

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, May 16, 2011
Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan
Alternates present: K. Rawn, V. Ward
Alternates absent: F. Loxsom,
Staff Present: Gregory J. Padick, Director of Planning, Curt Hirsch, Zoning Agent

Chairman Favretti called the meeting to order at 7:07 p.m. Ward was appointed to act if needed.

Minutes:

05-02-11- Plante MOVED, Hall seconded, to approve the 5/2/11 minutes with one addition - that Rawn was appointed to act if needed. MOTION PASSED with all in favor except Ward who disqualified herself.

Zoning Agent's Report:

Hirsch noted that one of the clothing drop boxes has been removed at Four Corners. He will continue to monitor the others.

Old Business:

2. **Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**
Tabled - awaiting information from applicant.
3. **Request to stop collecting bond escrow funds for Freedom Green Phase 4C**
Tabled - awaiting information from applicant.
4. **Request to review and revise Plan of Conservation and Development regarding Hunting Lodge Road area**
Tabled - referred to Regulatory Review Committee.
5. **4-Lot Subdivision Application, (3 New Lots) Wormwood Hill & Gurleyville Roads, S. Plimpton o/a, PZC File #1298**
Tabled pending 6/6/11 Continued Public Hearing.
6. **Application to amend the Zoning Regulation to add Place of Assembly-Banquet Hall as a permitted use in the Neighborhood Business 2 Zone, M. Healy, applicant, PZC File #1301**
Tabled pending 6/6/11 Public Hearing.

New Business:

1. **Gravel Permit Renewals**
 - A. **Banis property on Pleasant Valley Road File #1164**
 - B. **Hall property on Old Mansfield Hollow Road File #910-2**
 - C. **Green Property, 1090 Stafford Road PZC File #1258**
Holt MOVED, Pociask seconded, that the Commission set a public hearing for June 20, 2011, for the purpose of hearing special permit, gravel renewal requests. MOTION PASSED UNANIMOUSLY.

Reports from Officers and Committees:

Chairman Beal announced that the next meeting is scheduled for 5/25/11 at 1:15 p.m. in Conference Room B. Chairman Favretti reminded members of the Field Trip on Tuesday, May 17, 2011 at 1:30 p.m.

Communications:

Communications listed on the agenda were noted.

Public Hearing:

Special Permit Application, Proposed Veterinary Hospital, 266 Stafford Rd, W. Ernst-applicant/ Y. Desiato-owner, PZC File #1300

Chairman Favretti opened the Public Hearing at 7:15 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Lewis, Plante, Pociask, Ryan and alternates Rawn and Ward. Padick read the legal notice as it appeared in the Chronicle on May 3 and May 11, 2011, and noted the following communications received and distributed to the Commission in addition to the applicant's submissions which included a revised landscape plan: 5/12/11 memo from Grant Meitzler, Assistant Town Engineer; 5/9/11 memo from John DeWolf, Member of Mansfield Advisory Committee on Person with Disabilities; 5/10/11 email from Joy Mercure, 125 Meadowbrook Lane; 5/6/11 memo from Gregory Padick, Director of Planning; 5/5/11 memo from John Jackman, Deputy Chief/Fire Marshal; 5/2/11 letter from John DeCastro, CT DOT; 5/2/11 email from Annette and Roger Whitmore, 37 Higgins Highway; 4/28/11 email from Kathy and Tad McKinney, 22 Higgins Highway; 4/25/11 email from Doreen Palmer, 32 Higgins Highway; and a 4/18/11 plan approval memo from Geoffrey Havens, EHHD.

Wendy Ernst, applicant, addressed concerns raised in Padick's memo and agreed with all recommendations made by Padick and Meitzler.

Lionel Desrosiers, 259 Stafford Road, expressed concern for the traffic and speed on the road and the effects the addition of a business will have. Desrosiers asked if Ernst intends to practice large animal care in the future and if any consideration had been given to relocating the entrance/exit driveway on Stearns Road.

Jim Cayer, 393 Stearns Road, questioned if kenneling will be part of her business plan, expressing concern over noise. Cayer also expressed concern over light pollution and asked for more details on proposed exterior lighting and the potential for people wandering onto his property.

Favretti noted no further questions or comments from the public or the Commission. Beal MOVED, Plante seconded, to close the Public Hearing at 7:43 p.m. MOTION PASSED UNANIMOUSLY. Hall volunteered to work with staff to draft a motion for the next meeting.

Public Hearing:

4//14/11 Draft revisions to the Zoning Regulations Re: Agricultural Uses, PZC File #907-36

Chairman Favretti opened the Public Hearing at 7:44 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Lewis, Plante, Pociask, Ryan and alternates Rawn and Ward. Padick read the legal notice as it appeared in the Chronicle on May 3 and May 11, 2011, and noted the following communications received and distributed to the Commission: 5/16/11 letter from Attorney O'Brien; 5/16/11 email from Donald and Janis Hoyle, 125a Bassetts Bridge Road; 5/15/11 email from Ann Kouatly, 98 Fern Road; 5/10/11 email from Barbara Casey, 70 Davis Road; 5/10/11 email from Suzanne Hathaway, 117 Birch Road; 5/10/11 email from Careen Jennings, 5d Sycamore Drive; 5/5/11 memo from Gregory Padick, Director of Planning; and a 5/4/11 letter from Ted Melinosky, Vice Chair, WINCOG RPC, which Padick read into the record.

Padick reviewed the following key components of the proposed revisions to the Zoning Regulations regarding agricultural uses: A new Art. X, Sec. T that reorganizes, clarifies and adds new provisions designed to encourage agricultural uses subject to standards to address potential environmental, neighborhood impact or animal welfare issues; Revised farm stand provisions including new permitted-by-right standards for certain stands and new signage provisions; Revised permitted-by-right provisions for the Keeping of Farm Animals. Non-farmable wetlands are excluded from the acreage needed to qualify as a principal farm use and from acreage per animal unit calculations for Accessory/Secondary farm uses; Revised animal unit provisions and new special permit standards that allow more animals than permitted by right on lots that do not qualify as a principal farm; New permitted-by-right provisions for student projects.

Al Cyr, representing the Agriculture Committee, read a statement into the record and submitted a copy for the file.

Ed Wazer, 253 Maple Road, Shundhai Farm, thanked the Commissioners for their time and effort, noting that this is a big improvement over the existing regulations, but that there is still room for improvement. He discussed a few areas that he feels should be revisited: the farm animal acreage chart; that many local farms are on small parcels of land and requiring a 100' setback from property lines greatly restricts activity on small farms; the concern for impact in neighborhoods, noting that some of the most viable farmland is in neighborhood settings. He added that producing food locally saves money.

Robert Roberge, 32 Woodland Road, asked about enforcement of the regulations, noting that permitted-by-right activities should be granted unconditionally. He also wondered who verifies if an animal is neutered or not, and is it a state requirement for certain animals to be neutered after one year.

Charles Dainton, 96 Mansfield City Road, questioned if "non-farmable wetlands" is defined and expressed concern about mandatory neutering of male animals. He also questioned the requirement of maintaining a cover crop in pastures.

Al Cyr, Agriculture Committee, clarified that the neutering of male animals is proposed only for smaller lots, and cover crops on pastures (not pens, arenas, or riding arena) is proposed to prevent erosion.

Cynthia Opterbek, questioned the 100' setback if a lot is only 200' wide, because farming wouldn't be feasible according to the new regulation.

Chris Keuffner, stated that getting a waiver or special permit may be too cumbersome for some people and he's concerned for the impact this will have on local farming.

Favretti noted no further questions or comments from the public or the Commission. Plante MOVED, Beal seconded, to close the Public Hearing at 8:36 p.m. MOTION PASSED UNANIMOUSLY.

Public Hearing:

3/30/11 Draft revisions to numerous sections of the Zoning Regulations, PZC File #907-35

Chairman Favretti opened the Public Hearing at 8:44 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Lewis, Plante, Pociask, Ryan and alternates Rawn and Ward. Padick read the legal notice as it appeared in the Chronicle on May 3 and May 11, 2011, and noted the following communications received and distributed to the Commission: 5/16/11 letter from Attorney O'Brien; 5/5/11 memo from Gregory Padick, Director of Planning; 4/19/11 memo from Open Space Preservation Committee; and a 5/4/11 letter from Ted Melinosky, Vice Chair, WINCOG RPC, which Padick read into the record.

Padick reviewed the following key components of the proposed revisions to the Zoning Regulations: New Design Criteria for the Planned Business-3 zone (Four Corners Area); Revised application and approval criteria to protect historic resources and new zoning permit, site plan and special permit approval criteria for exterior construction in designated historic village areas; New revisions to existing Architectural and Design Standards; New setback provisions for outdoor recreational facilities; Revised site plan and special permit standards for lighting improvements; Revised provisions for sidewalk, bikeway, trail and other pedestrian and bicycle improvements; Revised notification provisions; Revised standards for refuse areas.

Favretti noted no questions or comments from the public or the Commission. Plante MOVED, Holt seconded, to close the Public Hearing at 9:12 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

1. **Site/Building Modification Request, Proposed gym/fitness center at 1768 Storrs Road**

Brook Magouirk, applicant, submitted return receipts verifying neighborhood notification. Favretti noted no comments or questions from the public or Commission.

Goodwin MOVED, Holt seconded, that the Planning & Zoning Commission authorizes the PZC Chairman and the Zoning Agent to approve with conditions, the 4/27/11 Request for Site/Building Modifications submitted by Brooke Magouirk and as described in the applicant's Statement of Use and other submissions. This conditional approval does not anticipate any significant changes to the site or impacts on the neighborhood. The conditions are:

1. Screening shall be re-established around the dumpster pad;
2. Any changes to the remaining existing uses or new additional uses of the site shall require further PZC review and approval;
3. All conditions of the PZC's 2/21/06 approval for the 120-seat chapel use of the site shall remain in effect.

MOTION PASSED UNANIMOUSLY.

Adjournment:

Chairman Favretti declared the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Katherine Holt, Secretary