



# DRAFT MINUTES

## MANSFIELD PLANNING AND ZONING COMMISSION

AUDREY P. BECK MUNICIPAL BUILDING ■ 4 SOUTH EAGLEVILLE ROAD ■ COUNCIL CHAMBER

### TUESDAY, SEPTEMBER 6, 2016 ■ REGULAR MEETING

**MEMBERS PRESENT:** J. Goodwin, C. Ausburger, B. Chandy, G. Lewis (6:32 p.m.), K. Rawn, B. Ryan, V. Ward, S. Westa  
**MEMBERS ABSENT:** R. Hall  
**ALTERNATES PRESENT:** P. Aho, T. Berthelot, K. Fratoni  
**STAFF PRESENT:** Linda Painter, Director of Planning and Development  
Janell Mullen, Assistant Planner/Zoning Enforcement Officer

Chairman Goodwin called the meeting to order at 6:31 p.m. and appointed Aho to act.

#### APPROVAL OF MINUTES:

##### A. AUGUST 1, 2016 – REGULAR MEETING

Ryan MOVED, Rawn seconded, to approve the 08-01-2016 minutes. MOTION PASSED with all in favor except Westa who disqualified herself. Chandy noted that she listened to the recording of the meeting.

#### ZONING AGENT'S REPORT:

Janell Mullen, Assistant Planner/Zoning Enforcement Officer, updated the members of the outcome of the Citation hearings.

#### PUBLIC HEARING:

##### ZONING REGULATION REVISIONS – MORATORIUM MULTI-FAMILY HOUSING, FILE #907-43

Chairman Goodwin opened the Public Hearing at 6:32 p.m. Members present were Goodwin, Ausburger, Chandy, Lewis, Rawn, Ryan, Ward, Westa and alternates Aho, Berthelot and Fratoni. Aho was appointed to act. Linda Painter, Director of Planning and Development read the Legal Notice as it appeared in The Chronicle on 8/23/16 and 8/31/16 and noted the following communications received and distributed to members of the Commission: an 8/31/16 memo from L. Painter, Director of Planning and Development; an August 30, 2016 from Town Attorney Deneen; an August 17, 2016 letter from the Mansfield Nonprofit Housing Development Corporation (attached to an August 23<sup>rd</sup> email from Kathy Ward); August 17, 2016 Draft Minutes from Conservation Commission; August 17, 2016 Draft Minutes from the Open Space Preservation Committee; an August 25, 2016 letter from Ros Hall, PZC Member; an undated letter from Michael Taylor; an August 24, 2016 letter from the Capitol Region Council of Governments; an August 11, 2016 letter from the Southeastern Connecticut Council of Governments both of which were read into the record and 9/1/16 draft minutes of the Economic Development Commission.

Attorney Susan Hays of Updike, Kelly & Spellacy spoke on behalf of her client Wilmorite of Rochester NY; which has been working on a proposal to develop student focused housing on King Hill Road. She requested an exemption to the moratorium, proposing that PB-3 and PB-4 zones be exempt from the moratorium.

Attorney Ben Wiles, Updike, Kelly & Spellacy, member of the Economic Development Commission and Mansfield Advocates for Children spoke as an Attorney on behalf of Wilmorite and not as a member of these entities. Wiles suggested that allowing multi-family housing development will offer options to the students and would lessen the impact on neighborhoods and single family houses, thereby allowing the neighborhoods to re-stabilize.

Attorney Dorian Famiglietti, on behalf of the Mansfield Non-Profit Housing Development Corporation, was present with Kathy Ward, President of the Mansfield Non-Profit Housing Development Corporation and Rebecca Fields, Executive Director of Mansfield Housing Authority. Attorney Famiglietti stated their opposition to the moratorium, citing the impact it would have on their planned affordable housing project. She requested that the Commission consider an exemption for developments that contain a 30% or more affordable housing clause. Kathy Ward reviewed the work they have done over the last two years in preparation for this project. Rebecca Fields spoke in favor of an exemption to any project that has an affordable housing dedication.

Jim Morrow, Chair of the Open Space Preservation Commission, read into the record the statement from the 08-17-16 draft minutes in favor of the moratorium.

Alison Hilding, 17 Southwood Road, is opposed to exemptions to the moratorium, would like public participation during the regulation revision process, asked that the PZC consider environmental impacts when revising the regulations and requested that summer public hearings be avoided to maximize attendance.

Ric Hossack, Middle Turnpike, is opposed to the moratorium with exemptions.

Roger Roberge, 32 Woodland Road, is in favor of an increase in affordable housing.

Jeffrey Resetco, EDR, requested an exemption to the moratorium since EDR's partner has been collaboratively working on a multi-family housing project for over 12 years.

David Freudmann, 22 Eastwood Road, doesn't feel that affordable housing has anything to do with the discussion about a moratorium. He feels it's unfair to halt development that is currently in the planning stages.

Patricia Tuite, 205 Separatist Road, spoke in favor of the moratorium, noting it is necessary to have the time to update the regulations to reflect the direction of the Plan of Conservation and Development.

Chairman Goodwin noted no further questions or comments from the public or Commission. Rawn MOVED, Ausburger seconded, to close the Public Hearing at 7:23p.m. MOTION PASSED UNANIMOUSLY.

## **OLD BUSINESS:**

### **A. ZONING REGULATION REVISIONS – MORATORIUM MULTI-FAMILY HOUSING**

Rawn MOVED, Ward seconded, to approve, subject to the revisions noted below, amendments to Article Three of the Mansfield Zoning Regulations dated August 1, 2016 (File #907-43) to establish a nine-month temporary and limited moratorium on applications related to the development of multi-family housing. The subject Zoning Regulation amendments were presented at Public Hearing on

September 6, 2016 and filed prior to the hearing with the Mansfield Town Clerk. A copy of the subject regulations shall be attached to the Minutes of this meeting, and these amendments shall be effective as of September 12, 2016 or upon publication of the notice of this action.

In approving the amendments to the Zoning Regulations, the Planning and Zoning Commission has reviewed and considered all public hearing testimony and communications, including reports from the CROG and SECOG Regional Planning Commissions, Mansfield's Director of Planning and Development and the Mansfield Town Attorney. Based on this testimony, Section A.2 of the proposed amendments shall be revised to read as follows:

- "2. Applicability. During this temporary and limited moratorium, the Commission will not receive, accept, consider or act on any of the following applications for review and action:
- a. Petitions to amend the Zoning Map to establish or expand a Design Multiple Residence (DMR), Age-Restricted Housing (ARH), Planned Residence District (PRD) or Pleasant Valley Residence/Agriculture (PVRA) zone.
  - b. Petitions to amend the Zoning Regulations to permit multi-family dwellings in any zone where they are not currently permitted or to establish a new zone which would include multi-family dwellings.
  - c. Petitions to amend the Zoning Regulations related to multi-family housing development in any zone.
  - d. Special Permit applications to expand non-conforming multi-family housing developments in any zone.
  - e. Special Permit applications to establish or expand multi-family housing in any zone."

The Commission makes the following findings in approval of these amendments as modified by this approval motion:

1. These amendments are adopted pursuant to the provisions and authority granted by Section 8-2 of the Connecticut General Statutes, which grant the PZC the following:
  - The authority to regulate the location and use of buildings, structures and land for trade, industry residence or other purposes;
  - The mandate to promote the health and general welfare; prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other requirements.
  - The mandate to give reasonable consideration as to the character of a zoning district and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.
2. The amendments promote the purposes of Zoning Regulations identified in Article One of Mansfield's Zoning Regulations by encouraging the most appropriate use of land, protecting and enhancing the value of properties and protecting and enhancing natural and scenic resources.
3. The proposed amendments will help to implement Goals 2.6, 3.4, 4.2, 5.6, 7.1, 7.2, 7.3, 7.4, 8.1, 8.2 and 9.5 of the Mansfield Tomorrow Plan of Conservation and Development (POCD) by

providing the Commission with the time necessary to update the Zoning Regulations related to multi-family housing in accordance with the recommendations identified in the POCD.

4. The nine-month term of the moratorium is considered reasonable in light of the extensive nature of the changes to Zoning Regulations recommended by the POCD that relate to multi-family housing. Furthermore, the scope of the moratorium is limited to applications related to multi-family housing and does not prevent other types of residential or commercial development during the term of the moratorium.
5. The amendments are considered acceptably worded and suitably coordinated with related zoning provisions.

MOTION PASSED UNANIMOUSLY.

#### **NEW BUSINESS:**

- A. REQUEST TO RELEASE ESCROW FUNDS FOR PHASE IV C, FREEDOM GREEN, FILE #636-4  
Ryan MOVED, Chandy seconded, to authorize the release of \$22,000 of the escrow funds to Beaudoin Brothers, LLC at this time. Furthermore, the Chair is authorized to release the remaining (\$17,500) escrow funds once the deficiencies related to the Construction Agreement have been addressed to the satisfaction of the Town Staff. MOTION PASSED UNANIMOUSLY.
- B. WILLARD J. STEARNS & SONS, INC., STEARNS & COVENTRY ROAD, 9 LOT SUBDIVISION, FILE #1343  
Ryan MOVED, Westa seconded, to receive the Subdivision application (File #1343) submitted by Willard J. Stearns & Sons, Inc., for a 9-lot subdivision, on property located at the southwest corner of Coventry Road and Browns Road, as shown on plans dated 12/15/15 with a revision date of 01/27/16, and as described in other application submissions, and to refer said application to the Fire Marshal, Assistant Town Engineer, Conservation Commission, and Eastern Highlands Health District, for review and comments and to set a Public Hearing for November 2, 2016. MOTION PASSED UNANIMOUSLY.
- C. 8-24 REFERRAL-MANSFIELD MIDDLE SCHOOL GYM RENOVATIONS  
Ward MOVED, Ryan seconded, RESOLVED, that the Planning and Zoning Commission of the Town of Mansfield approves the following project pursuant to Section 8-24 of the General Statutes of Connecticut:

Renovations to the Mansfield Middle School gymnasium and related locker rooms and bathrooms, contemplated to include, but not limited to, replacement of the roof, the large and small gymnasium floor, the large dividing door, the bleachers, all exterior gymnasium doors and the score boards, renovations and potential consolidation of the locker rooms, renovations of bathrooms, installation of air conditioning, an on-demand domestic hot water system and a new sound system, relocation of electrical panels, and reconfiguration of the gymnasium equipment storage area;

provided that this resolution is for approval of conceptual plans only. The project is subject to and shall comply with all applicable zoning, site plan, subdivision, inland wetland and other laws,

regulations and permit approvals, and this resolution shall not be a determination that any such project is in compliance with any such applicable laws, regulations or permit approvals.

Resolution PASSED UNANIMOUSLY.

**REPORTS FROM OFFICERS AND COMMITTEES:**

Linda Painter, Director of Planning and Development noted many communities across the State have concerns regarding recent communications received from Mobilite regarding communication towers planned for communities, including Mansfield. Staff will update the Commission and the Town Council as more information is provided.

**COMMUNICATIONS AND BILLS:**

Noted.

**ADJOURNMENT:**

A Field Trip was set for 9/14/16 for 3p.m. The Chair declared the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Vera S. Ward, Secretary