

MINUTES  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, May 21, 2012  
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), K. Holt, G. Lewis, P. Plante, B. Pociask, K. Rawn,  
B. Ryan  
Members absent: R. Hall  
Alternates present: B. Chandy, V. Ward, S. Westa  
Staff Present: Linda Painter, Director of Planning and Development

Chairman Goodwin called the meeting to order at 7:02 p.m., and appointed Chandy and Westa to act.

**Minutes:**

5-7-12 Minutes- Plante MOVED, Chandy seconded, to approve the 5/7/12 meeting minutes as written. MOTION PASSED UNANIMOUSLY.

5-15-12 Field Trip Minutes- Ryan MOVED, Holt seconded, to approve the 5/15/12 field trip minutes as written. MOTION PASSED with Ryan, Holt, Lewis, Rawn, Pociask and Chandy in favor, and all others were disqualified.

**Zoning Agent's Report:**

The Zoning Agent's report was noted.

**Public Hearings:**

a. **Special Permit for Cut/Fill Activities, Merrow Road Corn Maze, 3 Merrow Road, Mason Brook LLC/Christopher Kueffner, owner/applicant (PZC File #1309)**

Chairman Goodwin opened the Public Hearing at 7:05 p.m. Members present were Goodwin, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Chandy, Ward and Westa. Alternates Westa and Chandy were appointed to act. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in The Chronicle on 5/8/12 and 5/17/12 and noted the following communications received and distributed to Commission members: a 5/17/12 memo from L. Painter, Director of Planning and Development; a 5/17/12 memo from G. Meitzler, Assistant Town Engineer; and an undated letter from David Morse.

Applicant Christopher Kueffner, of 192 Ravine Road and owner of 3 Merrow Road, was present and accompanied by Philip DeSiato of DeSiato Sand and Gravel. Kueffner reviewed the application. He stated they proposed to remove 4,200 cubic yards of material over the next 8 months. There will be two trucks traveling between the site and the gravel processing site which is 2 miles south on Stafford Road, between the hours of 8:00 am and 4:30 pm. He stated that all the topsoil will be stripped and piled on the site and redistributed and graded at a 6-inch depth after completion of each section. Kueffner and DeSiato distributed aerial pictures of the property that purport to show substantial erosion problems due to the failed stone culvert that collects runoff from Route 32. They propose to repair the culvert with a 15-inch corrugated pipe. DeSiato stated that he dug test pits at 7 and 9 feet and found no indication of water at that depth. DeSiato said he and the applicant were meeting on Tuesday, May 22<sup>nd</sup> with Rick Boucher, the Road Master of Vermont Central Railroad, to discuss the work and to request approval to stockpile the top soil within 50 feet of the railroad.

Pociask said he would like to see the Central Vermont Railroad's approval in writing before the Commission acts, or at least the Commission should require this written approval as a condition of PZC

approval. He questioned how many trucks a day do they anticipate working the site and if an anti-tracking pad is proposed. DeSiato replied that they do not think it will take the full 8 months as requested, and he estimated there will be about 30 trips a day with two trucks. He stated that because the top soil has been stripped and the base is stone, an anti-tracking pad is not necessary.

Meitzler discussed the concern regarding work being performed near the wood line; DeSiato stated that no work is proposed in that area.

Chandy questioned if silt fencing will be installed around the stockpiles. Kueffner responded that the stockpiles that exist are already grassed over, but future areas will have a silt fence.

Bruce John, 835 Stafford Road, owner of 12 Merrow Road, spoke in support of the application and noted that he allows the applicant to park on his property.

David Morse, 64 Birchwood Heights Road, owner of 1472 and 1478 Stafford Road, supports the corn maze operation but stated that he is opposed to the gravel operation due to the effect he contends it will have on neighbors because of traffic, noise and potential harm to the aquifer. He questioned how this activity was allowed to occur without a permit.

Curt Hirsch, Zoning Agent, stated that once staff was made aware last fall of the extent of the work that was being performed, a violation notice was issued and work stopped. He noted that the Inland Wetlands Agency had ruled last fall that the proposed work presented to the IWA was deemed exempt as agricultural work and did not require a wetlands permit.

Kueffner stated that due to the location of the work being performed, most neighbors were unaware of any disturbance until they received neighborhood notification.

Holt questioned Painter if this is an issue that the Aquifer Protection Agency should review. Painter responded that it is not an APA regulated activity.

Noting no further comments or questions from the public or Commission, Holt MOVED, Ryan seconded, to continue the Public Hearing to June 2, 2012 to allow for time for a response from the Road Master at Vermont Central Railroad. MOTION PASSED UNANIMOUSLY.

**b. Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA), Pleasant Valley Commercial/Agriculture (PVCA) Regulations and Research and Development/Limited Industrial Zone, (PZC File #907-37)**

Chairman Goodwin opened the continued Public Hearing at 7:45 p.m. Members present were Goodwin, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Chandy, Ward and Westa. Alternates Westa and Chandy were appointed to act. Linda Painter, Director of Planning and Development, read into the record a 5/2/12 letter signed by Ted Melinosky, Vice Chair, WINCOG RPC, and noted a Notice of Protest and letter from K. Olson that was submitted at the last meeting. She also noted 5/8/12 email communications from Jana Butts, WINCOG regarding the 5/2/12 WINCOG letter.

It was noted that the hearing was kept open to allow for the WINCOG letter to be received. Noting no comments or questions from the public or the Commission, Plante MOVED, Holt seconded, to close the Public Hearing at 7:50 p.m. MOTION PASSED UNANIMOUSLY.

## **Zoning Agent's Report Continued:**

### **Ted's Restaurant, 16 King Hill Road, PZC File #1107**

Hirsh briefed the commission on this request. Pociask asked about the capacity limit of the restaurant and event site. Ryan McDonald, the applicant, stated the capacity for the event site (restaurant plus roped-off parking lot) is up to 200 people, but currently only 30 tickets for the event have been sold. Noting no further questions or comments, Ryan MOVED, Holt seconded, that the PZC authorize the June 2, 2012 alumni reception proposed at Ted's Restaurant as described in letters dated 3/23/12 and 5/14/12 from Ryan McDonald, and a 2/2/12 letter from Alicia Wilson, and other submittals, because the event is not expected to have a significant impact on the commercial and University properties in the immediate area. This action acknowledges that live music will be performed outside of the building. MOTION PASSED UNANIMOUSLY.

## **New Business:**

### **a. 82 Stonemill Road, LeBlond owner, discussion Re: Kennel Use**

Richard and Lena LeBlond explained their activities with their dogs. At any given time, they have 10-12 dogs they consider personal pets. On many occasions they show their dogs and perhaps one time per year they will breed a dog. They are neither a breeding facility nor a kennel, and they do not conduct any commercial activities. The dogs go out onto their six-acre property in small groups and are never left outdoors without supervision. After hearing the LeBlonds' explanation of the activity, the consensus of the Commission was that the LeBlonds were not operating a commercial kennel at their home. Plante suggested that if members feel the definition of "kennel" should be better defined, the issue should be brought to the Regulatory Review Committee.

### **b. 8-24 Referral: Mansfield Community Center Playground**

Holt MOVED, Ryan seconded, that the PZC notify the Town Council that the proposed siting of the Mansfield Community Playground at the Community Center/Town Hall complex (including the potential acquisition of adjacent university property for the playground) is consistent with the Plan of Conservation and Development, particularly Policy Goal 4, Objective d. Furthermore, it is noted that the final location and design of the playground will require a modification to the Community Center Special Permit. MOTION PASSED UNANIMOUSLY.

### **c. Gravel Permit Renewals**

- **Banis property on Pleasant Valley Road File #1164**
- **Hall property on Old Mansfield Hollow Road File #910-2**
- **Green Property, 1090 Stafford Road PZC File #1258**

Holt MOVED, Ryan seconded, that the Commission set a public hearing for July 2, 2012 for the purpose of hearing special permit, gravel renewal requests. This action also extends the current permit period until August 7, 2012. MOTION PASSED UNANIMOUSLY.

## **Old Business:**

### **a. Special Permit for Cut/Fill Activities, Merrow Road Corn Maze, 3 Merrow Road, Mason Brook LLC/Christopher Kueffner, owner/applicant (PZC File #1309)**

Item tabled-Public Hearing Continued.

### **b. Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA), Pleasant Valley Commercial/Agriculture (PVCA) Regulations and Research and Development/Limited Industrial Zone, (PZC File #907-37)**

Rawn agreed to work with staff on a motion for the next meeting.

**Reports from Officers and Committees:**

Vera Ward noted that the next meeting of the Regulatory Review Committee meeting will be Wednesday, June 27th at 1:15 p.m. in Conference Room C and invited all members of the PZC to attend.

**Communications and Bills:**

Noted

**Adjournment:** The meeting was adjourned at 8:40 p.m. by the chairman.

Respectfully submitted,

Katherine Holt, Secretary