

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, July 2, 2007

Council Chambers, Audrey P. Beck Municipal Building

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

Members absent: J. Goodwin, P. Kochenburger

Alternates present: M. Beal, L. Lombard,

Alternate absent: B. Pociask

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:35 p.m. and appointed alternates Beal and Lombard to act.

Chairman Favretti stated that there was a new item to add to the agenda regarding the August meeting schedule. Holt MOVED, Gardner seconded, to add to the Agenda under New Business item 4, Vacation Schedules. MOTION PASSED UNANIMOUSLY.

Minutes:

6/18/07- Hall MOVED, Lombard seconded, to approve the minutes as written. MOTION PASSED UNANIMOUSLY.

Scheduled Business:

Zoning Agent's Report

A.- C. were noted. Hirsch updated the Commission on the Edward Hall gravel site: the vehicles from T&B Motors seen on the Field Trip have been removed. At the Eric Hall site, work continues to progress. Hirsch noted that he and Chairman Favretti signed off on a minor site modification at 1066 Storrs Road, determining that it was an insignificant change to the approved parking area plans.

Old Business:

1. Special Permit renewal for removal of material - Banis Property on Pleasant Valley Rd.,
(File #1164)

Holt MOVED, Zimmer seconded, to approve with conditions the special permit renewal application (file 1164) of Steven D. Banis for the removal of approximately 9,000 cubic yards of excess material from Area #3 to be used for agricultural purposes on property owned by the applicant, located at Pleasant Valley Farm, Pleasant Valley Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 6/1/05 revised through 4/24/07, accompanied by a 4/24/07 letter, and as presented at a Public Hearing on 6/18/07. This approval is granted because the application as hereby approved is considered to be in compliance with Article X, Section H, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted subject to the following conditions:

1. The applicant shall implement the suggestions and recommendations for soil and erosion control contained in a 7/12/00 letter from David Askew, District Manager of the Tolland County Soil and Water Conservation District, Inc. This work includes the stabilization of areas adjacent to watercourses, the stabilization of the largest intermittent stream channel, the phasing of land-disturbing activity to minimize periods of soil exposure and the revegetation of disturbed areas.
2. No blasting or excavation work shall take place within fifty feet of a property line. Particular care shall be taken in meeting this requirement adjacent to the Wadsworth property.
3. All work shall be conducted between 7 a.m. and 7 p.m. Monday through Friday and between 9 a.m. and 7 p.m. Saturday.
4. All blasting work shall be subject to the permitting process administered by the office of the Fire Marshal. The applicant's blasting agent shall notify the Windham Airport prior to blasting activity pursuant to a schedule to be agreed upon by the blasting agent, Mansfield's Fire Marshal and the Windham Airport manager. In addition, the applicant shall place a temporary sign along Pleasant Valley Road at least twelve (12) hours prior to blasting activity. The sign shall note the anticipated period of blasting.
5. Based on the applicant's submissions, all material removed from site is to be trucked out of Mansfield. All trucks hauling material offsite shall use Pleasant Valley Road to Route 32 to Route 6, and all loads shall be covered during transit.
6. The site shall be maintained as follows:
 - A. There shall be no rock-processing equipment onsite;
 - B. There shall be no rock or stump burial onsite;

- C. Onsite stockpiling shall be kept to a minimum to help prevent safety problems;
- D. No topsoil shall be removed from the site.
- E. The applicant shall submit bi-weekly erosion and sedimentation monitoring reports to the Zoning Agent until disturbed areas are revegetated;
- 7. Subject to compliance with all conditions, this permit shall be in effect until July 1, 2008;
- 8. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records. MOTION PASSED UNANIMOUSLY.

2. Special Permit renewal for removal of material - Hall property on Mansfield Hollow Rd. Ext.,
(File #910-2)

Holt MOVED, Lombard seconded, to approve with conditions the special permit renewal application of Edward C. Hall (file 910-2) for excavating and grading on property owned by the applicant, located off Bassetts Bridge Road, as presented at a Public Hearing on 6/18/07. This renewal is granted because the application as hereby approved is considered to be in compliance with Art. V, Sec. B and Art. X, Sec. H of the Mansfield Zoning Regulations. Approval is granted with the following conditions, which must be strictly adhered to, due to potential adverse neighborhood impacts. Any violation of these conditions or the Zoning Regulations may provide basis for revocation or non-renewal of this special permit.

- 1. No activity shall take place until this renewal of special permit is filed on the Mansfield Land Records by the applicant. This approval for special permit renewal shall apply only to the authorized Phase I area of the site.
- 2. This special permit renewal shall be effective until July 1, 2008;
- 3. Excavation activity shall take place only in accordance with plans dated 12/1/91 and 5/9/95, as revised to 6/13/06;
- 4. This special permit renewal does not authorize the deposition of more than 100 cubic yards of fill material onto the permit premises (the whole 17-acre lot) during any 12-month period;
- 5. All work shall be performed by Edward C. Hall or his employees. No other subcontractors or excavators shall excavate in or haul from this site. All work shall be performed using the equipment stated on said plans and in the applicant's Statement of Use;

6. No more than 8,000 cubic yards of sand and gravel or the amount of material remaining in Phase I, whichever is less, shall be removed per year;
7. In association with any request for permit renewal, the following information shall be submitted to the Commission at least one month prior to the permit expiration date:
 - A. Updated mapping, prepared by a licensed professional engineer, depicting current contour elevations and the status of site conditions, including areas that have been revegetated;
 - B. A status report statement that includes information regarding:
 - the amount of material removed in the current permit year and the estimated remaining material to be removed in the approved phase;
 - the planned timetable for future removal and restoration activity;
 - conformance or lack thereof with the specific approval conditions contained in this renewal motion

Unless prior authorization has been granted by the Commission, the existing area to the south and southeast of the approved excavation phase shall be retained in its existing wooded state. This area provides a buffer between the subject excavation activity and neighboring residential uses and is deemed necessary to address neighborhood impact requirements. The buffer shall extend southerly from the approved Phase I area to the Stadler-McCarthy property and shall extend southeasterly along the Gray and Dyjak properties to Mansfield Hollow Road Extension. The southeasterly extension shall have a minimum width of 50 feet (see Article X, Section H.5.e);

9. Topsoil:
 - A. A minimum of 4" of topsoil shall be spread, seeded and stabilized over areas where excavation has been completed;
 - B. No loam shall be removed from the property. All stockpiled loam presently on the site shall be used for restoration of the area where gravel is removed
10. In order to ensure that dust does not leave the site, erosion and sedimentation controls and site restoration provisions as detailed in the plans shall be strictly adhered to and the following measures shall be implemented:
 - A. No more than 1.5 acres shall be exposed at any one time;
 - B. The work shall be performed as described, from north to south and west to east, occurring in a "trough";

C. The swale along the haul road shall be kept dust-free and maintained to trap fine material and to keep the gravel surface of the road clean;

D. If the above measures do not control dust on the site as evidenced by complaints from nearby residents and verification by the Zoning Agent, dust monitors shall be installed immediately, with the advice of the applicant's engineer, and with their operation approved by the PZC;

E. The haul road shall be watered as necessary to prevent dust;

F. All loads shall be covered at the loading location;

G. There shall be no stockpiles of any material other than topsoil located outside the excavation area. Any stockpiles will be only as part of the daily operation of the excavation and shall not exceed 10 cubic yards in size. All stockpiled material shall be graded off and stored within the lower portions of the site in order to minimize any windblown transport.

11. In order to ensure that there is no damage to the major aquifer underlying the subject property and nearby wells, the following shall be complied with:

A. An annual ground water monitoring report (due 10/1) shall be submitted to the Zoning Agent;

B. Excavation shall not take place within 4 feet of the water table;

C. Materials stored onsite shall be limited to those directly connected with the subject excavation operation or an agricultural or accessory use authorized by the Zoning Regulations. Any burial of stumps obtained from the permit premises shall be in conformance with the DEP's regulations;

D. With the exception of manure, which shall be spread in accordance with the letter received at the 4/6/94 PZC meeting from Joyce Meader of the Cooperative Extension Service, no pesticides or fertilizers shall be applied unless a specific application plan is approved by the PZC. All operations to restore the subject site shall employ Best Management Practices as recommended by the Natural Resources Conservation Service and State Department of Environmental Protection for the application of manure, fertilizers or pesticides and the management of animal wastes;

E. No refueling, maintenance or storage of equipment shall be done onsite, in order to minimize the potential for damage from accidental spills;

12. At a minimum, the subject site shall be inspected monthly by the Zoning Agent. Said agent shall schedule quarterly site inspections and shall invite neighborhood representatives to accompany him;

13. Old Mansfield Hollow Rd. shall be the only route used for deliveries out of the neighborhood;
14. All zoning performance standards shall be strictly adhered to;
15. Approval of this permit does not imply approval of any future phase;
16. The existing cash bond plus accumulated interest shall remain in place until the activity has ceased and the area has been stabilized and restored to the satisfaction of the PZC. Prior to filing notice of this Special Permit renewal on the Land Records, an updated bond agreement approved by the PZC Chairman with staff assistance shall be executed.;
17. Hauling operations and use of site excavation equipment shall be limited to the hours of 8 am to 5:30 p.m. Mon.-Fri., and 8 a.m. to 1 p.m. on Saturday, with no hours of operation on Sunday;
18. This special permit shall become valid only after it is obtained by the applicant from the Mansfield Planning Office and filed by him upon the Mansfield Land Records;
19. For one year only, from July 1 2007 to July 1, 2008, the Planning and Zoning Commission waives the requirement of a map submission as per Condition #7A.

Further, it is noted that if there are any changes to the site or plan not authorized by this approval, the applicant shall request a modification before proceeding. Such a request for modification may be considered major and may entail a Public Hearing, depending on the nature of the request and its potential for impact on the health, welfare and safety of Mansfield's citizens and nearby residents.

MOTION PASSED UNANIMOUSLY.

3. Request to reduce escrow fund for phase 4B. Freedom Green File 636-4

Padick summarized his memo and recommended the PZC table action on this item pending more information from the applicant. Item tabled.

4. Subdivision/Bonding Issues

- a. Wild Rose Estates-2, File #1113-3

Padick summarized his memo and recommended the PZC table action on this item noting that staff is waiting for more progress at the site before recommending action to the PZC. Item tabled.

- b. Maplewoods-Section 2, File #974-3

Gardner MOVED, Ryan seconded, that the Planning and Zoning Commission authorize the Director of Planning to take appropriate action to release the maintenance bond for public improvements in the Maplewoods Section 2 Subdivision. MOTION PASSED UNANIMOUSLY.

5. New Application to amend the Zoning Map by rezoning land on Storrs Rd and Middle Turnpike from PO-1 and RAR-90 to PB3. M. Carlson, Realm Realty applicant; F. and O. Sanderson, S. Rogers, D. Donaldson, B. Depray, and M. Krivanec, owners. File #1259
Tabled-Public Hearing scheduled for July 16th.

6. Request for increase in occupancy at Thirsty Dog Pub and Grill, 134 N. Eagleville Rd, File # 930-2
Tabled-awaiting information from the applicant.

7. Discussion-Zoning Classification of Pleasant Valley Road area

Chairman Favretti suggested the PZC table discussion on this until the end of the meeting, after all other regular business has been conducted.

8. Potential Revisions to PZC/IWA Fee schedule
Tabled-awaiting staff report.

At this time, Chairman Favretti declared that the agenda be amended to attend to New Business Item #2.

New Business:

2. Request to revise 1990 agreement re: property at 82-86A Storrs Rd (Staples Center), File #483-4

David Mills of U.S. Properties, applicant, was present and gave a brief history on the property and explained his request for a revision to one of the provisions of the Special Permit approval. Padick summarized his memo, and after a brief discussion, Hall MOVED, Plante seconded, that the PZC modify the retail occupancy provisions of an August 6, 1990 agreement to change from 3 to 5 the number of retail tenants that may occupy the existing commercial building at 82-86A Storrs Road, currently known as the Staples Center. This action does not alter other applicable provisions of the 1990 agreement and all building and occupancy changes must comply with applicable Zoning Regulations, including site and building modification approval requirements. MOTION PASSED UNANIMOUSLY.

Chairman Favretti opened the Public Hearing at 8:15 p.m. and noted that Zimmer disqualified himself. Present and acting were Commission members R. Favretti, B. Gardner, R. Hall, K. Holt, P. Plante, B. Ryan,

and Alternates Beal and Lombard. Padick noted that no additional Legal Notice was printed in the Chronicle, and referenced a 6/22/07 explanation letter from property owner Moynihan and a 6/26/07 memo from the Director of Planning. Padick summarized his memo and noted that he and Lon Hultgren, the Public Works Director and Tree Warden, visited the site earlier in the day and determined that the two trees requested by Mr. Moynihan would address the sight-line issues adequately. Favretti noted for the record that there were no members of the audience present, and noting no further questions or comments from Commission members, Hall MOVED, Gardner seconded, to close the Public Hearing at 8:20p.m. MOTION PASSED with all in favor except Holt who was opposed.

Favretti opened the discussion for Commission members, and Holt expressed her concern that the two trees suggested for removal are not adequate and that more trees may need to be removed. Favretti noted that staff had visited the site and concurred that removing the two trees indicated on the plan was sufficient and if in the future the applicant desires to remove more trees, he can then reapply.

Gardner MOVED, Lombard seconded, that the PZC communicate to the Town Council that it has no objection to the proposed removal of trees necessary for the proposed driveway alterations at 112 Dog Lane as described in applicant submissions revised to June 22, 2007. The proposed tree removal is not expected to alter the scenic character of Dog Lane and therefore, no mitigation measures, other than applicant- proposed stonewall restoration work, are deemed necessary. MOTION PASSED UNANIMOUSLY.

New Business Continued:

Request for Development Area Envelope revision, Lot 9-Beacon Hill Estates, File #1214-2

Padick summarized his 6/27/07 memo and with no questions or comments from Commission members, Hall MOVED, Ryan seconded, that the Planning and Zoning Commission approve a Development Area Envelope and driveway revision for Lot 9 in the Beacon Hill Estates subdivision as proposed in a 6/20/07 modification request from Spring Hill Properties. This approval is conditioned upon the preservation and appropriate upgrading of stone wall segments adjacent to areas disturbed in conjunction with driveway work. MOTION PASSED UNANIMOUSLY.

8-24 Referral: Proposed conveyance of Riverside Cemetery in Gurleyville to the Town Padick summarized his 6/28/07 memo and with no questions or comments from Commission members, Holt MOVED, Hall seconded, that the Planning and Zoning Commission report to the Town Council that it has no objection to the Town acceptance of the Riverside Cemetery property on Gurleyville Road. MOTION PASSED UNANIMOUSLY.

August Meeting Schedule

After polling all members, the consensus was to cancel the 2nd meeting in August, as traditionally done. Holt MOVED, Gardner seconded, to cancel the August 20, 2007 meeting due to vacation schedules. MOTION PASSED UNANIMOUSLY.

Old Business Continued:

Discussion-Zoning Classification of Pleasant Valley Road area

Chairman Favretti and Director of Planning Padick presented information contained in their 7/2/07 memo that summarizes a preliminary Pleasant Valley Road land use/zoning analysis. A potential land use map was displayed and described while Padick summarized the memo. It was requested by Favretti that the PZC study the memo and the suggested recommendations for re-zoning Pleasant Valley Road between Mansfield City Road and Mansfield Avenue, and to be prepared to offer feedback at the July 16th Meeting.

Reports of Officers and Committees:

Holt noted that Tolland sent to the Regional Planning Commission of WINCOG its proposed animal regulations. Padick stated that he has received a copy from WINCOG which he will be reviewing. Holt asked that this item be added to the Regulatory Review Committee's Agenda.

Communications and Bills:

The agenda items were noted.

Adjournment:

Favretti declared the meeting adjourned at 9:18 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary