

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Monday, July 17, 2006

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, K. Holt, P. Kochenburger, G. Zimmer

Members absent: J. Goodwin, R. Hall, P. Plante, B. Ryan,

Alternates present: C. Kusmer, V. Stearns

Alternates absent: B. Pociask

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

Chairman Favretti called the regular meeting to order at 7:16 p.m., appointing Stearns and Kusmer to act due to member absence.

Minutes:

Holt noted a few changes to be made to the minutes of July 5, 2006.

- Page 1 Under Old Business Item 1, third paragraph, second sentence should read "...with some of the wetlands to be included..."
- Page 2 Item 2b the word delineated should be deleted. The motion that was read at the 7/5/06 meeting regarding Spakoski's approval for Mount Hope Farms was read correctly, however, the minutes were written with a misspelling. She noted that a corrected approval letter will be sent to Spakoski noting the change.
- Page 8 Item 8 the "Public Hearing Continued until 7/17/06."
- Page 8 Item 8b file # should be 1164

7/5/06-Holt MOVED, Gardner seconded, to approve the Minutes as corrected; MOTION CARRIED UNANIMOUSLY.

Scheduled Business

Zoning Agent's Report

- A. Monthly Activity- There were no questions or comments regarding C. Hirsch's Monthly Report of Zoning Enforcement Activity. Hirsch did note that this year there were only 3 more houses built than last year.
- B. Enforcement Update- Hirsch updated the commission on the progress of the Paideia property. He has not received any complaints, and he noted that the footings appear to be in.

Other Old Business

Bond Release Requests:

- A. Mulwood East, File #1225

Item tabled, awaiting supplemental information for clarification.

B. Maintenance Bond, Maplewoods Section 2, Max Felix Drive

Item tabled. Padick noted that the roadway improvements are done, but the street tree landscaping is not complete.

8/7/06 Public Hearings

A. Special Permit Application, River Park, Plains Road, Town of Mansfield o/a, File #1249

Item tabled due to an 8/7/06 scheduled Public Hearing.

B. Re-Subdivision Application, Gifford Estates Resubdivision, 2 new lots on Maple and Spring Hill Roads, Spring Valley LLC., applicant, File #1250

Item tabled due to an 8/7/06 scheduled Public Hearing.

C. Special Permit Application, proposed efficiency unit at 238 Maple Road, P. Peters, File # 1248

Item tabled due to an 8/7/06 scheduled Public Hearing.

Open Space Preservation committee

Item tabled. Padick has not yet contacted the Green Valley Institute

6/2/06 Letter from J. Spears RE: Storage areas – Colonial Townhouse Apartments, Foster Drive.

Item tabled. Padick updated the Commission on research he had done in response to letter received from Spears. He noted that the PZC approval was issued in 1968. None of the details required had information on interior set up of the buildings or landscaping layouts. All that was required in 1968 was the basic infrastructure and no storage plans were submitted. Because storage spaces were not part of the original approval, Padick does not feel that we now have the authority to require that storage spaces be provided to replace the ones being removed. Padick will have a written report for the next meeting. Consideration of potential revisions to the Zoning Regulations to PZC/IWA fee schedule
Item Tabled.

Eastern Parking Garage/softball field relocation project

Item Tabled.

Other

Holt MOVED, Gardner seconded, to cancel the August 21, 2006 meeting due to vacation schedules. The MOTION CARRIED UNANIMOUSLY.

New Business

Holt MOVED, Stearns seconded, to add to the agenda under New Business, a letter dated July 17, 2006 submitted by Gerald and Linda Stowell for a request to remove a tree from Summit Road. The MOTION CARRIED UNANIMOUSLY.

7/17/06 Letter from G. and L. Stowell RE: Tree removal-Summit Road

Padick updated the board that L. Hultgren, as Town Tree Warden, is unclear if the subject tree is on Town property or on the Stowell's property. Hultgren did determine that the tree is not a hazard to any vehicle traveling this Scenic Road. The Town would not pay for the tree removal since there is no hazard, but if the Stowells are still interested in its

removal, they would have to submit a request to the Town Council. The subject then would be referred to the PZC for their approval because Summit Road is a Town Scenic Road. Padick is unclear of the Stowell's intentions at this time, but will contact them.

Reports of Officers and Committees

There was no report from the PZC Chairman or Regional Planning Commission Representatives and note was made that the next meeting for the Regulatory Review Committee is scheduled for Tuesday, July 25, 2006 at 2:00 p.m.

Communications and Bills

The agenda items were noted, and no discussion was held.

The Chairman declared a 4-minute break at 7:41 prior to the start of the scheduled Public Hearings.

Public Hearing Continuation

Public Hearing-Sand and Gravel Special Permit Renewals:

A. Hall Property, Old Mansfield Hollow Road, File #910-2

Chairman Favretti opened the continued Public Hearing at 7:48 p.m., and appointed alternates C. Kusmer and V. Stearns to act for absent members. Present were: Favretti, Gardner, Holt, Stearns, Zimmer, and Kusmer. Kochenburger disqualified himself. Padick referenced a 6/10/06 letter from Mr. and Mrs. McCarthy received on 7/14/06; a 7/9/06 letter from Pinecrest Environmental Services; a 7/14/06 letter from A. Stadler; a 7/17/06 report from Zoning Agent C. Hirsch; and a 7/17/06 memo from Greg Padick, Director of Planning.

Applicant Ed Hall, and Ron Ochsner, of Branse and Willis, LLC., were present in the absence of Attorney Branse. Ochsner presented the commission with a letter dated 7/15/06 from J.G.T. Corporation, DBA Ashford Agway. Ochsner read the submitted letter, which stated they will be taking possession of several of the trailers that are on the Hall property, but due to the unusual weather they have not yet been able to remove them, but will do so no later than August 2006.

Ochsner also mentioned that the well monitoring report from Pinecrest Environmental Services has been submitted, and this completes the requests that Hirsch had made. At this time Ochsner is requesting that the renewal of the Special Permit for the Sand and Gravel operation with the existing provisions be approved.

Favretti asked Hall how much longer he anticipates this operation to continue. Hall said if the market goes well, Phase 1 should be complete by this time next year. Holt noted that according to the provisions of the Special Permit, he is only allowed to remove 8,000 cubic square yards per year. Hall stated that he doesn't believe that much is left for

removal. For clarification Holt asked Hall if the Phase 1 area is on the “Eric Hall Property” or on the “Ed Hall Property.” Hall pointed out on the map, that the active part of Phase 1 is on the Ed Hall Property.

Ed Hall noted that all extraction work for Phase 1 that was on the Eric Hall Property has been completed, the area is stabilized, and grass is growing. No other work under this Special Permit for Sand and Gravel is to be done on this property. He mentioned for clarification that Eric Hall has a Zoning permit to construct an addition to the existing house with related site work. Hall believes that the work that is allegedly being conducted in the buffer zone may very well be site work being performed on Eric’s property, and he stated that no work at all has been done in the buffer zone since the buffer was established over a year ago.

At this time Chairman Favretti gave opportunity for anyone in the audience to speak about the Special Permit Application Renewal.

Hirsch clarified that Towne Engineering’s report stated that there is approximately 2,400 cubic yards left on Phase 1, with approximately 300 cubic yards removed last year.

Mr. McCarthy, son-in-law of Mrs. A. Stadler, and abutting property owner, addressed the Commission with concerns about the buffer, which borders the Stadler property. Hirsch agreed to check the contours of the buffer against the contours on the plans done by Towne Engineering for the Eric Hall property, to determine if the slope has been altered.

Question was raised as to how much fill can be removed on the Eric Hall property according to the Zoning Permit. Hirsch stated that 500 cubic yards can be removed without a fill permit, and that according to an estimate by Towne Engineering, Eric Hall is close to his limit of 500 cubic yards. Holt would like to see a bi-monthly monitoring report from Hirsch on the activity and progress of the Eric Hall property. She reminded the Commission that the buffer goes with the Special Permit for Phase 1 of the sand and gravel operation, and it is located on both the Ed and Eric Hall properties.

Gardner questioned McCarthy’s concern raised in the submitted letter about the adequacy of the bond. Padick responded that the original bond was posted in 1992, and was set at \$8,300.00 and has been accumulating interest at approximately 5%. The bond plus the interest is estimated to exceed \$15,000.00. In Padick’s opinion this is an adequate bond amount for this project.

McCarthy stated that he is requesting that the Commission request that the buffer area be seeded and restored, and all trailers be removed by a specific date. Padick suggested staff could check the contour levels along the buffer to see they remain as mapped, which also was a concern of the McCarthys and Mrs. Stadler.

With no further questions or comments, Favretti MOVED, Holt seconded, to close the Public Hearing. MOTION PASSED UNANIMOUSLY, with Kochenburger disqualified.

Banis Property, Pleasant Valley Road, File #1164

Chairman Favretti opened the continued Public Hearing and appointed alternates C. Kusmer and V. Stearns to act for absent members. Present were: Favretti, Gardner, Holt, Kochenburger, Stearns, Zimmer, and Kusmer. Padick referenced a 7/13/06 memo from Zoning Agent C. Hirsch, a 7/14/06 memo with revised map from G. Meitzler, and a 7/17/06 memo from Greg Padick, Director of Planning.

Mr. & Mrs. Banis were present to answer any questions the Commission asked regarding the revised plan they submitted dated 7/7/06.

Gardner questioned if areas 1 & 2 are complete, and what is on the plans that's shown as 30 feet high. Mr. Banis stated that gravel removal in areas 1 & 2 are complete, and it is the ledge that has a height of 30 feet. This steep drop-off will not be touched.

Zimmer noted that the work to be done is further from the road and neighbors than the previous work done and therefore doesn't appear to have an adverse impact.

Holt questioned how much excavation do they anticipate. Banis estimates 9,000 cubic yards of material to be removed from area 3.

There were no comments for the public. With no further questions from the Commission, Gardner MOVED, Stearns seconded, to close the Public Hearing at 8:43p.m. MOTION PASSED UNANIMOUSLY.

Public Hearing-PZC proposed revisions to the Zoning Regulations:

Article III proposed extension of existing moratorium on rezoning land south of Pleasant Valley Road, between Mansfield City Road and Mansfield Avenue, and miscellaneous other revisions.

Chairman Favretti opened the Public Hearing at 8:44p.m., and appointed alternates C. Kusmer and V. Stearns to act for absent members. Present were: Favretti, Gardner, Holt, Kochenburger, Kusmer, Stearns, and Zimmer. Padick read the legal notice published in the Willimantic Chronicle and referenced the following memos: 6/20/06 memo from the Open Space Preservation Committee, a 6/28/06 referral letter from the Windham Regional Council of Governments, a 7/7/06 memo from Greg Padick, Director of Planning, and a 7/13/06 letter from Town Attorney, D. O'Brien.

Padick noted that, as per requirements by State Statutes, notice of the revisions were sent to neighboring towns, as well as filed at the Mansfield Town Clerk's office. All return receipts from the neighboring towns are in the file.

Gardner inquired if any public or neighboring towns had commented or corresponded to the draft revisions. Padick noted that none have been received at this time.

Padick informed the Commission that although the moratorium is for drafting multi-family/open space regulations for the area south of Pleasant Valley Road, the multi-family regulations for the whole town should be addressed as they have not been significantly changed in over 10 years. He felt that the moratorium extension would allow more time to work on revisions in a comprehensive manner, and he hoped to have them ready for Public Hearing in October and November.

He also commented on the four changes recommended by ZEO Hirsch, saying that they were technical changes.

There was no one present in the audience to speak on these issues. With no further questions and comments, Holt MOVED, Gardner seconded, to close the Public Hearing at 8:45 p.m. MOTION PASSED UNANIMOUSLY. Gardner volunteered to work on a motion for the next meeting.

Other Old Business Continued

Consideration of potential action on Sand and Gravel Permit Renewals

A. Hall Property, Old Mansfield Hollow Road, File #910-2

Chairman Favretti appointed alternates C. Kusmer and V. Stearns to act for absent members. Kochenburger disqualified himself.

Suggestion was made that the Commission renew the Sand and Gravel permit with last year's provisions and include the staff recommended change to item # 16. Holt would like to set progress deadlines and see bi-weekly reports from Zoning Agent Hirsch.

Holt MOVED, Kusmer seconded, to approve with conditions the special permit renewal application of Edward C. Hall (file 910-2) for excavating and grading on property owned by the applicant, located off Mansfield Hollow Road, as presented at Public Hearings on 6/19/06 and 7/17/06. This renewal is granted because the application as hereby approved is considered to be in compliance with Art. V, Sec. B and Art. X, Sec. H of the Mansfield Zoning Regulations. Approval is granted with the following conditions, which must be strictly adhered to, due to potential adverse neighborhood impacts. Any violation of these conditions or the Zoning Regulations may provide basis for revocation or non-renewal of this special permit.

No activity shall take place until this renewal of special permit is filed on the Mansfield Land Records by the applicant. This approval for special permit renewal shall apply only to the authorized Phase I area of the site.

This renewal of special permit shall be effective until July 1, 2007;

Excavation activity shall take place only in accordance with plans dated 12/1/91 and 5/9/95, as revised to 6/13/06;

This special permit renewal does not authorize the deposition of more than 100 cubic yards of fill material onto the permit premises (the whole 17-acre lot) during any 12-month period;

All work shall be performed by Edward C. Hall or his employees. No other subcontractors or excavators shall excavate in or haul from this site. All work shall be performed using the equipment stated on said plans and in the applicant's Statement of Use;

No more than 8,000 cubic yards of sand and gravel or the amount of material remaining in Phase I, whichever is less, shall be removed per year;

In association with any request for permit renewal, the following information shall be submitted to the Commission at least one month prior to the permit expiration date:

A. Updated mapping, prepared by a licensed professional engineer, depicting current contour elevations and the status of site conditions, including areas that have been re-vegetated;

B. A status report statement that includes information regarding:

- the amount of material removed in the current permit year and the estimated remaining material to be removed in the approved phase;
- the planned timetable for future removal and restoration activity;
- conformance or lack thereof with the specific approval conditions contained in this renewal motion

8. Unless prior authorization has been granted by the Commission, the existing area to the south and southeast of the approved excavation phase shall be retained in its existing wooded state. This area provides a buffer between the subject excavation activity and neighboring residential uses and is deemed necessary to address neighborhood impact requirements. The 7/5/05 map for this excavation project shall be revised to depict this required buffer area and said map shall be approved by the PZC officers with staff assistance prior to notice of this renewal being filed on the Land Records. The buffer shall extend southerly from the approved Phase I area to the Stadler-McCarthy property and shall extend southeasterly along the Gray and Dyjak properties to Mansfield Hollow Road Extension. The southeasterly extension shall have a minimum width of 50 feet (see Article X, Section H.5.e);

9. Topsoil:

A. A minimum of 4" of topsoil shall be spread, seeded and stabilized over areas where excavation has been completed;

B. No loam shall be removed from the property. All stockpiled loam presently on the site shall be used for restoration of the area where gravel is removed

10. In order to ensure that dust does not leave the site, erosion and sedimentation controls and site restoration provisions as detailed in the plans shall be strictly adhered to and the following measures shall be implemented:

A. No more than 1.5 acres shall be exposed at any one time;

B. The work shall be performed as described, from north to south and west to east, occurring in a "trough";

C. The swale along the haul road shall be kept dust-free and maintained to trap fine material and to keep the gravel surface of the road clean;

D. If the above measures do not control dust on the site as evidenced by complaints from nearby residents and verification by the Zoning Agent, dust monitors shall be

installed immediately, with the advice of the applicant's engineer, and with their operation approved by the PZC;

E. The haul road shall be watered as necessary to prevent dust;

F. All loads shall be covered at the loading location;

G. There shall be no stockpiles of any material other than topsoil located outside the excavation area. Any stockpiles will be only as part of the daily operation of the excavation and shall not exceed 10 cubic yards in size. All stockpiled material shall be graded off and stored within the lower portions of the site in order to minimize any windblown transport.

11. In order to ensure that there is no damage to the major aquifer underlying the subject property and nearby wells, the following shall be complied with:

A. An annual ground water monitoring report (due 10/1) shall be submitted to the Zoning Agent;

B. Excavation shall not take place within 4 feet of the water table;

C. Materials stored onsite shall be limited to those directly connected with the subject excavation operation or an agricultural or accessory use authorized by the Zoning Regulations. Any burial of stumps obtained from the permit premises shall be in conformance with the DEP's regulations;

D. With the exception of manure, which shall be spread in accordance with the letter received at the 4/6/94 PZC meeting from Joyce Meader of the Cooperative Extension Service, no pesticides or fertilizers shall be applied unless a specific application plan is approved by the PZC. All operations to restore the subject site shall employ Best Management Practices as recommended by the Natural Resources Conservation Service and State Department of Environmental Protection for the application of manure, fertilizers or pesticides and the management of animal wastes;

E. No refueling, maintenance or storage of equipment shall be done onsite, in order to minimize the potential for damage from accidental spills;

At a minimum, the subject site shall be inspected monthly by the Zoning Agent. Said agent shall schedule quarterly site inspections and shall invite neighborhood representatives to accompany him;

Old Mansfield Hollow Rd. shall be the only route used for deliveries out of the neighborhood;

All zoning performance standards shall be strictly adhered to;

Approval of this permit does not imply approval of any future phase;

The existing cash bond plus accumulated interest shall remain in place until the activity has ceased and the area has been stabilized and restored to the satisfaction of the PZC.

Prior to filing notice of this Special Permit renewal on the Land Records, an updated bond agreement approved by the PZC Chairman with staff assistance shall be executed.

Hauling operations and use of site excavation equipment shall be limited to the hours of 8 am to 5:30 p.m. Mon.-Fri., and 8 a.m. to 1 p.m. on Saturday, with no hours of operation on Sunday;

18. This special permit shall become valid only after it is obtained by the applicant from the Mansfield Planning Office and filed by him upon the Mansfield Land Records.

Further, it is noted that if there are any changes to the site or plan not authorized by this approval, the applicant shall request a modification before proceeding. Such a request for

modification may be considered major and may entail a Public Hearing, depending on the nature of the request and its potential for impact on the health, welfare and safety of Mansfield's citizens and nearby residents. MOTION PASSED UNANIMOUSLY.

B. Banis Property, Pleasant Valley Road, File #1221

Chairman Favretti appointed alternates C. Kusmer and V. Stearns to act for absent members.

Noting that there was no further discussion, Holt MOVED, Kochenburger seconded, to approve with conditions the special permit renewal application (file 1164) of Steven D. Banis for the removal of approximately 9,000 cubic yards of excess material from Area #3 to be used for agricultural purposes on property located at Pleasant Valley Farm, Pleasant Valley Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 6/1/05 revised through 7/7/06, accompanied by a 5/18/06 letter, and as presented at Public Hearings on 6/19/06 and 7/17/06. This approval is granted because the application as hereby approved is considered to be in compliance with Article X, Section H, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted subject to the following conditions:

The applicant shall implement the suggestions and recommendations for soil and erosion control contained in a 7/12/00 letter from David Askew, District Manager of the Tolland County Soil and Water Conservation District, Inc. This work includes the stabilization of areas adjacent to watercourses, the stabilization of the largest intermittent stream channel, the phasing of land-disturbing activity to minimize periods of soil exposure and the re-vegetation of disturbed areas.

No blasting or excavation work shall take place within fifty feet of a property line. Particular care shall be taken in meeting this requirement adjacent to the Wadsworth property.

All work shall be conducted between 7 a.m. and 7 p.m. Monday through Friday and between 9 a.m. and 7 p.m. Saturday.

All blasting work shall be subject to the permitting process administered by the office of the Fire Marshal. The applicant's blasting agent shall notify the Windham Airport prior to blasting activity pursuant to a schedule to be agreed upon by the blasting agent, Mansfield's Fire Marshal and the Windham Airport manager. In addition, the applicant shall place a temporary sign along Pleasant Valley Road at least twelve (12) hours prior to blasting activity. The sign shall note the anticipated period of blasting.

Based on the applicant's submissions, all material removed from site is to be trucked out of Mansfield. All trucks hauling material offsite shall use Pleasant Valley Road to Route 32 to Route 6, and all loads shall be covered during transit.

The site shall be maintained as follows:

- A. There shall be no rock-processing equipment onsite;
- B. There shall be no rock or stump burial onsite;
- C. Onsite stockpiling shall be kept to a minimum to help prevent safety problems;
- D. No topsoil shall be removed from the site.

The applicant shall submit bi-weekly erosion and sedimentation monitoring reports to the Zoning Agent until disturbed areas are re-vegetated;
Subject to compliance with all conditions, this permit shall be in effect until July 1, 2007;
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.

Adjournment

Noting there was no additional business, Favretti declared the meeting adjourned at 9:07 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary