

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Tuesday, February 19, 2008

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), R. Hall, K. Holt, P. Plante, B. Ryan, G. Zimmer

Members absent: B. Gardner, J. Goodwin, P. Kochenburger

Alternates present: L. Lombard (arrived 7:01)

Alternates absent: M. Beal, B. Pociask

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:00 p.m. and appointed Alternate Lombard to act.

Minutes: 2/4/08- Hall MOVED, Plante seconded, to approve the 2/4/08 minutes as written. MOTION PASSED UNANIMOUSLY. Lombard noted that he reviewed the tapes of the 2/4/08 meeting.

#### Scheduled Business:

##### Zoning Agent's Report

Hirsch noted that there was no new activity at the Hall site. He responded to Plante's question and noted that Gibbs Oil has obtained DOT approval. In response to Favretti's question, Hirsch stated the Hoot has not yet received its Zoning permit, because the maximum allowance of signage is already being used by other tenants, and because review/approval is needed from the Town's recycling coordinator.

#### Old Business:

3. Request for Site/Use Modifications, 1029 Storrs Rd. (Stix 'n' Stones LLC, applicant/P. Hammer, owner) File #727

Holt disqualified herself. Padick summarized his 2-19-08 memo containing comments from V. Putnam, a

2-18-08 letter from A. and P. Maines, and a 2-16-08 letter from E. Wassmundt, all distributed this evening, and he also noted that his 2-14-08 memo was in members packets. Michael McDonald, applicant, stated that he had nothing further to add.

Plante questioned what type of equipment would be on site. It was noted that a list of on-site equipment and location of it was included in the documentation submitted by the applicant. Lombard asked the applicant if there is adequate access to the material storage bins without vehicles going out onto Route 195 and the parking lot being impacted by vehicles loading at the bin location. Zimmer questioned the location of the equipment parking and its visibility from the street.

With no further discussion, Hall MOVED, Plante seconded, that the PZC Chairman and Zoning Agent be authorized to approve the site modification request of Stix 'N Stones,

LLC, to establish a new retail garden center/landscape business at 1029 Storrs Road.

This authorization shall be subject to the following conditions:

1. This authorization shall be limited to the specific proposal submitted by Stix 'N Stones, LLC. Any additional change or alteration of the subject use, including hours of operation, and/or any additional site or exterior building alterations shall require subsequent approval.
2. All applicable Building and Fire Code requirements shall be met.
3. Prior to the issuance of a Certificate of Compliance, depicted on-site parking spaces, including the handicap space in front of the building, shall be delineated with new pavement markings and signage as per current state and local requirements, and other proposed site work shall be completed.

The subject property owner, P. Hammer, shall expeditiously take action to remove all existing underground storage tanks as per State Department of Environmental Protection Agency requirements. On or before June 1, 2008, Mr. Hammer shall provide a progress report to the Zoning Agent. The Town Attorney shall be consulted if Mr. Hammer does not appropriately pursue the required tank removal. MOTION PASSED with all in favor except Holt who disqualified herself.

1. Subdivision Application (Arthur's Pond) 7 Proposed lots off of N. Eagleville and Separatist Roads. File #1266

Holt disqualified himself. Holt MOVED, Lombard seconded, to deny the Subdivision Application (File #1266) of RAAR Development LLC, for a seven-lot subdivision on property owned by RAAR Development LLC, located on the west side of Separatist Road and the south side of North Eagleville Road, as shown on plans dated July 30, 2007, as revised August 27, 2007, October 16, 2007, and December 13, 2007, as described in other application submissions, and as presented at public hearings held on October 1, 2007, November 5, 2007, November 19, 2007, December 3, 2007, December 17, 2007, and January 7, 2008. This denial action is taken for the following reasons:

1. Proposed lots 2, 3, 4, 5 and 6 do not meet RAR-90 zone frontage requirements as contained in Article VIII of the Zoning Regulations. Although Section 7.6 of the Subdivision Regulations and Article VIII of the Zoning Regulations authorize potential waivers of required frontages, the Commission has determined that the subject application has not suitably addressed the waiver criteria of section 7.6.a or b. Accordingly, frontage waivers are not granted and the subdivision is not in compliance with Sections 4.2 and 7.3 of Mansfield's Subdivision Regulations.
2. An Inland Wetlands License application for the subject subdivision plans was denied by the Mansfield Inland Wetlands Agency on 2/4/08. Accordingly, the subdivision is not in compliance with Section 4.3 of Mansfield's Subdivision Regulations.
3. Section 6.10.a.6 of the Subdivision Regulations requires the submittal of a yield plan that suitably addresses all applicable Subdivision Regulations and would likely be approved by the Mansfield Inland Wetlands Agency. Whereas, the submitted yield plan has a lot layout very similar to the plan denied by the Inland Wetlands Agency on 2/4/08; and whereas, the submitted yield plan has a proposed new street that would cross a watercourse in the same location as the proposed driveway crossing that was denied by the Inland Wetlands Agency on 2/4/08, the Commission cannot consider the submitted yield plan to be in compliance with Section 6.10.a.6.

4. Section 7.10.a authorizes the Commission to approve or require common driveways, but common driveways are not allowed by right. The proposed common driveway from Separatist Road necessitates a wetland/watercourse crossing which could be avoided by providing access from North Eagleville Road. The application has not suitably addressed the common driveway approval criteria of Section 7.10.a.

It is important to note that due to the denial reasons cited above, the Commission has not needed to render decisions on the appropriateness of proposed Development Area or Building Area Envelopes, the proposed open space dedication or other subdivision details. The applicant should not assume that the proposed subdivision would have been found acceptable with respect to subdivision layout and design criteria.

MOTION PASSED with all in favor except Hall who was disqualified. Plante questioned Padick why the PZC had to make a motion when the IWA denied their application. Padick responded that the two are separate entities and each has their own application which needs to be acted upon.

2. Request for Site Modification: Paideia Amphitheatre Project, File #1049-7  
Padick noted that he met with the landscape architect for this application. The information the PZC requested is not yet completed, but he expects these elevations for the next meeting. This item was tabled.

4. PZC-Proposed revisions to the Zoning Map and Zoning Regulations File #907-30  
Tabled, due to a 3/17/08 Public Hearing.

New Business: None

Reports from Officers and Committees: Favretti noted a Regulatory Review Committee Meeting, February 20, 2008 at 1:30 in Room B. Zimmer stated this was his last meeting; members thanked him for his service.

Communications and Bills: Items were noted.

Adjournment: Favretti declared the meeting adjourned at 7:33 p.m.

Respectfully submitted,  
Katherine K. Holt, Secretary