

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, October 19, 2009 Council Chamber, Audrey P. Beck Municipal Building

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

B. Pociask, B. Ryan

Members absent: 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 7:39 p.m. Alternate Lewis was appointed to act in Plante's absence.

Minutes:

10/5/09-Hall MOVED, Gardner seconded, to approve the 10/5/09 minutes as written. MOTION PASSED with all in favor except Pociask who disqualified himself.

10/15/09 Field Trip- Holt MOVED, Ryan seconded, to approve the 10/15/09 field trip minutes as written. MOTION PASSED with Favretti, Holt and Ryan in favor and all others disqualified.

Public Hearing:

Special Permit Application, Proposed Retail Package Store, 153 N. Eagleville Rd, Pesaro's LLC, o/a.

File #585-3

Chairman Favretti opened the Public Hearing at 7:41 p.m. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Pociask, Ryan, and alternates Beal, Lombard and Lewis. Lewis was appointed to act. Gregory Padick, Director of Planning, read the legal notice as it appeared in the Chronicle on 10-6-09 and 10-14-09. Padick referenced the following communications received and distributed to Commission members: a 10-15-09 report from G. Padick, Director of Planning; a 10-15-09 report from G. Meitzler, Assistant Town Engineer; a 10-6-09 report from E.H.H.D.; and an undated letter from Charles DeFazio, CCO, LLC, handed out this evening.

Mary Hirsch, owner of Pesaro's LLC, and Bryan Burney, the potential occupant, were both present. Hirsch indicated that in response to question raised in Padick's report, she has written to the D.O.T. requesting a crosswalk, but asked that approval of this Special Permit not be contingent upon a response from them in the interest of time.

Pociask questioned if there is sufficient lighting on the site to accommodate the increase in pedestrian traffic that will occur at night.

Gardner questioned if a caution sign would be appropriate for cars pulling out onto King Hill Road. Beal was concerned about the amount and timing of traffic that potentially could be generated by the new use as compared to traffic generated by the existing tenants, noting that the highest volume of traffic to the proposed business probably would be after the existing tenants' hours.

Padick indicated the issue of a safe pedestrian walkway into the store would have to be addressed, so that patrons would not have to walk between parked cars. He suggested that the addition of a handicap parking space at the front of the building would also provide a safe walkway for patrons. Designating the parking space closest to King Hill Road for employee parking was also

recommended for safety reasons. During the discussion following, it was determined that the site has adequate parking spaces even if an additional handicap parking space is added.

Alison Hilding, 17 Southwood Road, expressed concern for pedestrian and vehicular impact if this proposal is approved. She cited the lack of good lighting at the intersection of King Hill and N. Eagleville Roads and the existing problem with traffic and pedestrians on both sides of N. Eagleville Road. She suggested that added lighting be directed downward so as not to increase U-Conn's existing light pollution problem.

Arsalan Altaf, of CCO Brothers LLC, asked if his letter had been entered into the record. Padick said that the letter, passed out this evening, had been sent to the town attorney. He anticipates that the letter will have no relevance to this application but feels the Public Hearing should be kept open.

Alison Hilding, 17 Southwood Road, questioned if UConn was contacted regarding this proposal. She also expressed concern for an increase in truck traffic that will occur in order to serve the package store.

Hall MOVED, Gardner seconded, to keep the Public Hearing open until 11/2/09. MOTION PASSED with Goodwin opposed.

Public Hearing:

Special Permit renewal request for the use of live music in conjunction with the following restaurants: Huskies, King Hill Rd; Stonewall Tavern, Rt. 32; Ted's Restaurant, King Hill Rd., and Zenny's, Rt. 44.

Chairman Favretti opened the Public Hearing at 8:10 p.m. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Pociask, Ryan, and alternates Beal, Lombard and Lewis. Lewis was appointed to act. Gregory Padick, Director of Planning read the legal notice as it appeared in the Chronicle on 10-6-09 and 10-14-09. Padick referenced a 10-7-09 report from the Zoning Agent which was received and distributed to Commissioners.

Hirsch noted that there have been no complaints received on any of the establishments up for renewal and there have been no other communications.

Chairman Favretti noted no comments from the public or Commission. Goodwin MOVED, Kochenburger seconded, to close the Public Hearing. MOTION PASSED UNANIMOUSLY. Hearing closed at 8:15 p.m.

Goodwin MOVED, Holt seconded, that the Commission approve the Live Music Permit renewals through November 1, 2010 for the following restaurants: Huskies Restaurant, file # 780-2; The Stonewall Tavern, file # 595; Ted's Restaurant, file # 1107; and Zenny's Restaurant, file # 984. These renewals are conditioned upon compliance with the current mandated conditions for each, which shall be attached to this motion. MOTION PASSED UNANIMOUSLY.

Public Hearing:

Special Permit Application, Proposed Conversion from one to two family, 1620 Storrs Road, Y. Ghiaei o/a, File #1276-2

Pociask disqualified himself. Chairman Favretti opened the continued Public Hearing at 8:17 p.m. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Ryan, and alternates Beal, Lombard and Lewis. Lewis and Lombard were appointed to act. Padick noted no new communications or staff reports.

Y. Ghiaei, owner and applicant, was present and gave his view of the misinformation circulated following the fire. He indicated that since the fire he has decided to create a two-family residence with his son and his family living in Unit A, which has 4 bedrooms, and himself living in Unit B with 1 bedroom. The septic has been approved for 5 bedrooms. He reviewed his proposed parking layout to accommodate these two units. The regulations indicate that eight parking spaces are required, but Padick suggested that the applicant can willingly limit the number of parking spaces if those living there will number less than eight people. Padick also noted that the setback from Storrs Road is less than the regulations require.

Favretti noted no further questions or comments from the public or the Commission. Gardner MOVED, Holt seconded, to close the Public Hearing. MOTION PASSED with all in favor except Pociask who was disqualified. Hearing closed at 8:32 p.m.

Zoning Agent's Report:

Hirsch had no new updates to provide. Ryan questioned if there are size restrictions on political signs. Holt questioned the truck bodies on the Hall site.

Old Business:

1. Review of Proposed Signage and Landscaping for 454 Storrs Rd, File #1279

Padick referenced his 10-15-09 memo that was distributed to all members of the Commission. After a brief discussion the consensus of the Commission was that they would like to review a complete landscape plan that includes the proposed ramp and the area along Bassetts Bridge Road. Holt asked why the building's plans had not been sent to the Design Review Panel. Padick responded that this application was for a modification, and modifications are not normally sent to the Panel.

2. Site Modification Request, Chuck's Margarita Grill, Proposed Deck, 1498 Stafford Rd, File #303

Mike Gallager, of Chuck's Margarita Grill, reviewed the revised plans submitted this evening. He indicated that they are planning a deck on two levels and would like background music to be piped outside if allowed. There are no plans for live music. Patrons would be served by the inside kitchen and bar with no bar on deck. The deck would remain open roughly one hour after the kitchen is closed. On Sunday-Thursday food is served until 10pm, and Friday and Saturday food is served until 11pm. They request the deck be open on Friday and Saturday until 12:30am, and the rest of the week until 11pm.

The applicant stated that there will be low-voltage down-lighting on the deck, and fans will be used to eliminate mosquito problems. The Commission suggested a fence to break sound, in addition to the pine trees, on the north side of the deck nearest the neighbors. No cooking will be allowed in the proposed fire pit.

Extensive discussion was held regarding the handicap access that is proposed through the inside bar area and if it would offer safe egress during an emergency. Also discussed was the possibility of paving the deck.

Padick suggested discussion be continued to the next meeting and said that the Commission members should decide what the neighborhood impact may be. He also requested that the applicant notify neighbors for the next meeting.

Steve Browning, patron and area resident, commented that summer months in this community are economically hard for businesses, and he hopes that the application will be approved.

Noting no further questions or comments, the Commission agreed to continue discussion at the

11/2/09 meeting.

3. **Potential Re-Zoning of the “Industrial Park” zone on Pleasant Valley Rd and Mansfield Ave.**
Lombard disqualified himself. Padick discussed the proposed changes in the 10-15-09 draft revisions. The consensus of the Commission was that Padick should send a copy of these draft revisions to the Husseys, who are the major owners of the tract.

New Business:

1. **Request for bond releases:**

a. **Baxter Road Estates, PZC File #1229**

Kochenburger MOVED, Holt seconded, that the PZC authorizes the Director of Planning to take appropriate actions to release a \$7,500 cash bond, plus accumulated interest, that was posted with the Town to ensure completion of required subdivision work in the Baxter Road Estates Subdivision. MOTION PASSED UNANIMOUSLY.

b. **Windwood Acres, PZC File #1229-2**

Kochenburger MOVED, Holt seconded, that the PZC authorizes the Director of Planning to take appropriate actions to release a \$10,000 cash bond, plus accumulated interest, that was posted with the Town to ensure completion of required monumentation in the Windwood Acres Subdivision. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

None noted.

Communications and Bills:

Noted.

Adjournment:

Favretti declared the meeting adjourned at 9:39 p.m.

Respectfully submitted,
Katherine K. Holt, Secretary