

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, March 20, 2006

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan

Members absent: G. Zimmer

Alternates present: C. Kusmer, Pociask, V. Stearns

Staff present: C. Hirsch (Zoning Agent), G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:05 p.m., appointing Alternate Kusmer to act in place of Mr. Zimmer and Alternate Pociask to act case of member disqualifications.

3/6/06 Minutes: Hall MOVED, Plante seconding, to approve the Minutes as presented; MOTION PASSED unanimously. It was noted that the tapes of the meeting had been heard by Plante, Holt, Kochenburger, Ryan and Stearns.

Zoning Agent's Report – The February Monthly Activity and Enforcement Reports were noted. Mr. Hirsch reported that Paideia has received all town permits for construction, and tree-clearing preliminary to construction for the Greek-style amphitheatre has begun.

Old Business

Kueffner proposed subdivision, 1 lot on Forest Rd., file 1239 – Mrs. Goodwin disqualified herself on this matter and was replaced by Mr. Pociask. After discussion, Gardner MOVED, Hall seconding, to approve with conditions the one-lot subdivision application of Christopher Kueffner for Nelson Brook Estate subdivision, on property located on the northerly side of Forest Road, about 700 feet west of Baxter Road, in RAR-40/MF and Flood Hazard zones, as submitted to the Commission (file 1239) and shown on plans dated 1/23/05 as revised to 2/6/06. This approval is granted because the application as hereby approved is considered to be in compliance with the Mansfield Zoning and Subdivision Regulations. Approval is granted with the following modifications or conditions:

1. Final plans shall be signed and sealed by the responsible surveyor and engineer;
2. Pursuant to Subdivision Regulations provisions, particularly Sections 7.5 and 7.6, this action specifically approves the depicted building area envelope. Unless revisions are specifically authorized by the Commission, the depicted building area envelope shall serve as the setback line for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be noted on the final plans replacing Note 6 on sheet 3 and specifically Noticed on the Land Records;
3. This approval postpones any open space dedication until such time as the remaining land is subdivided. The final subdivision plans shall be revised to clarify that the PZC shall have the right to base future open space dedications on the original lot size of 121.8 acres;
4. The applicant is encouraged to:

- A. re-orient the depicted house to enhance solar orientation. The current layout indicates that a garage area and the short axis of the house will be oriented to the south, and
 - B. shift the westerly building area envelope to the development area envelope line to enhance flexibility for siting accessory structures
5. Final plans shall be revised to address the following:
- A. The addition of a map note clarifying whether the twin 18-inch oak trees adjacent to the new driveway need to be removed to achieve the proposed driveway sightlines;
 - B. The addition of map notes to ensure that the stone wall adjacent to CL&P pole 1631 will be reconstructed as necessary due to disturbances caused by underground utility construction;
 - C. The Erosion and Sedimentation Control Plan shall be revised to incorporate daily inspections until all disturbed areas are re-stabilized;
 - D. The chart on sheet 1 shall be revised to delete reference to a 150-foot wetland buffer. The Regulations do not require such a buffer and, in fact, proposed improvements are located closer than 150 feet to wetlands
6. The approved plans depict an existing 24-inch oak tree within the building area envelope (west of depicted house) and a 20" oak tree along the westerly development area envelope. Note 10 on sheet 3 indicates that these trees will be protected with a suitable barrier prior to the issuance of a Zoning Permit. This requirement shall also be specifically Noticed on the Land Records.
7. The 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, a right-of-way deed for land along Forest Road and a Notice to address conditions 2 and 6 for recording on the Land Records (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 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 unanimously.

Proposed retail/office/storage use at 699 Storrs Rd. (G. W. Building & Development, LLC property), file 554-3 –Mrs. Goodwin also disqualified herself on this issue and was replaced by Mr. Pociask. Mr. Padick explained that soils at the site had earlier been tested for contaminants, including heavy metals and lead, but the well which would supply potable water was not tested. Eastern Highlands Health District now has requested that the well be tested also and, if test results are unacceptable, the applicant must provide an alternate source of drinking water. Concern was also raised that the proposed sign depicted in the applicant's revised plans may be illegal under the Unfair Trade Practices Act, as it depicts the Great Seal of the United States, or something very close to it, and the firm would be called U.S. Building Suppliers. The Director of

Planning was asked to consult with the Office of the State Attorney General on the issue. In addition, the State Highway Department must approve the location of the proposed sign.

Hall MOVED, Gardner seconding, to approve with conditions the special permit application (file 559-3) of G.W. Building & Development, LLC for retail/wholesale sales, storage and office uses on property located at 699 Storrs Rd., in an RAR-90 zone, as shown on site and landscape plans revised to 2/21/06 and other information submitted to the Commission, and as presented at Public Hearings on 2/6/06 and 2/21/06. This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B, Article IX, Section D.3.b and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval, which authorizes a change from one non-conforming commercial use to another non-conforming commercial use, is specifically tied to the applicant's proposed uses of the subject property and proposed site work. Except where modified through conditions of this approval, the authorized use of this property is limited to those uses and activities and site and building improvements described by the applicant as part of the current application. Any proposed changes regarding authorized uses of this property and associated site and building improvements shall be reviewed in advance with the PZC and any significant changes or expansions of use shall require additional special permit approval;
2. As per the 1/30/06 recommendation from Eastern Highlands Health District, the water supply well shall be tested for volatile organic compounds (VOC's) using EPA Method 524.2. The timing of this testing shall be coordinated with Eastern Highland Health District and appropriate action taken to ensure a safe water supply. All potability requirements of the State Health Code shall be addressed by the applicant;
3. The approved plans, including the sign reconstruction and parking layout, shall be reviewed with the State Dep't. of Transportation and all required DOT approvals shall be obtained. Any necessary revisions shall be submitted to the Commission for review and approval. All required zoning and building permits shall be obtained prior to any construction or renovation activity;
4. The applicant is encouraged to replace the existing septic system as soon as possible. Provided a new system does not conflict with approved parking and landscaping plans, additional PZC approval shall not be required for septic improvements. Any paving of the subject lot shall require approval of the Commission to help ensure that any drainage impacts are addressed;
5. This approval authorizes the 10-space parking layout submitted at the 2/21/06 Public Hearing. The depicted handicap parking space shall be signed and otherwise designated as per State requirements and this space and the area behind and adjacent to it shall be surfaced with compacted process gravel, aggregate, stone dust or composite mixture so as to create suitable year-round access between the handicap space and the building entry. All parking improvements shall be completed prior to the issuance of a Certificate of Compliance for the proposed uses;
6. The landscape plan submitted at the 2/21/06 meeting shall be revised to incorporate specific information including the size (at time of planting) and common and botanical

names of all new plantings, landscape bed and mulch details, and information regarding the location, nature and number of containers and accent pieces to be utilized as part of the landscaping improvements. The final landscape plan shall be approved by the PZC Chairman, with staff assistance, and all landscape improvements shall be installed or bonded prior to the issuance of a Certificate of Compliance;

7. The proposed light grey-beige textured exterior treatment of the building façade and complimentary windows, doors and trim work as described in applicant submissions and presented at the 2/21/06 Hearing, shall be completed prior to the issuance of a Certificate of Compliance;

8. The proposed freestanding identity sign shall not exceed a size of 30 square feet, as authorized by the Zoning Board of Appeals. Sign details shall be submitted to the PZC and approved by the Commission prior to the issuance of a sign permit. Without prior PZC approval, there shall be no attached identity signs on the building;

9. Without prior authorization of the Commission, the following requirements shall be met:

A. Approved hours of operation for retail uses shall be 7 a.m. to 6 p.m. Monday through Friday, and 8 a.m. to 4 p.m. on Saturday. As proposed at the 2/21/06 meeting, no Sunday hours are authorized;

B. Other than during the temporary periods as described by the applicant when loading or unloading activities take place, there shall be no parking of delivery vehicles, trailers or use of storage containers;

C. Other than authorized store accent pieces and plant containers approved in association with the landscape plan, there shall be no outside storage of materials or products;

D. Lighting improvements shall be limited to installation of motion-detectors, light shields to direct lighting downward, and any necessary replacement of existing fixtures. No new lighting and no intensification of existing lighting has been authorized;

E. All waste material and refuse shall be stored inside the building, and no dumpsters or outside waste storage containers shall be utilized onsite.

10. This approval authorizes a number of site plan submission waivers. The information submitted by the applicant is considered adequate to address applicable approval criteria;

11. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records. MOTION PASSED unanimously.

Hearing, DeBoer property on Bassetts Bridge Rd., file 1242 – The continued Public Hearing was called to order at 7:35 p.m. Members and Alternates present were Favretti, Gardner, Goodwin, Hall, Holt, Plante, Ryan, Kusmer, Pociask and Stearns; Mr. Kochenburger had previously disqualified himself, and Mr. Pociask acted in his stead. Since this was a continued Hearing, here was no legal notice; communications since the last session of the Public Hearing were: Dir. of Planning (3/16/06); Ass't. Town Engineer (3/17/06); undated letter from Getter, and revised plans submitted subsequent to the last meeting and dated as 3/15/06. Neighborhood return receipts were also submitted.

Project engineer Joseph Boucher reviewed the revisions, noting that plans for construction and landscaping, including species of grasses and trees and planting details, are specified. Mr. Boucher agreed to broaden the types of grasses to be used because of growing conditions at the site. He assured members that the applicant would see to grass

growth in the site's existing soils or the soil would be otherwise stabilized. He stated that the southeast corner of the site would be planted with a row of white pines. Tree-planting details are also included in the revisions. Att'y. Jeffrey Low stated that construction would probably take no more than 40 hours and would be completed this July. He said the hours were planned as 7 a.m. to 7 p.m., Monday-Friday, and sometimes Saturday and Sunday. But, during discussion, he agreed that work could be limited to only one weekend day, and mentioned Saturdays, from 9 a.m. to 4 p.m. Audience participation was invited, but no one wished to speak. The Hearing was closed at 8:11 p.m., and Mr. Hall volunteered to work on a motion for the next meeting.

New Business

Proposed skate park west of Community Center, file 1173 – A 3/16/06 memo from the Dir. of Planning was noted. Recreation Director Curt Vincente was in the audience, but did not speak. Holt MOVED, Hall seconding, to refer the request for modification for a skate park at the west side of the Mansfield Community Center to staff for review and comment. MOTION PASSED unanimously, and members were asked to visit the site individually prior to the April 3rd meeting.

Regulatory Review Committee-proposed priority revisions to the Zoning Map, Zoning Regulations and Subdivision Regulations, file 907-27 – Members noted memos from Mr. Padick (3/16/06, with associated draft 3/20/06 listing of proposed revisions) and Mr. Hirsch (3/9/06), and a draft revised Zoning Map, also dated 3/20/06, was distributed at the meeting. The 13-page set of proposed revisions (dated 3/20/06) had been identified by the Regulatory Review Committee as high-priority items to be brought to Public Hearing and, if possible, approved and effective by June 1st, the date the current subdivision moratorium ends. They are proposed as a result of recommendations contained in the town's newly-adopted Plan of Conservation and Development. The accompanying explanatory notes help to clarify the proposals, but are not part of the revisions. Mr. Padick explained that any action taken at tonight's meeting would only be to bring the proposed revisions, with any changes agreed upon at this meeting, to Public Hearing at the PZC's May 1st meeting. He explained that the proposals must be referred to various town and area boards and agencies and the Town Attorney for their review prior to the Public Hearing. Mr. Padick then explained the reasoning behind each proposed revision. The only revision made at the meeting was to Section I, Article VIII, Section B.6.a, (top of p. 8 of the 3/20/06 draft), which was revised to read, "All new subdivision lots [approved after June 30, 2002]..." Holt MOVED, Gardner seconding, that the Planning and Zoning Commission schedule a Public Hearing for May 1, 2006 on certain draft revisions to the Mansfield Zoning Map, Zoning Regulations and Subdivision Regulations, with the revision agreed upon at the 3/20/06 PZC meeting, and that the proposed revisions be referred to the Town Attorney, WINCOG Regional Planning Commission, Mansfield Town Council, Zoning Board of Appeals, Conservation Commission, Open Space Advisory Committee, Parks Advisory Committee, Design Review Panel, Eastern Highlands Health District, all abutting towns, and staff for review and comment. MOTION PASSED unanimously.

Downtown Storrs Center project – Mr. Padick plans to meet on 3/23/06 with the Downtown Partnership planners to review their estimated timing schedule and draft proposed regulations. He will be able to present more information at the next PZC meeting.

Plan of Conservation & Development final mapping and text – Mr. Padick is working closely with members of the WINCOG staff on final mapping and, as noted above, a 3/20/06 draft Zoning Map was distributed before tonight's meeting. It is expected that the University of Connecticut Board of Trustees will approve a final draft of their Master Plan in the near future, and it is hoped that University agreement with Mansfield's new Plan of Conservation and Development can be coordinated and our new Plan can be filed with the Town Clerk by April 15.

Design Review Panel membership – As noted in Mr. Padick's 3/16/06 memo, present members' terms have ended, and they need to be reappointed or new members designated. Members I. Atwood, R. Gillard, P. Miniutti and J. Stephens have all agreed to serve for another 2-year term; the other member has moved away from Mansfield and another member must be designated. Mr. Lee Cox was suggested by Mr. Kochenburger, and this suggestion will be reported on at a future meeting. Holt MOVED, Hall seconded to reappoint, for 2-year terms ending 12/31/07, Jack Stephens, Isabelle Atwood, Peter Miniutti and Robert Gillard as members of Mansfield's Design Review Panel. MOTION PASSED unanimously.

Sunrise Estates subdivision, Mansfield City Rd., file 1214-2 – Reports were noted from the Dir. of Planning and Fire Marshal (both 3/16/06). A 3/8/06 letter from Att'y. L. Jacobs advising the Commission that the developers would like to amend the name of the subdivision and its road was superseded by Mr. Jacobs's 3/13/06 letter withdrawing the proposed name change. Members agreed by consensus that no further action was needed.

Windswept Manor, Lot 4 resubdivision request for filing extension, file 1198-2 – A 3/10/06 letter from Stephen Filip, the applicant's representative, requests a second 90-day extension of the date for filing of final subdivision maps to allow for setting of monumentation. Gardner MOVED, Holt seconded to approve a second 90-day extension for submittal of final plans for the resubdivision of Lot 4, Windswept Manor subdivision, which was approved by the Commission on 11/29/05. MOTION PASSED unanimously. With this extension, the new deadline for submitting final plans becomes June 29, 2006.

Fellows Estates subdivision, request for revised letter of credit, file 1230 – Pursuant to a 3/13/06 letter from Att'y. Samuel Schrage and a 3/16/06 memo from the Dir. of Planning, Holt MOVED, Ryan seconding, that the PZC Chairman, with staff assistance, be authorized to accept a letter of credit from People's Bank for the Fellows Estates subdivision and to execute a revised bond agreement for this subdivision. This authorization is subject to compliance with the letter of credit requirements of Article VI, Section C.2 of the Zoning Regulations. MOTION PASSED unanimously. (This approval allows for the People's Bank letter of credit to replace a previous one from New Alliance Bank.)

Aurora Estates subdivision, request to alter lot lines for Lot 2, file 1198-2 – It was agreed by consensus to table this request pending staff review. More later.

Reports of Chairman and Committees

Regulatory Review Committee – The next meeting will be scheduled at the May 1st PZC meeting.

Communications and Bills – As noted on the agenda.

Item #3, Proposed Town Housing Code – A Town Council Public Hearing has been scheduled for April 24th.

Item #2, Proposed Bikeways Ordinance – Members agreed that the Town Council should be advised that both motorized and non-motorized wheelchairs should be allowed on bikeways and sidewalks in town.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,
Katherine K. Holt, Secretary