

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, November 19, 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: L. Lombard, B. Pociask

Alternates absent M. Beal

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:17 p.m., appointing Alternate Lombard to act in member's absence.

Holt MOVED, Kochenburger seconded, to add to the Agenda the Election of Officers. MOTION PASSED UNANIMOUSLY.

Election of Officers:

Ryan MOVED, Gardner seconded, to re-elect the current officers: Chairman Rudy Favretti, Vice-chairman JoAnn Goodwin and Secretary Kay Holt.

Plante MOVED, Zimmer seconded, to close the nominations. MOTION PASSED UNANIMOUSLY.

The election of the slate of the nominated officers PASSED UNANIMOUSLY.

Minutes:

11/5/07- Hall MOVED, Holt seconded, to approve the 11/5/07 minutes as written. MOTION PASSED with all in favor except Gardner who disqualified herself. Zimmer indicated he listened to the tape of the minutes.

11/13/07-Lombard MOVED, Goodwin seconded, to approve the 11/13/07 minutes as corrected. MOTION PASSED with Favretti, Goodwin, Lombard and Ryan in favor and all others disqualified.

Public Hearing Continuations:

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

File #1266

Chairman Favretti opened the continued Public Hearing at 7:22 p.m. Members present were R. Favretti,

B. Gardner, J. Goodwin, K. Holt, P. Kochenburger, P. Plante, B. Ryan, G. Zimmer and Alternates L. Lombard, B. Pociask. Hall disqualified himself and Favretti appointed

Lombard to act. Padick listed the following communications received and distributed to all members of the Commission:

11-8-07	Letter from Howard Schiller and attached deeds
11-9-07	Letter from Thomas Callahan, A.V.P. of Administration and Operation Services
11-12-07	Letter from Allison Hilding
11-14-07	Letter from Barbara Dybdahl
11-14-07	Letter from Winthrop E. Hilding
11-15-07	Letter from Mike Dilaj of Datum Engineering to Jeff Polhemus of E.H.H.D.
11-15-07	Memo from Gregory Padick, Director of Planning
11-16-07	Memo from Jeff Polhemus of E.H.H.D.
11-17-07	Letter from Richard S. Cowles
11-17-07	Letter from Philip Levin and Lisa Oransoff
11-18-07	Letter from Steve and Erica Diamond
11-18-07	Letter from Betty Seaver
11-19-07	Letter from Beverly Sims

Michael Dilaj of Datum Engineering, representing the applicant, requested that the information, comments and questions presented during the Inland Wetlands Agency Public Hearing be entered into the record for the Planning and Zoning Commission Public Hearing. Dilaj submitted an 11/19/07 letter from Attorney Stephen Bacon responding to information on drainage easement rights of the Hilding property as submitted by Attorney Schiller. Dilaj told the Commission that the trench to bury utilities is feasible, so he will not be requesting a waiver. He also stated that he is waiting for a waiver from the Commissioner of Health regarding exemption from hooking into UConn water supply. Dilaj responded to key issues raised in the report submitted by Towne Engineering and questions previously raised by the public. He explained the difference in soil types as depicted in the Tolland County Soil Survey, noting that the soil type on the Hilding/Solario property differs from that of the project site.

Zimmer asked if engineered septic systems will be required. Yes, said Dilaj. Favretti asked if Dilaj found the Tolland County Soil Survey map to be accurate and in what year were they published. Published in 1966, Dilaj felt the maps are accurate enough for general information. Zimmer questioned if full basements would be possible due to the wet conditions. Dilaj indicated that house foundations will have to be elevated, requiring fill.

Winthrop Hilding, 22 Southwood Road, stated that he would prefer a town road instead of a common driveway, and that he feels the road would be best if it ran from Separatist Road and to the east of proposed house lots 1, 2 and 3, west of the wetlands. Richard Cowles, 50 Meadowood Road, expressed concern with a common driveway if the houses are rented out. He fears uncontrollable parking could be an issue for emergency vehicles to gain access.

Alison Hilding, 22 Southwood Road, questioned what the soil types are designated as in the Tolland County Soil Survey for the property east of the proposed lots. She also described a wet area by a culvert, not noted by the applicant.

Zimmer suggested that Dilaj explore the idea of a road instead of a common driveway coming off of North Eagleville and ending in a cul-de-sac that accesses all houses with the exception of the house that will have its own driveway off of Separatist. Dilaj felt that 2 lots might have to be eliminated.

Holt asked why not choose two entrances or roads that would not need to cross the wetland. Another alternative would be to build a bridge to cross the wetland and not fill the wetland as proposed. Dilaj responded that a bridge would not be financially feasible. Favretti questioned Dilaj if he knew the long-term or short-term effects that this project will have on the wetlands. Dilaj indicated that he will have a soils scientist prepare a report about the effects on the wetlands.

Gardner suggested the soils scientist should delineate the soils on both sides of the stone wall divide.

Plante asked about the approximate cost of building a road to meet Town standards. Dilaj indicated that it is approximately \$225 -\$275 per linear foot.

Favretti noted that there were no further comments from the public or from the Commission.

Holt MOVED, Ryan seconded, to continue the Public Hearing until 12/3/07. MOTION PASSED with all in favor except Hall who had disqualified himself. The hearing closed at 8:10 p.m.

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

Chairman Favretti opened the continued Public Hearing at 8:10 p.m. Members present were R. Favretti,

B. Gardner, R. Hall, K. Holt, P. Plante, B. Ryan, G. Zimmer and Alternates L. Lombard, and B. Pociask. Favretti appointed Lombard and Pociask to act because Kochenburger and Goodwin disqualified themselves. Padick listed the following communications received and distributed to all members of the Commission: an 11/19/07 memo from G. Padick, Director of Planning, an 11/19/07 letter from S. and V. Ferriss, and an 11/17/07 letter from J. and M. Mogayzel. In addition, Padick mentioned that four members visited this site on the 11/13/07 field trip. Jeff Catalano, applicant/ owner of the subject property, was present to answer questions.

Mark Mirko, 122 Gurleyville Road, asked how many unrelated people are living at the house and what the Zoning Regulations are concerning efficiency units, as well as how these Regulations are enforced.

Zimmer questioned the use of the storage room.

Favretti questioned the parking at the site and stated that he feels Catalano's estimate is not accurate.

Hall asked how the Town would enforce the parking of cars on lawn areas versus in a driveway.

Peter Millman, 122 Dog Lane, noted that the Commission should require the applicant to have more designated parking spaces. He feels one space per occupant is reasonable. Zimmer questioned if the Hearing can be extended so that the applicant can submit a parking plan.

Mark Mirko, 122 Gurleyville Road, expressed his concern for the parking at the site.

Padick reminded the Commission that they can require additional parking if they feel it is needed for safety reasons, according to the Regulations.

Favretti noted no further questions from the public or Commission, and added that staff can provide parking information in staff reports. Plante MOVED, Gardner seconded, to close the Public Hearing at 8:50 p.m. MOTION PASSED with all in favor except Kochenburger and Goodwin who had disqualified themselves.

7:45 p.m. Zoning Agent's Report:

Zoning Agent Curt Hirsch updated the Commission that no new work has occurred at the Hall site.

Old Business:

1. Special Permit Application, Natchaug Hospital Office Use, 165 Storrs Road, Natchaug Hospital, applicant M. Howard owner, File #1032-2 (M.A.D. 1/9/08) Kochenburger MOVED, Holt seconded, to approve with conditions the special permit application (File #1032-2), Natchaug Hospital, for office use at 165 Storrs Road on property owned by Delyn Inc., as submitted to the Commission and shown on floor plans dated 9/22/07 and as described in other application submissions and as presented at a Public Hearing on November 5, 2007.

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

This approval, which authorizes an office use of an existing commercial building, is specifically tied to the applicant's submissions and the conditions cited in this motion. Unless modifications are specifically authorized, the proposed use and site improvements shall be limited to those authorized by this approval and a previously authorized retail store use. Any questions regarding authorized uses, required site improvements, and conditions cited in this approval, shall be reviewed with the Zoning Agent and Director of Planning and, as appropriate, the PZC.

No Zoning Permit shall be issued until the plans for serving the subject commercial building with public sewer service have been approved by the Windham Water Works.

Depicted parking spaces shall be clearly identified with pavement markings and at least one handicap parking space that meets current State requirements shall be delineated with

pavement markings and signage. Existing disturbed pavement areas shall be repaved. This work shall be done before the issuance of a Certificate of Compliance.

Signage revisions shall be approved by the PZC Chairman with staff assistance.

Pursuant to 11/5/07 Public Hearing testimony, existing landscaped areas shall be maintained and enhanced. A specific landscape plan shall be submitted to and approved by the PZC Chairman with staff assistance prior to the issuance of a Zoning Permit. Completion of landscaping improvements shall be confirmed prior to the issuance of a Certificate of Compliance.

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.

MOTION PASSED with all in favor except Pociask, Zimmer and Gardner who disqualified themselves.

2. Request for Site/Use Modifications, 1029 Storrs Rd. (Stix 'n' Stones LLC, applicant/P. Hammer, owner) File #727
Item tabled.
3. Subdivision Completion/Bonding update
Padick updated the Commission on the status of these projects, and is expecting more information for the next meeting.
4. Request for occupancy revision, Thirsty Dog Pub, 134 N. Eagleville Rd., File #930-2

After extensive discussion among Commission members and staff, Kochenburger MOVED, Ryan seconded, that the PZC authorize an increase in the customer occupancy of the Thirsty Dog Pub & Grill to no more than 151 persons as authorized in Article X, Section D.6.a of the regulations. This approval references the 11/8/07 written consent by the property owner, Freda Sanderson, and stipulates that other existing and future tenants cannot take advantage of the parking exception Provisions of Article X, Section D.6.a, without specific authorization from the town. MOTION PASSED with Gardner, Goodwin, Kochenburger, Ryan and Zimmer for the motion, and Favretti, Hall, Holt and Plante against.

New Business:

1. Modification Request, 86 Storrs Road, Proposed additional retail store, College Mart/U.S. Properties Inc., o/a, File #483-4
The consensus of the Commission was to refer the request to staff.
2. Re-appointment of Design Review Panel Members
Kochenburger MOVED, Holt seconded, that the PZC reappoint, for two year terms ending 12/31/09, Isabelle Atwood, Peter Miniutti, Robert Gillard, Lee Cox and John

Lenard as members of the Mansfield Design Review Panel. MOTION PASSED
UNANIMOUSLY.

Reports of Officers and Committees:

Favretti noted that the next Regulatory Review Committee meeting, will be on December 6, 2007 at 1:30 in Conference Room B.

Communications and Bills:

Items were noted.

Adjournment:

Favretti declared the meeting adjourned at 9:28 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary