

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, October 15, 2007

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), J. Goodwin, R. Hall, K. Holt (8:00), P.

Kochenburger,

P. Plante, B. Ryan, G. Zimmer

Members absent: B. Gardner

Alternates present: M. Beal

Alternates absent: L. Lombard, B. Pociask

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:02 p.m. He appointed Bonnie Ryan as Secretary Pro-Tem and appointed Alternate Beal to act in Gardner's absence.

Minutes:

10-1-07: Zimmer MOVED, Kochenburger seconded, to approve the minutes as presented. MOTION PASSED with Plante, Hall and Goodwin disqualified.

Scheduled Business:

Zoning Agent's Report

Items A-C were noted. Hirsch mentioned that he went on a walk-through with Hall, and noted that all trailers on the site are registered, and the majority of the other vehicles on the property need to be removed, noting that only 1/3 of them are Hall's. He also noted that the side of the Eric Hall house that is visible from the road is very close to having site work completed. Hirsch also noted that particular attention should be paid to his memo regarding the Parks and Recreation projects.

Old Business:

1. Subdivision Application, Mulwood West, 4 lots on Mulberry Rd., Dorwart Family Trust o/a

File #1225-2

Ryan MOVED, Hall seconded, to approve with conditions the four-lot Mulwood West subdivision owned by the Reinhold A. and Juanita M. Dorwart Family Trust, located along the southerly side of Mulberry Road in an RAR-90 zone, as submitted to the Commission and shown on plans dated 7/31/07 and revised to 9/27/07. This approval is granted because the application as hereby approved is considered to be in compliance with the Mansfield Zoning and Subdivision Regulations. Approval is granted with the following modifications or conditions:

Final plans shall be signed and sealed by the responsible surveyor, engineer, soil scientist and landscape architect;

It shall be confirmed that all requirements of the Mansfield Inland Wetland Agency have been incorporated onto final plans;

This approval accepts the applicant's proposed dedication of land to the Town and proposed conservation easements as appropriate to address the open space dedication requirements of Section 13 for the subject 4-lot subdivision. A deed for the open space dedication to the Town and 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.

Pursuant to Section 13.1.1, the PZC reserves the right to require an additional open space dedication in the event lot 5 and/or the other land labeled to be purchased by the Town is subdivided in the future. This condition shall be specifically Noticed on the Land Records.

This approval authorizes the proposed common driveways with a merged opening on Mulberry Road. This design is considered to be consistent with regulatory provisions and will enhance traffic safety and roadside aesthetics. Common driveway easements that address maintenance and liability issues, including the maintenance of depicted driveway sightlines, shall be submitted to the Planning Office for approval by the PZC Chairman, with staff assistance, and the Town Attorney. The common driveway work shall be completed or bonded in an amount and form acceptable to the PZC Chairman, with staff assistance, before the filing of the subdivision plan, pursuant to Section 7.10.e. Pursuant to Subdivision Regulations provisions, particularly Sections 7.5 and 7.6, this action specifically approves a frontage waiver for lot 1 and the depicted building envelopes for all lots, which include setback waivers. Unless revisions are specifically authorized by the Commission, the depicted building 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 noted on the final plans and specifically Noticed on the Land Records.

It is noted that alternative development plans with the potential for additional lots off a new Town road would be possible if land to the south were not going to be sold to the Town and that the submitted yield plan is considered adequate to support the approved frontage waiver;

The planned conveyance of a 3-acre parcel of other land to the adjacent property owner, Mary Jane Cook (as depicted on approved subdivision plans), shall take place prior to or concurrent with the filing of approved subdivision maps on the Land Records.

The final maps shall move an existing "conservation easement area" label on lot 2 into the easement area and out of a development area envelope.

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 right-of-way deed along Mulberry Road, a drainage easement and right-to-drain, common driveway easements, an open space deed for land to be conveyed to the Town, conservation easements, and a Notice on the Land Records to address conditions 5 and 6, for recording on the Land Records (with any associated mortgage releases), shall be submitted to the Planning

Office no later than fifteen days after the appeal period provided for in Sec. 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days after any judgment in favor of the applicant;

B. All monumentation (including delineation of the open space parcel and conservation easement areas with iron pins and the Town's official markers every 50 to 100 feet on perimeter trees or on cedar posts), with Surveyor's Certificate, and all required subdivision work, including common driveway improvements, 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 after any judgment in favor of the applicant. MOTION PASSED UNANIMOUSLY.

2. 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 Beal MOVED, Ryan seconded, that the Planning and Zoning Commission approve the application of Drumlin Studios 1 LLC, to rezone from Rural Agricultural Residence-90 to Planned Business-3 approximately 2 acres of land located south of Storrs Road between 1753 and 1775 Storrs Road, as submitted to the Commission and as heard at Public Hearings on September 17 and October 1, 2007. The subject rezoning shall become effective as of November 15, 2007 and this action is conditioned upon the applicant's submittal of a surveyor's boundary description of the area of rezoning.

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, uses authorized in the PB-3 zone. 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, buffering and neighborhood impacts, have been addressed suitably. The subject site contains extensive Inland Wetland areas and any new development will be subject to all applicable Inland Wetlands Agency requirements. It is anticipated that the Inland Wetlands License and Special Permit requirements will appropriately address potential environmental impacts. MOTION PASSED with all in favor except Hall.

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

Kochenburger MOVED, Zimmer seconded to approve with conditions the special permit application (file #1265), of D. Stepule, for an efficiency apartment on property of R. and L. Hunley located at 112 Stafford Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 8/27/07 and other applicant submissions, and as presented at a Public Hearing on October 1, 2007.

This approval is granted because the application, as hereby approved, is considered to be in compliance with Article X, Section M, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

This approval is granted for a one-bedroom efficiency unit in association with an existing single-family home having up to three additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from Eastern Highlands Health District and the Planning and Zoning Commission;

This approval is conditioned upon continued compliance with Mansfield's zoning regulations for efficiency units, which include owner-occupancy requirements and limitations on the number of residents in an efficiency unit;

This special permit shall not become valid until filed upon the Land Records by the applicant.

MOTION PASSED with Plante, Hall and Goodwin disqualified.

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

Tabled, Public Hearing continued until November 5, 2007.

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

Tabled, Public Hearing scheduled for November 5, 2007.

6. Level A Aquifer Designation for Willimantic River Well Field

(To be tabled-Public Hearing tentatively scheduled for November 5, 2007)

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

Awaiting staff Report

8. Design Review Panel Vacancy

Padick noted that all Professional Engineers registered in the State of Connecticut that live in the 06268 and 06250 zip codes have been notified and invited to submit a professional resume and a letter of interest. To date we have had 4 letters of interest that have been handed out this evening. Favretti asked that the members review them and be prepared to discuss filling the vacancy at the next meeting.

9. Statutory Revisions to Aquifer Protection Program

Tabled, awaiting staff report.

10. Subdivision Completion/Bonding update

Director of Planning verbally discussed the bonds that have reached their time limit, noting that several are waiting for street tree planting that cannot be completed this year due to drought conditions. Padick noted that he is expecting several recommendations on bonding issues at the next meeting.

New Business

1. New Special Permit Application, Natchaug Hospital Office Use, 165 Storrs Road, Natchaug Hospital, applicant M. Howard owner, File #1032-2

Hall MOVED, Ryan seconded, to receive the Special Permit application (File #1032-2) submitted by Natchaug Hospital, for office use, on property located at 165 Storrs Road, owned by Marian Howard, as shown on plans dated 10/4/07, 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 11/5/07. MOTION PASSED UNANIMOUSLY.

2. Modification Request: Proposed Entry revisions, Regional School District #19 Education Facility, 85 Depot Road, File #1251

Bruce Silva, Superintendent of Regional School District #19, and Richard Lawrence of Lawrence and Associates were present to discuss the need to revise the north side entry. Lawrence presented digitally enhanced images of the proposed revision. He added that the modification is necessary, and it has been discussed with the Building Official and Fire Marshal. Favretti asked if the stone lintel over the door, with the name of the Reynolds School incised in it, will remain unaltered. Lawrence responded that there would be no change. Padick stated that another revision had recently been proposed by the applicant, and it seemed appropriate to bring it before the entire Commission. The revision necessitates a lowering of the level of basement windows on the back or south side of the building in order to accommodate interior duct work without obscuring the window. Padick circulated an elevation sketch depicting the change which was then explained by Lawrence. The consensus of the Commission was that this is a minor modification that staff can address.

Goodwin MOVED, Hall seconded that the PZC Chairman and Zoning Agent be authorized to approve the 10/9/07 modification request for entry revisions for the Regional School District #19 educational facility at 85 Depot Road, as described on

submitted plans and discussed at the PZC's 10/15/07 meeting. This authorization is subject to the following condition:

Landscaping revisions, acceptable to the PZC Chairman with staff assistance, shall be incorporated into the plans to help reduce visual impacts of the entry revision. MOTION PASSED with Zimmer, Goodwin, Hall, Kochenburger and Beal in favor, Plante and Favretti opposed, and Ryan abstaining.

Public Hearing

Special Permit renewal request for the use of live music in conjunction with the following restaurants: Coyote Flaco, Rt. 31; Huskies, King Hill Rd; Stonewall Tavern, Rt. 32; Ted's Restaurant, King Hill Rd.; Tequila Cove, Storrs Rd; and Zenny's, Rt. 44.

Chairman Favretti opened the Public Hearing at 8:02 p.m. Members present were R. Favretti, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan, G. Zimmer, and Alternate M. Beal. Padick read the Legal Notice as it appeared in the Chronicle on 10/3/07 and 10/11/07, and noted that the only communication received was a 10/11/07 report from Curt Hirsch, Zoning Agent. Favretti noted no members from the public present and no comments or questions from the Commission. Hirsch discussed the Tequila Cove proposed Revision. Hall mentioned live music at the Altnaveigh and Starbucks, and Hirsch said he would address them.

Holt MOVED, Zimmer seconded, to close the Public Hearing at 8:08 p.m.

Kochenburger MOVED, Holt seconded, that the Commission approve the Live Music Permit renewals through November 1, 2008 for the following restaurants: Huskies Restaurant, file # 780-2; The Stonewall Tavern, file # 595; Ted's Restaurant, file # 1107; Tequila Cove, file # 887; and Zenny's Restaurant, file # 984. These renewals are conditioned upon compliance with the current mandated conditions for each, which shall be attached to this motion. MOTION PASSED UNANIMOUSLY.

New Business Continued

3. Request for Subdivision Renewal, 1-lot on Dog Lane, Storrs Center Alliance, LLC, applicant,
File #1246-4

The report from the Director of Planning was noted and, with no discussion, Kochenburger MOVED, Holt seconded, that the Planning and Zoning Commission re-approve the Storrs Center Alliance LLC 1-lot subdivision on Dog Lane with the same map references and approval conditions cited in a July 5, 2006 action. The Minutes of this meeting shall include the July 5, 2006 approval motion details. MOTION PASSED UNANIMOUSLY.

4. Recommended Bond Release, Oliver Driveway work, File # 1244

The report from the Director of Planning was noted and, with no discussion, Kochenburger MOVED, Holt seconded, that the PZC recommended that the Director of Planning be authorized to take appropriate action to release \$5,000 plus accumulated interest that has been held to ensure suitable completion of the Oliver driveway work at 525 Storrs Road. MOTION PASSED UNANIMOUSLY,

Reports of Officers and Committees:

There were no items to report on.

Communications and Bills:

The agenda items were noted, with particular attention to the letters written regarding the work being done on the southeast corner of Mulberry Road and Wormwood Hill Road.

Public Hearing

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

Chairman Favretti opened the Public Hearing at 8:17 p.m. Members present were R. Favretti, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan, G. Zimmer, and Alternate M. Beal. Padick read the Legal Notice as it appeared in the Chronicle on 10/3/07 and 10/11/07, and noted that the only communication received was a 9/28/07 report from the Director of Planning and an approval form from the E.H.H.D.

Owners Frank and Sandy Sandberg submitted computer generated return receipts and the notification slips. Question was raised as to how much fill will be removed or brought in. Mr. Sandberg noted that gravel removed for the foundation will be re-used at the site. It will be built into the hillside so that the exit will be at ground level. All materials and architecture will match the existing house. A Question was raised regarding the square footage of the existing house. Since it was not on submitted materials, Padick took what the Assessors office had on record. Prior to the next meeting, the applicant needs to provide the Director of Planning with measurements to ensure that the square footage of the efficiency unit will be 35% or less total square footage of the primary residence.

Holt MOVED, Plante seconded, to continue the Public Hearing until November 5, 2007. MOTION PASSED UNANIMOUSLY.

Hall volunteered to work with staff to create a motion pending submittal of information that supports the efficiency unit being 35% or less square footage of the primary residence.

Adjournment:

Favretti declared the meeting adjourned at 8:32 p.m.

Respectfully submitted,

Bonnie Ryan, Secretary Pro-tem