

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, June 15, 2009 Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin
(7:05pm - 9:26pm), R. Hall,
K. Holt (7:18 p.m.), P. Plante, B. Ryan
Members absent: P. Kochenburger, B. Pociask
Alternates present: M. Beal
Alternates absent: G. Lewis, L. Lombard
Staff Present: Gregory Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:05 p.m. Alternate Beal was appointed to act.

Minutes:

6/1/09-Hall MOVED, Gardner seconded, to approve the 6/1/09 Minutes as written. MOTION PASSED with all in favor except Ryan and Plante who disqualified themselves. Beal noted that he listened to the tapes.
6/8/09-Gardner MOVED, Hall seconded, to approve the 6/8/09 field trip minutes as written. MOTION PASSED with Gardner, Hall and Favretti in favor and all others disqualified.

Zoning Agent's Report:

Hirsch stated that he visited the Hall site today and most of the items seen on the 6/8/09 field trip have been removed. He added that more items were on the trailer to be taken away later that day, weather permitting. Hirsch stated that he is pleased with the progress and expects more to be done within a week.

Old Business:

1. Special Permit: Expansion of a dwelling unit, 8 Hanks Hill Rd. Block Properties, LLC, File #1272

Goodwin MOVED, Hall seconded, to approve with conditions the special permit application (File #1272) of Block Properties, LLC., for an expansion of an existing house located at 8 Hanks Hill Road as shown on plans dated 9-15-08, as revised to 5/30/09, as presented at Public Hearings on 5/18/09 and 6/1/09 and as described in

5/15/09 and 5/25/09 letters from the applicant and other application submissions. This approval is granted because the application as 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:

1. Any change in the plans, as approved, shall require review and approval of the PZC Chairman with staff assistance. Any significant change shall require PZC approval.
2. Inland Wetland Agency approval requirements shall be addressed on final plans.
3. The proposed retaining wall east of the expanded house shall be engineered and constructed in accordance with Building Code requirements.
4. To help prevent safety problems, the proposed railing system to be secured to the top of the retaining wall east of the expanded house shall be extended toward the driveway accessing the mobile home units. All segments of wall exceeding a height of thirty (30) inches shall include a railing. This requirement shall be incorporated onto the final site plan.
5. Existing trees and brush located west of the subject house shall be retained to help buffer the mobile homes located on the subject property. The final plans shall accurately depict existing trees and vegetation and all parking spaces west of the house shall be located at least five (5) feet from the existing vegetation. This required buffer shall be defined with railroad ties or other barriers acceptable to the PZC Chairman with staff assistance.
6. As labeled on the 5/30/09 site plan, all parking spaces along Hanks Hill Road shall be parallel to the road, shall be 22 x 8 feet in size and shall have a gravel or stone surface. The final plan shall eliminate any parking in front of the entry door and adjacent landscaped areas. A physical barrier, acceptable to the PZC Chairman with staff assistance shall be placed on each side of this entry area to prevent unauthorized parking. This requirement will restrict up to one (1) parking space east of the entry area. Up to four (4) additional spaces may be situated west of the entry

provided the spaces do not conflict with the vegetated buffer requirements contained in condition #5. The final plans shall incorporate these parking requirements.

7. The property owner and tenants shall monitor parking patterns in the gravel/stone parking area to help encourage parking in the approved pattern. Appropriate signage, approved by the PZC Chairman with staff assistance, shall be installed to encourage approved parking patterns.
8. The final plans shall clarify that the landscape areas adjacent to the front entry shall include a landscape stone mulch finish surface similar to the larger landscape area east of the house expansion.
9. All site work, including the retaining wall and rail system, the landscape improvements and parking barriers, shall be installed prior to the issuance of a Certificate of Compliance for the house addition and shall be maintained by the property owner.
10. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.

MOTION PASSED UNANIMOUSLY.

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

Hall MOVED, Gardner seconded, to approve with conditions the subdivision application (File #1285), of Kathryn Hallock, for three lots, on property owned by the applicant, located on Wormwood Hill Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 3/20/09 as revised to 5/22/09.

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:

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

2. Pursuant to subdivision regulations, particularly Sections 7.5 and 7.6, this action specifically approves, subject to revisions noted below, the depicted Building Area and Development Area Envelopes and setback waivers for Lots 1, 2 and 3. 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 deeds for the subject lots. This condition also shall be incorporated onto the final plans replacing Note 10 and the first sentence of Note 11 on Sheet #2.
3. Two specimen trees along Wormwood Hill Road along the common drive for Lots 1 and 2 have been identified to be saved. No work on this common driveway shall begin until a protective barrier has been placed around the specimen trees identified to be saved and the barrier has been found acceptable to the Zoning Agent. 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 the subject lots.
4. This approval accepts the applicant's proposed dedication of conservation easements as appropriate to address the open space dedication requirements of Section 13 for the subject 3-lot 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.
5. This approval authorizes the proposed common driveway for Lots 1 and 2. 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, 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.
6. The following map revisions shall be incorporated onto final plans.

- a. The final plans shall incorporate the Landscape Assessment notations regarding the scenic character along Wormwood Hill Road.
 - b. The depicted BAE's shall be enlarged on the subject lots to provide more flexibility for siting structures. Final BAE's shall be approved by the PZC Chairman with staff assistance.
7. 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 for land along Wormwood Hill Road, a common driveway easement for Lots 1 and 2, conservation easements and a Notice on the Land Records to address conditions 2, and 3 (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 easement with Town markers every 50 to 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.

Public Hearing:

Special Permit Application, Efficiency Unit, 19 Hillside Circle, J. Watt & A. Welch owners, B. Briggs applicant, File #1287

Chairman Favretti opened the Public Hearing at 7:20 p.m. Hall disqualified himself. Members present were Favretti, Gardner, Goodwin, Holt, Plante, Ryan and alternate Beal who was appointed to act. Padick read the legal notice as it appeared in the Chronicle

on 6/1/09 and 6/9/09, and a 6/11/09 communications from the Director of Planning.

William Briggs, applicant, presented the neighborhood notification return receipts noting 23 out of 24 were received. Briggs was asked how many residents were proposed for the unit; he answered two.

Sam Pickering, 23 Hillside Circle, questioned how many cars will be parked at the site. He also expressed concern over the growing number of houses with apartments rented to students.

Favretti noted no further comments or questions from the public or the Commission. Plante MOVED, Gardner seconded, to close the public hearing at 7:28 p.m. MOTION PASSED with all in favor except Hall who had disqualified himself.

Ryan MOVED, Holt seconded, to approve with conditions the special permit application (file #1287), of A. Welch and J. Watt, for an efficiency apartment on property located at 19 Hillside Circle, in an R-90 zone, as submitted to the Commission and shown on site and floor plans dated 5/6/09 and other applicant submissions, and as presented at a Public Hearing on 6/15/09.

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:

1. 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;
2. This Special Permit shall not become valid until filed upon the Land Records by the applicant.

MOTION PASSED with all in favor except Hall who had disqualified himself.

Public Hearing:

Draft Revisions to the Zoning and Subdivision Regulations File #907-31

Chairman Favretti opened the Public Hearing at 7:30 p.m. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Plante, Ryan and alternate Beal who was appointed to act. Padick read the legal notice as it appeared in the Chronicle on 6/1/09 and 6/9/09. Padick read into the record a 6-4-09 letter from M. Paquette, WINCOG Executive Director, and referenced the following communications received and distributed to all members of the Commission: an undated letter from F. Philip Prelli, Commissioner, CT Department of Agriculture; an undated letter from Dan Naumec; a 6-15-09 letter from Joan Nichols, Government Relations Specialist, CT Farm Bureau Association; a 6-15-09 letter from Mansfield Town Attorney, Dennis O'Brien; a 6-15-09 letter from Helen Koehn; 6-11-09 comments from Conservation Commission's 5/20/09 meeting; a 6-11-09 memo from Director of Planning; a 6-10-09 memo from Zoning Agent; a 6-10-09 memo from Fire Marshal, John Jackman; a 6-10-09 letter from Bonnie Glow, 1074 Storrs Road; 5-19-09 comments from Open Space Preservation Committee; and 5-13-09 comments from Agricultural Advisory Committee.

Padick reviewed the Commission's 4-27-09 Draft Revisions to the Zoning and Subdivision Regulations and outlined a brief history of the procedure that led up to tonight's Public Hearing. With 14 regulations changes to be brought before this hearing, Favretti asked for any questions or clarifications from the public regarding the first change: the keeping of animals.

Jim Stearns, 153 Stearns Road, asked for clarification if farms larger than 5 acres will be impacted by the changes.

Sarah Trickett wanted to know who drafted the changes and what sources of information were used.

Ed Austin, 844 Storrs Road, wondered if a property such as his, which is under 5 acres, would be in violation, or would it be considered a pre-existing, non-conforming use.

Simon Wells questioned if permits would be necessary and what the cost would be.

Ed Wazer, 259 Maple Road, expressed concern that this would be restrictive for commercial businesses.

Cynthia Chotkowski, E.O. Smith Vo-Ag Teacher, reviewed in detail the concerns she has with the legality of the regulations, qualifications of the Zoning Agent to implement the regulations, and the effect that these changes will have on students and their

projects. She reviewed what she teaches as Urban Agriculture and Sound Science Practices which she does not feel these regulations support. She felt that size-requirements for shelters should be changed and that breeding rams and guinea hens should be allowed. She also felt that agriculture is exempt from wetlands regulations and that excluding the wetlands in calculating the lot size is illegal in her opinion. She requested that the PZC reconsider these regulations and work with state agencies to develop agriculturally friendly regulations.

Amy Steigel, President of the CT Horse Counsel, applauded the PZC for initiating changes and for realizing that the regulations needed to be revised; however she did not feel enough information was given to or collected by the PZC to properly address the specific needs of animals. She felt that the 100-foot setback was too onerous. She also expressed concern for the lack of training of the zoning enforcement officer to adequately enforce these regulations. She suggested that contacting the State Department of Agriculture and the State Veterinarian would be helpful in developing these new regulations. .

Donna Naumac, 666 Browns Road, expressed in detail her concern for the limited number of small animals allowed per acre and the regulation's negative effect on youth projects. Naumac read comments from a letter she submitted to the Commission, which emphasized that rabbits are considered pets, not farm animals.

Al Cyr, Agricultural Committee of Mansfield, read from a letter he submitted, and he requested that the Animal Regulations be sent back to the Regulatory Review Committee for further study, and that the Committee should meet with the Agriculture Committee to further discuss these regulations.

Ed Wazer, 259 Maple Road, expressed concern with the five-acre provision and structure requirements. He noted that guinea hens are effective in controlling the ticks that carry Lyme disease.

Denise Berhstead, 268 Warrenville Road, stated that in these tough economical times more people are trying to conserve costs by growing (and selling) their own food and that the proposed regulations will affect this.

Barbara Cornell, North Windham Road, thanked the PZC for the time they put into revising the regulations but noted that changing the acreage size for keeping animals limits those who would like to purchase land/houses in this town, noting the cost of owning a

property of that size. She does not feel that the proposed regulations promote agriculture.

Kathleen Patterson, resident of 26 Crystal Lane, expressed concern that lower income families can't afford to purchase property with the acreage proposed for agriculture.

Aren Monihan, feels five acres or more are too restrictive.

Carolyn Stearns, Mansfield City Road, stated that young people learn responsibility through agricultural projects, and they then grow to be responsible citizens in the community.

Christopher Swift, 112 Puddin Lane, expressed concern for the animal units per square feet, noting that he keeps guinea hens for tick control. He also noted as a small scale bee-keeper these provisions discourage agriculture and small scale farming.

Joan Nichols, Government Relations Specialist, CT Farm Bureau Association, stated that these regulations are not farm friendly and that the PZC should consider the comments in her letter and offered her willingness to assist with a re-write.

Amanda Dainton, 96 Mansfield City Road, is concerned with the limitations these changes put on school projects.

Carol Pellegrine, Clover Mill Road, stated that under these regulations her family would not have had the opportunity to raise the "family pets." As ZBA chairman, she feels that phrases like "similar sized" are ambiguous, making enforcement difficult. She commended the PZC on the changes to boundary lines with Towns, satellite dishes, but she requested that the regulations concerning common driveways remain as currently written.

Charlie Dainton, 96 Mansfield City Road, is concerned about the effect of these proposed regulations on youth projects, 100-foot setback-buffers, the zoning agent's training and authority, and why the PZC uses 40,000 square feet instead of a true acre. He felt that the proposed changes should include abutting land-owners combining their properties to form larger fields without setbacks.

Jeanne Allie, 31 Cedar Swamp Road, noted that she has less than two acres, raises vegetables and chickens, and has never had any complaints from neighbors.

Scott Houle, Middle Turnpike, asked about the term "animal units".

Chairman Favretti asked if there were further comments on other proposed regulations.

Charles Dainton, 96 Mansfield City Road, encouraged passage of the proposed regulation regarding storage for home occupations.

Chairman Favretti noted no further comments or questions from the public or the Commission. Plante MOVED, Gardner seconded, to close the Public Hearing at 9:35 p.m.
MOTION PASSED UNANIMOUSLY.

Public Hearing:

Gravel Permit Renewals:

Chairman Favretti opened the Public Hearing at 9:40p.m.

Members present were Favretti, Gardner, Hall, Holt, Plante, Ryan and alternate Beal who was appointed to act. Padick read the legal notice as it appeared in the Chronicle on 6/1/09 and 6/9/09, and noted the following communication received and distributed to all members; a 6/10/09 report from Curt Hirsch, Zoning Agent, and a 6/11/09 report from the Assistant Town Engineer. Padick noted that the Green property was not advertised and a modification plan is expected for the 7/6/09 meeting at which time we will advertise the modification and renewal and hold a public hearing.

A. Banis property on Pleasant Valley Road File #1164

Mr. Banis updated the PZC regarding the future area of rock removal, noting that silt fence will be placed at the bottom of the slope prior to any disturbance. He noted no change in equipment. He plans to blast a 30' x 100' area requiring possibly two to three blasts. Favretti noted no further questions or comments by the public or the PZC.

B. Hall property on Old Mansfield Hollow Road File #910-2

Mr. Hall noted there had been very little activity, as stated in the report by D. Aubrey, Towne Engineering. Hirsch reminded the PZC that we waived the mapping two years in a row and eliminated water testing, therefore these reports are not required at this time. Favretti noted no further questions or comments by the public or the PZC.

Plante MOVED, Holt seconded, to close the public hearing at 9:50 p.m. MOTION PASSED UNANIMOUSLY. Holt volunteered to work on motions.

Gardner MOVED, Ryan seconded, to extend the Green Gravel Permit in its current form to the 8/3/09 meeting. MOTION PASSED UNANIMOUSLY.

New Business:

1. Request for Approval Modification, Clark Subdivision File #1280

Hall MOVED, Gardner seconded, that after considering the proposed subdivision layout, site and neighborhood characteristics, the characteristics of Whetten Woods and particularly its lack of frontage, the open space provisions of Section 13 (particularly subsections 13.1.4, 13.1.7 and 13.7), and the applicant's desire to retain existing agricultural uses, the PZC has determined that the required open space dedication shall be implemented in two phases as requested by the applicant. As an initial dedication, the open space parcel as depicted on submitted plans shall be deeded to Joshua's Trust in association with the filing of the subdivision. Subsequently, if and when Lot 3 is resubdivided, a second dedication shall be required. This second dedication shall add an access strip to link the Joshua's Trust property to Farrell Road. Unless an alternative width or location is specifically approved by the PZC, this access strip shall be at least 25 feet wide and shall be located between Lots 2 and 3.

The addition of lot frontage for the open space parcel will allow for an additional trail connection between Farrell Road and the existing Whetten Woods trails. Such a trail link will benefit residents of the subdivision and other neighbors along Farrell and Hanks Hill Roads. The potential dedication of lot frontage for the open space parcel has been delayed, at the request of the applicant, until such time as Lot 3 is resubdivided, in order to encourage and facilitate the applicant's desire to retain and continue into the future the existing agricultural use that has been established for many decades at this location.

The requirement for a second open space dedication if and when Lot 3 is subdivided shall be noted on the final plans. In addition, this condition shall be filed on the Land Records and any new deeds for a Lot 2 and/or 3. MOTION PASSED UNANIMOUSLY.

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Old Business:

3. Application to Amend the Zoning Map and Special Permit Application for a Proposed 35 Unit Multi-Family Development,

Whispering Glen, LLC, 73 Meadowbrook Lane, PZC Files #1283 and #1284 Item tabled until 7/6/09 Continued Public Hearing.

4. **Special Permit Application, Efficiency Unit, 48 Puddin Lane, P & A Veilleux owners, Spring Hill Properties applicant, File #1288**

Item tabled until 7/6/09 Public Hearing.

5. **Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Road and Mansfield Avenue**

Item tabled.

6. **PZC Member Vacancy: Mansfield Community Quality of Life Committee**

The consensus of the PZC was to report that at this time there were no PZC volunteers able to fill this vacancy. __

New Business:

2. **Draft 2009 Windham Regional Land Use Plan**

No action deemed necessary at this time.

3. **Request for Bond Release, Beacon Hill Subdivision, File #1214-2**

Hall MOVED, Holt seconded, that the PZC authorizes the Director of Planning to take appropriate actions to release a \$5,000 cash bond that was posted with the Town to ensure that all landscaping and wetland plantings are in good health in the spring of 2009, for the Beacon Hill Subdivision, file #1214-2. MOTION PASSED UNANIMOUSLY.

4. **Request for Site Modification, Hillel at UConn, 54 N. Eagleville Road, File #1289**

Gardner MOVED, Holt seconded, That the PZC Chairman and Zoning Agent be authorized to approve the modification request of Hillel at UConn for building and site improvements as depicted on a 6/3/09 site plan as prepared by Smyth Associates Architects, as described in a 6/3/09 letter from H. Zachs, subject to the following conditions:

1. All drainage improvements shall be coordinated with the University of Connecticut Facilities Department.
2. All building and fire code requirements shall be met.
3. This action waives sideline setback provisions for the entry additions, pursuant to the provisions of Article X, Section A.4.d. This waiver is based on existing site and neighborhood characteristics.

MOTION PASSED UNANIMOUSLY.

5. **Site Modification Request for driveway and parking revisions, 1244 Storrs Rd, Storrs Associates o/a, File #888-2**

Tabled, to be referred to staff.

6. **8-24 Referral: Walkway and Streetscape Improvements, Storrs Rd, Town Mansfield, Applicant**

Holt MOVED, Hall seconded, to adopt the following resolution:
RESOLVED, that the Planning and Zoning Commission of the Town of Mansfield approves the following project pursuant to Section 8-24 of the General Statutes of Connecticut:

Walkway and streetscape improvements along the western side of Storrs Road (Connecticut Route 195) approximately from its intersection with Bolton Road to the Liberty Bank Plaza property, walkway and streetscape improvement along Flaherty Road approximately from its northern intersection with Storrs Road to its intersection with Storrs Heights Road, and related work and improvements,

provided that this resolution is for approval of conceptual plans only. Each project is subject to and shall comply with all applicable zoning, site plan, subdivision, inland wetlands and other laws, regulations and permit approvals, and this resolution shall not be a determination that any such project is in compliance with any such applicable laws, regulations or permit approvals.

Adoption of the resolution PASSED UNANIMOUSLY.

7. **2009 Draft Update: Planning Acquisition and Management Guidelines**

Padick discussed updates and changes that are proposed to the Planning Acquisition and Management Guidelines. No action was deemed necessary at this time.

8. **2009 Vacation Schedule**

Holt MOVED, Gardner seconded, that due to vacation schedules, the PZC cancel its August 17, 2009 Meeting. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

None noted.

Communications and Bills:

Noted.

Adjournment:

Favretti declared the meeting adjourned at 10:15 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary