

AGENDA

Meeting will start upon completion of the preceding Inland Wetlands Agency (IWA) Meeting.

1. **CALL TO ORDER AND ROLL CALL**
2. **APPROVAL OF MINUTES**
 - A. **12-16-2019 PZC Minutes** 4 - 9
[12-16-2019 PZC Minutes - Not Yet Approved](#)
 - B. **12-12-2019 Field Trip Notes** 10
[12-12-2019 IWA CC PZC Field Trip Notes](#)
3. **ZONING AGENT REPORT**
 - A. **December 2019 Activity Reports** 11 - 12
 [2019 December Zoning Report](#)
[2019 December Active Violations Report](#)
4. **PUBLIC HEARINGS**
 - A. **PZC-Initiated Amendments to Articles 7, 8 and 10 of the Mansfield Zoning Regulations related to owner-occupancy requirements for two-family and efficiency dwelling units and setback requirements for parking associated with parks, preserves and playgrounds. (P907-47)** 13 - 23

[P907-47 Staff Public Hearing Memo](#)
[P907-47 Town Attorney Opinion](#)
[P907-47 SECOG Comments](#)
[P907-47 CRCOG Comments](#)
[P907-47 Staff Memo 10-17-2019](#)
[P907-47 Proposed Amendments 10-17-2019](#)
5. **OLD BUSINESS**
 - A. **PZC-Initiated Amendments to Articles 7, 8 and 10 of the Mansfield Zoning Regulations related to owner-occupancy requirements for two-family and efficiency dwelling units and setback requirements for parking associated with parks, preserves and playgrounds. (P907-47)**

- B. Application of the Mansfield Non-Profit Housing Development Corporation (owner/applicant) to amend the Zoning Map to change the zoning of property located at 113-121 South Eagleville Road (Parcel ID 16.57.5) from Rural Agriculture Residence 90 (RAR-90) to South Eagleville Road Housing Opportunity Zone (SER-HO) pursuant to Sec. 8-30g, C.G.S. (PZC File 1364-1)**

Tabled to January 21, 2020 Public Hearing.

- C. Site plan application of the Mansfield Nonprofit Housing Development Corporation (owner/applicant) for a 42 unit multi-family residential development at 113-121 So. Eagleville Road (Parcel ID 16.57.5) pursuant to Sec. 8-30g, C.G.S. (PZC File 1364-2)**

Tabled to January 21, 2020 Public Hearing.

- D. Application of the Taylor Family Trust (owner/applicant) to amend the Zoning Map to change the zoning of a portion of property located on the north side of Storrs Road, between 9 Timber Drive and 1768 Storrs Road (Parcel ID 2.5.22) from Rural Agriculture Residence 90 (R-90) and Professional Office 1 (PO-1) to Planned Business 3 (PB-3). (PZC File 1365)**

Tabled to February 18, 2020 public hearing.

- E. Application for Site and Building Modifications to the Spring Hill Inn on property located at 957 Storrs Road (Parcel ID 23.59.12), Lee Lambert, owner/applicant.**

Tabled at the request of the applicant.

- F. Interpretation of Zoning Regulations: Article 10, Section T, Agricultural Uses**

Tabled pending receipt of comments from Agriculture Committee.

6. NEW BUSINESS

- A. Application of Wendy and Dudley Hamlin (owner/applicant) of Holiday Hill Day Camp & Recreation Center, 41 Chaffeeville Road, Mansfield Center to convert existing vacant home on property to Airbnb lodging for wedding and party venue customers. (PZC File 0056)**

[41 Chaffeeville Rd Site Mod Application](#)

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7. REPORTS FROM OFFICERS AND COMMITTEES

- A. Chairman's Report**
- B. Regional Planning Commission**
- C. Regulatory Review Committee**
- D. Planning and Development Director's Report**
- E. Other Committees**
- F. Other**

8. COMMUNICATIONS AND BILLS

9. ADJOURNMENT

MINUTES (NOT YET APPROVED)

Members Present: P. Aho, L. Cooley, C. Cotton, D. Plante, K. Rawn
Members Absent: S. Accorsi, B. Chandy, R. Hall, V. Ward
Alternates Present: J. DeVivo, K. Fratoni
Staff Present: L. Painter, Director of Planning and Development; J. Woodmansee, Planning Specialist; E. Galbraith, Administrative Assistant

CALL TO ORDER AND ROLL CALL

Chair Aho called the meeting to order at 6:30 PM. Aho appointed Cooley as secretary. Alternates DeVivo and Fratoni were seated for absent members.

Rawn MOVED, DeVivo seconded, to add the following items to the agenda under Old Business:

Item A: Special Permit Application of Benjamin Moseley (owner/applicant) to authorize an efficiency dwelling unit at 602 Mansfield City Road (Parcel ID 27.91.4). (PZC File 1363)

Item B: Application of Mansfield Nonprofit Housing Development Corporation to amend Articles 2, 7, 8, and 10 of the Zoning Regulations to establish the South Eagleville Road – Housing Opportunity (SER-HO) zoning district and associated use, development and procedural requirements pursuant to Sec. 8-30g, C.G.S. (PZC File 1361)

Motion PASSED unanimously.

APPROVAL OF MINUTES

Rawn MOVED, Plante seconded, to approve the December 2, 2019 meeting Minutes as presented. Motion PASSED unanimously.

ZONING AGENT REPORT

None.

PUBLIC HEARINGS

Special Permit Application of Benjamin Moseley (owner/applicant) to authorize an efficiency dwelling unit at 602 Mansfield City Road (Parcel ID 27.91.4). (PZC File 1363)

Aho opened the public hearing at 6:39 PM. The applicant was asked to take the stand and stated his name to be Benjamin Moseley of 602 Mansfield City Road. Moseley stated that he is applying for a special permit to allow him to turn a portion of his house into an efficiency apartment for housing his aging parents/in-laws. Moseley stated that the previous owner of the house operated a business with a commercial kitchen from the home, and as a result, there is

already a section of the house that would easily transition into an efficiency apartment. Aho invited members of the public to comment, and none was made.

Rawns MOVED, Plante seconded, to close the public hearing at 6:41 PM. Motion PASSED unanimously.

OLD BUSINESS

A. Special Permit Application of Benjamin Moseley (owner/applicant) to authorize an efficiency dwelling unit at 602 Mansfield City Road (Parcel ID 27.91.4). (PZC File 1363)

Rawns MOVED, Cooley seconded, to approve the October 31, 2019, application of Benjamin Moseley to allow an efficiency dwelling unit at 602 Mansfield City Road in an RAR-90 zone, as shown on submitted plans and described in other application submissions and as presented at Public Hearing on December 16, 2019.

Pursuant to Article 5 Section B.4 of the Mansfield Zoning Regulations, the site plan requirements contained in Section B.3.d are hereby waived as there is no proposed expansion of the building and the information is not needed to determine compliance with the zoning regulations.

This approval is granted because the application is not expected to result in any detrimental neighborhood impacts and is considered to be in compliance with Article 10, Section L; Article 5, Section B; and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval has been granted for a one-bedroom efficiency in association with a single-family home having up to four additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from the Eastern Highlands Health District and the Planning and Zoning Commission.
2. This approval is conditioned upon continued compliance with Mansfield's Zoning Regulations for efficiency units, which include owner-occupancy requirements, limitations on the number of residents in an efficiency unit and limitations on the number of unrelated individuals that may live in a dwelling unit pursuant to the definition of Family contained in the Zoning Regulations. These limitations apply regardless of the number of bedrooms present in the home. Pursuant to Article 10, Section L.2, the applicant shall submit a notarized affidavit certifying owner occupancy and a written statement regarding compliance with efficiency unit regulations every two years, starting on January 1, 2022.
3. This special permit shall not become valid until filed upon the Land Records by the applicant.

Motion PASSED unanimously.

B. Application of Mansfield Nonprofit Housing Development Corporation to amend Articles 2, 7, 8 and 10 of the Zoning Regulations to establish the South Eagleville Road-Housing Opportunity (SER-HO) zoning district and

associated use, development and procedural requirements pursuant to Sec. 8-30g, C.G.S. (PZC File 1361)

Rawn MOVED, Plante seconded, to approve the October 3, 2019 application of Mansfield Nonprofit Housing Development Corporation (File #1361) as revised to November 19, 2019 and as revised by this approval, to amend Articles 2, 7, 8 and 10 of the Zoning Regulations to establish the South Eagleville Road Housing Opportunity (SER-HO) zoning district and associated use, development and procedural requirements pursuant to Sec. 8-30g, C.G.S. The subject regulation amendments were heard at a public hearing on November 19, 2019 and shall become effective as of January 1, 2020.

In approving this application, the Planning and Zoning Commission considered all Public Hearing Testimony and communications. In accordance with the approval criteria identified in Article 13, Section D of the Zoning Regulations, the Commission makes the following specific findings in support of these amendments, subject to the revisions incorporated in this approval motion:

- The application, including information presented at public hearings, is found to be sufficient for the Commission to determine compliance with the following approval considerations and is therefore deemed complete.
- The amendments help to implement Goals 7.1 and 7.4 of the Mansfield Tomorrow Plan of Conservation and Development related to increasing the diversity of housing options and availability of dwellings affordable to low and moderate income residents.
- The amendments are consistent with the statutory goals identified in Section 8-2 of the Connecticut General Statutes and other zoning purposes cited in Article One of Mansfield's Zoning Regulations.
- The amendments are appropriately worded, legally sound and suitably coordinated with other provisions in the Mansfield Zoning Regulations.
- The amendments will promote the public's health, safety, property values and general welfare.

Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

- The proposed amendments will facilitate the development of housing in an area that is designated for Compact residential development on the POCD Future Land Use Map.
- The proposed amendments will help to increase housing choice for low and moderate income residents by requiring developments in the district to meet either the "Assisted Housing" or "Set-Aside Development" requirements of Section 8-30g, C.G.S.
- The proposed amendments limit the applicability of the SER-HO District to properties within 1,000 feet of the intersection of South Eagleville Road (Route 275) and Maple Road that meet minimum size and frontage requirements at the time of application.
- The proposed district location is located on an arterial road (South Eagleville Road), which will minimize potential traffic impacts to local roadways.

- The proposed amendments provide for larger setbacks adjacent to one and two-family homes and vacant land zoned for single-family residential to minimize potential impacts of new multi-family housing on adjacent lower density land uses.
- The proposed district location provides access to transit (bus) service and is located within walking distance of commercial services and recreational amenities, including Downtown Storrs, the Mansfield Community Center/Community Playground, the Mansfield Senior Center and Moss Sanctuary. An existing sidewalk connects properties located east of the intersection of Maple Road to these referenced amenities.

The applicant's proposed amendments to Article 8, Schedule of Dimensional requirements shall be revised to:

- Retain the note proposed in the original version and add as new Note 27;
- Delete the text of the note that was incorporated into the table in the 11-19-2019 version; and
- Add "See Note 27" after the specific dimensional requirement in each cell of the table for the SER-HO zone.

Cotton abstained. Motion PASSED 6-0-1.

C. PZC-Initiated Amendments to Articles 7, 8 and 10 of the Mansfield Zoning Regulations related to owner-occupancy requirements for two-family and efficiency dwelling units and setback requirements for parking associated with parks, preserves and playgrounds. (P907-47)

Tabled to January 6, 2020 Public Hearing.

D. Application for Site and Building Modifications to the Spring Hill Inn on property located at 957 Storrs Road (Parcel ID 23.59.12), Lee Lambert, owner/applicant.

Tabled at the request of the applicant.

E. Committee Appointments

Cooley volunteered to be a regular member of CRCOG. Cotton volunteered to be an alternate. Painter stated that staff would notify CRCOG.

F. Application of the Mansfield Non-Profit Housing Development Corporation (owner/applicant) to amend the Zoning Map to change the zoning of property located at 113-121 South Eagleville Road (Parcel ID 16.57.5) from Rural Agriculture Residence 90 (RAR-90) to South Eagleville Road Housing Opportunity Zone (SER-HO) pursuant to Sec. 8-30g, C.G.S. (PZC File 1364-1)

Tabled to January 21, 2020 Public Hearing.

G. Site plan application of the Mansfield Nonprofit Housing Development Corporation (owner/applicant) for a 42 unit multi-family residential development at 113-121 So. Eagleville Road (Parcel ID 16.57.5) pursuant to Sec. 8-30g, C.G.S. (PZC File 1364-2)

Tabled to January 21, 2020 Public Hearing.

NEW BUSINESS

A. Application of the Taylor Family Trust (owner/applicant) to amend the Zoning Map to change the zoning of a portion of property located on the north side of Storrs Road, between 9 Timber Drive and 1768 Storrs Road (Parcel ID 2.5.22) from Rural Agriculture Residence 90 (R-90) and Professional Office 1 (PO-1) to Planned Business 3 (PB-3). (PZC File 1365)

Planted MOVED, Fraton seconded, to receive the application of the Taylor Family Trust (owner/applicant) to amend the Zoning Map to change the zoning of a portion of property located on the north side of Storrs Road, between 9 Timber Drive and 1768 Storrs Road (Parcel ID 2.5.22) from Rural Agriculture Residence 90 (R-90) and Professional Office 1 (PO-1) to Planned Business 3 (PB-3), to refer said application to staff, and to schedule a public hearing for February 18, 2020. Motion PASSED unanimously.

B. Interpretation of Zoning Regulations: Article 10, Section T, Agricultural Uses.

Pursuant to Article 10, Section T.3.a.5, any questions regarding the provisions of that section must be referred to the Agriculture Committee and resolved by the Planning and Zoning Commission. Accordingly, staff recommends that the Commission refer the question with regard to what constitutes a pen versus a pasture to the Agriculture Committee for review and comment. Until a final interpretation is made with regard to how to distinguish between pens and pastures, no further action will be taken by the Zoning Agent with regard to the situation at 170 Crane Hill Road.

Cooley MOVED, Cotton seconded, to refer the request for an interpretation with regard to what constitutes a pasture as opposed to a pen pursuant to Article 10, Section T.3.a.5 to the Agriculture Committee for review and comment. Motion PASSED unanimously.

REPORTS FROM OFFICERS AND COMMITTEES

Chairman's Report

None.

Regional Planning Commission

None.

Regulatory Review Committee

Painter noted the upcoming Special Meeting scheduled for 8:30 AM on 12/19/2020.

Planning and Development Director's Report

None.

Other Committees

None.

Other

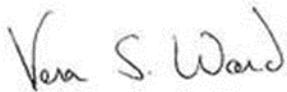
None.

COMMUNICATIONS AND BILLS

None.

ADJOURNMENT

Respectfully Submitted:

A handwritten signature in cursive script that reads "Vera S. Ward".

Vera Ward
Secretary

FIELD TRIP NOTES

CALL TO ORDER AND ROLL CALL

IWAP/ZC Members Present: Paul Aho, K. Rawn

Town of Mansfield Staff Present: J. Kaufman, Assistant Planner/Wetlands Agent
L. Painter, Town Planner
J. Woodmansee, Planning Specialist

Others Present: R. Fields, Executive Director, Housing Authority
H. Rudd, Development Coordinator, Housing Authority
K. Ward, Commissioner
K. Dorgan, Dorgan Architecture & Planning
R. Newton, BCS Group
R. Sitkowski, Associate University Counsel, UCONN

The field trip began at approximately 3:05 PM.

**Application of the Mansfield Non-Profit Housing Development Corporation
(owner/applicant) for multifamily development at 113-121 S. Eagleville Rd (Parcel ID
16.57.5)(IWA File W-1612; PZC File 1364-2)**

Members were met on site by applicants. R. Newton gave a brief overview of the site. Site conditions were observed. No decisions were made.

ADJOURNMENT

The field trip ended at approximately 3:30 PM.

Owner Name	Primary Case Address	Applicant Name	Case Address	Planning Type	Issued Date	Description of Work	Issued by User
WHITEHEAD CAROL D B	196 PUDDIN LA STORRS, CT 06268 (33.97.11)	Matthew Maynard (Towne Engineering, Inc.)	196 PUDDIN LA STORRS, CT 06268 (33.97.11)	Zoning	12/17/2019	This project is for the demolition of the existing home, and the construction of a new home, driveway, well, and septic system.	Jillene Woodmansee
EAGLEVILLE ENTERPRISES LLC	873 STAFFORD RD All About the Flavor STORRS, CT 06268 (20.54.12-1 All About the Flavor)	Katrina Moncion (It's All About the Flavour, INC)	873 STAFFORD RD All About the Flavor STORRS, CT 06268 (20.54.12-1 All About the Flavor)	Zoning	12/31/2019	Portable shed to be located in the rear of the address using appropriate boundary lines as to not impeded on neighbors or violate town ordinances. The shed is 12x20 which is beneath the mark for building permits.	Jillene Woodmansee
EASTBROOK F LLC & EASTBROOK W LLC & EASTBROOK T LLC	95 STORRS RD WILLIMANTIC, CT 06226 (38.105.1)	Adam Annulli (Orlando Annulli and Sons Inc.)	95 STORRS RD WILLIMANTIC, CT 06226 (38.105.1)	Zoning	12/17/2019	The former Dress Barn and Questers Way locations are being turned into a New Old Navy store. This will fall inline with the mall but will not have a mall entrance it will be enter and exit from the outside of the of the mall like the Dollar tree, TJ Maxx and Michaels locations.	Jillene Woodmansee
BRUDER SAMUEL C & XIOMARA	3 BOULDER LA MANSFIELD CENTER, CT 06250	Xiomara Bruder	3 BOULDER LA MANSFIELD CENTER, CT 06250	Zoning	12/12/2019	We want to put a 10'x14' utility shed on edge of are wooded area. It will be a 140ft of none disturbed area.	Keith Podrebartz
NIEMASIK JOSEPH D & NIEMASIK KATHRYN M	147 PUDDIN LA STORRS, CT 06268 (33.98.7)	Kathryn and Joseph Niemasik	147 PUDDIN LA STORRS, CT 06268 (33.98.7)	Zoning	12/17/2019	Place a temporary pre-fabricated garage on top of crushed stone pad at the end of driveway. 20X20. Variance granted by ZBA November, 2019.	Jillene Woodmansee
Total Records: 5							

Subcases	Case Nmbr	Case Name	Number	Street	Status	Investigator
Illegal Use	V-19-0054		648	STORRS RD	Under Investigation	Keith Podrebartz
Illegal Use	V-19-0052	Complaint	1728	STAFFORD RD	Under Investigation	Keith Podrebartz
Fencing/Property Line	V-19-0048	Violation	873	STAFFORD RD	Active	Jillene Woodmansee
Illegal Use	V-19-0045		17	OLSEN DR	Under Investigation	Keith Podrebartz
Over occupancy	V-19-0046	Complaint	5	MOUNTAIN RD	Under Investigation	Keith Podrebartz
Work without a Permit	V-19-0047	Bridge	28	MEADOWOOD RD	Active	Keith Podrebartz
Illegal Use	V-19-0049		3	HILLSIDE CR	Under Investigation	Keith Podrebartz
Animals	V-19-0030		170	CRANE HILL RD	Active	Keith Podrebartz
Junkyard	V-19-0050		121	COVENTRY RD	Under Investigation	Keith Podrebartz
Animals	V-19-0043		5	CANDIDE LA	Under Investigation	Keith Podrebartz
Noise/nuisance	V-19-0053	Nuisance	28	BUNDY LA	Under Investigation	Keith Podrebartz
Junkyard	V-19-0022	684 Browns Road	684	BROWNS RD	Active	Keith Podrebartz
Total Records: 12						

MEMO

To: Planning and Zoning Commission
From: Linda Painter, AICP, Director
Date: January 6, 2020
Subject: PZC File 907-47
Proposed Amendments to Zoning Regulations
Articles 7 and 10: Owner-Occupancy Requirements
Article 8: Setbacks for Parking associated with Parks, Preserves & Playgrounds

PROPOSED AMENDMENTS

The Commission has proposed the following changes to the Zoning Regulations:

- **Owner-Occupancy Requirements.** Revisions to existing owner-occupancy requirements for two-family dwellings and efficiency dwelling units to make the Zoning Regulations consistent with Town ordinances with regard to what constitutes an owner-occupant.
- **Setback Requirements for Parking Associated with Parks, Playgrounds and Preserves.** Revisions to exempt parking for parks, playgrounds and preserves from standard setback requirements provided a minimum 15-foot landscape buffer is provided between parking areas and abutting properties in RAR-90, R-90 and R-20 districts.

A summary of the changes to each article is provided below; please see the proposed amendments for precise language and my October 17, 2019 memo for additional background on the proposed changes.

Article 7, Permitted Uses

Revise Article 7, Section G (Permitted Uses in the RAR-90 Zone) to add additional provisions to the owner-occupancy requirement for two-family dwellings contained in Section 7.G.2.a. The amendment would require a record owner live in one of the dwelling units for at least six months each calendar year and further define owner as an individual owning at least a 50% fee simple interest in said property in his or her personal capacity only.

Article 8, Dimensional Requirements/Floor Area Requirements

Revise Article 8, Section B.1 (Exceptions to the Schedule of Dimensional Requirements) to add new subsection (i) and renumber "Other" to subsection (j). The new section would exempt parking areas for parks, playgrounds and other nature preserves from the setback requirements of the Schedule of Dimensional Requirements. A 15-foot buffer would be required between the parking area and adjacent property in an RAR-90, R-90, or R-20 district.

Article 10, Special Regulations

Revise Article 10, Section L.2.a (Efficiency Units) to add additional provisions to the owner-occupancy requirement for efficiency units consistent with the changes for two-family dwellings described above.

FRAMEWORK FOR REVIEW AND CONSIDERATION OF PROPOSED CHANGES

With any proposed regulation 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 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.

Pursuant to Chapter 124 of the Connecticut General Statutes, the Commission must:

- Take the POCD into consideration and state its findings on the record with regard to the consistency of the proposed regulations with the POCD (Sec. 8-2, 8-3(b) and 8-3a)
- State for the record why the change is being made (Sec. 8-3(c))

Article 13, Section D of the [Zoning Regulations](#) establishes additional criteria for changes proposed to the Regulations by property-owners or residents. While these findings are not required for Commission-initiated amendments, they provide a framework for consideration.

- The proposed changes will promote the public's health, safety, property values and general welfare;
- The proposal is consistent with the expression of regulatory intent and purpose contained in the provision of Article 1 of these regulations and [Section 8-2 of the Connecticut General Statutes, as amended](#).
- Any proposal to amend the Zoning Regulations is: appropriately worded and legally sound and comprehensive and consistent with respect to other regulatory provisions.

Plan of Conservation and Development

(<http://www.mansfieldct.gov/DocumentCenter/View/2558/-Plan-of-Conservation-and-Development?bidId=>)

- **Housing.** The proposed amendments related to owner-occupancy will help to implement Goal 7.3: "Mansfield maintains high-quality living conditions throughout the Town," specifically Strategy B, "Strengthen the Town's ability to respond to neighborhood quality of life issues."
- **Open, Space, Parks and Agricultural Lands.** The proposed amendment related to parking for parks, preserves and playgrounds will help to implement Goal 3.3: "Mansfield's park and preserve system, including natural and active recreation areas, provides access to residents and meets the needs of the population."

Section 8-2, C.G.S.

Section 8-2, C.G.S. establishes provisions for Zoning Regulations. This section specifically provides the following (emphasis added):

“All such regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may differ from those in another district, and may provide that certain classes or kinds of buildings, structures or uses of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to **standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values.**”

SUMMARY

The proposed Zoning Regulation amendments present a policy issue for the Commission's legislative discretion. Subject to any Public Hearing comments and changes recommended by the Town Attorney, my review indicates that the proposed regulations meet statutory requirements and could be adopted without conflict with other regulatory provisions.

NOTES

1. The date of the public hearing was changed from December 2, 2019 to January 6, 2020 by action of the PZC on November 18, 2019.
2. The proposed amendments were referred to the following organizations/individuals:
 - a. Town Attorney (November 5, 2019)
 - b. Town Clerk (December 12, 2019)
 - c. Town Manager/Town Council (November 5, 2019)
 - d. Public Notice Registry (December 12, 2019)
 - e. CRCOG (December 5, 2019)
 - f. SECCOG (December 5, 2019)
 - g. NECOG (December 5, 2019)
 - h. Adjacent Communities (December 5, 2019)
3. The following comments have been received regarding this application:
 - a. December 31, 2019 comments from SECCOG
 - b. January 3, 2020 comments from CRCOG
 - c. January 6, 2020 Opinion from Kevin Deneen, Town Attorney
4. Legal notice of the public hearing was published in *The Chronicle* on December 24, 2019 and December 31, 2019.

5. The public hearing on this application will be opened on Monday, January 6, 2020. As the proposed changes have been initiated by the Commission, there are no statutory time limits on the length of the hearing or deadlines for a decision.

O'MALLEY, DENEEN, LEARY, MESSINA & OSWECKI

ATTORNEYS AT LAW

20 MAPLE AVENUE
P. O. BOX 504
WINDSOR, CONNECTICUT 06095

TELEPHONE (860) 688-8505
FAX (860) 688-4783

THOMAS J. O'MALLEY
(1926-2017)
DONALD J. DENEEN (RET.)
ANDREW G. MESSINA, JR.
(1940-2000)

VINCENT W. OSWECKI, JR.
MICHAEL P. DENEEN
KEVIN M. DENEEN
LYNETTE MENDOZA-VILLA
TIMOTHY J. FITZGERALD
RICHARD A. VASSALLO
JAMES P. WELSH

WILLIAM C. LEARY, OF COUNSEL

January 6, 2020

Linda Painter, Director of Planning and Development
Town of Mansfield
4 South Eagleville Road
Mansfield, Connecticut 06268-2599

Re: PZC File 907-47
Articles 7 and 10: Owner-Occupancy Requirements
Article 8: Setbacks for Parking associated with Parks, Preserves & Playgrounds

Dear Linda:

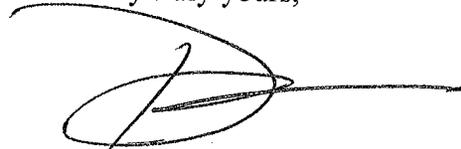
I have reviewed the proposed amendments to the Zoning Regulations referenced above. Specifically, the first amendment would define 'owner-occupied' for purposes of the zoning regulations, and have that definition consistent with the Town Code of Ordinances. The second amendment would amend the setback requirements for parking related to parks, preserves and playgrounds.

As noted in my prior letters this application presents a policy issue within the Commission's legislative discretion. As with any proposed regulation amendment, the PZC must weigh anticipated public and private benefits versus anticipated public and private costs.

As presented, there are no legal impediments to the Commission's review and action on this application.

Please feel free to contact me with any further questions.

Very truly yours,



Kevin M. Deneen

KMD/lle

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS

5 Connecticut Avenue, Norwich, Connecticut 06360
(860) 889-2324/Fax: (860) 889-1222/Email: office@seccog.org

(Via electronic mail)

December 31, 2019

Mr. Paul Aho
Chairman
Town of Mansfield Planning & Zoning Commission
4 South Eagleville Road
Storrs Mansfield, CT 06268

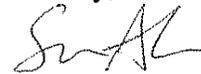
Dear Mr. Aho:

I am writing in response to proposed amendments to the zoning regulations of the Town of Mansfield. The proposed amendments were referred to this agency pursuant to Section 8-3b of the Connecticut General Statutes, and were received on December 5th.

The proposed amendments seek to modify parking requirements for parks and playgrounds, as well as clarify owner-occupancy requirements for accessory dwellings. Based on a review of the material submitted, the proposed amendments will not have a negative inter-municipal impact.

If you have any questions, please contact me at 860-889-2324.

Sincerely,



Samuel S. Alexander, AICP
Planner III
salexander@seccog.org

Member Municipalities:

Bozrah * Colchester * East Lyme * Franklin * Griswold * City of Groton * Town of Groton * Lebanon *
Ledyard * Lisbon * Montville * New London * North Stonington * Norwich * Preston * Salem * Sprague *
Stonington * Stonington Borough * Waterford * Windham

January 3, 2020

TO: MANSFIELD PLANNING AND ZONING COMMISSION

REPORT ON ZONING REFERRAL Z-2019-121: Proposed zoning amendments pertaining to owner of record requirements for two-family dwelling units, residency requirements for owner of record related to efficiency units, and exceptions to dimensional requirements for parking areas for parks, playgrounds, and nature preserves.

COMMISSIONERS: Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Policy and Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

COMMENT: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this zoning referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

The public hearing date has been scheduled for 1/6/2020.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. Questions concerning this referral should be directed to Caitlin Palmer.

DISTRIBUTION: Planner: Ashford, Chaplin, Willington, Coventry, Tolland, Windham, Northeastern COG, Southeastern COG

Respectfully submitted,

Jennifer Bartiss-Earley, Chairman
Regional Planning Commission

Brendan Malone, Vice Chairman
Regional Planning Commission



Caitlin Palmer
Senior Community Development Planner

MEMO

To: Planning and Zoning Commission
From: Linda Painter, AICP, Director
Date: October 17, 2019
Subject: PZC File 907-47 ▪ Proposed Amendments to Zoning Regulations
Articles 7 and 10: Owner-Occupancy Requirements
Article 8: Setbacks for Parking associated with Parks, Preserves & Playgrounds

The PZC Regulatory Review Committee (RRC) discussed changes to the Zoning Regulations related to owner-occupancy requirements and setbacks for parking associated with parks, nature preserves and playgrounds at their October 4, 2019 meeting. By consensus, members present recommended that the proposed changes be forwarded to the Commission for consideration. This memo provides background information on the proposed amendments.

OWNER OCCUPANCY REQUIREMENTS

Background

The Zoning Regulations require that:

- 1) A record owner of a two-family dwelling developed in an RAR-90 zone reside in one of the subject dwelling units. The owner-occupancy requirement is required to be recorded on the land records and the record owner is required to submit proof of owner-occupancy to the Zoning Agent every two years (even numbered years).
- 2) When an efficiency unit is authorized, either the single-family residence or the efficiency unit be owner-occupied. A notarized affidavit certifying owner occupancy must be provided as part of the efficiency unit application as well as every two years.

While owner-occupancy is required, the terms “owner” and “record-owner” are not defined. As such, we have had situations where a property owner deeds a small percentage of ownership in the property to a tenant (1%) to be considered an owner-occupant. This same approach was previously used to avoid rental certification requirements required by the Housing Code in the Code of Ordinances.

In 2017, the Council revised the Code of Ordinances to define owner as “that individual owning at least a fifty-percent fee simple interest in said property. To qualify for this exemption, any such owner-occupant must be the record owner of a minimum fifty-percent fee simple interest in said residential rental property in his or her personal individual capacity only.”

A recent inquiry has highlighted the confusion caused by the different standards. Accordingly, staff recommends that the Zoning Regulations be updated to be consistent with the Code of Ordinances with regard to what constitutes an owner/owner-occupant.

SETBACKS FOR PARKING ASSOCIATED WITH PARKS, PRESERVES AND PLAYGROUNDS

Background

As part of a recent effort to improve access to the Nipmuck Trail, the Department of Parks and Recreation proposed the addition of a parking area at the southern terminus of the trail on property recently acquired for open space. In designing the parking area, staff determined that the Schedule of Dimensional Requirements in Article 8 requires that such parking areas meet setback requirements. In the particular instance, the new parking area would have to be located at least 60 feet from the road and 35 feet from the side property lines. In particular, the front setback results in the disturbance of a larger area than if such setbacks did not apply. To reduce impacts and facilitate the ability of both the Town and other organizations to improve access to parks and preserves, staff recommends providing an exception to the setback requirements for parking areas associated with such spaces.

Pursuant to RRC recommendations, the proposed revisions were updated to require a minimum 15-foot setback for parking lots and to encourage natural buffers to be retained to the maximum extent possible. Language was also added referring the reader to general landscaping requirements.

SUMMARY/RECOMMENDATIONS

If the Commission concurs with the recommended changes, the following motion would be in order:

Move to schedule a public hearing for Monday, December 2, 2019 to hear comments on the PZC proposed amendments to Articles 7, 8 and 10 of the Mansfield Zoning Regulations related to owner-occupancy requirements and setbacks for parking associated with parks, preserves and playgrounds dated October 17, 2019. The draft regulations shall be referred to the Town Attorney, Town Council, CRCOG, SECCOG, NECCOG and adjacent municipalities for review and comment.

ARTICLE 7 ▪ PERMITTED USES

Proposed Changes to Article 7, Section G (Permitted Uses in the RAR-90 Zone)

* * * * *

2. One two-family dwelling per 120,000 square foot lot, provided the two-family structure is located a minimum of 75 feet from the front property line or, where applicable, the highway clearance setback (see Article VIII, Sec. B.9), provided the two-family structure and all parking areas are located 50 feet from side property lines, provided the subject lot has frontage on a street as defined in these Regulations, and provided:
 - a. A record owner of the subject dwelling shall reside in one of the subject dwelling units at least six months per calendar year. "Owner" is defined as that individual owning at least a fifty-percent fee simple interest in said property in his or her personal individual capacity only.
 - b. This owner-occupancy requirement shall be recorded on the Land Records if the subject two-family dwelling receives a Zoning Permit and the record owner shall submit adequate proof of occupancy to the Zoning Agent every two years on the 1st of January of each even-numbered year;

* * * * *

ARTICLE 8 ▪ DIMENSIONAL REQUIREMENTS/FLOOR AREA REQUIREMENTS

Proposed Changes to Article 8, Section B.1 (Exceptions to the Schedule of Dimensional Requirements)

1. General Provisions

* * * * *

- i. Parks and Playgrounds – Parking areas for parks, playgrounds and other nature preserves are not required to comply with the minimum setback provisions of the Schedule of Dimensional Requirements. Where a park, nature preserve or playground abuts property in an RAR-90, R-90 or R-20 district, a minimum setback and landscape buffer at least 15 feet wide shall be provided between the parking area and the adjacent residentially zoned property. Natural buffers should be retained whenever possible. See Article VI, Section B.4.q.1 for additional landscaping requirements.
- j. Other - Other exceptions to the Schedule of Dimensional Requirements may be included within the permitted use provisions of Article VII, within the special regulations of Article X or within other provisions of these regulations. For example: Article X, Section A.4.d includes special dimensional provisions for projects in Design Development Districts.

* * * * *

ARTICLE 10 - SPECIAL REGULATIONS

Proposed Changes to Article 10, Section L.2.a (Efficiency Units)

Amend Section L.2.a.1 as follows:

1. A record owner (as defined in Article 7, Section G.2) of the subject property shall reside in ~~Either the single-family detached residence or the efficiency unit~~ at least six months per calendar year ~~shall be owner-occupied~~. To help ensure compliance with this requirement and with other provisions of these Regulations, the record-owner of the subject property shall submit to the Commission the following information:
 - a. Proof of owner-occupancy, which shall consist of a notarized affidavit.
 - b. A written statement specifying that all the provisions of Article X, Section M of the Zoning Regulations, regarding efficiency units, are being complied with;
 - c. Other information as deemed necessary by the Commission or the Zoning Agent to document compliance with all applicable regulations.

PZC file 0056
\$ 250

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

APPLICANT/OWNER SECTION

1. Owner(s) The Estate of Lloyd T. Duff Telephone 860-423-1375
(please PRINT)
Address 41 Chaffeeville Road Town Mansfield Center Zip 06250-1112

2. Applicant(s) Wendy and Dudley Hamlin Telephone 860-208-1502
(please PRINT)
Address 61 Chaffeeville Road Town Mansfield Center Zip 06250-1112

3. Site Location Holiday Hill Day Camp & Recreation Center, 41 Chaffeeville Road, Mansfield Center

4. Reference any approved map(s) that would be superseded if this request is approved:
NA

5. Reference any new map(s) submitted as part of this request:
NA

6. Itemize and describe the modification(s) being requested, using separate sheet where necessary. The description must be adequate to determine compliance with all applicable land use regulations: -
See attached description.

7. _____ date _____
Applicant's signature

(over)

ZONING AGENT'S SECTION

After reviewing this application with respect to provisions of the Mansfield Zoning Regulations, including Article XI, Section D and Article V, Sections A.8 and B.9, the following determination has been made:

1. The subject modification request does not contain adequate information and is therefore denied. Applicable comments are listed below.
2. The subject modification is denied for reasons listed below.
3. The subject modification request has been reviewed with the PZC Chairman and we have concurred that the requested modification is minor in nature. Subject to any special conditions or comments noted below, the subject modification request is approved.
4. The subject modification request has been reviewed with the PZC and, in accordance with PZC action on _____, the subject modification request is approved, subject to any special conditions or comments noted below.
5. The subject modification request has been reviewed with the PZC and, in accordance with PZC action on _____, the subject modification request is considered a significant alteration of the approved plans and/or site, and shall require the submittal and processing of a new site plan or special permit application.
6. Other (see comments below)

Special conditions/comments/reasons for denial:

Zoning Agent's signature

date _____

PZC Chairman's signature (items 3 and 4 above)

date _____

REQUEST FOR SITE/BUILDING MODIFICATIONS

Mansfield Zoning Regulations

Holiday Hill Day Camp & Recreation Center, 41 Chaffeeville Road, Mansfield Center, CT 06250

As an extension of our existing modifications as a summer day camp, recreation center, and wedding and party venue, we would like to offer a vacant home on the property as lodging for our wedding clients and as an Airbnb in seasons when our day camp is not in operation. From 1960 until the passing of our patriarch in 2016, the building was the home for the family of Lloyd and Gwen Duff. It is attached to an apartment that serves as the Holiday Hill Day Camp and Recreation Center business office. This location—at the heart of our summer camp—precludes us from considering converting the home to a year-round residential rental unit. We intend to contract for short-term stays with one client or family at a time; not to multiple guests not of acquaintance. There are four bedrooms with beds for up to seven guests and a pullout sofa for a potential of two more. Summer guests would be accepted only on weekends in conjunction with a wedding or party rental. We would not have rental guests on the property at any time on weekdays when our summer youth campers were present, mid-June to late August. In seasons outside of summer we would limit availability to dates when the directors would be present in their home on the same property at 61 Chaffeeville Road, or when our property manager was available to supervise the site. There is ample parking behind the house, out of sight of Chaffeeville Road. The septic system is serviced annually as a part of our seasonal camp operation and has served the family home and our summer camp operation for decades. Our wells are private and tested quarterly and the property is inspected annually by the town Fire Marshal as required by Connecticut's Office of Early Childhood Youth Camp regulations.

