

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, May 21, 2007

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger,
P. Plante, B. Ryan, G. Zimmer

Alternates present: M. Beal, L. Lombard, B. Pociask

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:01 p.m.

Favretti noted a new business item to be added to the agenda. Holt MOVED, Gardner seconded, to add to the Agenda under New Business, the application for a driveway alteration and related site work along a Scenic Road at 112 Dog Lane, File 1010-5. MOTION PASSED UNANIMOUSLY.

Minutes:

4/26/07- Plante MOVED, Holt seconded, to approve the 4/26/07 PZC Special Meeting minutes as corrected. Zimmer noted that he listened to the tapes. MOTION PASSED UNANIMOUSLY.

5/7/07- Hall MOVED, Holt seconded, to approve the 5/7/07 PZC Meeting minutes as written. Kochenburger noted that he listened to the tapes. MOTION PASSED UNANIMOUSLY.

Scheduled Business:

Zoning Agent's Report

A.- C. were noted. Hirsch updated the Commission that some grading activity has begun at the Eric Hall site. He also noted that the Banis and Hall gravel permits are due for renewal, and both have submitted renewal requests and applicable fees. Gardner MOVED, Holt seconded, to set a Public Hearing for June 18, 2007 to hear requests on gravel permit renewals. MOTION PASSED UNANIMOUSLY.

Old Business:

Subdivision Application, Glenn Terrace, Section 5, property at the eastern end of Ellise Road, Girard College Development Fund, o/a, File #750-3

Chairman Favretti disqualified himself and Vice-Chair Goodwin presided, appointing Lombard to act. With no further discussion or questions, Goodwin MOVED, Holt seconded, to approve with conditions the subdivision application (File #750-3), of Girard College Development Fund, for the Glen Terrace Section 5 Subdivision, on property owned by the applicant, located on Ellise Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated January 1, 2007 as revised to April 30, 2007.

This approval is granted because the application, as hereby approved, is considered to be in compliance with the Mansfield Subdivision Regulations. Approval is granted with the following conditions:

1. Final plans shall be signed and sealed by the responsible surveyor, engineer, and soil scientist.
2. Pursuant to subdivision regulations, particularly Sections 7.5 and 7.6, this action specifically approves the depicted Building Area and Development Area Envelopes. Unless the Commission specifically authorizes revisions, the approved envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be specifically Noticed on the Land Records and the deed for the subject property.
3. This approval accepts the applicant's proposed conservation easement and conveyance to the Town of a 50 foot wide segment of land that would allow a future open space connection to adjacent land. Their dedications address the open space requirements of Section 13 for the subject subdivision. A conservation easement document shall be approved by the Director of Planning and Town Attorney and filed on the Land Records in association with final plans. The easement shall utilize the Town's model format and shall require that the easement area be maintained in a natural state except for the authorized brook crossing.
4. The final plans shall incorporate the following revisions:
 - A. Inclusion of the 3 IWA conditions of approval as map notes.
 - B. Inclusion of details for the temporary stream crossing.
 - C. Inclusion of daily erosion and sedimentation control inspections until disturbed areas are stabilized.
 - D. Revision to bi-weekly for submittal of E&S monitoring reports.
 - E. Inclusion of a map note that the brook crossing bridge shall have a design capacity of at least 80,000 lbs.

F. Inclusion of wooden guardrails and associated wooden end treatments for the bridge over Fishers Brook.

5. Pursuant to Section 8.5.a.2 of the Subdivision Regulations, only one lot is authorized on the subject property. This condition shall be specifically Noticed on the Land Records and the deed for the subject property.

6. Final plans shall address the survey certification requirements of Section 6.5.4.b and the requirement to tie the survey to the Connecticut Plane Coordinate System. Recognizing that there may not be any nearby Plane Coordinate System monumentation, the PZC Chair with staff assistance, is authorized to waive the coordinate system provisions provided regulatory criteria are met.

7. Pursuant to Sections 11.1 and 11.2, the PZC waives underground utility installation for the crossing of Fishers Brook (as depicted on final plans). All other utility lines shall be installed underground.

8. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety (90) or one hundred and eighty (180) day filing extension has been granted):

A. All final maps, including submittal in digital format, a conservation easement, an open space deed for the depicted 50 foot wide addition to existing Town open space land and a Notice on the Land Records to address conditions 2 and 5 (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;

B. All monumentation (including delineation of the conservation easement and Town open space dedication with iron pins and Town's official markers every 50-100 feet on perimeter trees or on cedar posts), with Surveyor's Certificate, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days, of any judgment in favor of the applicant.

MOTION PASSED with all in favor except Hall who voted against the motion.

Public Hearing:

Application to amend the Zoning Regulations; Storrs Center Alliance and Mansfield Downtown Partnership, applicants, File #1256

Application to amend the Zoning Map to create a new Storrs Center Special Design District, Storrs Center Alliance and Mansfield Downtown Partnership, applicants, File #1257

Chairman Favretti opened the Continued Public Hearing at 7:18 p.m. for the above applications. Commission members present were Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Plante, Ryan, Zimmer, and alternates Beal, Lombard and Pociask. Padick listed the following communications and supplemental information received and distributed to all members of the Commission:

- 4/4/07 letter from Robert Coughlin, Storrs Heights Road (received at the 4/5/07 Public Hearing)
- undated letter from Betty Robinson, Sycamore Drive
- 4/26/07 letter from Helen Koehn, Separatist Road
- 4/26/07 letter from Elizabeth Paterson, Mayor
- 4/26/07 letter from Matthew Hart, Town Manager
- 4/26/07 letter from Representative Denise Merrill
- 4/26/07 letter from Sherry Hilding, Courtyard Lane
- 4/26/07 email from Denise Burchsted, Representative of Naubesatuck Watershed Council
- 4/26/07 email from Janet Roach, Hunting Lodge Road
- 4/18/07 letter from Mansfield Conservation Commission
- 5/15/07 letter from Cynthia VanZelm Representing the applicants, Re: Zoning Text Amendment
- 5/15/07 letter from Cynthia VanZelm Representing the applicants, Re: Zoning Map Amendment with attached Design Guideline Revisions
- 5/18/07 letter from Thomas Callahan, UConn Associate Vice-President with a 5/17/07 attachment letter from Jeanine Bonin of Malone and MacBroom
- 5/18/07 update report from Gregory Padick, Director of Planning

Chairman Favretti reviewed the procedures for conducting this Public Hearing, and asked for any further comments or presentations from the applicants or their representatives.

Cynthia VanZelm and Attorney Cody stated that tonight they will be addressing the key issues raised at the previous Public Hearings and those from the staff and Commission members. Cody outlined the issues addressed in the two letters from VanZelm each dated 5/15/07. He detailed five main issues which included private residence clubs, the Phase 1 road connecting to Post Office Road, cut-through or diverted traffic, the tunnel for pedestrian traffic, and some details in the design guidelines. Cody added that the letters did not include the applicants' position on private residence clubs; he further stated that the applicants are willing to change the wording to "private clubs". Additionally, he agreed to delete from permitted uses all fraternities and sororities, not just those that are sanctioned by UConn.

Zimmer and other Commission members raised the following questions: how to prevent college students from purchasing a property and creating a "fraternity", on-street parking along Storrs Road, and continued concern for the completion of the road connector to Post Office Road.

Gardner questioned live music and alcohol limitations. Cody responded that all businesses in the zone would still have to adhere to the Town Ordinances set for noise levels (live music) and liquor sales.

Holt mentioned that she would like to see live music be moved from outdoors to indoors after 9 or 10 p.m. She also expressed concern with the applicants' asking to waive the current separating distances between the high school and places that sell alcohol and also about the alcohol advertising signs that might be displayed in windows across from the high school. She hoped the applicants would eliminate neon window signs and lower the amount of window covered to 25%. Toledano indicated that the applicants would be willing to reduce window signs to 25% of the window coverage and would look at the neon sign issue.

Hall questioned why the applicants think that parking on Storrs Road is safe, when UConn recently removed all on-street parking from North Eagleville Road.

Goodwin is concerned with the safety of the high school students who frequently step out into speeding traffic on 195, noting that the project will increase the traffic, and that busses and on-street parking will only make pedestrian safety worse, especially during the construction period.

Kochenburger wondered who will be in control of the parking garages and their profits. Cody responded that they will be owned and operated by the Town, and all profits will go to the Town. Kochenburger also questioned if the A.D.A. requirements apply to a pedestrian tunnel since there are other ways to cross the street without going underground. He noted that if A.D.A. standards were not required, the tunnel would not have to be so long and would be less costly. He also questioned the 5% figure representing the number of vehicles on 195 that will be diverted onto local side roads, a figure given by Fred Greenberg of BL Companies. Kochenburger stated that it isn't necessarily the volume of traffic that concerns him, but the speed. He doesn't feel there

is an easy solution or that the applicants can remedy this, but feels that a commitment from the Town for police enforcement would help.

Plante asked Fred Greenberg what the average daily traffic is on Storrs Road. Greenberg responded that according to Connecticut D.O.T. figures, the average daily number of cars is 15,000.

Favretti noted that there are some technical issues regarding landscaping that can be addressed as a condition.

Holt asked the applicant who will own the open space conservation area and who or what organization will hold the conservation easement document or agreement. Cody said that Storrs Center Alliance will own the land, and that the depicted conservation area will be protected by a conservation easement document, to be held by the Town or a suitable non-profit organization, and this will prohibit development in the conservation area. Padick suggested the Town should hold the easement because of the storm-water drainage work that will need to take place in the conservation area.

Hall mentioned that it would appear from past testimony on other applications that Joshua's Trust would not be interested in taking care of property that they do not own.

Favretti then asked for any questions and comments from the public.

Matt Hart, Town Manager responded to concerns raised by Commission members about the traffic safety issues and impact on local roads, and related that the Traffic Authority would take appropriate action to address and identify issues that need attention. Hart indicated that the Traffic Authority could review and respond to these concerns at the next meeting, but this would necessitate keeping the Public Hearing open, which was determined not necessary.

Curt Hirsch, 795 Stafford Road, speaking as a resident of Mansfield who is very interested in moving into the proposed development area, said he feels that people who are interested in living in this development will be doing so because of the energy that this project will create with the music, shops, restaurants, live entertainment and the many planned activities. Typical restrictions in other areas of town should not apply here. The purpose and the attraction of this project is that it is going to be a vibrant place to live, which would attract those desiring the same. He also favors on-street parking along 195.

Manny Haidous, Cedar Swamp Road, noted that he is in favor of the development and agrees with Hirsch's comments. He is pleased with the process, the public information distributed, and the way the applicants have addressed obstacles. He felt that on-street parking and traffic contributed to a good business environment.

Thomas Callahan, UConn, wanted the Commission to know that he was available for any questions or comments regarding the draft water plan. (There were no questions raised.)

Hall doesn't want everything to look the same in the development, and noted that umbrellas and awnings should be colorful and should not be limited as to colors, and that advertising on them should be allowed. Discussion ensued as to whether or not awnings and umbrella advertising would fall under sign regulations.

Kochenburger wondered if the revenue and traffic projections of this project considered the fine arts building being completed or the Hillside Road connector built. Toledano stated they did not.

Lombard asked if this application represented a paradigm shift in planning. Toledano said yes.

A brief recess was declared by the Chairman to give the applicants a chance to confer with their team to determine if continuing the Public Hearing would be necessary.

Cody informed the Commission that the applicants did not feel a need to continue the Hearing. He thanked members and staff for their time and consideration.

Padick briefly discussed some remaining issues and emphasized that more information is needed on the Storrs Road improvements and the impact on local roads. He asked for clarification on the impact of the connection to Post Office Road, noting that said connector would help alleviate traffic on Storrs Road and local roads if completed as soon as possible.

Fred Greenberg of BL Companies responded in length to the Commission's concerns about increased traffic. He gave the levels of service (LOS) on the affected roads and intersections at the peak hour. For example, currently the LOS at the intersection of 275 and 195 is at level B; for Phase 1 without the P.O. Road connector the LOS would be C; at full build-out with the connector it would be C.

Zimmer wanted a brief explanation of the LOS classification system, and Greenberg noted that A is the best and F is the worst.

Padick questioned if the level of service will be better in Phase 1 with P.O. Road connector built, and he clarified that the difference between a driveway and a finished road is only the final paving coat. Drainage will be installed, and the driveway would be the same width as required for a finished road. Cody stated that the applicants intend for the connector to be constructed as a driveway and it will be fully accessible to the public for all the phases until turned into a finished town road for Phase 4. The applicants are willing to fully bond the cost of establishing the connector as a town road.

With no further questions or comments, Plante MOVED, Gardner seconded, to close the Public Hearing at 9:34 p.m. MOTION PASSED UNANIMOUSLY.

Old Business Continued:

2. Special Permit Application, proposed gravel removal, 1090 Stafford Rd, K. Green, o/a File #1258

Gardner MOVED, Hall seconded, to approve with conditions the special permit application of K. Green (File # 1258) for a gravel removal activity at 1090 Stafford Road, as shown on a plans dated 2/7/07 as prepared by Filip Associates, a March 2007 Statement of Use and described in other application submissions, and as presented at a Public Hearing on 5/7/07. This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and Article X, Section H of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. All disturbed areas shall be covered with a minimum of 4 inches of topsoil and revegetated as per regulatory requirements and application submissions. No topsoil shall be removed from site without prior authorization.
2. The final plans shall be revised to include a final seeding mixture and to incorporate the daily inspection of erosion and sedimentation controls.
3. Due to the agricultural nature of the subject application, the distance of the site activity from wetland/watercourse areas and the adequacy of submitted plans, no site development bonding shall be required at this time. The PZC reserves the right to require bonding if site development problems arise.
4. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records. If the subject excavation and site restoration work are not completed by 7/1/08, renewal of this Special Permit shall be required.

This approval accepts the applicant's requested waivers of map submission requirements. The information provided is adequate to address all applicable approval requirements.
MOTION PASSED UNANIMOUSLY.

Special Permit Application, Proposed sale of alcoholic liquor, Sukasame Thai Cuisine, Komkai Sukasame, applicant, 13 Dog Lane, File # 1073

Commissioner Hall noted that he will be reading the draft motion without the suggested Condition #3. He felt that the condition's objective was meant to enforce the Town's parking regulations, and he did not feel it appropriate or necessary to include it in the approval motion. Hall MOVED, Gardner seconded, to approve with conditions the special permit application (File #1073) of K. Sukasame for the sale of alcoholic beverages in association with the Sukasame Thai Cuisine restaurant on property located at 13 Dog Lane, as submitted to the Commission and as presented at a Public Hearing on 5/7/07. This approval is granted because the application as approved is considered to be in compliance with Article X, Section I, Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. Any significant change in the proposed restaurant use as described in application submissions and at the 5/7/07 Public Hearing shall require further PZC review and approval. Any questions regarding what constitutes a significant change shall be reviewed with the Zoning Agent and, as deemed necessary, the PZC;
2. The owner shall be responsible for training staff with respect to all applicable Connecticut liquor laws;
3. 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 determine compliance with applicable approval criteria.

Discussion was held, and Holt MOVED, Zimmer seconded, to amend the motion to add the following as #3 and renumber accordingly: “#3. To help promote vehicular and pedestrian safety, the owner shall take appropriate actions to make sure that employees and customers do not park in the designated Dog Lane loading zone.” Motion to amend FAILED.

Hall’s original MOTION PASSED UNANIMOUSLY.

Freedom Green Issues: request for release of escrow funds and authorization to begin Phase IV.C.

Padick noted that the condominium association at Freedom Green and the developer have reached an agreement on all issues and should be signing necessary documentation this weekend. This item is tabled until the next PZC meeting, pending the receipt of more information.

Modification Request, Proposed deck for Stonewall Tavern, 847 Stafford Rd, File #595:

Padick summarized his memo and noted there were no issues raised by the EHHD or by other staff members. Holt noted that over the years there has been much neighborhood concern about noise associated with live music and she would like to see a condition of no live music on the deck. Padick said that he had no problem adding that as a condition. Ryan expressed concerns for safety, and Hirsch confirmed that there is an 8 to10-foot drop behind the building where the proposed deck would be. He also noted that railings have to meet the Town’s building code and safety standards.

Holt MOVED, Hall seconded, that the PZC Chairman and Zoning Agent be authorized to approve the 5/07/07 modification request of Stonewall Tavern LLC., for a rear deck and related site work at 847 Stafford Road as described in the submitted Statement of Use and as depicted on submitted plans. This authorization is subject to the following conditions:

1. All previously approved plans and associated conditions of approval regarding the subject property and authorized restaurant use, including live music requirements, shall remain in effect except as altered by this modification approval.
2. All requirements of the Fire Marshal shall be addressed in conjunction with the zoning permit and building permit approval processes.
3. No live music shall be performed on the deck. MOTION PASSED UNANIMOUSLY.

UConn Draft Watershed and Wastewater Master Plan:

Padick noted that he and staff will be attending a meeting about the draft watershed plan.

Discussion: Zoning for Pleasant Valley Road area (between Mansfield City Rd & Mansfield Ave):

After a brief discussion, Kochenburger MOVED, Zimmer seconded, that the Director of Planning and PZC officers draft a letter to submit to the Town Council to look into purchasing the prime agricultural land identified in the Pleasant Valley Road area. MOTION PASSED UNANIMOUSLY.

Potential Revisions to PZC/IWA Fee schedule:

Item tabled.

Presentation by Paula Stahl from the Green Valley Institute on Open Space Subdivisions:

Item tabled for June 18th meeting.

New Business:

1. Request for increase in occupancy at Thirsty Dog Pub and Grill, 134 N. Eagleville Rd, File # 930-2

After a brief update from Hirsch, the item was tabled awaiting further information.

2. Request for driveway alterations/associated site work along Scenic Road, Moynihan Property,

112 Dog Lane File #1010-5

Members Pociask, Kochenburger and Zimmer disqualified themselves, and Favretti appointed alternates Beal and Lombard to act. Padick summarized his memo. After a brief discussion, Goodwin MOVED, Holt seconded, that the Planning and Zoning Commission schedule a Public Hearing for Monday June 18, 2007 for proposed driveway alterations at 112 Dog Lane and that staff refer the subject request to the Tree Warden/Public Works Director, the Town Council and property owners on Dog Lane who have frontage within 500 feet of the subject project. MOTION PASSED with all in favor except Pociask, Kochenburger and Zimmer who disqualified themselves. Favretti noted that it will be added to the next field trip agenda.

Reports of Officers and Committees:

None

Communications and Bills:

The agenda items were noted.

Adjournment:

Favretti declared the meeting adjourned at 10:08 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary