

MINUTES  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, May 16, 2016  
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin, C. Ausburger, B. Chandy, R. Hall, K. Rawn, B. Ryan, V. Ward, S. Westa  
Members absent: G. Lewis  
Alternates present: P. Aho, T. Berthelot  
Alternates absent: K. Fratoni  
Staff present: Linda Painter, Director of Planning and Development  
Janell Mullen, Assistant Planner/Zoning Enforcement Officer  
Jennifer Kaufman, Inland Wetlands Agent

Chairman Goodwin called the meeting to order at 6:30 p.m. and appointed Alternate Berthelot to act.

**Approval of Minutes:**

- a. May 2, 2016- Regular Meeting:  
Ward MOVED, Chandy seconded, to approve the 05-02-2016 minutes as presented. MOTION PASSED with all in favor except Berthelot who disqualified herself.
- b. May 11, 2016- Field Trip Notes  
The Field Trip notes from 05-11-16 were noted.

**Zoning Agent's Report:**

Noted.

**New Business:**

**a. Zoning Permit for Storrs Center: Trail Access (PZC File #1246-22)**

Linda Painter, Director of Planning and Development, summarized her 5/10/16 memo regarding the Zoning Permit Request for Trail Access at Storrs Center and stated that a June 2, 2016 Public Hearing will be held at 5:30 p.m. in the Nash-Zimmer Transportation Center.

**Public Hearing:**

**Special Permit Application, Efficiency Unit, 819 Middle Turnpike, D. & K. Ricci, PZC File #1340**

Chairman Goodwin opened the Public Hearing at 6:35. Members present were Goodwin, Ausburger, Chandy, Hall, Rawn, Ryan, Ward, Westa and Alternates Aho and Berthelot. Berthelot was seated. Jessie L. Richard, Planning and Community Development Assistant, read the Legal Notice as it appeared in The Chronicle on 5/3/16 and 5/11/16 and noted a 5/9/16 memo from Janell M. Mullen, Assistant Planner/Zoning Agent.

Dustin Ricci, applicant and resident of 819 Middle Turnpike was present.

Chairman Goodwin noted there were no questions or comments from the Commission or Public. Hall MOVED, Rawn seconded, to close the Public Hearing at 6:37 p.m. MOTION PASSED UNANIMOUSLY.

## **New Business:**

### **b. Request for Pre-Application Review: The Lodges at Storrs**

Linda Painter, Director of Planning and Development noted her 5/12/16 memo. The consensus of the Commission was to add the Pre-Application Review to the Agenda for 6/6/16.

## **Old Business:**

### **f. Special Permit Application, Efficiency Unit, 819 Middle Turnpike, D. & K. Ricci, PZC File #1340**

Ryan MOVED, Chandy seconded, to approve the April 21, 2016 application of Dustin and Kristen Ricci to allow an efficiency dwelling unit at 819 Middle Turnpike in an RAR-90 zone, as shown on submitted plans and described in other application submissions and as presented at Public Hearing on May 16, 2016.

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, 2018.
3. This special permit shall not become valid until filed upon the Land Records by the applicant.

MOTION PASSED UNANIMOUSLY.

## **Reports from Officers and Committees:**

Chairman Goodwin noted that since Holt retired from the Commission, a member must be appointed to the Sustainability Committee. Painter reported that Fratoni volunteered. By consensus, the Commission agreed to appoint Fratoni to this committee.

## **Communications and Bills:**

Noted.

\*\*At 6:44 p.m. Chairman Goodwin suspended the Planning and Zoning Commission meeting to open the Inland Wetlands Agency Meeting to hear the Continued Public Hearing.

\*At 7:01 p.m. Chairman Goodwin re-convened the Planning and Zoning Commission.

## Public Hearing:

### **Zoning Map Amendment Application, 91 & 93 Meadowbrook Lane, PZC File #1338**

### **Special Permit Application, Meadowbrook Gardens, 91 & 93 Meadowbrook Lane, PZC File #1284-3**

Chairman Goodwin opened the Continued Public Hearings at 7:01 p.m. Members present were Goodwin, Ausburger, Chandy, Hall, Rawn, Ryan, Ward, Westa and Alternates Aho and Berthelot. Berthelot was seated. Linda Painter, Director of Planning and Development, noted for the record that the hearings for the Zoning Map Amendment and Special Permit would be combined and that all testimony and materials presented would be made part of the record of both applications. Attorney Leonard Jacobs, appearing for the Applicant, consented. Painter stated that a set of revised plans, dated May 16, 2016, were distributed this evening and her 5/12/16 memo and the following communications have been received and distributed to members of the Commission:

- Revised information submitted in response to initial staff comments:
  - Letter from Michael Yenke, Uniglobe Investment LLC dated April 26, 2016
  - Letter from Datum Engineering dated April 26, 2016
  - Report from Civil Engineering Services dated April 26, 2016
  - Email from Michael Yenke dated May 3, 2016
  - Meadowbrook Gardens Lease document
  - Updated traffic report and data prepared by F.A. Hesketh and Associates dated May 3, 2016
  - Updated traffic report prepared by F.A. Hesketh and Associates dated May 12, 2016
  - Updated traffic report prepared by F.A. Hesketh and Associates dated May 16, 2016
  - 11-Page Site Plan set revised through April 11, 2016 prepared by Datum Engineering
  - 7-page architectural plan set prepared by Mark A. Comeau, Architect, dated March 30, 2016
  - 7-page architectural plan set prepared by Mark A. Comeau, Architect, dated April 15, 2016
  - Email from Michael Yenke dated May 11, 2016
- The following correspondence regarding the proposed development has been received:
  - Email from Steven Frederick, 69 Circle Drive, dated February 26, 2016
  - Memo from Peter Miniutti (Design Review Panel) dated March 2, 2016
  - Memo from Fran Raiola, Deputy Chief/Fire Marshal, dated March 10, 2016
  - Minutes from Open Space Conservation Committee dated March 15, 2016
  - Minutes from Conservation Commission dated March 16, 2016
  - Memo from Rudy J. Favretti, FASLA, dated March 29, 2016
  - Letter from Will Walter, PE, BSC Group, dated March 31, 2016
  - Email from Will Walter, PE, BSC Group, dated May 13, 2016
  - Memo from Linda Painter, Director of Planning and Development dated April 27, 2016.
  - Letter from Will Walter, PE, BSC Group, dated May 11, 2016
  - Memo from Fran Raiola, Deputy Chief/Fire Marshal, dated May 12, 2016
  - Email from Richard Christenson, 19 Adeline Place, dated May 16, 2016
  - Email from Amy Gorin, 42 Michelle Lane, dated May 16, 2016
  - 2 Emails from Thomas J. Peters, 27 Michelle Lane, both dated May 16, 2016
  - Email from Bob Goldberg, 28 Michele Lane, dated May 16, 2016

Edward Pelletier, Datum Engineering and Surveying, distributed a report from F.A. Hesketh and Associates dated 5/12/16; a 4/11/16 revised Zone Change Map; and a 4/15/16 revised set of Architectural Plans. Pelletier then addressed the comments made in Painter's 5/12/16 memo.

Ward requested that Painter explain the proposed 20% affordable housing units.

Rawn asked if the applicant has spoken to WRTD to request service to the development. Yenke responded that they had, but no decision has been made to date.

Attorney Jacobs noted for the record that the Applicant's and independent traffic consultants have agreed on the findings of the traffic report.

John Alexapolous, Licensed Landscape Architect, reviewed the landscaping plan. He noted that plantings have been chosen that are in keeping with the feel of the existing trees in the neighborhood. Yenke noted that they intend to request a modification of the Phase I landscaping plan so as to make it consistent with this proposed plan.

Zeljko Boskovic, 11 Michelle Lane, expressed concern with the condition of the construction site at Phase I, the abandoned state of the Phase II property and the potential for an increase in traffic.

Jessica Higham, 96 Meadowbrook Lane, asked: if the mound along the road will be removed when the sidewalk is installed; the final height of the road buffering trees; if the backsides of the buildings will be facing Meadowbrook; if a bus route will be added to the neighborhood (which was a concern); and how the property will be maintained in the future.

Min Yang, 24 Adeline Place, was strongly opposed and expressed concern for the neighborhood children due to the potential for an increase in traffic and other safety issues.

Jay Brown, 7 Adeline Place, urged the Commission not to approve a second phase until the first one is complete, stating that it is currently an eyesore.

Scott Garrett, on behalf of Uniglobe Investment, LLC, clarified that his company recently purchased the property and was not previously responsible for the boarded up house.

Jessica Higham, 96 Meadowbrook Lane, noted that since Uniglobe Investment, LLC., purchased it, it has remained in a deteriorated state.

Michelle Boskovic, 11 Michelle Lane, expressed concern with the safety of the existing neighborhood and potential for an increase in break-ins. She questioned whether the Town will provide increased police services.

Chairman Goodwin asked Garrett when they will begin demolition of the existing structures. Garrett stated that if approval is granted, demolition and site preparation will begin immediately.

Chairman Goodwin noted no further questions or comments from the applicant, public or Commission. Rawn MOVED, Hall seconded to close the Public Hearing at 7:58 p.m. MOTION PASSED UNANIMOUSLY.

#### **Old Business:**

**a. Zoning Map Amendment Application, 91 & 93 Meadowbrook Lane, PZC File #1338**

Item tabled for discussion at the next meeting.

**b. Special Permit Application, Meadowbrook Gardens, 91 & 93 Meadowbrook Lane, PZC File #1284-3**

Item tabled for discussion at the next meeting.

**c. Request for Interpretation of Lot Frontage Requirements**

After extensive discussion among members, Rawn MOVED, Hall seconded, issuance of the following determination regarding frontage requirements as applied to a proposed lot line revision for property located on Dog Lane. This determination is issued in accordance with Article Eleven, Section A of the

Zoning Regulations which authorizes the Zoning Agent to review any questions that arise regarding interpretation and/or enforcement of the regulations with the Planning and Zoning Commission.

This determination is based on the definition of lot frontage contained in the Mansfield Zoning Regulations as well as previous actions by the Commission with regard to lot frontage requirements. In making this determination, the Commission considered the following information provided by staff in memos dated March 31, 2016 and April 28, 2016 and in response to questions from the Commission at the April 18 and May 2, 2016 meetings. Additionally, the Commission considered information provided in correspondence from nearby property owners James Wohl and Janet Welch of 128 Dog Lane, Mark and Allison Kohan of 127 Dog Lane, Kathryn and Richard Ratcliff of 60 Bundy Lane, and Joan and Jerome Neuwirth of 54 Bundy Lane dated March 28, 2016 and correspondence from James Wohl and Janet Welch dated April 20, 2016.

- The subject property is located on the southeast side of Dog Lane and is zoned RAR-90.
- The property consists of ± 15.85 acres and has 857.15 feet of frontage on Dog Lane.
- The property owner submitted an application to the Inland Wetlands Agency depicting a proposed lot line revision that would create a second lot. The proposed Lot 1 has 250.68 feet of frontage. The proposed Lot 2 wraps around Lot 1 and has 414.57 feet of frontage located along Dog Lane east of Lot 1; however, this portion of the property contains extensive wetlands. Lot 2 also has 107.32 feet of frontage located west of Lot 1 and abutting the property located at 128 Dog Lane; this portion of Lot 2 shares an upland area with Lot 1. The applicant is proposing to locate the house and driveway for Lot 2 on the upland portion of the property.
- As the frontage of the western portion of Lot 2 is less than 200 feet, the proposed houses would be located closer together than other homes on Dog Lane as most of the other lots have in excess of 200 feet of frontage.
- The owners of property at 128 Dog Lane, 127 Dog Lane, 60 Bundy Lane, and 54 Bundy Lane submitted a written request dated March 28, 2016 for Commission review of the Zoning Agent's interpretation of minimum lot frontage requirements as applied to the subject property. This memo articulates several arguments as to why the abutters believe the frontage requirement was improperly interpreted by the Zoning Agent.

Based on the information provided, the Commission makes the following findings:

1. Article 4, Section B of the Mansfield Zoning Regulations states: "For the purpose of these regulations, certain terms used herein shall be used, interpreted and defined as set forth in this section. Any questions that arise regarding the regulatory meaning of other words and terms shall be determined by the Planning and Zoning Commission with reference to the Connecticut General Statutes and the Random House Dictionary of the English Language, unabridged edition, respectively."
2. Article 4, Section B.39 defines Lot frontage as "The horizontal distance measured along the full length of the front lot line. At existing, proposed or future streetline intersections with a radius, the frontage may be measured along the full length of the front lot line to the point of intersection of the front lot lines extended beyond the radius to their point of intersection."
3. Article 4, Section B. 42 defines front lot line as "A front lot line is the line of a street on which a lot abuts."
4. Article 4, Section B.88 defines required yard as "Open and unobstructed ground area of the lot extended inward from a lot line for the distance specified in the Regulations for the district in which the lot is located."
5. Article 4, Section B.89 defines required front yard as "A required yard extending along the full length of the front lot line to a depth required by these regulations."

6. The Schedule of Dimensional Requirements contained in Article 8 requires a minimum lot frontage of 200 feet for lots in the RAR-90 zone. Footnote 6 to the Schedule of Dimensional Requirements states: “The minimum lot frontage shall be continuous and uninterrupted along a street line. In residential zones, corner lots situated at the junction of two or more streets shall be required to have minimum lot frontage along all abutting streets.”
7. Article 8, Section B.6 establishes the minimum lot area requirements for new lots: “To help ensure that all new lots have adequate land for a house, accessory structures, driveway, well, septic system and reserve area and accessory uses without inappropriate encroachment on natural resources and manmade resources such as stone walls and other historic structures, all residential lots created after the effective date of this regulation that are not served by a public sewer system, shall contain a contiguous area of at least 40,000 square feet in size (20,000 square feet in R-20 zones) that does not include visible ledge, existing slopes exceeding fifteen percent, drainage easements, conservation easements or other easements that will limit or restrict onsite uses, or any watercourses, water bodies or inland wetland soils as depicted on the Mansfield Inland Wetland & Watercourses Map and as may be modified by on-site inspection and testing. Said 40,000 square foot area (20,000 square feet in R-20 zones) must be defined with all portions of the defined area having a minimum depth or width of 75 feet, and this area must be suitable for the uses noted above. . . .”
8. The Mansfield definition of lot frontage refers solely to the length of the front lot line. Neither the definition, the footnotes in the Schedule of Dimensional Requirements, nor the minimum lot area requirements contain any references to the location of development/buildings in relation to the required frontage.
9. As the term lot frontage is clearly defined within the regulations, there is no cause for the Commission to seek guidance on regulatory interpretation from Statutes or the dictionary pursuant to Article 4, Section B.
10. As identified in the April 28, 2016 memo from Janell Mullen, the Commission has previously approved lots where the required minimum lot frontage was located adjacent to an undevelopable portion of the lot due to the location of wetlands. In these instances, driveways and structures were not located within or adjacent to the portion of the lot that met minimum frontage requirements. None of the examples cited included a waiver or reduction of lot frontage as authorized by Section 7.6 of the Subdivision Regulations. As such, it is clear that the Commission determined that those lots complied with minimum frontage requirements.

Based on the above findings, the Commission finds that the lot configuration identified on plans dated March 16, 2016 complies with the minimum frontage requirements as identified in the Mansfield Zoning Regulations.

MOTION PASSED with all in favor except Ausburger and Ward who were opposed.

**Adjournment:**

The Chair declared the meeting adjourned at 8:26 p.m.

Respectfully submitted,

Vera S. Ward, Secretary