

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting

Monday, December 15, 2014

Council Chamber, Audrey P. Beck Municipal Building

Members present: Chairman Goodwin, B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante, K. Rawn, B. Ryan
Members absent: B. Pociask
Alternates present: P. Aho, 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 7:12 p.m. and appointed Aho in place of Pociask.

Approval of Minutes:

a. December 1, 2014 Regular Meeting

Ryan MOVED, Chandy seconded, to approve the 12-1-14 regular meeting minutes as written. MOTION PASSED UNANIMOUSLY.

b. December 10, 2014 Field Trip Meeting

Aho MOVED, Ryan seconded, to approve the 12-10-14 Field Trip minutes as written. MOTION PASSED with Goodwin, Holt, Ryan, and Aho in favor and all others disqualified.

Zoning Agent's Report: Noted.

Old Business:

a. New Subdivision Application, 153 Moulton Road, Mason Brook, LLC, PZC File# 1328

Holt MOVED, Ryan seconded, to approve with conditions the subdivision application (File #1328) of Mason Brook LLC owned by the applicant located at 153 Moulton Road in an RAR-90 zone, as submitted to the Commission and shown on plans dated August 2014.

Pursuant to Sections 7.5 and 7.6 of the Subdivision Regulations, this approval accepts the applicants proposed lot layout and hereby authorizes the reductions to setbacks as depicted through the proposed Building Area Envelope. These reductions accommodate the existing structures on the property and allows for new structures to be located further from the wetlands and brook.

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. **Setback Reductions.** The approved reductions to the front and south side setbacks shall be specifically noted on the plans and on the deeds of the affected and abutting lots. 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.
2. **Plan Revisions.** Final plans shall be revised to:
 - a. Eliminate the "Received for Recording" signature box from Sheet 1.
 - b. Add a signature box for the Inland Wetlands Agency.
 - c. Include signatures and seals of the responsible soil scientist in addition to surveyor and engineer pursuant to Section 6.3.d of the Mansfield Subdivision Regulations.
 - d. Include the month, day and year of the original plan and revision.

- e. Revise the Building Area Envelope to be at least 50 feet from wetlands where possible. Where existing structures are within 50 feet of the wetlands such as the rear corner of the existing barn, the BAE may be less than 50 feet to accommodate the existing structure.
 - f. Increase the distance between the Development Area Envelope and the wetland where the DAE is closest to the edge of wetlands. To accomplish this, the DAE may be reduced to the minimum required 40,000 square feet provided that the width or depth of the DAE is at least 75 feet in all locations.
 - g. Remove the standard setback lines from the final plan to eliminate confusion with the BAE/DAE boundaries.
 - h. Clarify whether the front lot line represents existing conditions or a dedication to meet the required centerline setback. If it represents a dedication, the area to be dedicated shall be clearly identified and enclosed for the distance of the applicant's property.
 - i. Add the following notes to the plan:
 - I. Any new regulated activity in the upland review area or in the wetlands or watercourse will require the owner to obtain an Inland Wetlands license as required by the Town of Mansfield's Inland Wetlands and Watercourses Regulations.
 - II. Open space dedication requirements for any future development of the remaining land identified on the subdivision map shall be based on the combined total acreage of the property (25 acres).
 - III. The depicted BAE includes reductions to the front yard setback and side yard setback along the south property line. The BAE shall serve as the setback lines for all future structures unless modified in the future by the Planning and Zoning Commission.
3. **Quit Claim Deed and Certificate of Title.** If a right-of-way dedication is required, the area to be dedicated must be deeded to the Town and covered by a certificate of title indicating that there are no encumbrances or stating what encumbrances there are and providing a partial release or subordination agreement.
4. **Extent of Approval.** 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 Moulton Road (if required), and a Notice on the Land Records to address condition #1 (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 with Surveyor's Certificate shall be completed 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 UNANIMOUSLY.

Public Hearings:

a. Re-subdivision Application, Lot 19 Monticello Lane, K. and A. Lessenger, PZC File #223-2

Chairman Goodwin opened the Public Hearing at 7:19 p.m. Members present were Goodwin, Chandy, Hall, Holt, Lewis, Plante, Rawn, Ryan and alternates Aho, Ward and Westa. Aho was seated. Painter read the legal notice as it appeared in The Chronicle on 12/2/14 and 12/10/14 and noted the following communications received and distributed to members: a 12/11/14 memo from Linda Painter, Director of Planning and Development; and a 12/4/14 memo from Jeff Polhemus, Chief Sanitarian from Eastern Highlands Health District.

Ed Pelletier of Datum Engineering and Surveying represented the applicant and explained the proposal. He stated that the applicant is agreeable to the revisions requested by staff; namely the installation of underground utilities and saving the 15" poplar tree by shifting the driveway to the west.

Noting no further comments or questions from the Commission or the public, Rawn MOVED, Ryan seconded to close the Public Hearing at 7:27 p.m. MOTION PASSED UNANIMOUSLY.

b. Special Permit, Efficiency Unit, 51 Candide Lane, M. Bedore, PZC File #1330

Chairman Goodwin opened the Public Hearing at 7:28 p.m. Members present were Goodwin, Chandy, Hall, Holt, Lewis, Plante, Rawn, Ryan and alternates Aho, Ward and Westa. Aho was seated. Painter read the legal notice as it appeared in The Chronicle on 12/2/14 and 12/10/14 and noted the following communications received and distributed to members: a 12/11/14 memo from Linda Painter, Director of Planning and Development; a 12/11/14 memo from Curt Hirsch, Zoning Agent; and a 12/10/14 memo from Jeff Polhemus, Chief Sanitarian from Eastern Highlands Health District.

Melissa Bedore, applicant and owner of 51 Candide Lane, was present. She stated her parents intend to move into the efficiency unit which will be located in an existing space in the basement of the house.

Hirsch noted that the driveway apron needed to be paved as stated in his memo, and Painter and Holt noted the need for a walkway between the driveway and the exterior entrance. With no further comments or questions from the Commission or the public, Holt MOVED, Ryan seconded, to close the Public Hearing at 7:34 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

b. Proposed Tenant Signage, 1659 Storrs Rd, OMS Development LLC., PZC File #1319

No new information.

c. Re-subdivision Application, Lot 19 Monticello Lane, K. and A. Lessenger, PZC File #223-2

Rawn MOVED, Hall seconded, to approve with conditions the re-subdivision application (File #223-2) of Kurt and Anne Lessenger on property owned by the applicant located on Monticello Lane in an RAR-90 zone (Parcels 5, 6, 7 of the Davis Manor Subdivision), as submitted to the Commission and shown on plans dated October 6, 2014 and revised through December 15, 2014 and as presented at a public hearing on December 15, 2014.

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. Plan Revisions. Final plans shall be revised to:

- a. Revise each sheet to include an official subdivision name.
- b. Revise the western boundary of the Building Area Envelope to be at least 25 feet from the wetland at its closest point.
- c. Include a note allowing for sheds and accessory structures to be located outside the designated Building Area Envelope pursuant to the setback allowances for such structures in Article VIII of the Mansfield Zoning Regulations.
- d. Include a note specifying that Inland Wetlands Agency approval shall be required for all future improvements within 150 feet of the wetland that are regulated activities pursuant to the Mansfield Inland Wetlands and Watercourses Regulations.
- e. The driveway shall be adjusted to the west to preserve the poplar tree along Monticello Lane.

2. Extent of Approval. 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 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 with Surveyor's Certificate shall be completed 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 UNANIMOUSLY.

d. Special Permit, Efficiency Unit, 51 Candide Lane, M. Bedore, PZC File #1330

Hall MOVED, Chandy seconded, to approve the November 20, 2014 application of Melissa Bedore to allow an efficiency dwelling unit at 51 Candide Lane in an RAR-90 zone, as shown on submitted plans and described in other application submissions and as presented at Public Hearing on December 5, 2014.

Pursuant to Article V, Section B.4 of the Mansfield Zoning Regulations, the site plan requirements contained in Section B.3.d are hereby waived as there is no proposed expansion of the building and the information is not needed to determine compliance with the zoning regulations.

This approval is granted because the application is not expected to result in any detrimental neighborhood impacts and is considered to be in compliance with Article X, Section L; Article V, Section B; and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval has been granted for a one-bedroom efficiency in association with a single-family home having up to four additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from the Eastern Highlands Health District and the Planning and Zoning Commission.
2. This approval is conditioned upon continued compliance with Mansfield's Zoning Regulations for efficiency units, which include owner-occupancy requirements, limitations on the number of residents in an efficiency unit and limitations on the number of unrelated individuals that may live in a dwelling unit pursuant to the definition of Family contained in the Zoning Regulations. These limitations apply regardless of the number of bedrooms present in the home. Pursuant to Article X, Section L.2, the applicant shall submit a notarized affidavit certifying owner occupancy and a written statement regarding compliance with efficiency unit regulations every two years, starting on January 1, 2016.
3. The applicant shall install a walkway from the parking area to the exterior door of the efficiency unit. The owner shall use pavers or other materials so as not to require any excavation if located within 150 feet of a wetland. Such design shall be coordinated with the Inland Wetlands Agent to determine if a license is needed.
4. The applicant shall pave the apron of the driveway to bring it into conformance with current standards. A driveway permit from the Department of Public Works shall be required.
5. Applicant shall sign the Statement of Use in the presence of a notary public and submit it to the Planning Office.
6. This special permit shall not become valid until filed upon the Land Records by the applicant.

MOTION PASSED UNANIMOUSLY.

e. **New Subdivision Application, 140 Codfish Falls Road, S. Guyette, PZC File #1329**

Tabled pending a 1/20/15 Public Hearing for Scenic Road Ordinance.

f. **Re-Subdivision Application, 101 East Road, C. & L. Niarhakos, PZC File #293-2**

Tabled pending a 1/20/15 Public Hearing.

New Business:

c. **Modification Request, 7 Storrs Road, PZC File #916**

Curt Hirsch, Zoning Agent, summarized his memo of 12/11/14. After discussion about site changes, upgrades and traffic control, Aho MOVED, Chandy seconded, that the Commission approve the 12/7/14 Modification Request of Mohammad Khan to re-establish the retail sale of gasoline and add a convenience store use at 7 Storrs Road. This approval is conditioned upon the following requirements being met:

1. The accessible parking space shall be marked according to current State Statute requirements, including dimensions, pavement markings and above-grade signs;
2. Details of the dumpster enclosure shall be reviewed and approved by staff prior to installation;
3. A detailed landscape plan including the type and size of plant material, shall be submitted for review and approval by the PZC Chairman with staff assistance prior to planting;
4. All missing and deteriorating asphalt paving shall be replaced and/or resurfaced to the satisfaction of the Zoning Agent.
5. Any proposed signage shall be submitted to the Zoning Agent for review and approval through the zoning permit process prior to being fabricated.
6. The driveway shall be striped in accordance with the recommendation of the Engineering Department.

MOTION PASSED UNANIMOUSLY.

a. **Referral from Public Works Re: Four Corners Sewer Project Consistency with State POCD**

Rawn MOVED, Holt seconded, to authorize the Chair to submit a letter to the Connecticut Department of Energy and Environmental Protection stating that the Mansfield Planning and Zoning Commission has reviewed the proposed Four Corners Sanitary Sewer Service area and in its opinion found it to be consistent with the six growth management principles of the *2013-2018 Conservation and Development Policies: A Plan for Connecticut*. Such letter shall also note that areas designated as Conservation on the Locational Guide Map are designated as Flood Hazard Zones in Mansfield's 2006 Plan of Conservation and Development and current Zoning Regulations; therefore, no development is proposed in these areas. MOTION PASSED with all in favor except Lewis and Goodwin who were opposed, and Hall abstaining.

b. **New UConn Honors Residence Hall**

Holt MOVED, Ryan seconded, to authorize the Chair to endorse a letter to UConn expressing the same concerns as was written in a February 21, 2014 letter to Mr. Paul Ferri UConn Office of Environmental Policy. MOTION PASSED UNANIMOUSLY.

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

No new information.

d. **Consideration of Citizen Request to Televis IWA/PZC Meetings**

In response to a citizen request that PZC meetings be televised, the Commission engaged in an extensive discussion of the pros and cons of televising meetings. A "straw vote" was taken about televising the IWA/PZC Meetings. The vote FAILED with Ryan, Lewis and Rawn in favor of televising, and Plante, Hall, Goodwin, and Holt against, and Aho and Chandy abstaining.

Mansfield Tomorrow | Our Plan ▶ Our Future:

Holt MOVED, Ryan seconded, to submit copies of the December 2014 public hearing draft of the Mansfield Tomorrow Plan of Conservation and Development to the Mansfield Town Council and the Capitol Region Council of Governments Regional Planning Commission for review and comment in accordance with provisions of C.G.S. Sec. 8-23(g). A public hearing will be scheduled for March 2, 2015 at 7:00 PM. Comments will be taken that evening. Unless concluded earlier, the Commission shall adjourn the hearing for the evening at 11 PM and continue it to another date for additional comment. If testimony is completed and the Commission determines there is no cause to keep the hearing open, the hearing may be closed at any time.

Copies of the draft plan shall also be transmitted to the Town Attorney and the following nearby communities: Ashford, Chaplin, Coventry, Tolland, Willington and Windham. The following Town boards, committees and commissions shall be provided with an electronic copy of the document for their review and comment: Agriculture Committee, Committee on the Needs of Persons with Disabilities, Commission on Aging, Conservation Commission, Economic Development Commission, Four Corners Sewer and Water Advisory Committee, Historic District Commission, Human Services Advisory Committee, Mansfield Tomorrow Advisory Group, Mansfield Board of Education, Open Space Preservation Committee, Parks Advisory Committee, Recreation Advisory Committee, Region 19 Board of Education, Sustainability Committee, Town University Relations Advisory Committee, Transportation Advisory Committee, and other relevant advisory committees. MOTION PASSED UNANIMOUSLY.

Reports from Officers and Committees:

It was noted that the regular IWA and PZC meetings for January 5, 2015 have been cancelled. A Special Meeting of the PZC will be held on January 5, 2015 to discuss the UConn Master Plan.

Communications and Bills: Noted.

Adjournment: Chairman Goodwin adjourned the meeting at 8:51 p.m.

Respectfully submitted,
Katherine Holt, Secretary