

## MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting, Monday, June 1, 2009  
Council Chamber, Audrey P. Beck Municipal Building

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

Members absent: P. Plante, B. Ryan

Alternates present: G. Lewis, L. Lombard

Alternates absent: M. Beal

Staff Present: Gregory Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:40 p.m. Alternates Lombard and Lewis were appointed to act.

### **Minutes:**

5/18/09-Gardner MOVED, Hall seconded, to approve the 5/18/09 Minutes as written. MOTION PASSED UNANIMOUSLY.

### **Old Business:**

**1. 4-Lot Subdivision, Hanks Hill & Farrell Rds., Clark Estates Subdivision, File #1280 (M.A.D. 6/24/09)**

Hall MOVED, Holt seconded, to approve with conditions the subdivision application (File #1280), of Sheila Clark, for four lots, on property owned by the applicant, located on Hanks Hill and Farrell Roads, in an RAR-90 zone, as submitted to the Commission and shown on plans dated October 30, 2008 as revised to April 9, 2009 and as presented at Public Hearings on March 2, April 6, and April 20, 2009.

This approval is granted because the application, as hereby approved, is considered to be in compliance with the Mansfield Subdivision Regulations and applicable provisions of Mansfield's Scenic Road Ordinance. Approval is granted with the following conditions:

1. Final plans shall be signed and sealed by the responsible surveyor, engineer, landscape architect and soil scientist.

2. Pursuant to subdivision regulations, particularly Sections 7.5 and 7.6, this action specifically approves, subject to revisions noted below, the depicted Building Area and Development Area Envelopes and setback waivers for Lots 1 and 3. 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 approved plans include specific 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 along Farrell Road on Lots 1 and 2 have been identified to be saved. No Zoning Permits shall be issued on these lots until a protective barrier has been placed around the specimen trees identified to be saved and the barrier 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.
4. To achieve and maintain safe sightlines along Farrell Road, brush and vines located along Farrell Road need to be removed and this area needs to be maintained without sightline obstructions. Note 15 on Sheet 3 indicates that this work will be the responsibility of the individual lot owners. Notice of this requirement shall be filed on the Land Records and referenced in the deeds of Lots 1 and 2.
5. After considering the proposed subdivision layout, site and neighborhood characteristics, the characteristics of Whetten Woods and particularly its lack of frontage and the open space provisions of Section 13 (particularly subsections 13.1.4, 13.1.7 and 13.7), the PZC has determined that a revision to the applicant's proposed open space dedication is required. The Commission has determined that the open space parcel to be deeded to Joshua's Trust shall be extended easterly to provide an

access strip to Farrell Road that is at least fifty (50) feet wide. This strip shall be located between Lots 2 and 3 unless an alternative is approved the PZC.

The addition of lot frontage for the open space parcel will allow for a potential trail connection between Farrell Road and the existing Whetten Woods trails. Such a trail link will benefit future residents of the subdivision and other neighbors along Farrell and Hanks Hill Roads. Based on submitted plans this required addition to the depicted open space parcel will add approximately 25,000 square feet of area. The applicant shall have the right to deduct this acreage from the westerly portion of the depicted open space parcel. Based on the limited number of proposed new lots, trail improvements shall not be required.

6. The following map revisions shall be incorporated onto final plans.
  - a. On Sheet 3, the label "Conservation Easement" shall be deleted.
  - b. The size and configuration of approved lots, the open space parcel and all associated notes shall be revised to address revisions required by condition #5.
  - c. On Lot 3, the westerly BAE shall be moved a minimum of ten (10) feet from the depicted stone wall. This revision will provide greater separation between any structures, the stone wall and adjacent wetland areas.
  - d. On Lot 1, the front BAE shall be moved to the standard sixty (60) foot setback from the front property line. The depicted house meets this setback and the requested setback waiver is not considered appropriate due to potential impacts on the scenic character of Farrell Road.
  - e. On Lot 2, the front BAE shall be moved from thirty-five (35) feet to at least forty-five (45) feet from the front property line. The depicted house is 48 feet from the property line and the setback waiver as requested is not considered appropriate due to potential impacts on the scenic character of Farrell Road. Approval of a fifteen (15) foot waiver is acceptable as it will allow more flexibility for siting a house without impacting the stone wall west of the house site. This lot also has a number of roadside trees that will be preserved.

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 (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 Farrell and Hanks Hill Roads, the utility easement on Lot 2, the deed for conveying the open space parcel to Joshua's Trust and a Notice on the Land Records to address conditions 2, 3 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 (including delineation of the open space parcel along boundaries with subdivision lots with iron pins and Joshua's Trust markers every 50 to 100 feet on perimeter trees or on cedar posts) 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.

**Continued Public Hearing:**

**Application to Amend the Zoning Map and Special Permit Application for a Proposed 37 Unit Multi-Family Development, Whispering Glen, LLC, 73 Meadowbrook Lane, PZC Files #1283 and #1284**

Chairman Favretti opened the continued Public Hearing at 7:54 p.m. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Pociask, and alternates Lewis, Lombard who were both appointed to act. Padick noted the following communications; a 5-28-09 memo from the Director of Planning; 5-28-09 memo from the Assistant Town Engineer; a 5-27-09 memo from Fire Marshal, John Jackman; a 5-13-09 response letter from P. Lafayette; a 5-15-09 letter from E. Pawlack, Registered Soil Scientist; 5-15-09 color pictures of a similar development; and a 5-5-09 set of revised plans, all which were distributed to members of the Commission.

P. Lafayette agreed to have his testimony of the Inland Wetlands Agency hearing made part of the record for this PZC hearing. Lafayette elaborated on changes depicted on the 5-5-09 revised plans as a result of staff reports and public and Commission questions and comments. Favretti questioned if the applicant had considered orienting the structures to utilize more solar access. Hall stated that he does not feel their proposal meets the Town's intent of affordable housing. Several members agreed with Hall that the potential is high for subsequent owners improve the unfinished areas and increase the livable square footage thus making the unit no longer affordable. Members commented on the uniform straight line of the design, noting that none of the buildings possessed the modulation displayed in the distributed pictures. Kochenburger suggested that some computer generated pictures of the actual plan be developed; the applicant agreed to oblige and will have them distributed before or at the next meeting.

Bill Collins, Landscape Architect, Distinctive Homes, described the design and uses of the property.

Hall brought to the developers attention Unit #13 noting the owner would have to make a 90 degree turn off the driveway to access the garage.

Paul Bacon, 80 Meadowbrook Lane, expressed concern for the increase in traffic that this proposal will bring into the neighborhood and the concern for the safety of people exiting Conantville onto Route 195.

Padick noted that the staff reviewed the traffic report and agreed with the applicants engineer that there will be no significant impact to the traffic.

Favretti noted no further comments or questions from the staff or public. Hall MOVED, Holt seconded, to continue the Public Hearing until 7/6/09. MOTION PASSED UNANIMOUSLY.

\*\*The applicant, staff and Commission agreed that the date for the IWA Public Hearing should be changed from 6/15/09 to 7/6/09.

**Continued Public Hearing:**

**Special Permit: Expansion of a dwelling unit, 8 Hanks Hill Rd. Block Properties, LLC, File #1272** Favretti opened the continued Public Hearing at 8:47. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Pociask, and alternates Lewis, Lombard who were both appointed to act. Padick noted the following communications: a 5-28-09 memo from the Director of Planning; a 5-27-09 memo from the Assistant Town Engineer; a 5-27-09 W.W.W. notice of no objection; a 5-25-09 letter from M. Block with revised plans; and a 5-29-09 Elevation & Footing Details by Dennis Davey, Inc.

Michael Block, owner and applicant, distributed to members a 5/30/09 revised set of plans and highlighted the changes he made.

Favretti questioned Block if the fence will go the length of the retaining wall, citing safety reasons. He asked for clarification on the proposed parking in front of the home, noting that a parking space located directly in front of the front door would impede access. Favretti noted no further comments from the Commission or public. Hall MOVED, Gardner seconded, to close the Public Hearing at 9:00 p.m. MOTION PASSED UNANIMOUSLY. Favretti asked that members be prepared to discuss the application at the next meeting. Kochenburger volunteered to work with staff to draft a motion.

**Old Business:**

**2. Subdivision Application, 3 lots, Wormwood Hill Rd, K. Hallock o/a, , File #1285**

Peter Henry, of Holmes & Henry Associates, reviewed the revised plans which address comments that were made by the Director of Planning in his report.

Dave Koehler, 115 Wormwood Hill Road asked for explanation on the request of the applicant for a setback waiver, noting his concern for safety due to the difficult sightlines during the summer months. Goodwin questioned why we are requiring a conservation easement on land that was recently denuded of trees, and she wondered how quickly the site will restore itself.

Favretti noted no further questions or comments from the PZC or public. Hall volunteered to work with staff to draft a motion.

### **Zoning Agent's Report:**

Hirsch noted that he has sent a violation notice to Hall with a deadline date of Friday, June 5<sup>th</sup>. Hirsch stated that he will attend the gravel renewal field trip and will be at the Hall site with the PZC.

### **Other Old Business:**

3. **Gravel Permit Renewals, Banis property on Pleasant Valley Road File #1164 & Hall property on Old Mansfield Hollow Road File #910-2**

Padick updated the PZC that Karen Green, Stafford Road, has not completed re-stabilization of the previously approved gravel permit, and staff will be suggesting that she keep the permit in effect for another year to address this item. He noted that Green has shown interest in opening another part of the site for field/corn growth which will require a gravel removal permit. Padick suggested the PZC consider the new portion and renewal in one public hearing, and expects the formal request for the new portion for the next meeting. This item was tabled until 6/15/09 Public Hearing.

4. **New Special Permit Application, Efficiency Unit, 19 Hillside Circle, J. Watt & A. Welch owners, B. Briggs applicant, File #1287**

Tabled until 6/15/09 Public Hearing.

5. **Draft Revisions to the Zoning and Subdivision Regulations File #907-31**

Tabled pending public hearing on 6/15/09.

6. **Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Road and Mansfield Avenue**

Tabled pending meeting with a representative of the CT. Farmland Trust.

7. **PZC Member Vacancy: Mansfield Community Quality of Life Committee**

Tabled due to several members being absent.

### **New Business:**

1. **New Special Permit Application, Efficiency Unit, 48 Puddin Lane, P & A Veilleux owners, Spring Hill Properties applicant, File #1288**

Goodwin MOVED, Holt seconded, to receive the special permit application File #1288 submitted by Spring Hill Properties, for a house addition and efficiency unit, on property located at 48 Puddin

Lane, owned by Paul and Andrea Veilleux, as show on plans dated 5-22-09, and as described in other application submissions, and to refer said application to the staff for review and comments, and to set a public hearing for July 6, 2009. MOTION PASSED UNANIMOUSLY.

2. **Request for a 90-day filing extension, Popeleski Estates, South Bedlam & Bassetts Bridge Rds, File #1278**

Holt moved, Gardner seconded, that the PZC accept the request for extension submitted by Stephen Filip, dated May 28, 2009, for the Mansfield Hollow Estates Subdivision.

MOTION PASSED UNANIMOUSLY.

**Reports of Officers and Committees:**

Favretti noted the field trip scheduled for 6/8/09 at 1 p.m.

**Communications and Bills:**

Noted.

**Adjournment:**

Favretti declared the meeting adjourned at 9:21 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary