

MINUTES  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
MONDAY, October 21, 2013  
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, K. Rawn, B. Ryan  
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 7:00 p.m. Alternate Marcellino was appointed to act only if needed, but there were no absences or disqualifications. Therefore, he did not act.

**Minutes:**

October 7, 2013 Regular Meeting: Hall MOVED, Ryan seconded, to approve the 10/7/13 Meeting Minutes as presented. MOTION PASSED UNANIMOUSLY. Chandy, Marcellino and Ward noted for the record that they listened to the recording of the meeting.

**Zoning Agent's Report:**

Noted.

**Old Business:**

- a. Application to Amend the Zoning Regulations; Storrs Center Alliance, LLC, applicant, (File #1246-14)**  
Holt MOVED, Ryan seconded, to **approve** the July 11, 2013 application of Storrs Center Alliance LLC (File #1246-14), to amend Article IV, Section B, Definitions, to add a new definition of Limited Service Hotel, and Article X, Section S.4.a to add Limited Service Hotels to the list of uses permitted in the Storrs Center Special Design District. The amendments are approved as submitted to the Commission and heard at Public Hearings on September 3 and September 16th, 2013. A copy of the subject regulations shall be attached to the Minutes of this meeting, and these amendments shall be effective as of November 15, 2013.

In approving this application, the Planning and Zoning Commission considered all Public Hearing Testimony and communications. In accordance with the approval criteria identified in Article XIII, Section D of the Zoning Regulations, the Commission makes the following findings in approval of these amendments:

- The application is complete and contains all required information.
- The amendments promote goals and objectives contained in the 2006 Plan of Conservation & Development that encourage an orderly and efficient pattern of development with a sustainable balance of uses, specifically Policy Goal 1, Objectives b and c which encourage higher density residential and commercial uses in areas with existing or potential sewer, public water, and public transportation services, including the Storrs Center 'Downtown' project. The amendments are also consistent with the goals and recommendations contained in the Windham Region Land Use Plan and the 2013-2018 Conservation and Development Policies Plan for Connecticut.
- The amendments promote the statutory goals identified in Section 8-2 of the Connecticut General Statutes and other zoning purposes cited in Article One of Mansfield's Zoning Regulations.
- The amendments are appropriately worded, legally sound and suitably coordinated with other provisions in the Mansfield Zoning Regulations.

- The amendments are consistent with the approved Municipal Development Plan for the Storrs Center Project.
- The amendments will promote the public's health, safety, property values and general welfare.

Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

- The addition of Limited Service Hotel as a permitted use in the SC-SDD District will help implement the vision for Storrs Center as a vibrant, mixed-use town center that is a focal point of local and regional activity with a mixture of residential and commercial uses that provide a critical mass of activity to bring year-round life to the area. The addition of a hotel will provide an expanded market for businesses to draw on, particularly during summer and holiday periods when the number of students and faculty is significantly reduced.
- The Limited Service Hotel use is compatible with other uses currently allowed in the SC-SDD District and the adjacent PB-2 zoning district, which allows hotels/motels by special permit.
- The review process and design guidelines established for the SC-SDD District will ensure that the design of the hotel is in character with the character of Storrs Center.

**MOTION FAILED** with Chandy, Holt, and Ryan in favor and all others opposed.

Hall MOVED, Plante seconded, to **deny** the July 11, 2013 application of Storrs Center Alliance LLC, (File #1246-14) to amend the Zoning Regulations to add a definition of Limited Service Hotel and allow Limited Service Hotels as a permitted use in the SC-SDD zoning district as submitted to the Commission and presented at Public Hearings on September 3 and September 16, 2013.

This denial action is taken as the proposal does not promote the public's health, safety, property values and general welfare and is inconsistent with the purpose of the Zoning Regulations identified in Article I, Section B, specifically Section B.9, which addresses the creation of various zones through which the location of construction and use of land is restricted and regulated to conserve the value of properties and encourage appropriate and compatible uses of land within the various zones and throughout town.

**MOTION PASSED** with all in favor except Chandy, Holt, and Ryan who were opposed.

**b. Application to Amend the Zoning Map; Storrs Center Alliance, LLC, applicant, (File #1246-15)**

Hall MOVED, Plante, seconded, to **deny** the July 11, 2013 application of Storrs Center Alliance LLC, (File #1246-15) to amend the Zoning Map for the Storrs Center Special Design District as submitted to the Commission and presented at Public Hearings on September 3 and September 16, 2013.

This denial action is taken because the proposal does not promote the public's health, safety, property values and general welfare due to its failure to comprehensively consider the effect of the proposal on existing land uses in the surrounding area as required by Article XIII, Section D.5. Furthermore, the proposed site plan is inconsistent with Article I, Section B.4, which encourages safe and efficient vehicular and pedestrian facilities and circulation patterns and thereby avoid traffic hazards.

Specifically:

1. The proposed amendment would negatively impact vehicular circulation on Route 195/Storrs Road due to the addition of a new driveway entrance approximately ±55 feet from the existing driveway for Storrs Commons to the south and ±205 feet from the intersection with Bolton Road Extension to the north.

2. The proposed site is not an appropriate location for a hotel, nor is it the best use of land given the supply of land elsewhere in the general area that is zoned to allow hotel use.

**MOTION PASSED** with all in favor except Holt and Ryan who were opposed and Chandy who abstained.

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

Tabled-awaiting revised plans.

**d. 82 Stone Mill Road-Barking Complaints/Kennel Determination**

Curt Hirsch, Zoning Agent, reviewed the history of complaints regarding the property at 82 Stone Mill Road with regard to the number of dogs being kept on the property. He noted that the Commission had previously reviewed this situation on May 21, 2012 and at that time had determined by consensus that the property owners, Richard and Lena LeBlond, were not operating a commercial kennel on the property.

**Chairman Goodwin opened the floor for comments from the public.**

Lesley Dyson-Minearo, 575 Chaffeville Road, explained her complaints and experiences with the dogs at 82 Stone Mill Road and her belief that the owners are operating a kennel in violation of zoning regulations. She submitted materials which will be copied and distributed to members prior to the next meeting.

Robert Minearo, 575 Chaffeville Road, expressed concerns about environmental impacts, property values and the potential negative impact on property owners' ability to market their homes.

Terri Bohn, 77 Stone Mill Road, lives directly across the street from 82 Stone Mill Road. She feels the noise has diminished since they first moved into the neighborhood. The owners have been responsive to their initial concerns and have addressed them and have been wonderful neighbors. When asked by Chairman Goodwin about their observation of litters, Mrs. Bohn responded that she has seen young pups perhaps twice in the last year.

Robert Bohn, 77 Stone Mill Road, noted that when they first moved in the dogs were loud. They have since controlled the situation. He noted that when he works outside there is very little barking. They have fenced in the property and the Bohn's have had no issues since.

Jane Moskowitz, 117 Stone Mill Road, stated that this is not a character judgment about the LeBlond family and that they get along with them. She expressed concern that the number of dogs in a residential neighborhood should be limited, noting that this is not an appropriate use in a residential area. She feels the regulations need to address this better so that everyone in the neighborhood is comfortable. She stated that she does not hear the barking but understands that sound carries in the valley.

Betty Wassmundt, Old Turnpike Road, stated that she was told years ago by the Zoning Office that breeding and selling dogs was considered a kennel use. She asked for consistency and clarification as to the rules.

Charles Dyson, 85 Dog Lane, asked how the PZC intends to protect Town residents from noise and nuisance.

Meg Reich, Bassetts Bridge Road, suggested that the Regulatory Review Committee review this issue and adopt a definition and regulations that address kennels. She suggested using the state statutory definition. She also stated that this could be regulated also as a Home Occupation.

Lena and Richard LeBlond, 82 Stone Mill Road, stated that the circumstances have not changed since they last appeared before the Commission. They reiterated that they show dogs and those same dogs are their pets. They do not board or train dogs or sell dog products, and they do not have visitors come to their home. They breed 1 to 2 litters per year depending on a number of variables. They currently have 13 German Shepherds living at the home; a copy of the most recent inspection conducted by the Town's Animal Control Officer was submitted as verification. They explained how dog licenses work and that they obtained a license which the Town and State call a Kennel License, but this does not mean that anyone

who has such a license is actually operating a kennel. It allows you to register up to 20 dogs and is less expensive than individually registering their 13 dogs. They also indicated that while they purchased an additional 80 licenses, they have no intention of having 100 dogs and their purchase of the additional licenses was to make the point that there is no current limit to the number of licenses that can be purchased.

After extensive debate between Mr. and Mrs. LeBlond, Mr. and Mrs. Minearo and the Commission, Plante MOVED, Holt seconded, to put the matter on the agenda for the next meeting to allow the Commission time to review the materials submitted and the issue of kennels in general. MOTION PASSED UNANIMOUSLY.

**New Business:**

**a. Route 195/Route 44 Corridor Study Application**

Linda Painter, Director of Planning and Development, updated the Commission on the Study Application and noted at this time no endorsement from the PZC is necessary. The Commission engaged in brief discussion regarding the general issue of traffic along Route 195 and the concerns attendant with the various options contemplated.

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Painter said work continues on the draft POCD revisions.

**Reports from Officers and Committees:**

None.

**Communications and Bills:**

None.

**Adjournment:** The Chairman declared the meeting adjourned at 9:13 p.m.

Respectfully submitted,

Katherine Holt, Secretary