

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, January 7, 2013
Council Chamber, Audrey P. Beck Municipal Building

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

Chairman Goodwin called the meeting to order at 7:33 p.m., appointing alternates Marcellino, Ward and Westa to act in members' absences.

Chairman Goodwin appointed Ryan as Acting Secretary in Holt's absence.

Minutes:

12-17-12 Special Meeting Minutes- Ward MOVED, Chandy seconded, to approve the 12/17/12 special meeting minutes as written. MOTION PASSED UNANIMOUSLY. Goodwin and Marcellino noted for the record that they listened to the recording of the meeting.

12-17-12 Regular Meeting Minutes- Hall MOVED, Ryan seconded, to approve the 12/17/12 regular meeting minutes as written. MOTION PASSED with all in favor except Goodwin who disqualified herself. Marcellino noted for the record that he listened to the recording of the meeting.

Zoning Agent's Report:

Noted.

Public Hearings:

a. Subdivision Application, Beacon Hill Estates, Section II, Mansfield City Road, west of Beacon Hill Road; Eagleville Development Group, LLC, applicant: PZC File #1214-3

Chairman Goodwin opened the Public Hearing at 7:35 p.m. Members present were: Goodwin, Chandy, Hall, Lewis, Rawn, Ryan and alternates Marcellino, Ward, and Westa, all whom were appointed to act. Linda Painter, Director of Planning and Development read the legal notice as it appeared in The Chronicle on 12-26-2012 and 1-2-1013 and noted the following communications received and distributed to the Commission members: a 1-7-13 email from Douglas Hamilton w/ signed attached petition from homeowners on Beacon Hill Drive; a 1-3-13 report from Linda Painter, Director of Planning and Development; a 1-2-13 report from Grant Meitzler, Assistant Town Engineer; a 1-2-13 report from Fran Raiola, Acting Deputy Chief/Fire Marshal; a 12-26-12 report from Geoffrey Havens, RS, Eastern Highlands Health District; 12-18-12 comments from O.S.P.C.; 11-27-12 comments from O.S.P.C.; 8-1-12 letter from Lawrence Mayer, 46 Beacon Hill Drive; 8-2-12 letter from Douglas Hamilton and Pamela Paine, 43 Beacon Hill Road.

Attorney Lenard Jacobs, representing the applicant, agreed that all testimony from the Inland Wetlands Agency Public Hearing may be entered into the record of the Planning and Zoning Commission Public Hearing. Attorney Jacobs gave an overview of the subdivision design process and requested that following the presentation tonight, the public hearing be kept open as was the Inland Wetlands hearing.

Edward Pelletier, Datum Engineering and Surveying, asked the commission for direction regarding the access road, explaining that as part of the design process the applicant identified an alternative access and

can present that alternative if the commission feels it would like to see it. He noted that he received the comments from the Open Space Preservation Committee and all suggestions have been found acceptable by the developer.

John Alexopoulos, Landscape Architect, reviewed the assets and constraints of the property, emphasizing the wetlands, the farm road, trees, vegetation and stone walls. He noted the consistent canopy of mixed hardwoods and that there is little undergrowth due to deer. Alexopoulos noted that there are no significant views or vistas and that all trees of note have been identified. He spoke in detail about the farm road, stating that it is a distinct feature of this property that will be preserved.

Members asked for clarification on the use of stone walls on the property, the preservation of the farm road, the choice of open space containing a large percentage of wetlands and the concerns expressed by the fire marshal.

Chairman Goodwin opened the floor to the public.

Douglas Hamilton, 43 Beacon Hill Drive, noted the petition which was signed by each resident on Beacon Hill Drive, and expressed concern for the connecting access road and the increase in traffic in this quiet neighborhood.

Laurence Mayer, 46 Beacon Hill Drive, expressed concern with the traffic and headlights from the connecting access road. He stated that he and his wife purchased this home because of the character of the neighborhood and feels that a connecting access road will greatly change the neighborhood for the worse. He urged the Commission to consider an alternative access road off Mansfield City Road.

Tom DeFranco, 76 Beacon Hill Drive, stated that his family moved to Beacon Hill Road because of the character of the development and is now concerned about the additional traffic and potential safety hazard to the children and others who live in this neighborhood. He requests that consideration be given to an access road off Mansfield City Road.

Jackie Liapes, 53 Beacon Hill Drive, stated that she purchased her home because of the character and safety of the neighborhood and is concerned that both will be in jeopardy if this access road is connected to Beacon Hill Drive. She requests that consideration be given to an access road off Mansfield City Road.

John Troyer, 840 Mansfield City Road, stated that he often walks in the Beacon Hill area and doesn't want to see the access road connected but doesn't feel the access off Mansfield City Road is a prudent alternative either, noting the dangerous curve in the road.

Jim Green, 52 Beacon Hill Drive, stated that he echoes the concerns of his neighbors, but wanted to bring attention to the fact that the stone walls did not remain intact during the first phase and hopes that there is more oversight during the second phase.

Lawrence Mayer, 46 Beacon Hill Drive, stated that none of the residents have seen an "alternative access road" but would be interested in seeing it and how it would impact the residents.

Attorney Jacobs reiterated Pelletier's statement that as part of the design process the applicant identified an alternative access and can present that if the commission feels it would like to see it. After discussion, the consensus of the Commission was that the proposal before it is what is under consideration. It is the applicant's choice as to how to present its application after participating in the pre-design process.

At 8:25 p.m. Chairman Goodwin noted there were no further comments from the public or commission. Hall MOVED, Ryan seconded, to continue the public hearing on 2/4/13. MOTION PASSED UNANIMOUSLY.

b. Special Permit Application, Efficiency Unit, 22 Russett Lane, Jorgensen owner/applicant; PZC File #1314

Chairman Goodwin opened the Public Hearing at 8:27 p.m. Members present were: Goodwin, Chandy, Hall, Lewis, Rawn, Ryan and alternates Marcellino, Ward, and Westa, all whom were appointed to act. Linda Painter, Director of Planning and Development read the legal notice as it appeared in The Chronicle on 12-26-2012 and 1-2-1013 and noted the following communications received and distributed to the Commission members: 1-7-13 email from Attorney Stephen Bacon, with attached letter from Robert Guttay of 15 Russett Lane; 1-7-13 email from Attorney Stephen Bacon, with attached letter from Marla Hauslaib of 11 Russett Lane; 1-2-13 email from Geoffrey Havens, RS, Eastern Highlands Health District; 11-29-12 report from Linda Painter, Director of Planning and Development (should have been dated 1-2-13).

Beverly and Kevin Jorgensen were present and noted that their daughter Rachel who is a co-owner of the property, is presently studying abroad. The applicants recited the history of the property, stating that in 1984 the previous owners constructed the efficiency apartment and that they were unaware it was an illegal unit until this fall. They have now filed this application to permit a legal single family residence with an in-law apartment.

Ryan asked if the property was currently owner occupied. Ward asked who is currently living in the home.

Chairman Goodwin opened the floor to the public.

Attorney Stephen Bacon appeared to represent Russett Lane residents, Hauslaib, Guttay, Robachard and Campetelli. Attorney Bacon disclosed that he is the Director and Vice President of the Mansfield Downtown Partnership but that those positions have no conflict with this application.

Attorney Bacon distributed to members "Exhibits in Opposition to Application" and reviewed each of these exhibits. He stated that the residents have been greatly affected since the applicants purchased this property. He reported that there have been several disruptive parties in the fall of 2012, and stated that if this application were approved, it would change the character of this neighborhood, diminish property values, and overall not protect and promote the residents' health, welfare and safety as required in the Special Permit regulations. He stated that by adding Rachel's name to the deed, the parents have tried to circumvent the owner occupancy requirement and the restriction on the number of un-related individuals permitted to live in a single family house. Additionally, he argued that the property was in fact not owner occupied.

Lloyd and Joann Robachard, 18 Russett Lane, stated that they moved in to their new home on July 31, 2012 and the following weekend the parties began. They stated the parties were loud and that the street was crowded with students and vehicles. They expressed concern that an emergency vehicle would not have room to access the street if needed.

Mark Hauslaib, 11 Russett Lane, stated that he has lived in his house since 1984 and this is the first time he has ever had a problem in the neighborhood. He stated that for the first time living in this neighborhood he was fearful for his safety during the parties.

Kevin Jorgensen apologized for the parties and stated that once he was made aware of the problem he rectified it within 3 weeks by re-locating tenants above the number allowed, adding that there have been no problems since then. He stated that his daughter will be returning at the end of March and that she plans to live in the efficiency unit. If this application is not approved, they will continue to rent the property and the daughter will live elsewhere.

Linda Painter, Director of Planning and Development stated that she contacted the State Police and the Housing Inspection office and confirmed that no additional visits to the site have occurred since October.

At 9:25 p.m. Chairman Goodwin noted there were no further comments from the public or commission. Hall MOVED, Ward seconded, to close the public hearing. MOTION PASSED UNANIMOUSLY.

c. Special Permit Application, 54 residential apartments, 73 Meadowbrook Lane, Whispering Glen-Lakeway Farms, L.P., owner/applicant: PZC File #1284-2

Chairman Goodwin opened the continued Public Hearing at 9:27 p.m. Members present were: Goodwin, Chandy, Hall, Lewis, Rawn, Ryan and alternates Marcellino, Ward, and Westa, all whom were appointed to act. Linda Painter, Director of Planning and Development noted the following communications received and distributed to the Commission members: a letter from Development Solutions Inc. to Windham Sewer Department dated June 24, 2012; a letter from Development Solutions Inc. to Paul Deveny at Windham Water Works dated June 24, 2012; an email from Paul Deveny at Windham Water Works to Patrick Lafayette with Development Solutions dated August 30, 2012; a letter to David Garand at Windham Sewer Department from Patrick Lafayette dated September 26, 2012; a letter to Paul Deveny at Windham Water Works from Patrick Lafayette dated September 26, 2012; a letter from Linda Painter to abutters noting that no presentation would take place at the public hearing on October 15, 2012; a memo from Open Space Preservation Committee dated October 23, 2012; a memo from Linda Painter, dated November 1, 2012; a letter from Thomas Peters, 27 Michelle Lane, dated November 3, 2012; a letter from Jessica Higham, 14 Adeline Place, undated; a letter from Marianne Barton and David Henry, 8 Adeline Place, dated November 5, 2012; a letter from William and Sarah Kaufold, 7 Michelle Lane, undated; a letter from Karen and Tony Molloy, 18 Adeline Place, dated November 5, 2012; a letter from Linda Painter to abutters noting that the hearing was being tabled until December 3, 2012, dated November 14, 2012; an email from Doug Murphy, 21 Michelle Lane, dated November 14, 2012; an email from Michele and Zeljko Boskovic, 11 Michelle Lane, dated November 16, 2012; a letter from Anna and Kevin Cranmer, 33 Adeline Place, dated November 19, 2012; a letter from Patrick Lafayette requesting extension dated November 19, 2012; a letter from Frederick Goetz, Advisory Committee on Needs of Persons with Disabilities dated November 28, 2012; a letter from Patrick Lafayette requesting extension dated December 3, 2012; an email from Ricky and Kathy Wang, 86 Meadowbrook Lane, dated December 9, 2012; a letter from Patrick Lafayette of Development Solutions dated December 21, 2012; a letter from David Garand, Windham Water Pollution Control, dated December 26, 2012; a letter from Patrick Lafayette to David Garand, Windham Water Pollution Control, dated December 31, 2012; a letter from Patrick Lafayette to Paul Deveny, Windham Water Works, dated December 31, 2012; a memo from Francis Raiola, Fire Marshal, dated January 2, 2012 (supposed to be 2013); a letter from Patrick Lafayette requesting extension dated January 2, 2013; a memo from Linda Painter, Director of Planning and Development, dated January 7, 2013; an email from Susan and Harry Barney, 37 Michele Lane, dated January 6, 2013; an email from J. and Monique Brown, 7 Adeline Place, dated January 7, 2013; two emails from Thomas J. Peters, 27 Michelle Lane, dated January 7, 2013; an email from David Henry, 8 Adeline Place, dated January 7, 2013; and an email from Bob Goldberg, 28 Michelle Lane, dated January 7, 2013.

Patrick Lafayette, Development Solutions, reviewed the site layout and changes the applicant has made to the plans in response to comments from staff and committees. He noted there is now proposed 50 units, 15 of which will be handicapped accessible and/or affordable units. A significant change to the plan is that there will be 3 units lining Meadowbrook Road to keep the feel of single family homes along the road, and that all the units on the interior of the site will face the "green" in the middle of the development. He noted that as part of the open space dedication, the applicant has agreed to remove the debris along the slope and noted that the proposed paths have been slightly modified. Lafayette stated that the impervious roof area has decreased by 4-5% and the road has less surface area than that of the previously approved condominium project.

Chad Frost, Kent & Frost, reviewed the landscape plan noting that trees and appropriate lighting will line the green and there will be a "play scape" area in addition to a picnicking area. At the base of each unit there will be

ornamental trees installed and there will be evergreen trees lining Meadowbrook Road to keep the look on Meadowbrook Road consistent.

Mark Comeau, Architect, reviewed the three types of proposed units, including materials, colors and lighting.

Zhiyi Chi, 24 Adeline Place, submitted a letter of opposition for the record.

Yu lei, 46 Adeline Place, expressed concern with the increase in traffic and the safety of the children in the areas with no sidewalks. He also noted the potential for an increase in theft. He questioned the need for additional apartments when considering the Storrs Center apartments.

Lindsay Dejanaro, 76 Meadowbrook Lane, stated that she has lived in her home since 1981 and has seen Freedom Green move in and now these apartments, which will only further increase the traffic and the potential for students which would change the character of this area of Mansfield. She submitted a letter on behalf of her mother, the property owner.

Jianguo Zhu, 29 Adeline Place, expressed concern with the apartments attracting college students in the neighborhood and the increase of traffic impacting the safety of the children.

Danny Malchman, property owner and applicant, stated that in response to the neighbors' concerns about the children's safety due to the increase in traffic, he has agreed to install sidewalks from the edge of his property to the "Sunny Acres" park. He also state that if agreeable to the Traffic Authority he would add a stop sign at the entrance to the site creating a "3-way" stop, which he hopes would lessen the amount of vehicles utilizing Meadowbrook Road as a cut through from Storrs Road to Mansfield City Road/High Street. Painter noted that this proposal is being reviewed by the Traffic Authority.

Patrick Lafayette stated in response to neighbors' concerns about college students renting in the neighborhood that they may employ a Management Company to run the day to day operations of the site.

At 10:30 p.m. Chairman Goodwin noted there were no further comments from the public or commission. Hall MOVED, Chandy seconded, to continue the public hearing on 1/22/13. MOTION PASSED UNANIMOUSLY.

Old Business:

- a. Special Permit Application, 54 residential apartments, 73 Meadowbrook Lane, Whispering Glen-Lakeway Farms, L.P., owner/applicant: PZC File #1284-2**
Item tabled pending continued Public Hearing on 1/22/13.
- b. Subdivision Application, Beacon Hill Estates, Section II, Mansfield City Road, west of Beacon Hill Drive; Eagleville Development Group, LLC, applicant: PZC File #1214-3**
Item tabled pending continued Public Hearing on 2/4/13.
- c. Special Permit Application, Efficiency Unit, 22 Russett Lane, Jorgensen owner/applicant; PZC File #1314**
Item tabled pending discussion at 1/22/13 meeting.

New Business:

- a. 8-24 Referral: Agricultural Lease Extensions (bridge leases)**
Rawn MOVED, Ryan seconded, that the PZC report to the Town Council that the proposed lease extensions are consistent with Mansfield's Plan of Conservation and Development and recommend that the extensions be approved to facilitate active cultivation of town-owned agricultural property until a revised lease policy is finalized and new leases are put forward for approval. MOTION PASSED UNANIMOUSLY.

b. Subdivision Design Process/Request for Determination, 85-87 Old Turnpike Road; Homeworks Properties LLC, applicant.

After discussion the consensus of the Commission is that the intent of the pre-application subdivision design process was for larger subdivisions and instructed the applicant to proceed with filing an application for the two lot subdivision.

c. New Subdivision Application, 29 North Windham Road; J. Sauve, applicant: PZC File #1311

Ryan MOVED, Hall seconded, to receive the subdivision application (file #1311) submitted by James Sauve for a 3-lot subdivision on property located at 29 North Windham Road as shown on plans dated 12/21/12, and as described in other application submissions, and to refer said application to the staff, Conservation Commission, and Open Space Preservation Committee for review and comments and to set a public hearing for February 4, 2013 at 7:15 p.m. MOTION PASSED UNANIMOUSLY.

d. Request for Certificate of Compliance, Michael's, 95 Storrs Road, PZC File #1307

Richard Hayes, Hayes-Kaufman, a neighboring property owner and Attorney Paul Gilmore representing the applicant, were present. Hayes requested the opportunity to address the Commission in opposition to the request for a Certificate of Compliance. As no hearing is required on PZC consideration of such requests, and normal procedure is that the agency acts upon the Zoning Agent's report without additional input, Chairman Goodwin stated that comments would not be accepted.

Hayes was strongly opposed to this and requested that his objection be entered into the record of the meeting.

Hall MOVED, Rawn seconded, that the PZC authorize the Zoning Agent to issue a Certificate of Compliance, for the work associated with the special permit approval of 'Michaels' at the East Brook Mall, because the work is complete except for required landscaping, there are no uncompleted health or safety components of the project, and the Commission has approved acceptable assurances from the owner, through a 12/19/12 letter from Daniel Plotkin, that the remaining landscape work will be completed prior to May 15, 2013. This approval is authorized through Article V, Section B.7.c of the zoning regulations. MOTION PASSED UNANIMOUSLY.

Old Business:

d. Mansfield Tomorrow | Our Plan ▶ Our Future

Painter briefed the Commission on the status, noting that they will be reaching out to different areas of the Community to recruit people to be members of the advisory and focus groups, which the PZC will appoint.

Communications and Bills:

Adjournment: The Chairman declared the meeting adjourned at 10:58 p.m.

Respectfully submitted,

Bonnie Ryan, Acting Secretary