

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Tuesday, September 4, 2007

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), J. Goodwin, R. Hall, K. Holt, P.

Kochenburger, P. Plante,

B. Ryan, G. Zimmer,

Members absent: B. Gardner

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

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 9:14 p.m. and appointed alternate Pociask to act in Gardner's absence.

Minutes:

8-6-07: Hall MOVED, Plante seconded, to approve the minutes as read. MOTION PASSED UNANIMOUSLY.

8-15-07 Field Trip: Favretti MOVED, Lombard seconded, to approve the Field Trip minutes. MOTION PASSED with Favretti and Lombard in favor, and all others disqualified.

Scheduled Business:

Zoning Agent's Report

Items A. – C. were noted. Construction is continuing on the Eric Hall house, but grading has not taken place. Pociask questioned the status on the Greek Amphitheatre; Hirsch noted that there was no new activity, and the revised plans have not yet been received. Ryan asked if the Bell Farm on Bassetts Bridge Road was currently serving food. Hirsch responded that he was not aware that they were, but that the Health Department would be involved with inspections if they were to request food service. Chairman Favretti signed off on the proposed pavilion at the Bell Farm.

Public Hearing:

Request for re-approval of Windswept Manor resubdivision of lot 4. File #1198-2
Chairman Favretti opened the Public Hearing at 9:19 for the above application. Members present were Favretti, Hall, Holt, Kochenburger, Plante, Ryan, Zimmer and Alternate Pociask acting in Gardner's absence and Alternate Beal acting because Goodwin disqualified herself. Padick read the Legal Notice as it appeared in the Chronicle on August 21 and August 29, 2007. Padick noted an 8-21-07 memo from Windham Water Works and an 8-30-07 memo from Gregory Padick, Director of Planning.

Mark Mazzolla, representing the applicant Pat Malek, submitted the return receipts of neighborhood notification, and updated the commission that all requests from the PZC on

the previous approval have been made on the current set of plans revised to 7-25-07. He noted that the BAE has been adjusted on these plans to accommodate the approved change in BAE sizes from 30,000 to 40,000 in that zone.

Favretti noted that there were no comments from the public or any further comments or questions from Commission members. Plante MOVED, Holt seconded, to close the Public Hearing at 9:24 p.m. MOTION PASSED UNANIMOUSLY.

Hall MOVED, Holt seconded, that the Planning and Zoning Commission re-approve the resubdivision of Windswept Manor lot 4 into two lots (File 1198-2) as depicted on plans revised to 7/25/07, subject to a retention of conditions 1, 4 and 5 as contained in the original 11/29/05 approval. MOTION PASSED with all in favor except Goodwin who disqualified herself.

Old Business:

1. 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 Plante disqualified himself and Favretti appointed Beal to act in his place. Holt discussed why she will vote against the application. She felt that there are not sufficient regulations in place to keep a sense of place at Four Corners and that this location is an important gateway to Storrs and UConn. In addition, the Professional Office zone currently in place acts as a buffer between the nearby historic homes and any type of business. Favretti stated that there is a buffer provided by the next wooded property, not zoned commercial, and noted that if the requested zone change were to be approved, the PZC would have the discretion to require a buffer of up to 80 ft. on the property in question. Hall and Kochenburger both noted that they agreed with Holt that protecting the neighbors is important.

After discussion, Beal MOVED, Zimmer seconded, that the Planning and Zoning Commission approve the application of M. Carlson, representing Realm Realty, to rezone 2.33 acres of land east of Storrs Road and south of Middle Turnpike from Professional Office 1 and Rural Agricultural Residence 90 zones to Planned Business 3, as submitted to the Commission and as heard at a Public Hearing on July 16, 2007. The subject rezoning shall become effective as of October 1, 2007.

In approving this application the Planning and Zoning Commission has considered all Public Hearing testimony and communications. The subject rezoning is approved pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which provides the Commission with:
The authority to regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes;
The authority to divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of Chapter 124 of the Connecticut General

Statutes; and, within such districts, the authority to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land;

The mandate to consider the Plan of Conservation and Development prepared under Section 8-23;

The mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;

This zoning map revision has been adopted because it promotes these statutory goals and other zoning “purposes” cited in Article One of Mansfield’s Zoning Regulations. Furthermore, this approval is granted for the following reasons:

The Planning and Zoning Commission has determined, after specific analysis of site and neighborhood characteristics and consideration of Public Hearing testimony, that extending an existing PB-3 zone to include the subject land would be consistent with statutory authority (as cited above) and overall Plan of Development goals and objectives by permitting, with Special Permit approval, a coordinated redevelopment of existing non-conforming lots. Rezoning to PB-3 would promote the public’s general welfare and is considered to be consistent with the 2002 Windham Regional Land Use Plan and the 2005-2010 Conservation and Development Policies Plan for Connecticut.

Based on site and neighborhood characteristics, it is expected that any potential impacts from a potential retail, service or other Planned Business zone use can be appropriately addressed by existing Special Permit application review and approval processes. The Special Permit process requires specific approval of all uses and site work. Special Permit approvals require determinations that land use factors, including but not limited to: water supply, septic disposal, driveway access, drainage, traffic safety, building design, landscaping, lighting, buffering and neighborhood impacts, have been addressed suitably. The impact on neighborhood historic homes will be taken into consideration as part of this process.

The subject site contains extensive Inland Wetland areas and any new development will be subject to all applicable Inland Wetland Agency requirements. It is anticipated that the Inland Wetland License and Special Permit requirements will appropriately address potential environmental impacts.

MOTION PASSED with Pociask, Beal, Zimmer, Favretti and Ryan in favor and Hall, Goodwin, Holt and Kochenburger opposed.

2. Request to accept Windswept Lane as a Town Road. PZC File #1198
Goodwin disqualified herself, and Favretti appointed Alternate Beal to act in her place. Padick summarized his memo. Holt then MOVED, Ryan seconded, that the Planning and Zoning Commission report to the Town Council that Windswept Lane (Windswept Manor Subdivision) is now ready to be accepted as a Town road, subject to the installation of intersection warning signs and a “no outlet” sign. Upon Town Council

acceptance of the new road, the PZC Chairman, with staff assistance, is authorized to execute a one-year maintenance bond pursuant to regulatory requirements. MOTION PASSED with all in favor except Goodwin who disqualified herself.

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

Curt Hirsch, Zoning Agent, noted that this item should be tabled pending receipt of a letter from the owner. Holt MOVED, Plante seconded, to table action to the next meeting, September 17th. MOTION PASSED UNANIMOUSLY.

4. Subdivision Application, 2 lots on Woodland Road. W. Lukas o/a. File #1261
Goodwin disqualified herself, and Favretti appointed Alternate Beal to act in her place. Padick noted the memos received from Director of Planning, Assistant Town Engineer and EHHD. Russell Heintz submitted neighborhood notification return receipts. Members discussed the application and Padick summarized his memo.

5. Subdivision Application, Mulwood West, 4 lots on Mulberry Rd., Dorwart Family Trust o/a
File #1225-2

Padick noted that the maps handed out this evening correspond with notes from the Open Space Preservation Committee's memo that went out in the packet. Padick noted reports from Director of Planning, Assistant Town Engineer, EHHD and OSPC. David Dorwart, owner, and his landscape architect, Peter Miniutti, were present and submitted neighborhood notification return receipts. Miniutti noted that they reviewed the comments from the OSPC and went over the changes that they have made based on those recommendations. However, Miniutti did not agree to all the OSPC's suggestions, most notably on the East side, stating that there should be no trail access, but that a conservation easement would be acceptable. In addition, Miniutti rejected the recommendation for an Open Space R-O-W along the shared driveway of Lots 1 and 4. Miniutti will wait for more comments from the Assistant Town Engineer and Director of Planning and have revised plans for the next meeting.

6. Potential Revisions to PZC/IWA Fee schedule

Padick reviewed his report and noted that he is awaiting feedback from the ZBA. The consensus of the PZC was to allow the Chairman, with staff assistance, to approve the final version of the revised fee schedule prior to it being sent to the Town Council for acceptance.

7. Application to amend the Zoning Map by rezoning property on Storrs Road from RAR-90 to PB-3, P. & N. Miniutti; Applicant, R. Walsh, Owner. File #1260
Tabled- Public Hearing scheduled for 9/17/07.

8. Application from Ponde Place, LLC:
Tabled- Public Hearing scheduled for 9/17/07.

Proposed Zone Change from RAR-90 to DMR, land west of Hunting Lodge Road and north and east of Northwood Rd. File #1262

Proposed Revision to the Zoning Regulations, Article VIII, Section A. maximum height in the DMR zone. PZC File #1263

Special Permit: Proposed Multi-family housing development. File #1264

9. Level A Aquifer Designation for Willimantic River Well Field
Tabled-Public Hearing tentatively scheduled for October 15, 2007.

New Business:

1. Modification Request to reduce setbacks, 20 Barlow Drive, Valley View, LLC. o/a File #1020

Curt Hirsch, Zoning Agent, summarized his memo, with no questions or comments from the public or PZC members. Kochenburger MOVED, Holt seconded, that the PZC approve the modification request of Valley View, LLC, to replace the existing mobile home located at 20 Barlow Drive, with a 14' x 50' mobile home, as described in the applicant's 8/13/07 application and other submitted materials. The modification is approved because the applicant has demonstrated compliance with Article X, Section F.2 of the zoning regulations. MOTION PASSED UNANIMOUSLY.

2. Special Permit Application, efficiency unit, 112 Stafford Rd., L. Hunley owner, D. Stepule applicant, File #1265

Holt MOVED, Kochenburger seconded, to receive the Special Permit application (File #1265) submitted by David Stepule for a single-family residence with efficiency unit, on property located at 112 Stafford Road, owned by Lynn and Robert Hunley, as shown on plans dated 8/27/07, and as described in other application submissions, and to refer said application to staff for review and comments, and to set a Public Hearing for October 1, 2007. MOTION PASSED UNANIMOUSLY.

3. Subdivision Application (Arthur's Pond) 7 Proposed lots off of N. Eagleville and Separatist Roads. File #1266

Holt MOVED, Pociask seconded, to receive the subdivision application (File #1266) submitted by RAAR Development, LLC, for a 7-lot subdivision, "Arthur's Pond", on property located on North Eagleville and Separatist Roads, owned by the applicant, as shown on plans dated 7/30/07, revised through 8/24/07, and as described in other application submissions, and to refer said application to the staff, Design Review Panel, Conservation Commission, Open Space Preservation Committee, Parks Advisory Committee, and the Town Council for review and comments and to set a Public Hearing for 10/1/07.

Reports of Officers and Committees:

There were no items to report on.

Communications and Bills:

The agenda items were noted.

Adjournment:

Favretti declared the meeting adjourned at 10:44 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary