

AGENDA
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting, Monday November 16, 2009, 7:00 p.m.
Council Chambers, Audrey P. Beck Municipal Building

Election of Officers:

Committee Appointments:

- Town University Relations Committee
- Transportation Advisory Committee
- Regional Planning Agency
- Design Review Panel

Review of By-Laws

Minutes

11/2/09

Scheduled Business

Zoning Agent's Report

- A. Enforcement Update
- B. Hall Property Old Mansfield Hollow Rd; DeBoer Property, Storrs Rd
- C. Other

Old Business

1. **Special Permit Application, Proposed Retail Package Store, 153 N. Eagleville Rd, Pesaro's LLC, o/a. File #585-3**
2. **Site Modification Request, Chuck's Margarita Grill, Proposed Deck, 1498 Stafford Rd, File #303**
(No new information submitted)
3. **Special Permit Application, Proposed Conversion from one to two family, 1620 Storrs Road, Y. Ghiaei o/a, File #1276-2 M.A.D. 12/23/09**
4. **Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Rd and Mansfield Ave.**
(To be tabled -awaiting potential comments from primary property owner)
5. **Request to release/reduce bonding for Paideia Project, Dog Lane**
Memo from Director of Planning
6. **Other**

New Business

1. **Notice of 11/18/09 Conservation Commission Meeting to discuss Drainage Plans for the UConn Storrs Campus**
2. **Other**

Reports from Officers and Committees

1. Chairman's Report
2. Regional Planning Commission
3. Other

Communications and Bills

1. Town of Mansfield Freedom of Information Guidelines
2. 10/30/09 letter to CT. Siting Council Re: Modification of WHUS Telecommunication Tower
3. Other

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DRAFT MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, November 2, 2009 Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante (7:36 p.m.), B. Pociask, B. Ryan
Alternates present: M. Beal, L. Lombard (7:36 p.m.)
Alternates absent: G. Lewis
Staff Present: Gregory Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:19 p.m. Alternate Beal was appointed to act until Plante's arrival.

Holt MOVED, Hall seconded, to add to the agenda under New Business: a bond release request from Paideia. MOTION PASSED UNANIMOUSLY.

Minutes:

10/19/09-Hall MOVED, Pociask seconded, to approve the 10/19/09 minutes as written. MOTION PASSED UNANIMOUSLY.

Zoning Agent's Report:

The Zoning Agent's report was noted. Hirsch related that he has issued Edward Hall a Violation Notice upon investigating and confirming the claim of additional trailers on the Hall site.

Old Business:

1. Review of Proposed Signage and Landscaping for 454 Storrs Rd, File #1279

Goodwin disqualified herself. Padick referenced his 10/29/09 memo and summarized the proposed ramp, landing and signage improvements. Ranjit Balajjen, property owner; John Ivan, Paragon Builders; and Michael McDonald, Stix n' Stones were present.

Gardner questioned the location of the sign and possible interference with sightlines. Hirsch responded that the sign is the appropriate distance away from the road and would not interfere with sightlines.

Holt expressed concern that the ramp design and all railings lacked design consistency. She proposed that the plans be sent to the Design Review Panel for review.

Pociask expressed concern that the pressure treated wood proposed for ramp construction would warp over time and become hazardous. Ivan and McDonald related that composite deck materials are available and are an option. Samples will be submitted to the Planning Office for approval.

McDonald discussed the immediate need to construct the wall now to prevent erosion on Bassetts Bridge Road side of the building and noted the ramp can not be built until the wall is constructed as per the Building Code. He also stated that he plans to install all plantings now, rather than in the spring, and he will mulch for winter protection, agreeing to replace any losses due to winter damage.

Hall said that the ramp location and construction is based on the building code and that the Commission could appropriately address design aspects without referral to the Design Review Panel. Noting no comments from the public or further comments from the staff or the Commission, Kochenburger MOVED, Plante seconded, that the PZC Chairman with staff assistance be authorized to approve final plans for signage, landscaping and associated site work at 454 Storrs Road. The final plans shall be based on the applicant's most recent submissions as supplemented, revised or otherwise discussed at the PZC's 11/2/09 meeting. MOTION PASSED with all in favor except Holt who was opposed and Goodwin who disqualified herself.

Public Hearing:

Special Permit Application, Proposed Retail Package Store, 153 N. Eagleville Rd, Pesaro's LLC, o/a.

File #585-3

Chairman Favretti opened the continued Public Hearing at 7:50pm. Members present were Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Plante, Pociask, Ryan, and alternates Beal and Lombard. Padick noted a 10-29-09 memo from the Director of Planning, a 10-29-09 letter from the Town Attorney, a 10-28-09 revised Statement of Use from the applicant and 10-26-09 revised plan, a 10-27-09 memo from Bryan Burney, owner of Ted's Spirit Shop and potential new occupant, and a 10-26-09 letter from the Department of Transportation.

Mary Hirsch, owner, referred to Padick's memo and stated that she has agreed to create a crossed-hatched area in front of the door for patrons to safely enter and exit the store, but she requested that the Commission not require a handicapped space in this area as this will eliminate a parking space near this door.

Members discussed with Hirsch pedestrian access to the site. It was noted that students often take the shortest path despite crosswalks and designated pedestrian areas. Burney stated that the same pattern occurs at the site he currently occupies despite attempts to correct it.

Chairman Favretti noted no further questions or comments from the public or Commission. Hall MOVED, Gardner seconded, to close the Public Hearing at 8:05 p.m. MOTION PASSED UNANIMOUSLY. Hall volunteered to work with staff to draft a motion.

Request for Permitted Use Determination: Property in a Planned Business-5 Zone.

Padick summarized the request for determination submitted by IMCORP President and COO Bruce Broussard, who was present to address any questions. Mr. Broussard provided an overview of the planned use and related that all deliveries would be made by UPS/Fed-Ex vans. He related that many of IMCORP's employees are on job sites. All employees are not present at the office site at one time.

Holt asked about the use of solvents for cleaning and was told all regulations for hazardous materials would be followed.

Ryan questioned the parking of test vehicles ("mobile units") at the site and what that would entail. Broussard indicated that 3 or 4 mobile units at the most would be parked there in the winter which is their slow time. He stated that due to the sensitivity of the equipment they contain, they would be parked inside. Employee parking would number no more than 15 cars at any one time.

Kochenburger asked what the loudest activity would be at the site, noting that this site abuts a residential zone. Broussard responded that all of the work is done inside and is not loud, but noted running their diesel truck for a maximum of 30 minutes would be the extent of outside noise.

Padick noted that the Commission has been asked is to determine if this use is a permitted use in a Planned Business 5 Zone. After discussion, Goodwin MOVED, Holt seconded, that the proposed IMCORP use, as described in an October 21, 2009 letter from Mr. Bruce Broussard, is considered a professional office use and, subject to compliance with all special permit submission requirements and approval criteria, is considered a permitted use in the Planned Business-5 Zone. MOTION PASSED UNANIMOUSLY.

Old Business, Continued:

2. Site Modification Request, Chuck's Margarita Grill, Proposed Deck, 1498 Stafford Rd, File #303

Mike Gallagher, Chuck's Margarita Grill, submitted verification of neighborhood notification. He reviewed items of neighbor concern, stating that he agrees to install an evergreen border and fence, that music on the patio is not a serious consideration, and there will not be a sit down bar on the patio. The deck will have low-voltage downward-directed lighting, and there will be no increase in seating as per the DEP requirements.

Chairman Favretti noted that no final plans have been submitted to the Fire Marshal, and that a letter has not yet been received from the D.E.P. regarding the septic situation.

Barry Cyr, Condo Association, spoke against the plan expressing concern for the noise, hours of operations, after

hour employee noise, and the increase in incidents following sports events.

Lisa Toulounjian spoke against the plan noting the problems that currently occur and stated that adding the deck will only increase the noise.

Cliff Gottmann expressed concern for the amount of money the condo association has spent as part of their contract to improve the water system that includes the restaurant only to have the supply be inadequate due to the increase in restaurant seating. He also stated that the noise seems to roll up the hill and create a natural amphitheatre.

Taiping Ye concurred that the deck noise will be magnified by being at the bottom of a "bowl". He presently hears noise from his home at Forest Road.

Sharon Bowen expressed concern that this will cause a decrease in property values due to the noise pollution, parking problems and speeding on Route 32.

Aaron Paterson spoke against the plan because of the extreme problems with noise from the restaurant after hours, the increase noise that will result from the addition of the deck, potential for light pollution, and increased problem with parking. He fears economic loss and possible problems selling their properties in the future.

Rebecca Boncodd stated that she moved to this location because of its tranquility and now it is too loud late at night. She fears it will be worse with this proposal.

Peter Millman, of Covenant Realty Group, expressed that in his professional opinion this proposal will be disastrous for condo owners who may be unable to sell their condo in the future.

Hall questioned when Chuck's was established (1972) and when the condominiums were built (1989).

Pociask requested a map that shows the proximity of the closest condos to the proposed deck.

Kathleen Paterson spoke against the proposal stating that they purchased in Mansfield because they were committed to this town, and noted that they anticipated a certain level of noise coming from Chuck's. She stated that she did not purchase knowing there would be a deck put outside their windows. She fears the noise will force them to either move and take a loss on their property or stay and have their quality of life suffer. She suggested the Commission visit the site in the evening and take into consideration their concerns.

Karen Gottmann emphasized the after hours parties in the parking lot and the lack of management to control it, noting it there will be an increase in partying by employees on a deck.

Noting no further questions or comments from the public, applicant or Commission, the consensus of the Commission was to table this item and be prepared to discuss it at the next meeting. Favretti asked that Padick provide a plan that shows the site and the locations of the condominiums. Padick noted that if the Commission determines that this proposal is a significant land use change, the PZC can request the applicant file a Special Permit application instead of a modification.

3. Special Permit Application, Proposed Conversion from one to two family, 1620 Storrs Road, Y. Ghiaei o/a, File #1276-2 M.A.D. 12/23/09

Pociask disqualified himself. Padick reviewed the provisions and determinations that the PZC must make. Holt volunteered to work with staff to draft a motion.

4. Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Rd and Mansfield Ave.

Tabled -awaiting potential comments from primary property owner.

New Business:

1. Request to Terminate Hiking (public access rights on lot 23 of the Maplewoods Subdivision) Files #974-2 and #974-3

Goodwin MOVED, Hall seconded, that the Planning and Zoning Commission deny the request of Attorney Samuel Schrager on behalf of Robert and Lucinda Weiss of Lot 23 Maxfelix Drive, to eliminate the hiking trail. MOTION PASSED UNANIMOUSLY.

2. 2010 Meeting Schedule:

Goodwin MOVED, Hall seconded, that the Planning & Zoning Commission approve the 2010 meeting schedules for the Planning and Zoning Commission and Inland Wetlands Agency. MOTION PASSED UNANIMOUSLY.

3. Request of Paideia for release of bonds:

Tabled-referred to staff.

Reports of Officers and Committees:

Chairman Favretti expressed thanks on behalf of the entire Planning and Zoning Commission and Inland Wetlands Agency to Betty Gardner, Peter Kochenburger and Larry Lombard for their contributions and volunteering their time and wished them all well.

Kay Holt reported that UConn officials requested that the Depot Campus be included in the WINCOG Development Area but were denied by WINCOG's Regional Planning Commission.

Communications and Bills:

Special attention was called to the next Conservation Commission Meeting on 11-18-09 where UConn representatives will be present to discuss the drainage issues re. Eagleville Brook as stated in "The Memorandum of Understanding Between the Department of Environmental Protection and the University of Connecticut" (dated 9/24/09). The meeting will be held in Conference Room B, at 7:30 p.m.

Adjournment:

Favretti declared the meeting adjourned at 9:25 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

To: Town Council/Planning & Zoning Commission
 From: Curt Hirsch, Zoning Agent
 Date: November 3, 2009



Re: *Monthly Report of Zoning Enforcement Activity*
For the month of October, 2009

Activity	This month	Last month	Same month last year	This fiscal year to date	Last fiscal year to date
Zoning Permits Issued	11	12	16	48	67
Certificates of Compliance Issued	7	7	12	31	59
Site inspections	46	37	68	156	229
Complaints received from the Public	2	5	5	16	30
Complaints requiring inspection	2	5	4	13	18
Potential/Actual violations found	5	12	2	22	13
Enforcement letters	14	5	14	37	45
Notices to issue ZBA forms	0	1	0	2	2
Notices of Zoning Violations issued	4	12	6	21	19
Zoning Citations issued	4	6	1	12	3

Zoning permits issued this month for single family homes = 0, multi-fm = 0
 2009/10 fiscal year total: s-fm = 5, multi-fm = 8

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DRAFT APPROVAL MOTION

PESARO'S LLC, PROPOSED PACKAGE STORE FILE #585-3

_____ MOVED, _____ seconded, to approve with conditions the special permit application (File #585-3) of Pesaro's LLC., for a retail package store on property located at 153 North Eagleville Road, as shown on plans revised to 10/26/09, as presented at Public Hearings on 10/19/09 and 11/2/09 and as described in other application submissions. This approval is granted because the application as approved is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. To facilitate safe pedestrian access to the package store entrance, a five (5) foot wide access way between parking spaces shall be designated west of the entrance door. This access way may be incorporated into a new or relocated handicap parking space. The re-striping of the western parking area and installation of an employee parking space sign shall be completed before the issuance of a Certificate of Compliance.

This approval authorizes the applicant to relocate the existing handicap space to the package store entry area, to relocate the handicap space to an area between the two business entries or to keep the handicap space in the current location.

2. The existing dumpster area shall be screened on all sides as per regulatory requirements. Currently the easterly side is not screened with a fenced gate. A plan for screening shall be submitted to and approved by the PZC Chairman and Director of Planning and installed before the issuance of a Certificate of Compliance.
3. All applicable Health, Building and Fire Codes shall be addressed and required permits obtained prior to construction/renovation or occupancy by the public for this approved change in use.
4. This approval grants the requested site plan submission waivers, including an A-2 Survey. The information submitted is adequate to appropriately address approval criteria.
5. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records. The filing on the Land Records shall not occur until the subject site has been authorized by the State Liquor Control Authority.

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DRAFT APPROVAL MOTION

GHIAEI CONVERSION OF 1620 STORRS ROAD TO A 2-FAMILY DWELLING FILE #1276-2

_____ MOVED, _____ seconded, to approve with conditions the special permit application (file #1276-2), of Y. Ghiaei, for converting a single family home to a two-family dwelling on property located at 1620 Storrs Road, in an RAR-90 zone, as shown on submitted plans, as described in other applicant submissions and as presented at a Public Hearings on 9/8/09, 10/5/09 and 10/19/09.

This approval is granted because the application, as hereby approved, is considered to be in compliance with Article X, Section J, as it existed when the application was filed, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval is granted for a four-bedroom, primary dwelling unit, and a one-bedroom secondary unit to be occupied by one person, as described in application submissions. Any increase in the number of bedrooms on this property or the occupancy of the secondary unit shall necessitate subsequent review and approval from Eastern Highlands Health District and the Planning and Zoning Commission.
2. This approval is conditioned upon owner-occupancy of the subject dwelling which is a specific requirement for conversions. To ensure that this requirement is met, a notarized affidavit confirming owner-occupancy shall be submitted to the Zoning Agent on or before January 2nd of each year.
3. Occupancy of the primary unit shall comply with all applicable Zoning, Building and/or Town Ordinance provisions.
4. Based on the use, as described, the submitted parking plan is considered adequate for residents and guests. To help ensure that the five (5) designated spaces are used as proposed, concrete or wooden wheel stops, acceptable to the Zoning Agent, shall be installed and maintained. Any change in the parking layout shall necessitate additional PZC review and approval.
5. Existing vegetation along Storrs Road, immediately adjacent to the driveway shall be trimmed and maintained in a cut-back condition to provide appropriate sightlines for the subject driveway.
6. Pursuant to the provisions of Article X, Section J, this action authorizes a waiver of the front setback requirements for the subject dwelling. The existing setback from Storrs Road is considered adequate to address potential neighborhood impacts and other approval criteria.

However, setback waivers have not been authorized for on-site parking. Existing parking areas along the southerly side of the driveway shall be permanently blocked with appropriate barriers. The barriers shall be approved by the PZC Chairman and Zoning Agent and installed prior to the issuance of a Certificate of Compliance.

7. This approval accepts the applicant's request for a waiver of certain site plan submission requirements, including an A-2 Survey. The information submitted is considered adequate to address applicable approval criteria.
8. This special permit shall not become valid until filed upon the Land Records by the applicant.

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**TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT**

GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission
From: Gregory Padick, Director of Planning
Date: November 12, 2009
Re: Request for Bond Release/Reduction, Paideia Project, Dog Lane, File # 1049-7



At the last meeting, the Town received a request to release the subject \$15,000 bond which was posted in 2005 when work on the subject amphitheatre project began. The bond was established to protect against sediment and erosion control problems and to ensure appropriate site restoration in the event the project is not completed as per approval requirements. As the PZC is aware, this project is not nearing completion and accordingly, staff does not recommend any change of the bonding requirement at this time. The following motion has been drafted for the PZC's consideration:

That the Planning and Zoning Commission does not authorize any change in the bonding requirements for the Paideia Amphitheater project on Dog Lane. The project remains under construction and the subject bonding is needed to help address any sediment and erosion problems and to ensure appropriate site stabilization in the event the project is not completed in accordance with approval plans.

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CONSTRUCTION SERVICES

of Branford, LLC

October 30, 2009

S. Derek Phelps, Executive Director
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

RE: **Notice of Exempt Modification to an existing monopole tower located at North Eagleville Road, Storrs (Mansfield), Connecticut**

Latitude: 41 48 50 / Longitude: 72 15 33.95

Dear Mr. Phelps:

Youghiogheny Communications-Northeast, LLC doing business as Pocket Communications ("Pocket") intends to install antennas and associated ground equipment at the existing 327' foot guyed lattice tower facility owned by WHUS Radio and located at North Eagleville Road, Storrs, Connecticut ("Facility"). Pocket provides prepaid, flat rate wireless voice and data services to more than a quarter of a million subscribers. Pocket is licensed by the Federal Communications Commission ("FCC") to provide PCS wireless telecommunications services in the State of Connecticut including the area to be served by the proposed installation. This proposed installation constitutes an exempt modification pursuant to the Public Utility Environmental Standards Act, Connecticut General Statutes Section 16-50g et seq. and Connecticut Agencies Regs § 16-50j-72(b)(2). Pursuant to R.C.S.A. 16-50j-73, Pocket is providing notice to Elizabeth C. Paterson, Mayor of Mansfield.

Under the Council's regulations (Conn. Agencies Regs. Sec 16-50j-72(b)), Pocket's plans do not constitute a modification subject to the Council's review because Pocket will not change the height of the Tower, will not extend the boundaries of the compound, will not increase the noise levels at the site, and will not increase the total radio frequency electromagnetic radiation power density at the site to levels above applicable standards.

Tower

The Facility consists of a three hundred twenty seven foot (327') foot high guyed lattice located at North Eagleville Road, Storrs (Mansfield), Connecticut (See Vicinity Map attached as hereto). The Tower is owned by WHUS Radio. The tower currently supports University of Connecticut Police Department antennas at the two hundred sixty foot (260') centerline AGL, Nextel antennas at the two hundred forty foot (240') centerline AGL, Cingular antennas at the one hundred eighty six foot (186') centerline AGL, Verizon antennas at the one hundred thirty eight foot (138') and eighty four foot

(84') centerline AGL as well as numerous other antennas of unknown owners at varying centerlines. The antenna locations are set forth on Drawing A-2 of the attached drawings in Exhibit A as well as in the attached structural report in Exhibit C:

Pocket proposes to install three (3) RFS APXV18-206517S-C flush mount antennas on the tower at the two hundred thirty foot (230') centerline AGL, and a Nortel CDMA Micro BTS 3231 cabinet which will be mounted on a frame and contained in a six foot by six foot (6' x 6') lease area. A small GPS antenna will be mounted on an ice bridge which will run from the lease area to the tower. Utilities will be run via a proposed underground conduit from an existing utility backboard within the compound (See Drawings A-1 through E-1 of Exhibit A attached hereto and Equipment Specifications attached as Exhibit B). To accommodate Pocket's equipment on a temporary basis, a mobile, EPA approved generator and small microwave dish antenna (approximately 14" x 14") will be used at the site to provide electricity until permanent power can be established by the utility provider. Pocket anticipates that the temporary generator will be in use for a maximum of eight weeks from the time of approval. The specifications for this proposed equipment are also included in Exhibit B. Due to the temporary use and low emissions from the generator, no permit is required from the Department of Environmental Protection. Pocket would propose to refuel the generator every 48 hours. The installation will have virtually no additional impact on the area beyond that which the current Tower imposes.

Structural Analysis

A structural analysis of the Tower was prepared by URS Corporation and is attached hereto as Exhibit C. The report indicates that the Tower, at present, is adequate to support the proposed modifications.

Need for the Facility

Pocket's antennas will be used to fill existing gaps in coverage in parts of Storrs/Mansfield including the University of Connecticut campus. Pocket has a need for the facility, and the proposed antennas installed at a centerline height of two hundred thirty feet (230') will satisfy the need for coverage in this area.

The addition of the proposed antennas will not adversely impact the health and safety of the surrounding community or the people working on the Tower. The total radio frequency exposure measured around the tower will be well below the National Council on Radiation Protection and Measurements' ("NCRP") standard adopted by the Federal Communications Commission ("FCC"). The "worst case" exposure calculated for the operation of this facility for the proposed antennas would be approximately 1.36% of the NCRP's standard for maximum permissible exposure. A cumulative power density analysis indicates that together, all of the antennas on the tower will emit only 40.93% of the NCRP's standard for maximum possible exposure (See Exhibit D attached hereto). Therefore, the power density levels will be well below the FCC mandated radio

frequency exposure limits in all locations around the Tower, even with extremely conservative assumptions.

Conclusion

Pocket respectfully submits that the project presents the opportunity to install antennas on the existing Tower, thereby avoiding the unnecessary proliferation of new towers in the area. Pocket's proposal does not constitute a modification subject to the Council's jurisdiction because:

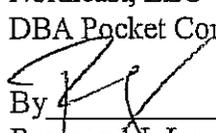
Pocket will not increase the height of the Tower;

Will not extend the boundaries of the site;

Will not increase the noise levels at the existing facility by six decibels or more; and

The total radio frequency electromagnetic radiation power density will stay within all applicable standards.

Respectfully submitted,
Youghiogheny Communications-
Northeast, LLC
DBA Pocket Communications

By 
Raymond J. Lemley, consultant
Ray@iwsllc.net
203-499-8631

cc: Mansfield Mayor, Honorable Elizabeth C. Paterson
Mansfield Director of Planning, Gregory Padick

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