

**DRAFT MINUTES**  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, March 4, 2013  
Council Chamber, Audrey P. Beck Municipal Building

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

Chairman Goodwin called the meeting to order at 7:10 p.m.

**Minutes:**

2-19-13 Meeting Minutes- Plante MOVED, Pociask seconded, to approve the 2/19/13 meeting minutes as written. MOTION PASSED UNANIMOUSLY.

2-19-13 Special Meeting Minutes- Plante MOVED, Pociask seconded, to approve the 2/19/13 Special Meeting minutes as written. MOTION PASSED UNANIMOUSLY.

**Zoning Agent's Report:**

**Request for Signage at E.O. Smith**

By consensus the PZC agreed with Hirsch's assessment about the visibility of the signs, and authorized him to relay to the Superintendent that the display of banners as proposed in the 2/14/13 letter from the Boosters does not require any zoning approval or permit.

**Old Business:**

**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**

Plante, Pociask and Holt disqualified themselves. Marcellino was seated.

Chandy MOVED, Ryan seconded, to approve with conditions the subdivision application (File #1214-3) of Eagleville Development Group for Beacon Hill Estates Section 2, on property owned by the applicant located off Mansfield City Road in an RAR-90 zone, as submitted to the Commission and shown on plans dated July 15, 2012 and revised through January 18, 2013 and as presented at public hearings on January 7, 2013, February 4, 2013 and February 19, 2013.

Pursuant to Sections 7.4, 7.5 and 7.6 of the Subdivision Regulations, this approval accepts the applicants proposed lot layout and hereby authorizes the necessary reductions in lot area (Lots 24 through 29, 31 through 34 and 38 through 40), frontage (Lots 24-28 and 30-40) and setbacks as depicted through the proposed Building Area Envelopes (Lots 29, 31, 32, 33, 34, 38, 39, and 40). These reductions facilitate the preservation of an intricate stone wall complex located between the main wetland and Mansfield City Road and result in a greater proportion of the property being preserved as open space than could be accomplished using a conventional design.

Pursuant to Section 7.10 of the Subdivision Regulations, this approval accepts the use of a common driveway to serve lots 35, 36 and 37. The use of a common driveway in this location significantly reduces the impacts to the wetland that bisects the property that would be incurred if a cul-de-sac street were to be required in this location.

This approval is granted because the application as hereby approved is considered to be in compliance with the Mansfield Zoning and Subdivision Regulations and is granted with the following conditions:

1. This subdivision approval is conditioned upon the completion of all required subdivision improvements as described in the application submissions and the approval or the acceptance of a financial guarantee for such improvements by the Town as described below. This Conditional Approval shall be noted on the subdivision plan and specifically noticed on the Land Records. Unless otherwise extended, the Conditional Approval shall expire on March 3, 2018. Upon completion of the required improvements or acceptance of a financial guarantee, a final approval shall be issued and recorded on the Land Records.
2. The approved reductions in lot area, frontage, and setbacks shall be specifically noted on the plans. Unless the Commission specifically authorizes revisions, the depicted building envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be specifically noticed on the Land Records.
3. No lots within the Beacon Hill Estates Section 2 subdivision shall be sold until all subdivision improvements that are the responsibility of the subdivider (road, emergency access, drainage, trail improvements, street trees, removal of invasive species, common driveway etc.) are completed and accepted by the Town of Mansfield or a financial guarantee in an amount approved by the Assistant Town Engineer and Director of Planning and Development has been accepted. The amount of the financial guarantee must cover the estimated cost of remaining construction plus 15% contingency. The financial guarantee must comply with the requirements of Article VI, Section C of the Zoning Regulations and shall include an appropriate signed agreement approved by the PZC Chair with staff assistance. Use of a surety bond to fulfill this condition will require special approval from the Commission.

To address this condition, the applicant shall submit a construction cost estimate at the time a financial guarantee is proposed that includes all improvements that are the responsibility of the subdivider. No Certificates of Compliance for new homes shall be issued until all required improvements that are the responsibility of the subdivider are completed and accepted by the town. Prior to release of the financial guarantee, the subdivider shall provide a maintenance security equal to 10% of the total cost of construction to guarantee for a period of one year all the improvements required as part of this approval.

4. Prior to the commencement of any site work, a financial guarantee for erosion and sedimentation controls in the amount of \$10,000 shall be submitted by the applicant and approved by the PZC Chair with staff assistance. The form of the financial guarantee shall be subject to the same terms as described in the condition above. The subdivision plans shall be revised to incorporate this condition.
5. No Certificates of Compliance for Lots 35, 36 and/or 37 shall be issued until the common driveway has been completed and a common driveway easement that addresses maintenance and liability issues has been approved by the PZC Chair with assistance from staff and the Town Attorney and recorded on the Land Records. The common driveway work shall be completed by the developer in conjunction with road and drainage work.
6. The proposed drainage outlet improvements shall be constructed and stabilized in conjunction with initial site work. Drainage facilities shall be completed and cleared of any accumulated sediment, and adjacent areas shall be fully-stabilized before acceptance by the town. Additionally, in association with the required one-year maintenance bond for subdivision improvements, the applicant shall be

responsible for maintaining drainage facilities and removing any accumulated sediment prior to the release of the maintenance bond.

7. To help ensure that proposed erosion and sediment control measures are appropriately installed and maintained, bi-weekly erosion and sedimentation-monitoring reports shall be submitted to the Zoning Agent and Wetlands Agent until all road drainage, driveway and other subdivider-required work is completed and disturbed areas are stabilized.
8. Pursuant to the open space provisions of Section 13, this approval accepts the applicant's open space dedication proposals, including the dedication of specific areas to the Town, use of conservation easements, removal of invasive species in the wetland areas and construction of all depicted trail improvements, including proposed split-rail fences along some trail segments. Final plans shall include fence details and a note that small Trail Entry signs approved by the Mansfield Natural Resources and Sustainability Coordinator shall be installed at the intersections of the trails with the common driveway, Wyllys Farm Road, Mansfield City Road and the connection to the existing trail in Section 1. Any necessary drainage improvements shall be incorporated. All open space and trail improvements shall be completed in accordance with the requirements of condition 3.
9. Conservation easement documents based on the Town's model format shall be approved by the Director of Planning and Development and Town Attorney and filed on the Land Records in association with final plans. Easements shall be incorporated into notes on the final plan, noticed in the Land Records and incorporated in the deeds for the subject lots.
10. Final plans shall be revised to address the following:
  - a. Correct labeling of BAE boundaries (replace BE with BAE)
  - b. Correct sheet mis-references (ie see sheet 3 for special notes on sheet 3, etc)
  - c. Amend Note 13 to include language pertaining to relocation of stone walls required for construction of road and maintenance access
  - d. Amend Sheet 4 to identify where stones removed for the maintenance access will be reused
  - e. Extension of the wood chip trail north along the entire frontage of the property on Mansfield City Road to the northeast corner of the property
  - f. Revisions pursuant to the Inland Wetlands Agency's March 4, 2013 license approval
  - g. Detailed planting/seeding specifications for the retention basin
  - h. Incorporation of map notes and revisions cited in conditions 1, 2, 4, 8 and 9
11. Final plans shall be signed and sealed by the responsible surveyor, engineer, soils scientist and landscape architect.
12. The final plans shall not be signed and filed on the Land Records until all Connecticut Department of Energy and Environmental Protection permit requirements have been addressed.
13. The Planning and Zoning Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety or one hundred and eighty-day filing extension has been granted):
  - a. All final maps, including submittal in digital format, right-of-way deeds for roadway and trails, conservation easements, common driveway easement, open space deeds, and a Notice on the Land Records to address conditions #1 and 2 (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;

- b. All monumentation (including delineation of open space and conservation areas with iron pins and the town's official markers every 50 to 100 feet on perimeter trees or cedar posts), with Surveyor's Certificate, and all required road, emergency access, drainage, invasive species removal, trail improvements, tree-planting, drainage basin-planting and common driveway work, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

MOTION PASSED with all in favor except Pociask, Plante and Holt who were disqualified.

### **Public Hearings:**

#### **New Subdivision Application, 85 & 87 Old Turnpike Road; Homework Properties, LLC; Owner & Applicant: PZC File #1315**

Chairman Goodwin opened the Public Hearing at 7:25 p.m. Members present were Goodwin, Chandy, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Marcellino and Westa. Westa was appointed to act. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in The Chronicle on 2-19-13 and 2-27-13 and noted the following communications received and distributed to members: a memo from Linda Painter, Director of Planning and Development, dated January 3, 2013 and another memo from Linda Painter, dated February 28, 2013; a memo from Grant Meitzler, Assistant Town Engineer, dated February 27, 2013; an email from Elizabeth Wassmundt, 54 Old Turnpike Road, dated January 6, 2013; a letter from Rudy Favretti, 1066 Middle Turnpike, dated January 7, 2013; a letter from Denise Abercrombie and Jonathan Anderson, 185 Old Turnpike Road, dated February 18, 2013; a memo from Francis Raiola, Fire Marshal, dated February 21, 2013; a letter from Ronald Kelly, 29 Bundy Lane, undated; an email from Christopher Ward, dated March 4, 2013; an email from Anthony Kotula, undated; and a memo from Jeff Polhemus, Eastern Highlands Health District, dated February 27, 2013.

Ed Pelletier, of Datum Engineering & Surveying, distributed revised plans dated 3/4/13 and reviewed the revisions which addressed comments in staff memos. He noted that the plan does not require the modification or removal of any trees or stone walls along the road, which the Town has designated as a scenic road.

Elizabeth Wassmundt, 54 Old Turnpike Road, is opposed to the application. She states that the application is not in compliance with the Town of Mansfield Zoning Regulations, Subdivision Regulations, Four Corners Historic Village or the Scenic Road Ordinance. She asked that the developer consider withdrawing his application.

Ronald Kelly, 29 Bundy Lane, read his 1-16-13 letter of opposition into the record.

Chairman Goodwin noted that there were no additional comments from the public or the Commission. At 7:57 p.m. Holt MOVED, Rawn seconded, to close the Public Hearing. MOTION PASSED UNANIMOUSLY.

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

Holt MOVED, Ryan seconded, to continue the Public Hearing until the 3-18-2013 meeting. MOTION PASSED UNANIMOUSLY.

### **Old Business:**

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

Item tabled pending continued Public Hearing.

#### **c. New Subdivision Application, 85 & 87 Old Turnpike Road; Homework Properties, LLC; Owner & Applicant: PZC File #1315**

Members discussed the application and the difference between a Historic Village and Historic District, the cul-de-sac yield plan and the applicant's request for a waiver on frontage requirements, the preservation of the historic house and its present condition, the significance of the scenic road and the potential impact of this proposal on the appearance of the road, the locations of the potential new houses on the proposed

lots, and the demolition of the garage/apartment. Members who did not attend the field trip stated that they would like to drive by to view the site. It was agreed by consensus to continue the discussion at the March 18, 2013 meeting.

**New Business:**

**a. Approval Request: Revised Plans for Paideia Greek Theater Project Exhibit Building, 28 Dog Lane (File #1049-7)**

The Director of Planning and Development recommended tabling this item pending the receipt of revised plans.

**b. Scenic Road Application, Browns Road west of Storrs Road/Route 195; Jonathan Sgro, Applicant, PZC File #1010-9**

Westa and Holt were disqualified. Marcellino was appointed to act. Ryan MOVED, Rawn seconded, to receive the application for designation of a scenic road (File #1010-9) submitted by Jonathan Sgro, for the eastern most one-half mile of Browns Road, as described in an application dated 2-25-13, and to refer said application to the Mansfield Town Council, Mansfield Traffic Authority and to property owners with street frontage along the proposed portions of the subject road for scenic road designation, for review and comment, and to set a Public Hearing for April 15, 2013 at 7:15 p.m. MOTION PASSED with all in favor except Westa and Holt who were disqualified.

**c. 2-Lot Subdivision Application, Storrs Center Phase 1C, East of Storrs Road and West of Village Street, PZC File #1246-11**

Pociask MOVED, Ryan seconded, to receive the subdivision application (File #1246-11) submitted Storrs Center Alliance, LLC, for a 2-Lot Subdivision, on property located south of Dog Lane, east of Storrs Road and west of Village Street, as shown on plans dated 10-08-12, and as described in other application submissions, and to refer said application to the staff for review and comments. MOTION PASSED UNANIMOUSLY.

**d. Proposed FY2013-2014 Budget**

Holt MOVED, Ryan seconded, to authorize the Chair to submit a letter of support to the Town Council for the proposed FY2013-2014 PZC/IWA Operating Budget (Account 52100). MOTION PASSED UNANIMOUSLY.

**Mansfield Tomorrow | Our Plan ▶ Our Future:**

Painter reminded members of the Open House on Saturday, March 9<sup>th</sup> from 9am to noon at E.O. Smith High School. Marcellino volunteered to attend as an observer.

**Reports from Officers and Committees:**

The Subcommittee on Infrastructure has been meeting weekly.

**Communications and Bills:**

None noted.

**Adjournment:** The Chairman set a field trip for the Storrs Center site on 3/13/13 at 3pm and declared the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Katherine Holt, Secretary