

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, July 20, 2009 Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, P. Kochenburger, K. Holt, P. Plante, B. Pociask

Members absent: J. Goodwin, R. Hall, B. Ryan

Alternates present: G. Lewis

Alternates absent: M. Beal, L. Lombard

Staff Present: Gregory Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:04 p.m. Alternate Lewis was appointed to act in Goodwin's place.

Minutes:

7/06/09-Gardner MOVED, Pociask seconded, to approve the 7/06/09 Minutes as written. MOTION PASSED UNANIMOUSLY. Kochenburger noted that he had listened to the tapes.

7/14/09 (Field Trip)- Holt MOVED, Gardner seconded, to approve the 7/14/09 Minutes as written. Holt, Gardner and Favretti voted in favor; all others disqualified themselves. The MOTION PASSED.

Zoning Agent's Report:

The Zoning Agent's enforcement update report, which includes year-end fiscal year information, was noted. Hirsch stated that he has revisited the Hall site and that only one trailer that needs to be removed remains. Total compliance is expected shortly. Mr. Hall also has been advised that he cannot work in unauthorized areas of his property. There was no update on the DeBoer property.

Healey Property, 476 Storrs Rd. File # 819

A 7/16/09 report from the Zoning Agent regarding Mr. Healey's identity sign request was noted. Michael Healey appeared before the Commission and explained his request for an identity sign including additional square footage to identify the collective name of the property. The additional square footage requires PZC approval. Holt explained that the plan to name the site "Old Eaton Farm" was not historically appropriate and that a name, such as "Colonel Storrs Farm", would more suitably recognize the site and one of Mansfield's most noteworthy citizens. Mr. Healey agreed to discuss his property name with Mansfield's Town Historian, R. Smith. Mr. Healey also clarified that he would be willing to provide landscape specifics for the area adjacent to the sign. It was noted that the PZC had already authorized the Chairman and Zoning Agent to approve sign details and landscaping.

Pociask MOVED, and Holt seconded, to approve the 7/14/09 request of Michael Healey for an identity sign under Article X, Section C.6.k subject to approval of the landscaping by the PZC Chairman and Zoning Agent. MOTION PASSED UNANIMOUSLY.

Public Hearing: Special Permit Renewal/Modification Request for Gravel Removal, Green Property 1090 Stafford Road, PZC File # 1258

Chairman Favretti opened the Public Hearing at 7:18 p.m. Members present and acting were Favretti, Gardner, Holt, Kochenburger, Plante, Pociask and alternate Lewis. Padick read the legal notice as it appeared in the Chronicle on 7-9-09 and 7-15-09, and noted the following communications that had been distributed to all members of the Commission: a 7-02-09 memo from G. Meitzler, Asst Town Engineer; and a 7-20-09 memo from G. Padick, Director of Planning. Chairman Favretti noted that the site had been visited as part of the 7/14/09 field trip. Since his memo was distributed at the meeting, Padick briefly explained the applicant's modification proposal and the staff finding that the proposal can be approved as a modification.

The applicant, Karen Green, submitted return receipts verifying compliance with neighborhood notification requirements. She and Philip DeSiato, who will be responsible for the proposed excavation/removal activity, addressed questions from the Commission. Mr. Desiato confirmed that the haul route recommended by the Assistant Town Engineer would be used and would include an anti-tracking pad at Route 32. He also agreed to install all appropriate sediment and erosion controls, particularly where a haul road culvert will be replaced.

There were no questions or comments from the public. After a brief discussion, Plante MOVED, Gardner seconded, to close the Public hearing at 7:26 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

1. Eagleville Brook Impervious Surface TMDL Project.

Zoning Agent Hirsch and Chairman Favretti briefed the Commission on the stakeholders meeting that was held on 7/14/09. They noted that the meeting was well attended and that findings and recommendations were expected to be ready by the end of October 2009.

**Holt MOVED, Plante seconded, to recess the PZC meeting until the completion of a special Inland Wetlands Agency meeting. THE MOTION CARRIED UNANIMOUSLY. The meeting was recessed at 7:35 p.m.

**Favretti reconvened the Planning and Zoning Commission meeting at 8:05pm. The same members were present.

Public Hearing:

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

Chairman Favretti opened the continued Public Hearing at 8:05 p.m. Members present were Favretti, Gardner, Holt, Kochenburger, Plante, Pociask and alternate Lewis, who was designated to act. G. Padick, Director of Planning noted that revised plans had been submitted since the last hearing together with a 7-13-09 letter from project engineer, Pat Lafayette, explaining the revisions and supplemental data submitted. The applicant and Commission agreed that the testimony from the Inland Wetlands Agency public hearing that preceded this continued hearing would be entered into the record.

Project Developer, Bill Collins, and Mr. Lafayette discussed the revised plans and presented new elevation plans. Particular attention was given to changes in the proposed affordable housing units. Mr. Collins noted that the redesigned low/moderate income units would have an estimated price of \$200,000 to \$220,000. Chairman Favretti questioned Mr. Lafayette's statement that all units would have a minimum setback of 20 feet from adjacent units and Mr. Lafayette agreed to review the plans and increase setbacks to meet this standard. He also agreed to have his Landscape Architect revisit the plans to eliminate species that are not reliably hardy in this area. Chairman Favretti agreed to provide assistance in identifying species of concern. Pociask noted that he had identified some duplicate details and assorted issues with notes and separation distance provisions. Padick noted that staff update reports have not yet been prepared and that he would review these issues. After discussing planned association maintenance requirements, Mr. Collins agreed to provide planned condominium rules and regulations. He also clarified that 4 basic colors would be used for the units to help site aesthetics. It was agreed that revised plans should be made available on the Town's web site in an effort to keep the neighborhood and interested citizens informed. Mr. Lafayette agreed to provide electronic copies of the plans.

There were no comments or questions from the public. Holt MOVED, Plante seconded, that the Public Hearing for the Whispering Glen application (PZC File #1283 & 1284) be continued until August 3, 2009. MOTION PASSED UNANIMOUSLY. The public hearing was recessed at 8:25

Other Old Business:

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

Kochenburger MOVED, Holt seconded, to approve effective August 1, 2009, revisions to Articles III and IV to address property in more than one town or more than one zone; Article VII to authorize limited live music permits that can be issued by the Zoning Agent; Article VIII to exempt small satellite dish antennae from setback requirements and to authorize potential height exceptions for wind turbines; Article X to recognize community wells as public water facilities; Article X, Section F to limit mobile home park expansions to original lots and to clarify standards for temporary occupancy of travel trailers, motor homes, etc; Article X, Section M to clarify efficiency unit requirements for kitchen and bathroom areas and owner occupancy; Article XI to refine the list of activities needing zoning permits and to authorize staff to accept bonds for work authorized by a Zoning Permit. The subject regulation revisions were identified in a 4/27/09 draft as Zoning Regulations items B,D,E,F,G,H and J. The subject Zoning Regulation revisions, which are attached, were presented at a Public Hearing on June 15, 2009.

Except for the clarification revisions noted below, the adopted regulations have the same wording as presented in the 4/27/09 draft. The following minor wording revisions have been incorporated into the attached regulations as hereby approved:

- In Article VII, Section B.1.g. the first clause shall read “All satellite dish antenna greater in diameter than one (1) meter (39.37”) shall be located.....” and in line 4 the second sentence shall begin “Satellite dish antenna greater in diameter than one (1) meter (39.37”) shall meet.....”
(This revision was recommended by the Town Attorney)
- In Article X, Section F.7.c the word “trailer” shall be inserted after “travel” in line 1. This revision will make the wording consistent with the second paragraph of this section.

In approving these Zoning Regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield’s Director of Planning and the Mansfield Town Attorney. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- 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 secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; and to facilitate the adequate provision for transportation, water, sewerage and other public requirements;
- 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;
- the authority that reasonable consideration be given for the protection of potential public surface and ground drinking water supplies;
- the authority to encourage energy-efficient patterns of development.

The subject regulation revisions have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans.
2. The revisions to Articles III and IV clarify requirements for property situated in more than one zoning district or more than one municipality.
3. The revisions to Article VII expedite approval of limited live music permits provided neighborhood impact criteria are met.
4. The revisions to Article VIII incorporate federal exemptions for small dish antennas and include wind turbines as a structure where exceptions to maximum height provisions can be authorized.
5. The revisions to Article X recognize community wells as public water facilities as per state health provisions.
6. The revision to Article X, Section F to clarify existing provisions, particularly regarding temporary occupancy of travel trailers, motor homes, etc and limit potential mobile home park expansions to original park sites.
7. The revisions to Article X, Section M clarify acceptable kitchen and bathroom area requirements and strengthen owner occupancy documentation provisions.
8. The revisions to Article XI, Section C adds to the existing listing, site work and improvements that cannot be started without zoning permit approval.
9. The revisions to Article XI, Section E give the Zoning Agent new authority to receive bonds for site work.

MOTION PASSED UNANIMOUSLY.

Kochenburger MOVED, Holt seconded, to approve effective August 1, 2009, revisions to Articles VII, Section G and Article X, Section J to delete in its entirety provisions to authorize as a "conversion" additional dwelling units in residential structures over 20 years in age. The subject regulation revisions were identified in a 4/27/09 draft as zoning item C. The subject Zoning Regulation revisions were presented at a Public Hearing on June 15, 2009.

In approving these regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- 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 secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; and to facilitate the adequate provision for transportation, water, sewerage and other public requirements;
- 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;
- the authority that reasonable consideration be given for the protection of potential public surface and ground drinking water supplies;

- the authority to encourage energy-efficient patterns of development.

The subject regulation revisions have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans.
2. The conversion provisions that are being deleted from the Zoning Regulations have been in existence since the 1960's and are no longer considered appropriate. The approval criteria are not adequate to address potential neighborhood impacts and potential health and safety concerns. The existing provisions do not protect property values and goals and objectives as expressed in Mansfield's Plan of Conservation and Development.

MOTION PASSED UNANIMOUSLY.

Kochenburger MOVED, Holt seconded, to approve effective August 1, 2009, revisions to Article X, Section O to incorporate new provisions that authorize the limited storage or parking of vehicles, equipment and/or materials as a home occupation use. The subject regulation revisions were identified in a 4/27/09 draft as item I. The subject Zoning Regulation revisions, which are attached, were presented at a Public Hearing on June 15, 2009.

In approving these regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- 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 secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; and to facilitate the adequate provision for transportation, water, sewerage and other public requirements;
- 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;
- the authority that reasonable consideration be given for the protection of potential public surface and ground drinking water supplies;

The subject regulation revisions have been adopted because they promote most if not all of these statutory goals. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans.
2. The existing Zoning Regulations do not include provisions that authorize contractors, tradesmen and other home occupation uses to store or park vehicles, equipment and/or

materials on their property. This approval provision includes appropriate standards to address potential neighborhood impacts.

MOTION PASSED UNANIMOUSLY.

Kochenburger MOVED, Holt seconded, to approve effective August 1, 2009, revisions to Sections 3 and 6.10 of Mansfield's Subdivision Regulations to incorporate a definition of yield plan and to clarify yield plan submission and approval requirements, particularly with respect to associated Inland Wetlands Agency reviews. The subject regulation revisions were identified in a 4/27/09 draft as subdivision item A. The subject Subdivision Regulation revisions, which are attached, were presented at a Public Hearing on June 15, 2009.

In approving these regulation revisions, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney. The regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-25. The Commission has adopted the subject regulation revisions for the following reasons:

1. The subject regulation revisions help implement goals, objectives and recommendations contained in Mansfield's 2006 Plan of Conservation and Development and are fully consistent with recommendations contained in State and Regional land use plans.
2. The revisions clarify yield plan provisions by adding a definition and by clarifying submission and approval criteria. Yield plans are an important tool for implementing Mansfield's cluster subdivision regulations and flexible lot size and setback provisions. The revisions will help promote appropriate cluster development and will help preserve natural, historic and scenic resources.
3. The existing provisions did not appropriately address associated Inland Wetlands Agency permit requirements. The new provisions clarify the role of the Inland Wetlands Agency in reviewing yield plan submissions.

MOTION PASSED UNANIMOUSLY.

3. Draft 2009 Windham Regional Land Use Plan

A 7/20/09 report from the Director of Planning (including a draft letter for submittal to the Windham Regional Planning Commission) and a 7/19/09 email from the Conservation Commission were received. Padick discussed, with the Commission, the concerns of the Conservation Commission regarding land south of Pleasant Valley Road and the mapping revisions that were recommended in the draft letter. It also was agreed that the letter should be amended to include a development designation for the UConn Depot Campus area. After agreeing that the Director of Planning's recommendations were appropriate, Lewis MOVED and Gardner seconded, that the Planning and Zoning Commission authorize its Chairman to co-endorse with the Mayor comments on the 2009 Draft Windham Regional Land Use Plan. The Town comments shall include recommendations contained in a 7/20/09 draft letter prepared by the Director of Planning and recognition of the UConn Depot Campus area that is served by public infrastructure as a recommended area for development. If the Town Council is not in agreement with these recommendations, the Chairman is authorized to submit an independent letter. THE MOTION CARRIED UNANIMOUSLY.

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

Padick noted that his staff report with a bulleted list of potential changes will be included in the August 3rd packet.

New Business:

Holt MOVED, Gardner seconded, to receive the Special Permit application File #1276-2 submitted by Yadollah Ghiaei for a conversion to a two-family residence on property located at 1620 Storrs Road, owned by the applicant, as shown on plans dated 7/15/09, 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 September 8, 2009. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

There were no reports.

Communications and Bills:

Noted. It was recognized that the referral in the packet was from Chaplin not Coventry as listed.

Adjournment:

Favretti declared the meeting adjourned at 9:12 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary