

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, October 1, 2007

Council Chambers, Audrey P. Beck Municipal Building

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

Members absent: B. Gardner, J. Goodwin, R. Hall, P. Plante

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

Staff present: G. Padick (Director of Planning, Curt Hirsch (Zoning Agent)

Chairman Favretti called the meeting to order at 9:13 P.M. and appointed Alternates Beal, Lombard and Pociask to act in members' absence.

#### Minutes:

9-17-07: Zimmer MOVED, Holt seconded, to approve the minutes as presented.

MOTION PASSED with Ryan disqualifying herself.

#### Scheduled Business:

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

Chairman Favretti opened the Public Hearing at 9:14 p.m and noted that the information presented during the Inland Wetlands Agency Public Hearing for Arthur's Pond will be entered into the record for this PZC Hearing. Members present were R. Favretti, K. Holt, P. Kochenburger, B. Ryan, G. Zimmer and Alternates M. Beal, L. Lombard, B. Pociask, who were appointed to act. Padick read the Legal Notice as it appeared in the Chronicle on 9/20/07 and 9/26/07. Padick listed the following communications received and distributed to all members of the Commission:

9/18/2007

Memo from the Open Space Preservation Committee

9/19/2007

Draft Minutes of the Conservation Commission

9/26/2007

Memo from Geoffrey Havens, RS, Eastern Highlands Health District

9/27/2007

Memo from The Director of Planning

9/27/2007

Memo from The Assistant Town Engineer

9/27/2007

Memo from John Jackman, Deputy Chief/Fire Marshal

9/27/2007

Letter from Terry and Joan Webster of 23 Southwood Road

9/27/2007

Letter from Thomas A. and Alice-Mae Suites of 12 Hillyndale Road

Michael Dilaj of Datum Engineering, representing the applicant, noted that he submitted certified mailing receipts for the PZC during the Inland Wetlands Agency Public Hearing. Dilaj reviewed and addressed comments made by staff and advisory committees and discussed the revisions he feels he will be making and submitting for the next meeting.

Holt questioned if the soils were suitable for septic systems, and Dilaj noted that E.H.H.D. is requiring more test pits to be dug, and he is expecting to a report from them by the next meeting.

Favretti noted there were no further questions or comments from the public or the Commission. Holt MOVED, Lombard seconded, to continue the Public Hearing until 11/5/07. MOTION PASSED UNANIMOUSLY.

Public Hearing Continuation: 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

Chairman Favretti opened the continued Public Hearing at 9:33 p.m. Members present were R. Favretti, K. Holt, P. Kochenburger, B. Ryan, G. Zimmer and Alternates M. Beal, L. Lombard, B. Pociask who were appointed to act. Padick noted that no new Legal Notice was published. Padick listed the following communications received and distributed to all members of the Commission: a 9/24/07 letter from Norville Smith of BT Partners LLC., a 9/24/07 letter from Robert Gillard, a 9/24/07 letter from Daniel C. Rappe of the Taylor Family Trust and a 9/27/07 letter from Pasquale A. Ferrigno, of Ferrigno Realtors.

Peter Miniutti, applicant, submitted return receipt cards for the file. Miniutti discussed the two major points in Ferrigno's letter to the Commission. He noted that the Plan of Conservation and Development encouraged business in the Four Corners area and he felt that this application is consistent with the Plan.

Holt questioned if the applicant had received any communications from the neighbor owning the single family home that abuts the property; Miniutti said he had not received any.

Chairman Favretti noted no comments or questions from the audience or Commission and that the reason for having continued the Public Hearing was for receipt of the certificates of notification to abutters, which have now been received. Holt MOVED, Kochenburger seconded, to close the Public Hearing at 9:42 p.m. MOTION PASSED UNANIMOUSLY. Beal volunteered to work on a motion with staff assistance.

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

Chairman Favretti opened the Public Hearing at 9:43 p.m. Members present were R. Favretti, K. Holt, P. Kochenburger, B. Ryan, G. Zimmer and Alternates M. Beal, L.

Lombard, B. Pociask who were appointed to act. Padick read the Legal Notice as it appeared in the Chronicle on 9/20/07 and 9/26/07. Padick noted the following communications received and distributed to all members of the Commission: a 9/29/07 report from the Director of Planning and a 9/29/07 report from EHHD.

David Stepule, applicant, presented the Commission with the return receipt cards and gave a description of the proposal and noted that the building materials to be used for the addition of the efficiency unit will be the same as the existing house.

After a brief questioning from Holt, Stepule confirmed that there will be an interior access way between the existing house and the efficiency unit, and there will be one bedroom in the unit, thus making a total of four bedrooms.

Chairman Favretti noted no further comments from the Commission and none from the public. Holt MOVED, Beal seconded, to close the Public Hearing at 9:48 p.m. MOTION PASSED UNANIMOUSLY. Kochenburger volunteered to work on a motion for the next meeting.

Old Business:

1. Subdivision Application, 2 lots on Woodland Road. W. Lukas o/a. File #1261 Kochenburger MOVED, Holt seconded, to approve with conditions the subdivision application (File #1261), of William Lukas III, for two lots, on property owned by the applicant, located on Woodland Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated February 28, 2007 as revised to September 14, 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:

Final plans shall be signed and sealed by the responsible surveyor, engineer, and soil scientist.

Pursuant to subdivision regulations, particularly Sections 7.5 and 7.6, this action specifically approves the depicted Building Area and Development Area Envelopes and front line setback waivers for both lots. 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 and shall be inserted as a replacement note 19 on sheets 1 and 2 of the final plans.

This approval accepts the applicant's proposed conservation easements as appropriate to address the open space requirements of Section 13 for the subject subdivision.

Conservation easement documents shall be approved by the Director of Planning and Town Attorney and filed on the Land Records in association with final plans. The easements shall utilize the Town's model format with specific provisions regarding the preservation of the depicted old foundation.

No Certificate of Compliance or occupancy permits shall be issued for a new residence on Lot 1B until an existing well on Lot 1B is abandoned in accordance with State Health Code requirements. This requirement shall be specifically Noticed on the Land Records and the deed for Lot 1B (if this lot is sold before the abandonment takes place).

Inland Wetland Agency required drainage pipe outlet improvements shall be completed or bonded (pursuant to regulatory requirements) before final maps are filed on the Land Records.

Final plans shall specifically depict and label the Development Area Envelope (DAE) for both lots along Woodland Road. The DAE for Lot 1B shall not include the depicted old foundation which is within a conservation easement area.

Due to the size of the subject subdivision and distance from existing survey control points, this approval waives (pursuant to Section 6.5.4.b) the requirement that the survey be tied to the Connecticut Plane Coordinate System.

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, the depicted conservation easements, the depicted drainage easements 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 easements 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 UNANIMOUSLY.**

#### Zoning Agent's Report:

Items a-c were noted. Hirsch noted that he has issued several violation notices for rental sites, and the next step will be to issue citations. Some of the violations occurred at houses that have had violations in the past, and some were new. The Hall site has some grading activity on the son's property. Hirsch also noted that the project of putting an antenna inside the steeple of the Storrs Congregational Church has been completed. As part of the PZC's approval condition, the PZC was to be notified when the project was completed, so that members could verify that the antenna was not visible. Chairman Favretti, after inspecting the steeple, said he felt that it conformed to the plan and saw no need for a field trip. The consensus of the Commission was to accept Favretti's approval of the steeple.

#### Old Business:

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

Padick summarized his report. Zimmer questioned the verbal agreement made with the town to purchase the open space and felt it should be a condition in the motion. Holt agreed to work on a motion with staff.

3. Request for additional occupancy permits, Wild Rose Estates Section 2 Subdivision, File #1113-3

Holt MOVED, Pociask seconded, that the Commission modify its current authorization, to permit the Zoning Agent to issue Certificates of Compliance for the occupancy of no more than twenty (20) lots. MOTION PASSED UNANIMOUSLY.

4. Live Music Permit Renewals

Tabled- Public Hearing scheduled for 10/15/07.

5. Level A Aquifer Designation for Willimantic River Well Field

Tabled.

6. Request for release of common driveway bond, Mulwood East Subdivision, File #1225

Tabled.

7. Design Review Panel Vacancy

Tabled.

#### New Business:

1. Statutory Revisions to Aquifer Protection Program-9/17/07 letter from DEP

Tabled- referred to staff for review and comment.

2. Coventry Referral, Proposed subdivision west of Willimantic River on Brigham Tavern Road

No action deemed necessary by Director of Planning and the Planning and Zoning Commission.

3. Special Permit Application, Efficiency Unit, 300 Woodland Rd., F & S Sandberg, o/a File #1267

Kochenburger MOVED, Holt seconded, to receive the Special Permit application (File #1267) submitted by Frank and Sandra Sandberg for a single family residence with efficiency unit, on property located at 300 Woodland Road owned by the applicants, as shown on undated plans and as described in other application submissions, and to refer said application to the staff for review and comments, and to set a Public Hearing for October 15, 2007. MOTION PASSED UNANIMOUSLY.

4. Special Permit Application, Efficiency Unit, 141 Gurleyville Rd., J. Catalano, o/a File #1268

Kochenburger disqualified himself. Holt MOVED, Ryan seconded, to receive the Special Permit application (File #1268) submitted by Jeff Catalano for a single family residence with efficiency unit, on property located at 141 Gurleyville Road owned by the applicant, as shown on plans dated February 1960, revised through 9/25/07, and as described in other application submissions, and to refer said application to the staff for review and comments, and to set a Public Hearing for November 5, 2007. MOTION PASSED with all in favor except Kochenburger who disqualified himself.

#### Reports of Officers and Committees:

There were no items on which to report.

Communications and Bills:  
The agenda items were noted.

Adjournment:  
Favretti declared the meeting adjourned at 10:24 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary