

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, May 4, 2009 Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin,  
R. Hall, K. Holt, B. Pociask, B. Ryan  
Members absent: P. Kochenburger, P. Plante,  
Alternates present: M. Beal, G. Lewis, L. Lombard  
Staff Present: Gregory Padick, Director of Planning

Chairman Favretti called the meeting to order at 8:40 p.m. Alternates Beal and Lewis were appointed to act for the absent members, and Lombard for member disqualifications if necessary.

#### **Minutes:**

4/20/09-Gardner MOVED, Ryan seconded, to approve the 4/20/09 Minutes as written. MOTION PASSED with all in favor except Goodwin and Pociask who disqualified themselves. .

#### **Public Hearing:**

#### **Application to Amend the Zoning Map and Special Permit Application for a Proposed 37 Unit Multi-Family Development, Whispering Glen, LLC, 73 Meadowbrook Lane, PZC Files #1283 and #1284**

Chairman Favretti opened the Public Hearing at 8:41 p.m. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Pociask, Ryan, and Alternates Beal, Lewis, and Lombard. Favretti appointed alternates Beal and Lewis to act. Padick read the legal notice as it appeared in the Chronicle on 4/21/09 and 4/29/09 and listed the following communications distributed to all members: a 4/21/09 memo from the Advisory Committee on Persons with Disabilities; a 4/21/09 memo from the Conservation Commission; a 4/22/09 memo from the Open Space Preservation Committee; a 4/27/09 memo Assistant Town Engineer; a 4/27/09 memo from Eastern Highlands Health District; a 4/28/09 memo from the Traffic Authority; a 4/30/09 memo from the Design Review Panel; a 4/30/09 memo

from the Fire Marshal, and a 4/30/09 memo from the Director of Planning.

Pat Lafayette, Development Solutions, agreed to have his presentation at the Inland Wetlands Agency Public Hearing be made part of the record for the PZC Public Hearing. Lafayette indicated that he has received the staff reports and is requesting a 35-day extension to address the staff comments, and he would like to continue the Public Hearing to 6-1-09. He indicated that staff will receive revised plans in adequate time for review.

Hall MOVED, Holt seconded, to accept the 35-day extension request from Pat Lafayette of Development Solutions. MOTION PASSED UNANIMOUSLY.

Padick indicated that both PZC applications may be considered simultaneously, but should the Commission wish to approve both applications, the application to change the zone must be approved first before approval can be granted for the Special Permit application.

Lafayette reviewed the proposed site and the zones of neighboring sites noting that all parts of the property are proposed for the zone change with the exception of the designated Flood Hazard (FH) zone. Lafayette did not elaborate on the buildings and their locations, as many of those details may change due to comments that are in the staff reports. He further stated that he will present revised plans in more detail at the 6/1/09 meeting.

Holt questioned Lafayette concerning the comment in the Assistant Town Engineer's report that in some instances the grade level of building is below the grade of the land, and this could lead to water drainage problems. The applicant stated that these discrepancies will be addressed in the revised plans.

Paul Bacon, 80 Meadowbrook, asked for explanation of what is considered "affordable housing", noting he is concerned for the neighborhood if subsidized housing were to be built.

Bob Olson, 64 Meadowbrook, said the traffic increase will be unacceptable, and he would like to see the notification process include

a wider range of neighbors than the currently required 500-foot neighborhood notification.

Michele Boskovic, 11 Michelle Lane, expressed concern for the traffic in the area and the effect that this project will have on the school system. Boskovic submitted a letter with 41 signatures of the 45 residents she spoke to who opposed this proposal.

Lafayette referred to the traffic study and staff comments stating that there would be no significant impact to this area with the increased volume of traffic. Padick asked Lafayette to have his Traffic Engineer attend the next meeting.

Chairman Favretti noted no further comments or questions from the public or Commission. Gardner MOVED, Holt seconded, to continue the Public Hearing until 6/1/09. MOTION PASSED UNANIMOUSLY.

#### **Old Business:**

1. **4-Lot Subdivision, Hanks Hill & Farrell Rds., Clark Estates Subdivision, File #1280 (M.A.D. 6/24/09)**

There was extensive discussion regarding whether the open space dedication should be accepted now or in the future when Lot 3 is subdivided, if that were to happen at all. Several members felt uneasy about relying on a condition about a future open space dedication being written into a deed, especially if Lot 3 is never subdivided. Other members voiced concern that if the open space as proposed is accepted now, then no more land could be deeded as open space, even if Lot 3 were intensively developed. It was also noted that the Commission may have the option of accepting the applicant's open space proposal and still have the right to require an additional dedication in the event Lot 3 is re-subdivided.

Hall volunteered to work with staff to draft a motion. Padick related that he would consult with the Town Attorney to determine legally supportable options and alternative conditions regarding the open space dedication, for the motion to be drafted for Commission consideration.

2. **Proposed Zoning Regulation Amendment, Valley View, LLC., File #1281 (M.A.D. 6/24/09)**

Goodwin and Pociask disqualified themselves. All alternates were acting.

Hall MOVED, Gardner seconded, to approve the application of Valley View LLC (File #1281) to amend Mansfield Zoning Regulations, by deleting Article X, Section F.3.g.7 regarding service buildings in Mobile Home Parks, as submitted to the Commission and heard at Public Hearings on March 16 and April 20, 2009.

This amendment shall be effective as of May 15, 2009.

Reasons for approval include:

The approved regulation revision will delete a requirement for a service building that has been in existence since 1960. The existing provision is out-of-date and no longer is needed to address the health and safety needs of residents of mobile home parks. The applicant has appropriately provided reasons in support of this deletion.

1. The deletion is not in conflict with any goals, objectives or recommendations contained in Mansfield's 2006 Plan of Conservation and Development, the Windham Region Land Use Plan, or the 2005-2010 Conservation and Development Policies Plan for Connecticut.
2. The deletion will not affect other provisions of Mansfield's Zoning Regulations.
3. The applicant has represented that residents of Valley View Mobile Park, the only park with an existing service building required by the current zoning provisions, support the proposed deletion.

MOTION PASSED with all in favor except Goodwin and Pociask who disqualified themselves.

3. **Proposed Special Permit Modification, 1559 Stafford Road, Valley View LLC., File #105**

Tabled pending action on associated regulation revision.

4. **Subdivision Application, 3 lots, Wormwood Hill Rd, K. Hallock o/a, , File #1285**

Padick noted the following reports received and distributed to all members: a 4/14/09 report from Windham Water Works, Watershed Inspector Troy Quick; a 4/15/09 copy of the Conservation Commission Meeting Minutes; a 4/22/09 report from the Open Space Preservation Committee; a 4/28/09 memo from the Assistant Town Engineer; a 4/29/09 memo from Eastern Highlands Health District; a 4/30/09 memo from the Fire Marshal; and a 4/30/09 memo from the Director of Planning.

Peter Henry, Holmes & Henry, noted that abutter notifications were sent out today due to a miscommunication and he requested a continuation to the 5/18/09 meeting.

5. **Site Modification Request: Proposed Groundwater Remediation System, 632 Middle Turnpike Merchants Mansfield o/a (CVS), File #1157-2**

Mark Habedank, Project Manager, Kleinfelder, briefly reviewed the proposal including the location of the underground collection system and the location of the proposed equipment building. Padick stated that the proposal is unclear as to the impact to the existing landscaping and walkways and requested a clarification in writing. Members stated that more details were necessary about the building's exact location, especially if it were to be shifted closer to the western boundary line, as well as details on the building's size, materials, appearance, landscaping, replacement of shrubs/planting and any necessary screening. Habedank was instructed to work with staff to ensure there is adequate information for the next meeting.

6. **Special Permit: Proposed expansion of a dwelling unit, 8 Hanks Hill Rd. Block Properties, LLC File #1272**

Tabled pending a Public Hearing on 5/18/09.

7. **Zoning Agent's Report:**

Items were noted. Hirsch stated that Hall's deadline for cleanup is one day after the next meeting, adding that there is still quite a bit of work to be done. He stated there are no extensions and if Hall does not comply, violation notices will begin.

8. **Draft Revisions to the Zoning and Subdivision Regulations:**

Gardner MOVED, Holt seconded, that the Planning and Zoning Commission schedule a Public Hearing for Monday, June 15, 2009, on 4/27/09 draft revisions to various sections of Mansfield's Zoning and Subdivision Regulations. Furthermore, that the Planning and Zoning Commission refer the proposed revisions to the staff, Town Attorney, Agriculture Committee, Town Council, Conservation Commission, Open Space Preservation Committee, Zoning Board of Appeals, EHHD, WINCOG Regional Planning Commission, and

abutting towns for review and comment. MOTION PASSED UNANIMOUSLY.

9. **Potential Re-Zoning of the “Industrial Park” zone on Pleasant Valley Road and Mansfield Avenue**

Item tabled.

10. **Notice of EIE: Proposed UConn Academic Buildings**

Padick stated that he will have a staff report for the next meeting, but does not anticipate any issues.

**New Business:**

1. **New Special Permit Application, Efficiency Unit, 135 Mansfield Hollow Rd, A. Ward o/a File #1286**

Holt MOVED, Hall seconded, to receive the Special Permit application submitted by Alan Ward for an efficiency unit, on property located at 135 Mansfield Hollow Road, owned by Alan and Joan Ward, as shown on plans dated 1-21-72, revised through 4-28-09, 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 5-18-09. MOTION PASSED UNANIMOUSLY.

2. **Request to establish Building and Development Area Envelopes on Lot #5, Mulwood West Subdivision, File #1225-2**

Goodwin MOVED, Holt seconded, that the Planning and Zoning Commission approve Building and Development Area Envelopes for Lot 5 in the Mulwood West subdivision as depicted on a map dated 7/31/07, revised to 4/28/09, as prepared by Rob Hellstrom, Land Surveyor, with a condition that the map be revised to modify the BAE as recommended in a 4/30/09 report from the Director of Planning. The final map shall be filed on the Land Records. MOTION PASSED UNANIMOUSLY.

**Reports of Officers and Committees:**

Chairman Favretti noted a 5/12/09 Field Trip at 1:30 p.m.

**Communications and Bills:**

Chairman Favretti called particular attention to a letter written in response to his, regarding the tree removal on a Town Designated Scenic Road. Said letter, distributed to the Commission this evening,

was from Lon Hultgren, Director of Public Works and Tree Warden. It was agreed that the tree removal situation was unfortunate but that Mr. Hultgren's letter appropriately commits to a more comprehensive review in the future.

**Adjournment:**

Favretti declared the meeting adjourned at 10:05 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary