower wattage light fixtures on shorter poles and lighting details for the pedestrian area north of the amphitheatre wall;
      2. details of the proposed fountain in the lower plaza
    - d. A specific traffic control plan for construction activities, particularly the delivery of materials to the site. The plan shall direct all delivery vehicles to use State roads up to Dog Lane, and provisions shall be made to promote pedestrian and vehicular safety. This plan shall include notice to Mansfield's Resident State Trooper prior to the delivery of materials to the site;
    - e. A specific traffic control plan and event parking plan. Prior to the signing of final maps or the start of construction, applicants must submit for approval a final parking and traffic control plan that has been reviewed and accepted by Mansfield's Resident State Trooper. For all events where the onsite parking spaces will not be adequate to serve visitors, the applicant shall be responsible for coordinating the events with the Mansfield Resident State Trooper's office, the UConn Police Department and the UConn Parking and Transportation Department. Furthermore, the applicant shall be responsible for arranging and providing adequate personnel to implement vehicular and pedestrian traffic controls and help

prevent unauthorized parking on roadways or nearby parking lots. The following suggestions, which are considered preliminary, should be considered in formulating a comprehensive traffic control and event parking plan;

1. For events where attendance is reasonably anticipated to be under 150 persons, Paideia shall inform the Mansfield Resident Trooper and the University Police Department of the event in writing at least one week prior to the event;
2. For events where attendance is reasonably anticipated to be 150 persons or over, Paideia shall abide by the following conditions:
  - a. Provide three-week written notice to the Mansfield Resident Trooper, the University Police and the Mansfield Town Planner. This notice shall contain a brief description of the event, an estimate of the number of attendees, and a parking plan in specific detail to accommodate all expected traffic. This notice must include written evidence that UConn has agreed to provide Paideia with all the parking services (such as parking lots and shuttle buses) required by Paideia for that specific event.
  - b. Employ adequate traffic control personnel, with at least one traffic control officer at the corner of Rt. 195 and Dog Lane and another in front of the Center before and after the performance, to ensure that the parking plan is implemented and to prevent any parking on neighboring roads, including Dog Lane and Willowbrook Road.
3. Written advertisements or promotional material distributed by Paideia must contain instructions on parking to assist attendees and Paideia in complying with the parking plan.
  - f. Written approval from the Mansfield Public Works Department for proposed work within the Town right-of-way (stage access, driveway, etc.)
6. Due to neighborhood nuisance problems which may occur because of unauthorized uses of the property, the applicant shall be responsible for regularly monitoring the site to help prevent neighborhood impact problems;
7. Prior to any work on the site, a cash site restoration bond in the amount of \$15,000 with written bond agreement, shall be submitted to and approved by the PZC Chairman, with staff assistance;
8. Any proposed signage on the subject site shall require PZC review and approval;
9. Prior to the start of any site work or construction, the applicant shall be responsible for meeting all applicable Building and Fire Code provisions and obtaining a building permit. Particular attention shall be given to the adequacy of foundation and support components and meeting accessibility requirements, particularly to stage areas and to the interior exhibit area and toilet facilities. (See 7/10/02 and 12/12/01 letters from Mansfield's Advisory Committee on the Needs of Persons with Disabilities).
10. All construction activities may only be conducted between the hours of 7 a.m. to 7 p.m., Monday through Saturday. No construction activities are permitted on Sundays. Applicants must regularly inform neighbors of the status of construction efforts, including days when significant vehicular construction traffic is expected.
11. Prior to any use of the amphitheatre and the issuance of a Certificate of Compliance, all site work shall be satisfactorily completed. Based on the provisions of Article V, Section B.7.c., a variation of this condition may be authorized by the Commission where public health and safety components of the project have been satisfactorily completed.

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

This approval waives several provisions of Article V, Section A.3.c, since the information submitted with the application is sufficient to evaluate the project with respect to applicable approval criteria. Additionally, this approval authorizes work within 50 feet of the easterly property line pursuant to Article VI, Section B.4.q.2, since proposed landscaping will provide a suitable buffer along the adjacent land owned by the University of Connecticut.

\* At a meeting held on July 21, 2003, the Mansfield Planning and Zoning Commission adopted the following motion:

"that the Planning and Zoning Commission has determined that the pre-construction requirements cited in condition #5 of its 9/3/02 special permit approval of a Greek amphitheatre project at 28 Dog Lane have been suitably addressed. This determination, which is subject to the conditions cited below, has been made after consideration of staff reports, verbal testimony from representatives of the applicant, and supplemental submissions of the applicant including revised plans, 3/11/03 and 7/14/03 letters from the Hellenic Society Paideia addressing approval conditions and the planned construction schedule, a 10/8/02 letter from D. Dreyfuss, UConn Vice-Chancellor for Business and Administration, a 12/17/02 letter from L. Schilling, UConn Executive Director of Architectural and Engineering Services, a 6/2/03 letter from Attorney L. George, a 7/12/03 letter from the quarry in Greece that will be supplying marble, and various letters from Greek organizations and contractors. Pursuant to this action and subject to other applicable conditions and regulatory requirements, the PZC Chairman is authorized to sign final plans and a special permit notice to be filed on the Land Records and the Zoning Agent is authorized to issue a zoning permit for the subject project. This authorization is subject to the following terms and conditions:

1. All other provisions of the PZC's 9/3/02 approval shall remain in effect and any proposed revisions to approved plans shall require subsequent PZC approval;
2. To help address any potential traffic safety issues, the PZC shall retain the right to reassess the applicants' traffic control plan after actual events have taken place and the right to incorporate, as deemed necessary, revisions to the traffic control plan. Before a zoning permit is issued, the applicant shall indicate in writing acceptance of this condition;
3. In the event that it is determined by the PZC that the approved development schedule is not being complied with or that the approved plans are not being followed, the PZC shall retain the right to order the applicant to cease all work onsite except for site stabilization and restoration work until construction schedule and/or plan revision issues have been suitably addressed. Before a zoning permit is issued, the applicant shall indicate in writing acceptance of this condition."

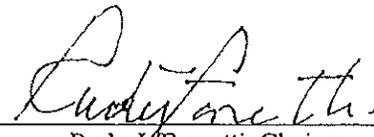
(see PZC file 1049-7)

III The premises subject to the special permit for a Greek-style amphitheatre may be described as follows:  
Assessor's Map 16, Block 41, Lot 13  
28 Dog Lane

IV The record owner of the above-described property is:

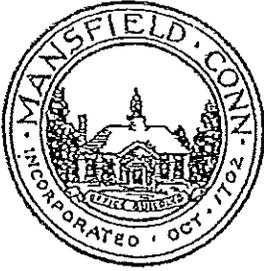
The Hellenic Society "Paideia"  
28 Dog Lane

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

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

Date 2/27/06

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PLANNING AND ZONING COMMISSION  
TOWN OF MANSFIELD

AUDREY P. BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
STORRS, CONNECTICUT 06268  
(860) 429-3330

July 23, 2003

Mr. Ilios Tomazos, President  
Hellenic Society Paideia  
28 Dog Lane  
Mansfield, CT 06268

Re: PZC determination regarding condition #5 of PZC approval for Greek amphitheatre, PZC file 1049-7

Dear Mr. Tomazos:

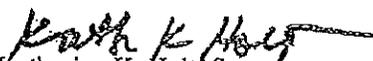
At a meeting held on July 21, 2003, the Mansfield Planning and Zoning Commission adopted the following motion:

"that the Planning and Zoning Commission has determined that the pre-construction requirements cited in condition #5 of its 9/3/02 special permit approval of a Greek amphitheatre project at 28 Dog Lane have been suitably addressed. This determination, which is subject to the conditions cited below, has been made after consideration of staff reports, verbal testimony from representatives of the applicant, and supplemental submissions of the applicant including revised plans, 3/11/03 and 7/14/03 letters from the Hellenic Society Paideia addressing approval conditions and the planned construction schedule, a 10/8/02 letter from D. Dreyfuss, UConn Vice-Chancellor for Business and Administration, a 12/17/02 letter from L. Schilling, UConn Executive Director of Architectural and Engineering Services, a 6/2/03 letter from Attorney L. George; a 7/12/03 letter from the quarry in Greece that will be supplying marble, and various letters from Greek organizations and contractors. Pursuant to this action and subject to other applicable conditions and regulatory requirements, the PZC Chairman is authorized to sign final plans and a special permit notice to be filed on the Land Records and the Zoning Agent is authorized to issue a zoning permit for the subject project. This authorization is subject to the following terms and conditions:

1. All other provisions of the PZC's 9/3/02 approval shall remain in effect and any proposed revisions to approved plans shall require subsequent PZC approval;
2. To help address any potential traffic safety issues, the PZC shall retain the right to reassess the applicants' traffic control plan after actual events have taken place and the right to incorporate, as deemed necessary, revisions to the traffic control plan. Before a zoning permit is issued, the applicant shall indicate in writing acceptance of this condition;
3. In the event that it is determined by the PZC that the approved development schedule is not being complied with or that the approved plans are not being followed, the PZC shall retain the right to order the applicant to cease all work onsite except for site stabilization and restoration work until construction schedule and/or plan revision issues have been suitably addressed. Before a zoning permit is issued, the applicant shall indicate in writing acceptance of this condition."

If you have any questions regarding this action, the Planning Office may be contacted by calling 429-3330. <sup>1.</sup>

Very truly yours,

  
Katherine K. Holt, Secretary  
Mansfield Planning & 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 FOR COMMISSION REVIEW AND DISCUSSION**

To: Mansfield Town Council

From: JoAnn Goodwin, Chair

Copy: Quentin Kessel, Chair, Conservation Commission

Date: August 27, 2013

Subject: Town Council Referral: Connecticut Water Company Proposal

Pursuant to the Council's request, the Commission has reviewed the Connecticut Water Company (hereinafter "CWC") proposal. It submits the following recommendations for consideration in negotiating an agreement (hereinafter "the Agreement") with CWC.

- **Recommended Route.** The Commission recommends that the following be identified as the Town's preference for routing of the connection between the CWC system in Tolland and the University's water system:
  - *Willimantic River Crossing.* \_\_\_\_\_
  - *Four Corners Connection.* \_\_\_\_\_
  - *University Connection.* \_\_\_\_\_
- **System Extensions.** While the potential for CWC to finance the Four Corners local distribution system is understandably appealing to the Town, this option does have the potential to increase demand for development as CWC looks to recover its capital investment. Therefore it is imperative that the Agreement specifically address the process through which system extensions will be approved. Ideally Town approval will be required before any system extension may be constructed. If the Council is unsuccessful in achieving this level of control, at minimum the Agreement should include a specific process that allows for PZC input on extensions.
- **Development Controls.** As noted above, the Commission is very concerned with the potential for increased development pressure in areas proximate to the new water system. The Agreement should be clear that the PZC is the controlling agency for future development and that CWC has no jurisdiction or authority to approve service connections that would violate zoning regulations. Since this is merely a restatement of the law, there is no negotiation on this point. Furthermore, the

Commission intends to develop new Plan of Conservation and Development policies and Zoning Regulations to manage service connections in areas proximate to the water system. The Agreement should specify that CWC will not object to any policies or zoning regulations that the Commission proposes to manage growth in the area of the water system or to address future concerns of water supply on a town wide basis. The Commission also notes that it is prepared to adopt development moratoriums if need be to prevent undesirable development prior to approval of new zoning regulations.

- **Water Allocation.** The Agreement should specify a minimum amount of water to be provided to Town customers to ensure that water is available for Town needs and not merely secondary to University demands. This minimum allocation should account for current usage, projected water usage by existing off-campus customers, the projected demand for Four Corners and the assisted living project, all as adjusted to compensate for potential underestimating of demand.
- **Coordination.** The Agreement should provide a process for coordination during the design and construction process that allows for PZC input on design decisions and includes regular status updates, particularly with regard to routing decisions, so that the Commission has sufficient time to react and adopt zoning regulations. These same provisions should be applied to any future system extensions.

CWC should also be advised that an Inland Wetlands License may be needed based on how and where the new transmission main is installed. Detailed plans should be submitted to the Town's Inland Wetlands Agent as early as possible in the design process to determine the extent of wetland impacts.

- **Sewer System Construction.** To minimize impacts and improve efficiency, the Agreement should stipulate that the Four Corners sewer project should be constructed concurrently with the water project. The same provision should be provided for any future water and sewer extension projects.
- **Fire Suppression.** The Agreement should require installation of fire hydrants along the entire length of the water main in Mansfield at appropriate locations as determined by the Mansfield Fire Department.

If you have any questions regarding this recommendation, please feel free to contact me or Linda Painter, Director of Planning and Development.

TO: MANSFIELD TOWN COUNCIL

FROM: MANSFIELD CONSERVATION COMMISSION, Quentin Kessel, Chair

DATE: AUGUST 24, 2013

CC: Four Corners Water and Sewer Advisory Committee, Sustainability Advisory Committee

SUBJECT: TC REQUEST FOR COMMENTS ON THE ROD FOR SUPPLEMENTAL WATER

At the Town of Mansfield Town Council (TC) meeting on August 8, 2013, the Council referred the Record of Decision (ROD) and its choice of the Connecticut Water Company (CWC) to the Mansfield Conservation Commission (CC) for comment. The forwarding of the following comments was agreed to at the CC August 21, 2013 meeting. Not only was the ROD considered, but also comments made at the TC meeting by representatives of the University and the law firm of Pannone, Lopes, Devereaux & West (PLDW) on the governance of the proposed water system for the Town of Mansfield and the University of Connecticut. Further input was provided by the numerous citizens who attended our August meeting and provided well-reasoned input on this matter.

The CC believes that the Town of Mansfield should insist upon an equitable agreement between the Town, the University, and the CWC. This agreement must be transparent and fair to the taxpayers of Mansfield and should provide an adequate water supply to meet the stated needs of the University and Mansfield into the future

PLDW states that "With regard to growth management off-campus, Mansfield's authority through its zoning regulations would be controlling." At the September 4, 2012 Special Meeting of the PZC Regulatory Review Committee, Mansfield Director of Planning and Development, Linda Painter, stated that she would work with the EIE on a timeline to ensure that new regulations are adopted prior to the submission of permits to the DEEP and coordinated with the upcoming POCD update. As noted below, the CC recommends a moratorium on lot- and sub-division approvals along any proposed pipeline route until the proposed overlay zone, or a similar measure to prevent undesirable development along the pipeline route is a part of Mansfield's PZC regulations.

The CC is concerned about statements made by the University's Tom Callahan at the August 8, 2013 TC meeting that the Tech Park legislation would put the University in charge of any off-campus improvements somehow related to the Tech Park: "Section 92 *The university shall have the charge and supervision of all aspects of the project* authorized under this section (as provided for pursuant to UConn 2000), as provided in section 10a-109n of the general statutes. Such *charge and supervision shall extend to any off-campus improvements* undertaken as part of said project. *The university shall work in consultation with the town of Mansfield regarding any on-site or off-site utilities* that are financed pursuant to this section." (slide 3, emphasis in original) This is an odd statement to make when the Tech Park is projected to increase water demand by about only 10% over the next 45 years – sort of like the tail wagging the dog. Also, Mr. Callahan's statement about "normalization" of the University role in Town development

decisions (slide 14) is worrisome. This does not seem to bode well for an equitable governance agreement between the Town and the University. The CC recommends that the Town pursue legal opinions on the intent and extent of the powers granted to the University by Public Act 11-57. The Town's rights, or lack of rights should be established before entering into negotiations with the University and CWC.

In these negotiations, it is important to protect the taxpayers of Mansfield from unreasonable charges. No agreement should, by itself, result in assessment fees for non-users and forced hookups to the new system. The CWC is run as a profit-making business. One can only assume that the seemingly generous offer of the CWC to front the money for the pipeline and other improvements will be more than recaptured by the water-use fees charged the Town of Mansfield and the University. CWC rates may be regulated by PURA, but these rates will certainly take into account the capital costs of establishing the new system. How does the University plan to use the \$8 million in tech Park funding for water and the \$18 million for water in the Next Generation funding now that CWC has offered to pay these costs? An analysis should be provided to determine whether a portion of this \$26M invested into the infrastructure costs that CWC has proposed to assume might not make long-term fiscal sense (through lower water rates to the Mansfield and the University).

Footnote 2 to Table 1-1 in the ROD raises several questions:

Footnote 2 includes 0.35 mgd from the Fenton well field in their safe yield, when during the summer there are periods it is not appropriate to pump any water from the Fenton wells.

There is also reference to Well D, which has been scheduled for repairs. Have these repairs been carried out, and if not, when will they be? The CC notes that inadequate maintenance of the Willimantic River well fields resulted in over-pumping from the Fenton in the 1990s and early 2000s.

The CC hopes the plan to move Pumping Station A farther from the Fenton River will be implemented at some point. This is projected to increase the yield from this portion of the Fenton River aquifer while lessening its impact upon the river itself.

The following section numbers refer to the ROD.

2.2.13 (p. 37). "UConn submits that reliance upon the Mansfield overlay zone ... addresses the need to mitigate potentially more intensive development resulting from the availability of a pipeline water supply."

The CC members have no knowledge of this overlay zone. The CC recommends a moratorium on lot and sub-division approvals along any proposed pipeline route until the overlay zone, or some other form of protection, is a part of Mansfield's PZC regulations (*cf.* Mansfield's recent moratorium on subdivisions, while those regulations were rewritten).

2.12. "Any new developments in the Eagleville Brook drainage basin will need to show that there will be no net increase in storm water runoff for storm events up to and including the 1% annual chance storm event to be consistent with the TMDL and the requirements of the Floodplain Management certification."

There should be a clear statement detailing just who will be responsible for the implementation of this requirement and how it will be overseen and enforced.

2.18. MDC Statement: The CC notes that unless service connections to other municipalities were allowed along the proposed pipeline to UConn, UConn might have to own and maintain the pipeline from East Hartford. Not only would the MDC option have been more expensive to the Town of Mansfield, but the additional interconnections might have encouraged undesirable urban sprawl (induced development).

CWC Statement: The CC was impressed with the CWC's stated support of Mansfield's interests, especially not having a "wheeling fee" for the transfer of water through the University system and support of establishing a formal governance structure and a Customer Advisory Council. As stated earlier regarding the agreement, this governance structure should be transparent and establish an equitable governance process.

The CC believes it is logical to bring the additional water by a route entering the UConn system along the to-be-constructed Tech Park road. This should minimize disturbance, if the work is coordinated with the road construction, and deliver the water more directly to the UConn storage system.

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The Mansfield Zoning Board of Appeals will hold a public hearing on September 11, 2013 at 7:00 p.m. in the Council Chamber of the Audrey P. Beck Municipal Building, 4 South Eagleville Road, to hear comments on the following application:

7:00 P.M. – Ralph C. Mansell for a Variance of Art VIII, Sec A to locate a 12' x 16' storage shed approx. 34' from the front property line where 60' is required at 101 Woodland Rd.

At this public hearing, interested parties may appear and written communications may be received. No information shall be received after the close of the public hearing. Additional information is available in the Mansfield Town Clerk's Office. Dated August 22, 2013.

***Sarah Accorsi***  
***Chairman***

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