

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, February 2, 2009 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. Pociask, B. Ryan
Alternates present: G. Lewis
Alternates absent: M. Beal, L. Lombard
Staff present: G. Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:40 p.m. Alternate Lewis was appointed to act if needed.

Minutes:

1/20/09- Gardner MOVED, Plante seconded, to approve the 1/20/09 minutes as written. MOTION PASSED with all in favor except Hall who disqualified himself.

Zoning Agent's Report:

Item A - C were noted.

- D. Bonding of site Improvements, Healey Property, 476 Storrs Road, File #819
Holt MOVED, Hall seconded, that the Planning & Zoning Commission authorize the PZC Chairman with staff assistance to execute a bond agreement with Michael Healey, and to accept a cash bond in the amount of \$7,000 for the completion of required site work at 476 Storrs Road. Said bond agreement shall specify that all required site work shall be completed by June 1, 2009. Upon receipt of the bond and execution of a bond agreement, the Zoning Agent is authorized to issue a Certificate of Compliance for the subject development. MOTION PASSED UNANIMOUSLY.

Renewal of Land Uses/Potential Zoning Violations: Hall Property, Old Mansfield Hollow Road

Chairman Favretti asked Zoning Agent Curt Hirsch to give an overview. Hirsch referenced his 1/15/09 memo and noted that he and Hall met to discuss the memo. Hall stated that by May 1st he hopes to have removed, from his property, all of the storage and non-registered vehicles (except three antique pieces of equipment). Hirsch stated that he and Hall have not resolved the issue regarding contractor use of the property, and noted that he has found no evidence establishing a business on the property by Hall's parents. Hall stated that he plans to keep all registered vehicles, about three or four pieces of equipment. Hall asked that the PZC inform him of what is an acceptable number of registered vehicles.

Althea Stadler, Mansfield Hollow Road, expressed concern that the vehicle removal was supposed to be done last year. She wanted to know what guarantee there is that it will happen now. Robert McCarthy, Mansfield Hollow Road, questioned if any new vehicles or equipment will be allowed on the site once it is cleaned up.

Holt asked Hirsch what category does antique farm equipment fall under in the Zoning Regulations.

Chairman Favretti explained that there will be no Commission discussion this evening but asked that members collect their thoughts for discussion at the next meeting and be prepared to give Hirsch direction.

Old Business:

1. 3-Lot Subdivision Application, Bassetts Bridge & South Bedlam Rds, Mansfield Hollow Estates, File # 1278 (M.A.D. 2/24/09)

Gardner MOVED, Hall seconded, to approve with conditions the subdivision application (File #1278), of the Estate of Shirley Popeleski, for three lots, on property owned by the applicant, located on Bassetts Bridge and South Bedlam Roads, in an RAR-90 zone, as submitted to the Commission and shown on plans dated July 1, 2008 as revised to January 5, 2009.

This approval is granted because the application, as hereby approved, is considered to be in compliance with the Mansfield Subdivision Regulations.

Approval is granted with the following conditions:

1. Final plans shall be signed and sealed by the responsible surveyor, engineer, and soil scientist.
2. Pursuant to subdivision regulations, particularly Sections 7.5 and 7.6, this action specifically approves the depicted Building Area and Development Area Envelopes and sideline setback waivers for Lots 1 and 2. Unless the Commission specifically authorizes revisions, the approved envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be specifically Noticed on the Land Records and the deeds for the subject lots.
3. The final plans shall be revised to incorporate the following revisions:
 - A. Note 3 on Sheet 1 shall be revised to delete the clause "except where noted".
 - B. On Sheet 2 the erosion and sediment control notes shall be revised to update the estimated start of construction and to change the frequency of inspections to daily.
 - C. The Development Area Envelope on Lot 2 shall be revised near the southwestern corner to exclude a low lying area defined by a stone wall. The stone wall shall be used as the DAE.

- D. On all three lots, the Development Area Envelopes along the Bassetts Bridge Road street line shall be moved at least 25 feet from the street line except for the driveway areas for Lots 2 and 3.
 - E. On Sheet 1, a note shall be added to specify that no structures shall be located on septic system and reserve areas.
- 4. The approved plans include notes regarding stone wall and tree preservation. Pursuant to Section 7.7, no existing stone walls shall be altered except for site work depicted on the approved plans. No stones from existing walls shall be removed from the site. Furthermore, a number of specimen trees have been identified to be saved. No Zoning Permits shall be issued on individual lots until a protective barrier has been placed around the specimen trees identified to be saved and has been found acceptable to the Zoning Agent. In conjunction with the filing of final maps, notice of this condition shall be filed on the Land Records and referenced in the deeds of the subject lots.
 - 5. Due to the size of the subject subdivision and distance from existing survey control points, this approval waives (pursuant to Section 6.5.4.b) the requirement that the survey be tied to the Connecticut Plane Coordinate System.
 - 6. 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 (90) or one hundred and eighty (180) day filing extension has been granted):
 - A. All final maps, including submittal in digital format, a right-of-way deed for land along Bassetts Bridge and South Bedlam Roads, the depicted drainage easement on Lot 3 and a Notice on the Land Records to address conditions 2 and 4 (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.

2. **Application, 4-Lot Subdivision, Hanks Hill & Farrell Rds., Clark Estates Subdivision, File #1280**

Holt MOVED, Gardner seconded, to table this item and schedule a Public Hearing for March 2, 2009 for the subdivision application, because the subdivision is on a scenic road. MOTION PASSED UNANIMOUSLY.

3. **Draft Environmental Impact Statement, North Hillside Road Ext.**
Hall MOVED, Holt seconded, that the Planning and Zoning Commission authorize Chairman Favretti to co-endorse, with Mayor Paterson, Town comments on the December 2008 Environmental Impact Statement. It is understood that the comments will be consistent with the 2/2/09 draft letter prepared by the Director of Planning. If the draft letter is not supported by the Town Council, Chairman Favretti is authorized to submit an independent letter about North Hillside Road Extension. MOTION PASSED UNANIMOUSLY.

4. **Potential Re-Zoning of the “Industrial Park” zone on Pleasant Valley Road and Mansfield Avenue.**
Item tabled awaiting staff meeting with primary property owners.

New Business:

None.

Reports of Officers and Committees:

Favretti noted the next Regulatory Review Committee meeting is set for 2/10/09 at 1 p.m.

Communications and Bills:

Items noted.

Adjournment:

Favretti declared the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary