

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Tuesday, September 2, 2008 Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), J. Goodwin, K. Holt, P. Kochenburger, B. Pociask, B. Ryan

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

Alternates present: M. Beal, G. Lewis, L. Lombard

Staff present: G. Padick, Director of Planning and C. Hirsch,
Zoning Agent

Chairman Favretti called the meeting to order at 8:20 p.m. and appointed alternates Beal, Lewis and Lombard to act for the absent members.

Minutes:

8/4/08- Beal MOVED, Holt seconded, to approve the 8/4/08 minutes as written. MOTION PASSED with all in favor except Kochenburger who disqualified himself. Pociask indicated that he listened to the tapes.

8/26/08-Field Trip- Holt MOVED, Lombard seconded, to approve the 8/26/08 Field Trip minutes as written. MOTION PASSED with Beal, Lombard, Holt and Favretti in favor all other disqualified.

Scheduled Business:

Public Hearing:

Subdivision Application, 3 proposed lots on Stafford Rd., Unistar Properties o/a. File #1274

Chairman Favretti opened the continued Public Hearing at 8:22 p.m. Member present were R. Favretti, J. Goodwin, K. Holt, P. Kochenburger, B. Pociask, B. Ryan, and alternates Beal, Lewis and Lombard who were appointed to act. Padick noted the following reports received and distributed to all members of the Commission: an 8-28-08 reports from Director of Planning; an 8-20-08 report from the Assistant Town Engineer; an 8-28-08 report from EHHD; an 8-28-08 set of revised plans from Paul Magyar, Lenard Engineering and an 8-19-08 communication from Paul Magyar, Lenard Engineering. Padick also noted the 8-7-08 letter from DEP regarding the Natural Diversity Database maps.

Attorney Samuel Schrager, representing the applicant, stated that the only issue that kept the Public Hearing open was a response from the DEP which has now been received.

Holt asked for clarification regarding two comments raised in the EHHD memo.

Marilyn Taylor, of Quail Run, questioned if the revised plans take into consideration her earlier concern with pumping the septic uphill. Paul Magyar, Lenard Engineering, responded that the designed septic systems meet all State and Local health codes.

Favretti noted no further comments or questions from the public, commissioners or applicant. Holt MOVED, Lombard seconded, to close the Public Hearing at 8:37 p.m. MOTION PASSED UNANIMOUSLY.

Lombard volunteered to work with staff to draft a motion for the next meeting.

Public Hearing:

Special Permit Application, St. Paul's Collegiate Church, 1768 Storrs Rd., B.T. Partners, LLC o/a, File # 1275

Chairman Favretti opened the Public Hearing at 8:38 p.m. Member present were R. Favretti, J. Goodwin, K. Holt, P. Kochenburger, B. Pociask, B. Ryan, and alternates Beal, Lewis and Lombard who were appointed to act. Padick read the Legal Notice as it appeared in the Chronicle on 8-19-08 and 8-27-08. He noted the following reports received and distributed to all members of the Commission: an 8-29-08 reports from Director of Planning; an 8-28-08 report from the Assistant Town Engineer; an 8-21-08 report from EHHD; and noted a verbal report from J. Jackman, Fire Marshal, stating he had no issues with the proposal. Padick noted that neighborhood notification has been met and submitted.

Norval Smith and Pastor Ben Dubow were present to answer any questions.

Favretti noted no further comments or questions from the public, commissioners or applicant. Beal MOVED, Ryan seconded, to close

the Public Hearing at 8:40 p.m. MOTION PASSED
UNANIMOUSLY.

Kochenburger volunteered to work with staff to draft a motion for the next meeting.

Old Business:

1. 11 lot Subdivision Application, Wormwood Hill and Knowlton Hill Rds, Green o/a, File #1269

Beal MOVED, Holt seconded, to approve with conditions, the Subdivision Application (File #1269) of **the Estate of N.S. Green Sr.**, on property located on Wormwood Hill and Knowlton Hill Roads, in an RAR-90 zone, as submitted to the Commission and shown on a fifteen page set of plans dated January 24, 2008 as revised to June 11, 2008, as described in other application submissions, and as presented at Public Hearings held on April 7, May 5, June 2, and July 7, 2008. 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:

1. Final plans shall be signed and sealed by the responsible surveyor, engineer, soil scientist and landscape architect.
2. Pursuant to the Inland Wetland Agency's 8/4/08 license approval, final maps shall not be signed and filed on the Land Records until all State and Federal permits have been obtained. The State Department of Environmental Protection should be contacted with respect to permit requirements.
3. After considering the proposed subdivision layout, site and neighborhood characteristics, historical and agricultural preservation elements of Mansfield's Plan of Conservation and Development and the Open Space provisions of Section 13, the PZC has determined that the applicant's proposed open space dedications are not acceptable as presented. Accordingly, the following revisions shall be incorporated onto final subdivision plans:
 - A. Proposed Lot #3 shall be eliminated and this area shall be merged with Lot 2 and/or the adjacent land of "Wormwood Hill Estates, LLC." Furthermore, the portion of this area to the east of designated wetlands shall be included within a conservation

easement that may be used agriculturally but shall not authorize non-agricultural structures.

This revision is necessary to comply with the open space selection criteria of section 13.1.4.b.c and d, which reference the protection of historic features and agricultural land and consideration of Mansfield's Plan of Conservation and Development. The subject subdivision abuts an existing historic farm house (ca. 1780) and includes features, particularly stone wall-lined agricultural fields, associated with the historic land use and cultural practices of this farm. Although the existing farm house was separated by the applicants as a "first cut" portion of the adjacent subdivision property greatly contributes to the historic setting of the farmhouse and warrants open space protection. The submitted plans appropriately protect agricultural land on the east side of Wormwood Hill Road through the use of agricultural easements, but the proposed development of Lot 3 would have a significant detrimental impact on this historic resource. The depicted house on Lot 3 would be 130 feet from the farmhouse and readily visible from the farmhouse and the farmhouse lot. In addition, the proposed driveway to Lot 3 would significantly alter an historic stonewall that separates the farmhouse from adjacent field areas and stonewalls along Wormwood Hill Road. This historic farmhouse is specifically identified on Mansfield's Plan of Conservation and Development Historic Features and Historic Sites maps and the farmhouse and adjacent portion of Lot 3 are within a plan depicted "agricultural land" area. This area also is within the plan delineated "Wormwood Hill Historic Village Area." This required revision to the subdivision plan will promote Plan recommendations cited under Policy Goal 2, Objective a.

It is important to note that the PZC has the authority, based on the cluster development provisions of Sections 7.4a and 13.1.1, to reduce lot sizes and require the most appropriate open space areas to be deeded to the Town. Primarily due to the applicant's expressed intent to continue an agricultural use of portions of the subject property, the PZC has not required a fee dedication of important agricultural and historic preservation areas and has accepted the agricultural easement approach proposed by the applicant. Accordingly, all open space / agricultural easement areas shall remain privately owned.

- B. The depicted conservation easement areas on Lots 1, 2, 4, 6 and 7 shall be extended to depicted development area envelopes.

This revision will facilitate delineation, promote property owner recognition and help eliminate potential enforcement issues. Many of the proposed easement edges inappropriately are within wetland areas. Applicant representatives agreed to this revision.

- C. The depicted agricultural easement area shall be extended northeasterly to the stone wall/tree lined corridor west of the depicted Lot 9 driveway. The DAE and BAE for Lot 9 shall be relocated to this same line, and the Lot 9 boundary line shall also be relocated to this same line.

This revision is designed to utilize an existing stonewall and historic edge of field to delineate the agricultural easement boundary. Existing Subdivision and Zoning Regulations authorize the Commission to reduce lot sizes and waive frontage and setback requirements to promote regulatory objectives. This revision was recommended by the Mansfield Agriculture Committee and Open Space Preservation Committee.

- 4. The specific provisions of the conservation and agricultural easements shall be approved by the PZC Chairman, with staff assistance. The conservation easements shall utilize the Town's model format with the specific exception that for easement areas on Lots 7 to 11, hunting, fishing, trapping and other uses cited in Attorney McGrath's 6/2/08 letter to the Director of Planning may be permitted uses subject to compliance with all applicable state and federal laws. The agricultural easement shall authorize agricultural uses but structures shall be limited to the 150 foot by 150 foot area delineated on submitted plans. Agricultural easement provisions utilized by the Connecticut Farmland Trust shall be considered where applicable. All agricultural uses shall be subject to compliance with Mansfield Zoning requirements.
- 5. This approval authorizes a proposed common driveway for Lots 6 and 7. A common driveway easement that addresses 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. Pursuant to Section 7.10.e, 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.

6. Pursuant to Subdivision Regulations provisions, particularly Sections 7.5 and 7.6, this action specifically approves the depicted building envelopes for all lots, which include numerous 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. In addition, a frontage waiver is authorized for Lot 9 as required in Condition 3.c. This condition shall be noted on the final plans and specifically noticed on the Land Records.
7. As agreed to by the applicant, any rights in the Wormwood Hill Cemetery property shall be quit-claimed to the Town.
8. Care has been taken to locate driveways and utility lines in order to minimize impacts on roadside character. Accordingly, approved driveway locations and approved underground utility locations shall not be changed unless specific approval has been granted by the PZC Chairman with staff assistance. Furthermore, it shall be the responsibility of the lot owners to maintain acceptable driveway sight lines for the subject driveways. In conjunction with the filing of final maps, notice of this condition shall be filed on the Land Records and referenced in the deeds of all lots.
9. The approved plans include specific notes regarding stone wall preservation and, pursuant to Section 7.7, no existing stone walls shall be altered except where necessary for approved driveways and other site work depicted on approved plans. Furthermore a number of specimen trees have been identified that are to be saved. No Zoning Permit shall be issued on lots with identified specimen trees to be saved until a protective barrier, acceptable to the Zoning Agent, has been placed around the subject trees. In conjunction with the filing of final maps, notice of this condition shall be filed on the Land Records and referenced in the deeds of all lots.
10. The existing wheel track and adjacent stone walls and trees on Lots 9, 10, and 11 shall be left in their current state except for driveway work depicted on approved plans.
11. Lot 5 has been approved for a 3-bedroom house and all other lots have been approved for 4-bedroom houses. Notice of this limitation shall be filed on the Land Records and the deed for Lot 5.
12. Final plans shall be revised to incorporate the following revisions:

- A. Deletion of Lot 3 and open space revisions cited in Condition #3.
 - B. The old house site on Lot 11 shall be preserved in its current state. This shall be noted on the plans.
 - C. The depicted building and development area envelopes on Lot 6 shall be revised to eliminate steeply sloped areas on the westerly portion of this lot.
 - D. The development area envelopes along the proposed Lot 8 driveway shall be clarified.
 - E. The depicted building and development area envelopes on Lot 9 shall be revised to eliminate steeply sloped areas.
 - F. Approval blocks shall be revised to identify the PZC/IWA Chairman as the party signing the plans.
13. It is recommended that the lot boundaries be revised to consolidate conservation and agriculture easement areas on fewer lots. As deemed appropriate by the applicant, these lot line revisions may be incorporated on final plans.
14. 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, right-of-way deeds along Wormwood Hill and Knowlton Hill Roads, drainage easements, driveway easements in favor of Lots 5 and 11, a common driveway easement for the Lot 5/6 drive, conservation and agricultural easements, a quit claim deed for the Wormwood Hill Cemetery property and a Notice on the Land Records to address conditions 5, 6, 8, 9 and 11, 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 of any judgment in favor of the applicant;
 - B. All monumentation (including delineation of the conservation and agricultural 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 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 of any judgment in favor of the applicant.

MOTION PASSED with all in favor except Goodwin who was opposed and Kochenburger who disqualified himself.

2. **Site Modification Application, St. Mark's Chapel, 42 N. Eagleville Rd., Parking Lot Improvements, File # 1176**

Goodwin MOVED, Lombard seconded, that the PZC Chairman and Zoning Agent be authorized to approve the modification request of St. Mark's Episcopal Chapel for a parking expansion and improvements as depicted on a 5-page set of plans dated 7/25/08, revised to 8/15/08, as prepared by Lenard Engineering, Inc., subject to the following conditions:

1. The depicted handicap spaces shall be delineated and signed pursuant to current local and State requirements;
 2. All site revisions recommended by the Assistant Town Engineer in his 8/21/08 report shall be incorporated onto final plans;
 3. This action waives sideline setback provisions for the parking lot expansion, pursuant to the provisions of Article X, Section A.4.d. This waiver is based on existing site and neighborhood characteristics and the suitability of the proposed parking layout.
- MOTION PASSED UNANIMOUSLY.

3. **Site Modification Application, Motorcycle Consultant, LLC, E. Chovnick, owner, B. Chovnick, applicant, 213 Stafford Road, showroom expansion, File #827-3**

The applicant indicated that he had reviewed the memos from staff and will address their comments in a revised set of plans for the next meeting. Members inquired about the aesthetic compatibility of the addition with the existing house as expressed by the Design Review Panel. The applicant was also asked to present a landscape plan by the next meeting.

4. **PZC-Proposed revisions to the Zoning Map and Zoning Regulations, File #907-30**

Members agreed to table action on this item due to the absence of three regular members.

Zoning Agent's Report:

A. Request to Keep Animals within a Barn at 706 Mansfield City Rd. File #1113-3

The Director of Planning reported that the applicant has withdrawn his application; he answered questions from the public regarding the next steps that will be taken if compliance is not met.

B. Items B & C were noted.

D. Hall Property Update

Hirsch noted that he has not been out to the property recently. He will report back at the next meeting.

E. DeBoer Property Update

Hirsch stated that the property owner would not allow him to walk the site, and from the street he has only a limited view. He noted that the owner indicated that five to eight of the vehicles on the site are expected to be removed in the coming weeks and as well as one truck by the pond.

F. Hirsch noted that he and chairman Favretti signed off on a modification at University Plaza Verizon Wireless Kiosk. In another matter, he filed a lien in court for the first time since the Citation Ordinance was enacted, for \$600.00 in accumulated unpaid fines.

New Business:

1. **Request to Release Maintenance Bond, Windswept Manor Subdivision, File #1198**

Holt MOVED, Lombard seconded, that the Director of Planning be authorized to take appropriate action to release a \$17,950 cash bond, plus accumulated interest, that has been held to guarantee, for a period of one year, all improvements in the Windswept Manor Subdivision. MOTION PASSED UNANIMOUSLY.

2. **Request to Modify Condition #3 of Quiet Meadow Subdivision Approval**

Holt disqualified herself. Ryan MOVED, Pociask seconded, that the Planning and Zoning Commission modify condition #3 of its 7/7/08 approval of the Quiet Meadow Subdivision to authorize the filing of final plans and the conveyance of Lot 1, which contains an existing house, prior to the completion or complete bonding of approved subdivision improvements. This authorization is conditioned upon the grantor's retention of all rights necessary to complete subdivision improvements within Lot 1 boundaries. Lot 1 shall not be conveyed until deed provisions documenting these rights have been approved

by the Director of Planning, Assistant Town Engineer and Town Attorney. Final plans shall document the provisions of condition #3 as amended by this action. No other lots shall be conveyed until the original provisions of condition #3 have been met. MOTION PASSED with all in favor except Holt who disqualified herself.

3. **Proposed CL&P "Interstate Reliability Project"**

Padick summarized the Interstate Reliability Project noting that it does not require local approval, but that the Citing Council does require notification to all affected municipalities, and that it is the Town's responsibility to determine if notification of residents is necessary. A public information session will be scheduled for September 22, 2008 for area residents.

4. **New Special Permit Application, Conversion of 1-Family to 2-Family Residence, 1620 Storrs Rd., Y. Ghiaei, o/a File #1276**

Holt MOVED, Lombard seconded, to receive the Special Permit application (file # 1276) submitted by Yadollah Ghiaei for the conversion of a one-family to a two-family dwelling, on property located at 1620 Storrs Road, owned by the applicant as shown and described in application submissions, and to refer said application to the staff for review and comments and to set a Public Hearing for 10/6/08. MOTION PASSED UNANIMOUSLY.

5. **New Subdivision Application, Malek Manor, Lot 4, Crane Hill, File # 548-2**

Holt MOVED, Lombard seconded, to receive the subdivision application (file # 548-2) submitted by Madrid Corporation for a 1-lot subdivision of Malek Manor Lot #4 on property located on the north side of Crane Hill Rd about 500' southwest of Brown's Rd, owned by Madrid Corporation, as shown on plans dated 8/8/08, and as described in other application submissions, and to refer said application to the staff, Conservation Commission, Open Space Preservation Committee and Parks Advisory Committee for review and comments. MOTION PASSED UNANIMOUSLY.

6. **Special Permit Application, Arcade Use, 591 Middle Tpk, Daniel Keener, o/a, File #1277**

Holt MOVED, Ryan seconded, to receive the Special Permit application (file # 1277) submitted by Daniel Keener for an arcade, on property located at 591 Middle Turnpike, owned by Cornerstone Mansfield, LLC, as shown on plans dated 8/28/08 and as described in application submissions, and to refer said application to the staff

for review and comments and to set a Public Hearing for 10/6/08.
MOTION PASSED UNANIMOUSLY.

7. **Proposed Telecommunication Tower, Daleville Road, Willington**

This item was referred to staff for review and comment.

Reports of Officers and Committees:

Chairman Favretti asked Padick to update members on the request of White Oak Condominium Association to use Town land for a new septic system. Padick noted that supplemental information is being prepared for consideration by the Town Council and that project representatives and DEP officials are willing to present this additional information to the PZC. After discussion, it was agreed that additional PZC review and comment was not appropriate.

Favretti noted a 9/10/08 field trip at 1:30 p.m.

Communications and Bills:

Items were noted.

Adjournment:

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

Respectfully submitted,
Katherine K. Holt, Secretary