

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, June 18, 2012
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, R. Hall, K. Holt (7:05 p.m.), G. Lewis, P. Plante, B. Pociask, K. Rawn, B. Ryan
Alternates present: V. Ward, S. Westa
Staff Present: Linda Painter, Director of Planning and Development

Chairman Goodwin called the meeting to order at 7:00 p.m., appointing Ward to act until Holt's arrival at 7:05 p.m.

Minutes:

6-4-12 Minutes- Hall MOVED, Ryan seconded, to approve the 6/4/12 meeting minutes as written. MOTION PASSED with all in favor except Plante and Pociask who disqualified themselves.

6-12-12 Field Trip Minutes: Ryan MOVED, Holt seconded, to approve the 6/12/12 field trip minutes as written. MOTION PASSED with Goodwin, Holt, Ryan and Westa in favor and all others disqualified.

Zoning Agent's Report:

The Zoning Agent's report was noted.

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)**

Chandy MOVED, Holt seconded, to approve to approve with conditions the Special Permit application (PZC File #1309) of Mason Brook, LLC, for the removal of approximately 4,200 cubic yards of gravel and associated regrading and drainage work, as described in the application dated April 23, 2012, including the statement of use and the Proposed Borrow Pit and Grading Plan dated April 17, 2012; and as presented at Public Hearings on 5/21/12 and 6/4/12. This approval is granted because the application as approved is considered to be in compliance with Article V, Section B (Special Permit Requirements), Article X, Section H (Sand and Gravel) and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

- 1) **Extent of Approval.** This approval authorizes the removal of approximately 4,200 cubic yards of gravel, and associated grading and drainage improvements as depicted on the Proposed Borrow Pit and Grading Plan. Any significant change in the site work as described in application submissions and at the Public Hearing shall require further PZC review and approval. Any questions regarding what constitutes a significant change shall be reviewed with the Zoning Agent and, as deemed necessary, the PZC.
- 2) **Waivers.** Pursuant to the requirements of Article X, Section H.4, the following waivers to application requirements have been granted as the information was not needed to determine compliance with the Regulations:
 - a) A-2 Survey and Location of Utility Poles (Article V, Section A.3.d)
 - b) Data Accumulation Plan (Article X, Section H.3.b)

- 3) **Plan Revisions.** The Proposed Borrow Pit and Grading Plan shall be revised to include the following information:
- a) Traffic Management Plan for days when construction activity is concurrent with use of the parking lot by customers for the business on the north side of Merrow Road
 - b) Requirement that all truck loads be covered, both on and off-site.
 - c) Measures to control wind erosion and dust from stockpiles
 - d) Locations of areas where excavation will exceed depth of 10 feet and 3 to 1 slope and safety measures for those areas.
 - e) Use of best management practices as recommended by the Department of Energy and Environmental Protection (DEEP) and the USDA Natural Resources Conservation Service for the application of manure, fertilizer or pesticide once the property is replanted and management of animal waste if livestock are to be kept on the property.
 - f) Requirement that the Town shall be informed by the applicant when excavation work is going to be done so that exposed soil conditions can be monitored. If necessary, the Assistant Town Engineer shall have the authority to raise the finished grade levels to ensure that current conditions for rainfall moving through the gravel to the underlying aquifer are maintained.
 - g) Identification of an alternative stockpile location that meets the 50 foot setback from the railroad right-of-way to be used until such time as written approval is received for the railroad for the stockpile locations adjacent to their right-of-way.
- 4) **Authorization from New England Central Railroad.** Pursuant to Article X, Section H.5.e, the applicant is required to obtain written approval for any excavation or stockpiles within 50 feet of the railroad right-of-way. As there are existing stockpiles within the 50 foot setback, it is not beneficial to prohibit all work on the site until such time as written consent is received. As such, there shall be no further grading or other excavation activity within 50 feet of the right-of-way of the Central Vermont Railroad (aka New England Central Railroad) other than the spreading of loam stockpiled in that area across other portions of the site/property in accordance with the Proposed Borrow Pit and Grading Plan until such time as written approval is received and confirmed by the Zoning Agent. Upon receipt of such approval, the Zoning Enforcement Officer may authorize excavation, grading and stockpiling activities within 50 feet of the railroad right-of-way.
- 5) **Erosion and Sedimentation Controls.** Erosion and sedimentation controls shall be installed where necessary as determined by the Assistant Town Engineer/Inland Wetlands Agent, including an anti-tracking pad at the entrance to the site off of Merrow Road.
- 6) **Topsoil.** All disturbed areas shall be covered with a minimum of 6 inches of topsoil and revegetated as per regulatory requirements and application submissions. No topsoil shall be removed from the site without prior authorization.
- 7) **Bonding.** Due to the agricultural nature of the subject application and the adequacy of submitted plans, no site development bonding shall be required at this time. The PZC reserves the right to require bonding if site development problems arise.
- 8) **Validity.** This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records. If the subject excavation and site restoration work are not completed by 7/1/2013, renewal of this Special Permit shall be required.

MOTION PASSED UNANIMOUSLY.

b. **Request for release and capping of bond escrow funds for Freedom Green (PZC File #636-4)**

Item is tabled pending staff review.

c. **Gravel Permit Renewals**

Holt MOVED, Ryan seconded, that the public hearings for the purpose of reviewing requests for the renewal of special permits for earth removal be scheduled for July 16, 2012. MOTION PASSED UNANIMOUSLY. The current permit period ends August 7, 2012.

New Business:

**Holt MOVED, Pociask seconded, to add to New Business two items: Field Trip for Beacon Hill Estates Section II, and the Pending Right to Farm Ordinance. MOTION PASSED UNANIMOUSLY.

a. **Request to Modify Building Area Envelope, Lot 16 Beacon Hill Estates, PZC File #1214-2**

Pociask MOVED, Ryan seconded, that the Planning & Zoning Commission approve the proposed revision to the Building Area Envelope for Lot 16 of the Beacon Hill Estates Subdivision, as described in the 6/6/12 request from Spring Hill Properties, LLC., and shown on a plan dated 6/5/12, subject to the condition that the stone walls be retained pursuant to Section 7.7 of the Subdivision Regulations. This revision will not affect neighboring properties, natural or manmade features or the overall character of the subdivision. This action shall be noticed on the land record. MOTION PASSED UNANIMOUSLY.

b. **Application to amend the Zoning Regulations, Article VII, Section S.2; Article VIII; and Article X, Section A.4.d- M. Healey-applicant, PZC File #1310**

Holt MOVED, Ryan seconded, to receive the application submitted by Michael C. Healey to amend Article VII, Section S.2; Article VIII, and Article X, Section A.4.d of the Mansfield Zoning Regulations, File #1310, as submitted to the Commission, and to instruct the applicant to work with staff on final wording prior to advertising, and to refer said application to WINCOG and the Town Attorney for review and comment, and to set a Public Hearing for August 6, 2012. MOTION PASSED UNANIMOUSLY.

c. **8-24 Referral-LaGuardia Lane/Quiet Meadow Subdivision**

Holt MOVED, Hall seconded, that the PZC notify the Town Council that the proposed acquisition of the LaGuardia Lane Property would promote Mansfield's Plan of Conservation and Development through protection of interior forest and improved access to existing preserved open space. MOTION PASSED UNANIMOUSLY.

d. **8-24 Referral-School Building Project**

After extensive discussion, Plante MOVED, Pociask seconded, to table this item. MOTION FAILED with Plante, Pociask, Holt and Chandy in favor and Rawn, Hall, Lewis, Ryan and Goodwin opposed. Then Rawn MOVED, Hall seconded, RESOLVED, that the Planning and Zoning Commission of the Town of Mansfield approves the following project with respect to the Town's elementary and middle schools, pursuant to Section 8-24 of the General Statutes of Connecticut, consisting of:

1. The closure and demolition of the Dorothy C. Goodwin Elementary School and the Annie E. Vinton Elementary School, and the construction and equipping of a new elementary school on each of these sites, including, if necessary or desirable to accommodate the new school design, the purchase of land adjacent to either of these sites, and including related work and improvements;;
2. Select heavy renovations to the Mansfield Middle School, including but not limited to roof and window replacements, installation of solar panels, and the replacement of modular classrooms, and related work and improvements; and

3. The closure of the Southeast Elementary School, the future use of which is undetermined at this time; and

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 wetland 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. MOTION FAILED with Rawn, Lewis and Ryan in favor and Plante, Pociask, Hall, Goodwin, Holt, and Chandy opposed.

e. **UConn Technical Park-Jurisdiction**

Linda Painter, Director of Planning and Development, reviewed her memo and an opinion letter from an Assistant Attorney General regarding a project that is similar to the proposed Technology Park. After extensive discussion, the consensus of the Commission was, it does not believe it has jurisdiction over the project but it strongly encourages the Town of Mansfield to work with the University to ensure the Town has adequate sewer and water capacity for the future development in town that is likely to occur as a result of the Technology Park.

f. **Consideration of Cancelling the July 2, 2012 Regular Meeting**

Holt MOVED, Hall seconded, that the Planning and Zoning Commission cancel the July 2, 2012 and August 20, 2012 regular meetings of the Planning and Zoning Commission. MOTION PASSED UNANIMOUSLY.

g. **Field Trip Scheduling**

Staff recommended scheduling a field trip for Beacon Hill Estates Section II. It was agreed to schedule a field trip for July 10th at 3:30 p.m. If any new IWA items come in on July 16th, another field trip will be scheduled for July 24th.

h. **Proposed Right to Farm Ordinance**

Goodwin suggested that the Commission write a letter in support of the Right to Farm and Agricultural Tax Incentive Ordinances presently before the Town Council for action, as these proposed ordinances are consistent with, and support, the Commission's work in protecting and promoting agriculture. PZC members asked staff to provide samples of such ordinances used by other towns.

Reports from Officers and Committees:

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

Communications and Bills:

Noted.

A Field Trip was scheduled for July 10 at 3:30 p.m.

Adjournment: The meeting was adjourned at 8:37 p.m. by the chairman.

Respectfully submitted,

Katherine Holt, Secretary