

AGENDA
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting, Monday, February 1, 2010, 7:15 p.m.
Or upon completion of Inland Wetlands Agency meeting
Council Chambers, Audrey P. Beck Municipal Building

Minutes

1/19/10

Scheduled Business

Zoning Agent's Report

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

7:20 p.m. Public Hearing

Special Permit Application, Proposed Fitness Center at the Eastbrook Mall, 95 Storrs Rd, Cardio Express LLC., applicant, File # 1290

Memo from Director of Planning

Old Business

- 1. **Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Rd and Mansfield Ave.**
Memo from Director of Planning
- 2. **Proposed Revision to Article X. Section C regarding Political Signs**
Memo from Director of Planning
- 3. **Verbal feedback from Town Planner Re: Proposed Parking Ordinance for Residential Rental Properties, Zoning Definition of Family, Student/Tenant Registry Ordinance**
- 4. **Other**

New Business

- 1. **New Special Permit Application, Proposed Sale of Alcoholic Liquor at Jack Rabbit's Restaurant, 1244 Storrs Road, File #1291**
- 2. **Other**

Reports from Officers and Committees

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

Communications and Bills

- 1. 1/27/10 ZBA Decision Notice
- 2. Other

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DRAFT MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Tuesday, January 19, 2010 Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, P. Plante, B. Pociask, B. Ryan
Members absent: vacant position
Alternates present: G. Lewis, Kenneth Rawn
Alternates absent: Vera Stearns
Staff Present: Gregory Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:01 p.m. Alternate Lewis was appointed to act to fill the member vacancy for the duration of the meeting.

Minutes:

1/4/10- Hall MOVED, Holt seconded, to approve the 1/4/10 minutes as written. MOTION PASSED with all in favor. Beal and Holt noted that they listened to the tapes.

Zoning Agent's Report:

Padick updated the Commission in Hirsch's absence. Five violation notices have been issued to E. Hall with no response from him. A cease and desist order will be pursued unless a response is received. The vehicles at the intersection of routes 195 and 320 have been removed.

Old Business:

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

Padick referenced his 1/14/10 memo adding that he has re-established contact with the property owner's attorney who has passed on her legal assessment to the Hussey's. Padick anticipates their comments for the next meeting.

New Business:

1. Proposed Revision to Article X, Section C regarding Political Signs

Padick referenced his 1/14/10 memo and draft political sign revisions. The issue of political signs on Town property was raised and it was the consensus of the Commission to consult with the Town Attorney and Town Manager. Members agreed to present these political sign revisions along with other anticipated regulation revisions at a later date rather than at a special meeting.

Public Hearing:

Special Permit Application, Proposed Fitness Center at the Eastbrook Mall, 95 Storrs Rd, Cardio Express LLC., applicant, File # 1290

Chairman Favretti opened the Public Hearing at 7:16 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Plante, Pociask, Ryan, and alternates Lewis and Rawn. Lewis was appointed to act. Padick read the legal notice as it appeared in the Chronicle on 1/5/10 and 1/13/10 and noted the following communications: a 1/14/09 memo from G. Padick, Director of Planning and a 1/12/10 memo from G. Meitzler, Assistant Town Engineer. Padick noted that the applicant contacted the office and requested a continuation of the public hearing, adding that staff has not been able to verify neighborhood notification at this time.

Pociask questioned the hours of operation listed in the Statement of Use noting that it appears to be a 24 hour operation. He expressed concern for security in the Mall. Noting no audience and no further questions or comments from the Commission, Plante MOVED, Pociask seconded, to continue the public hearing until February 1, 2010. MOTION PASSED UNANIMOUSLY.

New Business, continued:

2. Notice of 1/25/10 Town Council Hearing on Proposed Ordinance on Off-Street Parking for Residential Rental Properties

Padick reviewed the proposed ordinance and answered questions regarding enforcement, cost to property owners, when they would be required to comply, provisions for exceptions and if properties in existence would be “grandfathered”. Padick noted that this will affect 275 properties in Mansfield and encouraged members to attend the 1/25/10 hearing that will be held by the Town Council.

3. USDA Animal Health Research Facility at UConn Depot Campus

Noted.

Reports of Officers and Committees:

None.

Communications and Bills:

Peter Plante asked Padick when UConn’s Draft Water Supply report will be finalized; Padick noted that it will be available for distribution in the next few weeks.

Adjournment:

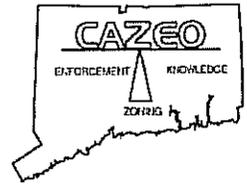
Chairman Favretti declared the meeting adjourned at 7:57 p.m.

Respectfully submitted,

Katherine Holt, Secretary



Town of Mansfield



CURT B. HIRSCH
ZONING AGENT
HIRSCHCB@MANSFIELDCT.ORG

AUDREY P. BECK BUILDING
4 SOUTH EAGLEVILLE ROAD
MANSFIELD, CT 06268-2599
(860) 429-3341

Memo to: Planning and Zoning Commission
From: Curt Hirsch, Zoning Agent
Date: January 28, 2010

MONTHLY ACTIVITY for January - 2010

ZONING PERMITS

<u>Name</u>	<u>Address</u>	<u>Purpose</u>
Kielbania	619 Mansfield City Rd.	reconstruct 1 fm dw
Friedland	17 Chaffeeville Rd.	photovoltaic array
Bemont	787 Stafford Rd.	10 x 16 shed
Morrow	44 Hanks Hill Rd.	sunroom

CERTIFICATES OF COMPLIANCE

Mansfield Center for Nursing	Warren Circle	pavilion & green house
Senor Pepes	134 N. Eagleville Rd.	food service
Rollins	202 Separatist Rd.	house addition
Lewis	547 Warrenville Rd.	1 fm dw
Hall	35 Mansfield Hollow Rd.	barn addition
Pierce	271 Storrs Rd.	porch & deck
Crosby	920 Storrs Rd.	photovoltaic array
Yang	81 Monticello Rd.	shed
Taylor	310 S. Eagleville Rd.	handicap ramp
Harakaly	583 Warrenville Rd.	pool deck
Elder	1017 Warrenville Rd.	sunroom
Bemont	787 Stafford Rd.	shed

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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: 1/27/10
Re: Special permit application, proposed fitness club, 95 Storrs Road (East Brook Mall)
File #1290

Since the last meeting, the applicant, Mr. Peter Rusconi, contacted the Planning Office and confirmed that he will attend Monday's Public Hearing to present the subject Special Permit request and address any questions. As requested, he will specifically discuss hours of operation and on-site security issues for any night time operation. Mr. Rusconi also related that neighborhood notifications were not sent out ten (10) days prior to the February 1, 2010 Public Hearing continuation. To ensure appropriate time for neighboring property owners to offer comments, it is recommended that the Public Hearing be continued until February 16th, which is within the 35 day statutory period to complete a Public Hearing.

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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: 1/27/10
Re: Proposed Rezoning of the "Industrial Park" zone



The attached January 26, 2010 letter from Attorney Kari Olson, (representing Bruce and Franca Hussey) raises a number of issues and concerns regarding October 15, 2009 draft revisions to Mansfield's Zoning Map and Zoning Regulations. She also expressed an interest in meeting with the Commission to discuss the proposed revisions, which are attached to assist the PZC with its review of the expressed concerns. I am in the process of reviewing the issues raised and, at Monday's meeting, will be prepared to discuss the expressed concerns and potential revisions to the October 15th draft. Based on my initial review, the following issues should be discussed:

1. The appropriateness of re-zoning IP land west of Mansfield Avenue to RAR-90. Attorney Olson has recommended re-zoning to either R-20 or a modified PVRA zone.
2. The appropriateness of the proposed standards for the PVRA zone (east of Flood Hazard Zone). Attorney Olson has raised issues regarding the agricultural dedication provisions, setbacks and permitted residential densities.
3. The appropriateness of the proposed standards for the new PVCA zone (between Mansfield Avenue and Flood Hazard Zone). Attorney Olson has raised issue regarding the limited number of commercial uses authorized, the agricultural dedication provisions and setbacks.

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KARI L. OLSON
(860) 240-6085
KOLSON@MURTHALAW.COM

January 26, 2010

VIA EMAIL

Planning and Zoning Commission
Town of Mansfield
Audrey P Beck Municipal Building
South Eagleville Road
Mansfield, Connecticut 06268

Re: October 15, 2009 Draft Proposed Zoning Regulation Revisions

Dear Commission:

As you know, this firm represents Bruce and Franca Hussey relating to the Town of Mansfield's October 15, 2009 proposed zoning map and regulation amendments ("Amendments"), currently scheduled for discussion on February 1, 2010. As you also are aware, since the last zoning amendment proposal, we have had several informal discussions with the Director of Planning, Gregory Padick and others regarding the Commissions multiple applications to change the zoning designation for the Husseys' property. Although these discussions have, for the most part, been somewhat fruitful, and the current proposed zoning changes represent a compromise from the Commissions earlier proposal, the new regulations still fail to adequately address significant concerns that have previously been raised as well as new ones.

The latest proposal seeks to rezone the Husseys' property from the existing IP Zone into three distinct zones: RAR-90, PVRA and PVCA. I will discuss each in turn.

Proposal To Rezone to RAR-90 Land West of Mansfield Avenue

This parcel consists of approximately 18 acres, nearly half of which is existing wetlands. The remaining land is currently used for and is designated as farmland. The property can be readily accessed for purposes of installing public water and sewer.

The Husseys object to having this property rezoned to RAR-90, principally because the current RAR-90 zone does not permit a housing density that appropriately takes into account the fact that this property is readily accessible to public utilities. The Husseys would not object to an R-20 zone designation for this parcel or a modified PVRA designation)(see below).

Proposal to Rezone to PVRA Land South of Pleasant Valley Road East of the
Flood Hazard Zone

As the Commission is aware, the Husseys have always opposed the creation of the new PVRA zone on constitutional grounds. Specifically,

1. The PVRA permits the Commission to take private property without just compensation in violation of federal and state law; and
2. The PVRA requirements for the farmland set-aside or conveyance of private land for agricultural purposes is neither related nor proportional to any impact created by the use of the property. This is compounded by the fact that the farmland exaction is not in lieu of or does not otherwise offset the additional open space requirements within the PVRA.
3. There are insufficient criteria or standards for establishing the amount or exact location of the farmland the Commission may exact. In addition, the regulation as written would allow the Commission to repeatedly exact up to 50% of the remaining farmland if, for example, the property was developed one portion at a time. This has the potential of allowing the Commission to ultimately exact well over 50% of the existing farmland; and
4. There is no statutory authority for the Commission to exact private land for agricultural purposes; and
5. The PVRA constitutes spot zoning in violation of state law.

Notwithstanding these objections, the Husseys would be amenable to a PVRA designation for this parcel and the parcel west of Mansfield Avenue provided that:

- a. The farmland to be preserved is agreed upon and designated now with concomitant property tax consideration from the Town; and
- b. No further exactions for open space or farmland are required; and
- c. There will be no setback requirements (other than existing wetland buffer and state highway setback requirements); and
- d. The density requirements should be reduced to 2,500 square feet of area for each dwelling unit; and
- e. Age restricted housing should be an option but not a requirement.

Proposal to Rezone to PVCA Land South of Pleasant Valley Road And East of Mansfield Avenue

As is the case with the proposed PVRA, the Husseys oppose the rezoning of their property to a PVCA. For clarity, their objections to the PVCA are reiterated as follows:

1. The PVCA permits the Commission to take private property without just compensation in violation of federal and state law; and
2. The PVCA requirements for the farmland set-aside or conveyance of private land for agricultural purposes is neither related nor proportional to any impact created by the use of the property. This is compounded by the fact that the farmland exaction is not in lieu of or does not otherwise offset the additional open space requirements within the PVCA.
3. There are insufficient criteria or standards for establishing the amount or exact location of the farmland the Commission may exact. In addition, the regulation as written would allow the Commission to repeatedly exact up to 50% of the remaining farmland if, for example, the property was developed one portion at a time. This has the potential of allowing the Commission to ultimately exact well over 50% of the existing farmland; and
4. There is no statutory authority for the Commission to exact private land for agricultural purposes; and
5. The PVCA constitutes spot zoning in violation of state law; and
6. The proposed permitted uses for the property are still too restrictive to ensure, especially in the current market, an economically viable use for the property.

The Husseys would be amenable to a PVCA designation for this parcel provided that:

- a. The farmland to be preserved is agreed upon and designated now with concomitant property tax consideration from the Town; and
- b. No further exactions for open space or farmland are required; and
- c. There will be no setback requirements (other than existing wetland buffer and state highway setback requirements); and
- d. The permitted uses in the PVCA also include all uses currently allowed in the Town's existing commercial/business zones.

I reiterate that the Husseys remain willing to meet with the Commission for the purpose of discussing the issues set forth in this letter and/or any other appropriate revisions to Mansfield's zoning regulations with respect to the Husseys' property. We believe that such a meeting not only may expedite a resolution of any differences, but also, is likely in the best interest of all concerned. We, therefore, look forward to that opportunity.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kari L. Olson", with a long horizontal flourish extending to the right.

Kari L. Olson

cc: Mr. Bruce Hussey
Ms. Franca Hussey

October 15, 2009 Draft

Proposed Revisions to Mansfield's Zoning Map and Zoning Regulations

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(Explanatory Notes are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revisions.)

A. Proposed Zoning Map revisions (depicted on attached map):

1. Rezone land south of Pleasant Valley Road and east of the Flood Hazard Zone containing Conantville Brook from Industrial Park (IP) to a Pleasant Valley Residence/Agriculture (PVRA) zone classification;
2. Rezone land south of Pleasant Valley Road between Mansfield Avenue and the Flood Hazard Zone containing Conantville Brook from Industrial Park (IP) to a new Pleasant Valley Commercial/Agriculture (PVCA) zone classification;
3. Rezone all areas west of Mansfield Avenue that are zoned Industrial Park (IP) to a Rural Agricultural Residence-90 (RAR-90) zone classification.

Explanatory Note: These zone changes are designed to preserve significant areas of prime agricultural land, to protect important natural and scenic resources, to address potential health, safety and neighborhood compatibility issues and to address goals, objectives and recommendations contained in Mansfield's Plan of Conservation and Development.

B. Proposed Zoning Regulations revisions:

1. Revise Article II, Section A as follows:
 - a. Delete IP (Industrial Park zone) from the current listing of zones:
 - b. Add PVCA (Pleasant Valley Commercial/Agriculture zone) to the current listing of zones:

Explanatory Note: These revisions are associated with and tied to the proposed Zoning Map revisions listed in Item A above, and the fact that there is no existing Professional Office 2 zones.

2. Revise Article II, Section B as follows:
 - a. Delete IP Industrial Park from the current listing of "Design Development" Districts;
 - b. Add PVCA Pleasant Valley-Commercial/Agriculture zone to the current listing of "Design Development" Districts.

Explanatory Note: These revisions are associated with and tied to the proposed Zoning Map revisions listed in A above and the fact that there is no existing Professional Office 2 zones.

3. Revise Article VII, subsections A.2. and A.4 as follows:
 - a. Replace "Industrial Park" with "Pleasant Valley Commercial Agriculture" Zone in line 3 of subsection A.2.c
 - b. Replace "Industrial Park" with "Pleasant Valley Commercial Agriculture" Zone in lines 1 and 6 of subsection A.4

Explanatory Note: These revisions are associated and tied to the proposed Zoning Map revisions listed in A above.

4. Revise Article VII, Section K.1. to replace “and” with “and/or” in line 3.

Explanatory Note: This revision reflects the fact that the new area that is proposed to be rezoned from Industrial Park to Pleasant Valley Residence Agriculture historically did not authorize residential uses.

5. Delete Article VII, subsection U, “Uses Permitted in the Industrial Park Zone” in its entirety, add a new Article VII, Subsection U “Uses Permitted in the Pleasant Valley Commercial/Agriculture Zone” (land south of Pleasant Valley Road between Mansfield Avenue and the Flood Hazard Zone containing Conantville Brook) and, as necessary, revise zoning cross-references to subsections of Article VII.

The new Article VII, Subsection U shall read as follows:

U. Uses Permitted in the PVCA (Pleasant Valley Commercial/Agriculture Zone (Land south of Pleasant Valley Road and east of Mansfield Avenue))

1. Intent

The PVCA zone has been established with special provisions for a distinct area of Mansfield located south of Pleasant Valley Road between Mansfield Avenue and the Flood Hazard Zone containing Conantville Brook. This area has been zoned for decades for intensive industrial and commercial use, but it has remained primarily agricultural. This area is no longer considered appropriate for intensive industrial and commercial use due to access limitations, special agricultural, floodplain, wetland, and aquifer characteristics that warrant protection and preservation, site visibility and scenic character, neighboring agricultural and residential uses and other Plan of Conservation and Development goals, objectives and recommendations. Due primarily to the fact that this area is one of a very limited number in Mansfield that have access to public sewer and water systems, some lower intensity industrial and commercial uses are considered appropriate for portions of this district, but only if designed, constructed, and utilized in a manner compatible with Plan of Conservation and Development recommendations and neighboring land uses. Accordingly, the PVCA zone is subject to special provisions designed to preserve significant areas of prime agricultural land, to protect important natural and scenic resources, and to address other important regulatory objectives.

2. General

The uses listed below in Sections K3 and K4 and associated site improvements are permitted in the PVCA zone, provided:

- a. Any special requirements associated with a particular use are met;
- b. Except as noted below, all uses permitted in the PVCA zone shall be served by adequate public sewer and water supply systems. On a case-by-case basis the Planning and Zoning Commission shall have the right to authorize the use of onsite sanitary waste disposal and/or water supply systems for permitted uses provided it is documented to the Commission’s satisfaction that there is a low risk of aquifer contamination or other health, safety or environmental problems.
- c. Applicable provisions of Article X, Section A (Design Development Districts) and Article VI, Sections A and B (Performance Standards) are met: and

- d. With the exception of those uses included in K.4 below, special permit approval is obtained in accordance with the provisions of Article V, Section B for any of the activities delineated in Article VII, Section A.2.

Article VII, Sections A.3., A.4 and A.5 also include or reference provisions authorizing the Zoning Agent to approve certain changes in the use of existing structures or lots and authorizing the PZC Chairman and Zoning Agent to approve minor modifications of existing or approved site improvements. All changes in use in the PVCD zone require Planning and Zoning Commission approval in accordance with the provisions of Article VII, Section A.4.

3. Categories of Permitted Uses in the Pleasant Valley Commercial/Agriculture Zone Requiring Special Permit Approval as per the Provisions of Article V, Section B. and Applicable Provisions of Article X. Section A.

- a. Research and development laboratories and related facilities and the production, processing, assembly and distribution of prototype or specialized products which require a high degree of scientific input and on site technical supervision. Specialized products that may be authorized include but shall not be limited to the following: precision mechanical and electronic equipment; business machines; computer components; optical products; medical, dental and scientific supplies and apparatus; and precision instruments;

All genetic or bio-engineering research or development activities and the creation of biogenetic products are limited to those permitted in bio-safety level 1 and 2 (BL-1 and BL-2) laboratories as per the current "Guidelines" of the National Institutes of Health regarding research involving recombinant DNA molecules. The keeping and utilization of small animals for scientific purposes is authorized, provided the animals are kept in an enclosed portion of a building located on the subject lot or in areas specifically approved by the Planning and Zoning Commission;

- b. Commercial printing and reproduction services and other industrial production, processing, assembly and/or distribution of products, provided the nature, size and intensity of the proposed use complies with environmental, traffic safety, neighborhood impact and all other special permit approval criteria.
- c. Business and Professional Offices;
- d. Commercial recreation facilities, such as tennis clubs and physical fitness centers;
- e. Veterinary hospitals and commercial kennels boarding or breeding two or more animals provided potential noise impacts are addressed in association with the required Special Permit application;
- f. Repair services for agricultural and commercial vehicles, machinery and equipment. Accessory automobile and truck repair services may be authorized but auto salvage operations are not permitted;
- g. Permanent retail sales outlets for agricultural and horticultural products, provided all the standards and requirements of Article VII, Section G. 13 are met;
- h. Other commercial agricultural operations (any agricultural or horticultural use that is not authorized by other provisions of these Regulations).

4. Uses Which May be Authorized in the Pleasant Valley Commercial/Agriculture Zone by the Zoning Agent:

- a. Agricultural and horticultural uses such as the keeping of farm animals, field crops, orchards, greenhouses, accessory buildings, etc., provided the provisions of Article VII, Sections G.13 through G.15 are met;
- b. Dwelling units for property owners, managers, caretakers, or security personnel associated with a permitted agricultural use provided all residential structures are located on the same lot as the agricultural use.
- c. Accessory cafeterias or retail shops conducted primarily for the convenience of employees, provided the use is located within a building and there are no advertising or exterior displays.

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in item A above. This section proposes new permitted use provisions consistent with the intent provisions for the PVCA zone.

6. Revise Article VIII, Section A, Schedule of Dimensional Requirements, as follows:

- a. Delete from the Schedule the existing row for the IP.
- b. Add in the Zone Column "PVCA" to the row containing PVRA (all existing provisions in this row also shall apply to the PVCA Zone). The revised rows shall read as follows:

ZONE	MINIMUM LOT AREA/ACRES	MINIMUM LOT FRONTAGE/FT	MIN. FRONT SETBACK LINE (IN FEET)	MIN. SIDE SETBACK LINE (IN FEET)	MIN. REAR SETBACK LINE (IN FEET)	MAXIMUM HEIGHT	MAXIMUM BUILDING GROUND COVERAGE
	See Notes (3) (4) (18)	See Notes (4)(6)(7)(13)(16)	See Notes (4)(8)(9)(15)(16) (17)	See Notes (4)(10)(11)(15)(16) (17)	See Note (4)(15)(16) (17)	See Note (14)	
PVRA PVCA see note 1	25 ACRES	200	100	30	50	40	25%

- c. Revise existing foot note 13 on the Schedule of Dimensional Requirements to read as follows:
 13. Lot frontage requirements for business and ~~[industrial]~~residential uses within specified ~~[business and industrial]~~ zones may be waived by the Planning and Zoning Commission for private roads, provided special permit approval is obtained (see Article VIII, Section B.3.d)

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in item A above. The proposed 25 acre minimum lot size proposal is designed to help ensure that Plan of Conservation and Development recommendations, particularly those tied to agricultural land preservation, are not undermined by smaller, uncoordinated developments. Existing regulations would allow larger projects to be built in smaller phases.

7. Revise Article VIII, subsection B.3.a, B.3.b, B.3.c, and the first paragraph of B.3.d to read as follows:

3. **[Business and Industrial Exceptions/]Special Dimensional Requirements**

- a. **Setback from Residential Zones** - In the [IP and] RD/LI zone[s], a minimum setback of 150 feet is required between all new industrial or research buildings and residential zone boundary lines. This setback may be reduced by the Commission due to physical characteristics, the nature of proposed landscape and buffer plans or the character of existing land uses.
- b. **Lot Coverage** - Except as noted below, the total ground area coverage of buildings and parking areas in the [IP and] RD/LI Zone[s] shall not exceed 50 percent of the total lot area. Provided all other requirements of these Regulations are met, this coverage limit can be

increased to 75 percent for projects directly associated with a program that permanently preserves large tracts of open space or agricultural land.

- c. **Gate Houses/Security Structures** - In the [IP and] RD/LI Zone[s], the Commission may reduce or waive front or side line setbacks for gatehouses and security structures other than residences.
- d. **Lots on Private Roads** - Provided the standards noted below are met and provided special permit approval is obtained in accordance with Article V, Section B, the Commission may allow lots to be created off of private roads [for business and industrial uses] in the following zones: B; PB-1, PB-2, PB-3, PB-4, PB-5, NB-1, NB-2, PO-1, I, [IP] PVCA, PVRA and RD/LI. This regulation allows, under specific standards, lots to be created without frontage on a Town or State road.

(Note: Subsections 3.d.1 through 6 shall remain in effect.)

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

8. Revise Article VIII, subsection C.2 to read as follows:

2. Business

In all Business, [Industrial] and Institutional (PB-1 through 5, NB-1 and 2, B, PO-1 [IP], RD/LI and I) zones, each new building shall have a minimum of 500 square feet of floor area on the ground level.

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

9. Revise Article X, Section A.1 as follows:

- a. Delete IP-Industrial Park from the listing of Design Development Districts.
- b. Add PVCA-Pleasant Valley Commercial/Agriculture Zone to the listing of Design Development Districts.

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

10. Revise Article X, Section A.2.c to delete in line 10 "Industrial park or" and to change "an" to "a".

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

11. Revise Article X, Section A.4.e to delete in line 11 "IP and" and to change "zones" to "zone".

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

12. Revise Article X, Section A.4.h to delete in line 3 "IP or"

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

13. Revise existing Article X, Section A.8 to delete "Industrial Park (IP) and" in the title line of this subsection and to delete references to "IP or" in line 1 of subsection 8a and 8c.

Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.

14. Revise Article X, Section A.9 (Special Provisions for the Pleasant Valley Residence Agriculture (PVRA) Zone) to read as follows:

- a. Revise Subsection 9.b. to read as follows:
- Agricultural Land Preservation Requirements
- b. Pursuant to the Plan of Conservation and Development recommendations, the Commission shall have the authority to require up to fifty (50) percent of the prime agricultural acreage on a subject residential development to be permanently preserved for agricultural use. As utilized in this provision, prime agricultural acreage shall be those areas that have been cultivated or otherwise used for agricultural purposes and/or those areas with soils that are classified as “prime agricultural” by the Natural Resources Conservation Service. The location of the agricultural acreage to be preserved shall be determined by the Commission and may be on other land [within the PVRA] under the control of the applicant. [With the assistance of Mansfield’s Agricultural Committee,] The following areas [has] have been designated as [a] priority agricultural preservation areas within the PVRA zone:
- Land immediately south of Pleasant Valley Road approximately 750 feet west of Mansfield City Road and immediately east of a significant curve in Pleasant Valley Road.
 - Land immediately south of Pleasant Valley Road approximately 1,500 feet west of Mansfield City Road and east of the Flood Hazard Zone containing Conantville Brook.
- To ensure the permanent preservation of designated agricultural land, conservation easements, approved by the Commission, shall be filed on the Land Records. In addition, the Commission shall have the authority to require the agricultural land to be transferred in title to the Town of Mansfield or an acceptable organization dedicated to agricultural preservation. Agricultural easement areas shall be monumented with iron pins and Town Conservations easement markers shall be placed every 50 to 100 feet around the perimeter boundary of the easement area. The Town Markers shall be placed on trees, fences, four (4) inch cedar posts or other structures acceptable to the Commission.
- b. In Subsection 9.c. delete “open space/recreational facilities” in lines 2 and 3.
- c. Add a new subsection 9.f. to read as follows:
- f. All residential developments shall provide appropriate open space and recreation facilities as determined by the Commission. The size and location of the open space and the degree of required improvement shall be tied to the size and nature of the residential development and the size and location of the agricultural land to be preserved pursuant to subsection 9.b. above. For example, for projects with fifty (50) or more dwelling units, multi-use ball fields, tennis courts, and/or playgrounds may be required by the Commission. For smaller projects, trails, garden areas, and multi-use lawn areas may be considered adequate to meet this requirement. Detailed plans and specifications for proposed or required open space and recreational improvements shall be shown on project plans. Whenever possible and appropriate, active recreational facilities shall be screened from residences, driveways, streets, and parking areas.

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in Above. The revisions in this section are designed to clarify and update agricultural preservation provisions and incorporate appropriate open space/recreational requirements for the PVRA zone.

15. Add a new Article X, Section A.10 to read as follows:

10.

8. Special Provisions for the Pleasant Valley Commercial/Agriculture (PVCA) zone

a. Water and Sewer Facilities

Except as noted below, all proposed developments in the PVCA zone must be served by public water and sewer facilities or must be readily connected to such services. "Readily connected" is defined as that point in time when contracts have been let for construction of public sewer and water facilities requested for connection. A Certificate of Compliance shall not be issued until the site is connected to public water and sewer facilities. Article VII Section K.2.b. authorizes the commission to waive this requirement.

b. Building Height Requirements

No building shall exceed three stories or a height of 40 feet.

c. Distance Between Structures

Except as noted below, the distance between any two structures shall be no less than the average height of both, but in no case less than 50 feet. The Commission may vary this spacing requirement when it determines that such variations will enhance the design of the project without significantly affecting either emergency or solar access.

d. Courtyards

Except as noted below, courts enclosed on all sides shall not be permitted and no open court shall have a length or width less than fifty (50) feet. The Commission may vary these requirements when it determines that such variations will enhance the design of the project without significantly affecting either emergency or solar access.

e. Parking

Required parking spaces shall not be allowed on any street or internal roadway and shall be set back a minimum of 10 feet from principal buildings. All spaces shall comply with the parking provisions of Article X, Section D and other dimensional requirements of these Regulations.

f. Agricultural Land Preservation Requirements

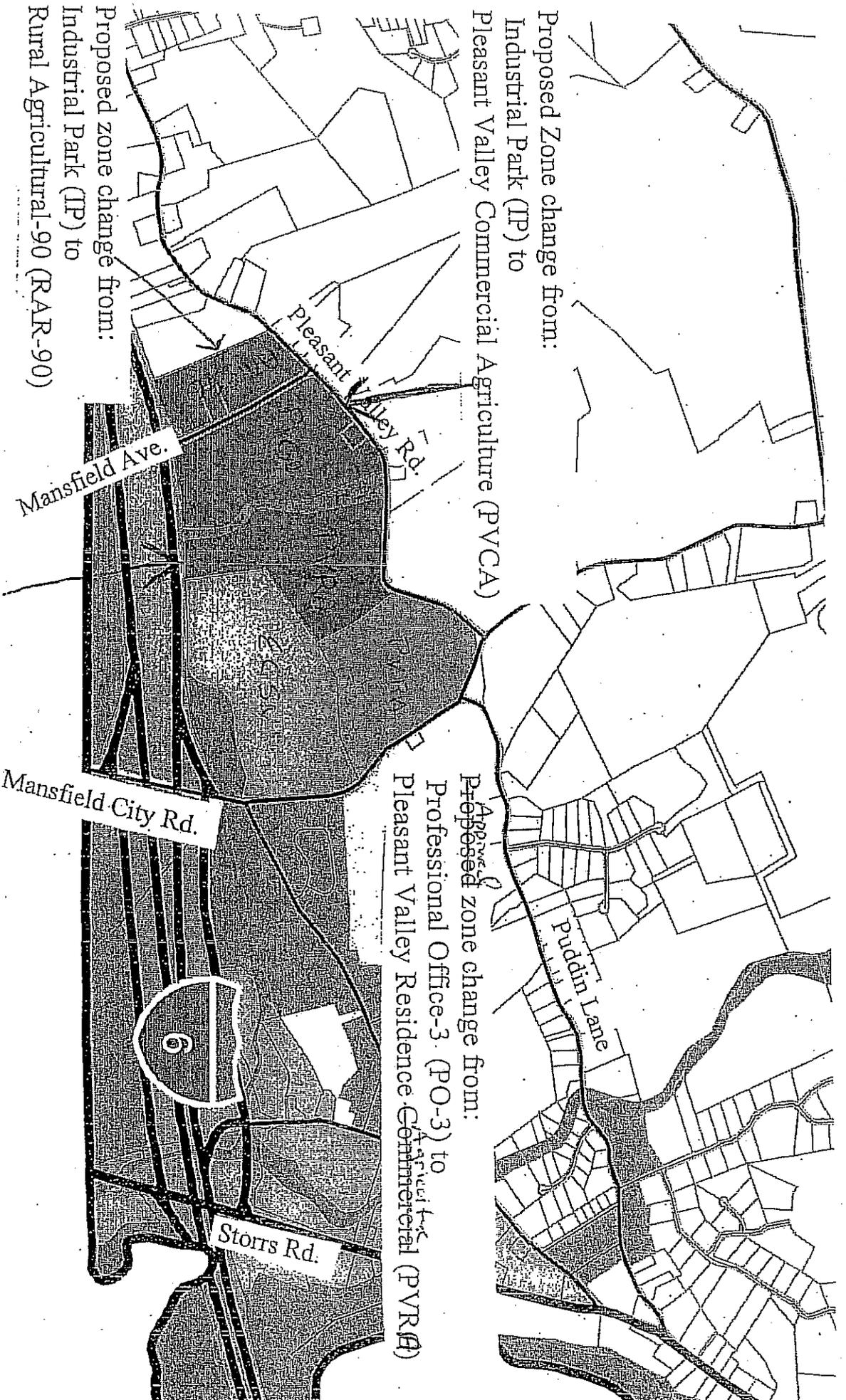
Pursuant to the Plan of Conservation and Development recommendations, the Commission shall have the authority to require up to fifty (50) percent of the prime agricultural acreage on a subject residential development to be permanently preserved for agricultural use. As utilized in this provision, prime agricultural acreage shall be those areas that have been cultivated or otherwise used for agricultural purposes and/or those areas with soils that are classified as "prime agricultural" by the Natural Resources Conservation Service. The location of the agricultural acreage to be preserved shall be determined by the Commission and may be on other land under the control of the applicant. The following areas have been designated as priority agricultural preservation areas within the PVCA Zone:

- Land immediately south of Pleasant Valley Road and west of Mansfield City Road.

To ensure the permanent preservation of designated agricultural land, conservation easements, approved by the Commission, shall be filed on the Land Records. In addition, the Commission shall have the authority to recommend and facilitate the transfer of agricultural land in title to the Town of Mansfield or an acceptable organization dedicated to agricultural preservation. Agricultural easement areas shall be monumented with iron pins and Town Conservations

easement markers shall be placed every 50 to 100 feet around the perimeter boundary of the easement area. The Town Markers shall be placed on trees, fences, four (4) inch cedar posts or other structures acceptable to the Commission.

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in A above. This section proposes new provisions consistent with the intent for the PVCA zone as described in item 5 (proposed Article VII Subsection U).



Proposed zone change from:
Industrial Park (IP) to
Pleasant Valley Commercial Agriculture (PVCA)

Proposed zone change from:
Professional Office-3 (PO-3) to
Pleasant Valley Residence Commercial (PVRCA)

Proposed zone change from:
Industrial Park (IP) to
Rural Agricultural-90 (RAR-90)

Proposed zone change from:
Industrial Park (IP) to
Pleasant Valley Residence Agriculture (PVARA)

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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: January 28, 2010
Re: Draft Revisions to Article X, Section C
Political Signs



Pursuant to discussion at the January 19, 2010 PZC meeting, I referred to the Town Attorney the issue of regulating political signs on Town property and the potential retention of the existing sentence: "Political signs shall not be located on public property, including street rights-of-way." The recently prepared draft revision on political signs includes the clause: "subject to obtaining property owner approval" which would essentially authorize the Town Council to establish a policy for political signs on Town property.

Earlier today, the Town Attorney notified me that he has not yet had time to research this issue. If a response is received Monday, it will be distributed at the PZC meeting.

It also is noted that earlier this week, I was contacted by Attorney McGuire of the ACLU of CT. He sought a written reply to his 11/23/09 letter. I have attached my response.

TOWN OF MANSFIELD
OFFICE OF PLANNING AND DEVELOPMENT

GREGORY J. PADICK, DIRECTOR OF PLANNING

January 28, 2010

David J. McGuire
ACLU of CT
2074 Park Street, Suite L
Hartford, CT 06106

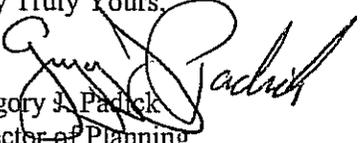
Re: Mansfield Sign Regulations

Dear Mr. McGuire:

In response to your 11/30/09 letter, Mansfield's Planning and Zoning Commission has reviewed current Zoning provision regarding political signage. Please find attached a draft revision to Article X, Section C which is under active review. The Planning and Zoning Commission intends to hold a public hearing on draft revisions to Article X, Section C and other potential Zoning and Subdivision Regulation revisions in April or May 2010. As soon as the following information is available, I will contact you with hearing date specifics and proposed Zoning revisions regarding political signs.

Please contact me at 860-429-3330, if you have any questions regarding this issue.

Very Truly Yours,


Gregory J. Padick
Director of Planning

Cc: Elizabeth Paterson, Mansfield Mayor
Matthew Hart, Town Manager
Dennis O'Brien, Mansfield Town Attorney
Martin B. Margulies, ACLU Cooperating Attorney
Planning and Zoning Commission

RECEIPT OF APPLICATION FOR A SPECIAL PERMIT:

_____, move and _____ seconds to receive the

Special Permit application (file # 1291)

submitted by Jack Rabbits of Storrs, LLC

for the sale of alcoholic liquor

on property located 1244 Storrs Road, Storrs Commons

owned by Storrs Associates

as shown and described in application submissions, and to refer said application to the staff, for review and comments and to set a Public Hearing for 2/16/10.

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SPECIAL PERMIT APPLICATION
(see Article V, Section B of the Zoning Regulations)

Mansfield Planning and Zoning Commission

File # 1291
Date 1-28-2010

1. Name of development (where applicable) Storrs Commons
2. Proposed use of the property is Restaurant - Sale of BEER + WINE
in accordance with Sec.(s) M-1 of Article VII (Permitted Use provisions) of the Zoning Regulations

3. Address/location of subject property 1244 Storrs Rd
Assessor's Map 16 Block 41 Lot(s) 15 Vol. _____ Page _____

4. Zone of subject property PB-2 Acreage of subject property _____

5. Acreage of adjacent land in same ownership (if any) _____

6. APPLICANT Jack Rabbits of Storrs, LLC [Signature]
(please PRINT) Signature

Street Address 1244 Storrs Rd Telephone 860-487-9066
Town Mansfield CT Zip Code 06268

Interest in property: Owner _____ Optionee _____ Lessee Other _____

(If "Other", please explain) _____

7. OWNER OF RECORD: Storrs Associates LLC _____
(please PRINT) Signature

(OR attached Purchase Contract _____ OR attached letter consenting to application)
Street Address 1244 Storrs Rd Telephone _____
Town Mansfield CT Zip Code 06268

8. AGENTS (if any) representing the applicant who may be directly contacted regarding this application: jmellitz@chaseenterprises.com.

Name John Mellitz Telephone 860-293-4206
Address 225 Asylum Ave Hartford CT Zip Code 06103
Involvement (legal, engineering, surveying, etc.) legal

Name _____ Telephone _____
Address _____ Zip Code _____
Involvement (legal, engineering, surveying, etc.) _____

9. The following items have been submitted as part of this application:

Application fee in the amount of \$ 4360 ck # 1003

Statement of Use further describing the nature and intensity of the proposed use, the extent of proposed site improvements and other important aspects of the proposal. To assist the Commission with its review, applicants are encouraged to be as detailed as possible and to include information justifying the proposed special permit with respect to the approval criteria contained or referenced in Article V, Section B.5.

Floor
Site plan (6 copies) as per Article V, Section B.3.d

Site plan checklist including any waiver requests

Sanitation report as per Article V, Section B.3.e

Acknowledgement that certified notice will be sent to neighboring property-owners, as per the provisions of Article V, Section B.3.c (use Neighborhood Notification Form).

NA As applicable for projects within the watershed of the Willimantic Reservoir, acknowledgement that certified notice will be sent to the Windham Water Works, as per the provisions of Article III, Section I.

NA As applicable for projects within State designated aquifer protection areas, acknowledgment that the Commissioner of Public Health will be notified as per the provisions of Article III, Section I. The State Department of Public Health's on line form (www.dph.state.ct.us/BRS/Water/Source_Protection/PA0653.htm) shall be used with a copy of the submittal delivered to the Planning Office.

Other information (see Article V, Section B.3.g). Please list items submitted (if any):
Restaurant Floor Plan

10. ALL APPLICATIONS, INCLUDING MAPS AND OTHER SUBMISSIONS, MUST COMPLY WITH ALL APPLICABLE SECTIONS OF THE ZONING REGULATIONS, INCLUDING, BUT NOT LIMITED TO:

Art. X, Sec. E, Flood Hazard Areas, Areas Subject to Flooding

Art. V, Sec. B, Special Permit Requirements (includes procedure, application requirements, approval criteria, additional conditions and safeguards, conditions of approval, violations of approval, and revisions)

Art. VI, Sec. A, Prohibited Uses

Art. VI, Sec. B, Performance Standards

Art. VI, Sec. C, Bonding

Art. VII, Permitted Uses

Art. VIII, Dimensional Requirements/Floor Area Requirements

Art. X, Sec. A, Special Regulations for Designed Development Districts

Art. X, Sec. C, Signs

Art. X, Sec. D, Parking and Loading

Art. X, Sec. H, Regulations regarding filling and removal of materials

Art. X, Sec. S, Architectural and Design Standards

MAP CHECKLIST
FOR USE WITH SITE PLAN OR SPECIAL PERMIT APPLICATIONS

(To be submitted by applicant with other application materials)

PZC File # 1291

Date 1-28-10

Name of Development Storrs Commons

Applicant Jack Rabbits of Storrs LLC

This checklist is designed to assist applicants as well as the PZC and staff. It is not intended as a substitute for, nor does it contain all of, the information and requirements in the Zoning Regulations and other applicable Town Ordinances and requirements. It is important to note that the Zoning Regulations allow the PZC to waive certain site plan requirements for minor applications where the information is not needed to determine compliance with the Regulations. It is recommended that the Mansfield Director of Planning be contacted if an applicant intends to seek a waiver of certain site plan requirements or if any questions arise. **Any requested waivers must be identified on this checklist.**

Unless waived by the Planning & Zoning Commission, submitted site plans shall include the following information (for more complete and specific descriptions of site plan requirements, see Article V, Section A.3.d of the Zoning Regulations):

	Included	Not Included	Waiver Requested* (see p. 3)
1. Title block: Applicant and owner's name, scale, date & all revision dates	<u>✓</u>	<u> </u>	<u> </u>
2. Original signature/seal of surveyor, landscape architect and/or engineer responsible. Unless waived, survey to be to A-2 standards	<u> </u>	<u> </u>	<u>✓</u>
3. Location map at 1"=1,000' scale (see Art. V. Sec. A.3.d.4 for more details)	<u>✓</u>	<u> </u>	<u> </u>
4. Property lines, sq. footage, setback lines, N. arrow, zone(s)	<u>✓</u>	<u> </u>	<u> </u>
5. Edges of adjacent street, utility poles & underground lines, stone walls, fences, roadside features	<u>✓</u>	<u> </u>	<u> </u>
6. Names/addresses of abutting property owners, including those across street (for Special Permit property owners, within 500 ft. of site)	<u>✓</u>	<u> </u>	<u> </u>
7. Existing & proposed buildings, structures, signs, <u>floor plans</u> , buildings on adjacent land that may be affected	<u>✓</u>	<u> </u>	<u> </u>
8. Existing & proposed contours, quantity of material to be added or removed	<u> </u>	<u> </u>	<u>✓</u>

(con't.)

	Included	Not Included	Waiver Requested* (see p. 3)
9. Watercourses, wetlands, flood hazard areas, aquifers	_____	_____	✓
10. Exposed ledge, areas shallow to bedrock	_____	_____	✓
11A. Waste disposal, water supply facilities	_____	_____	✓
11B. Test pit & percolation test locations & findings (include test dates)	_____	_____	✓
12A. Existing & proposed drainage facilities, roadways, bridges, pedestrian ways, utilities (including construction details)	_____	_____	✓
12B. Existing & proposed easements, rights-to-drain	_____	_____	✓
12C. Proposed sediment & erosion controls	_____	_____	✓
13A. Existing & proposed offstreet parking & loading areas, fire access lanes	✓	_____	_____
13B. Outside storage & refuse areas, fuel & chemical storage tanks	✓	_____	_____
14. Existing & proposed fencing, walls, landscaping (including plant size & type, historic features)	_____	_____	✓
15. Existing & proposed outdoor illumination (including method & intensity of lighting)	_____	_____	✓
16. Existing & proposed outdoor recreation features, with construction details for any recreation improvements	_____	_____	✓
17. Other information (see Art. V, Sections A.3.g, B.3.g)	_____	_____	_____

Note: For non-exempt applications subject to Sand and Gravel regulations (Art. X, Sec. H), additional special application provisions must be met.

Jack Rabbits of Stars, LLC
Ernest Parco member
(PRINT) Name of individual completing this form


Signature

1/20/10
Date

STATEMENT OF USE [Section B(3)b]

Located at 1244 Storrs Road, Jack Rabbits of Storrs LLC is a 46-seat dining establishment serving gourmet burgers and hot dogs, also offering salads and appetizers. In addition to offering shakes, sodas, water, coffee and tea it plans to add beer and wine to its beverage selections and is filing a special Permit Application with Planning Zone Commission and will comply with Section I(4)a.1.b. which allows a restaurant to serve alcoholic beverages in a Planned Business II zone.

The operations of Jack Rabbits comply with these requirements in that, it is a sit down restaurant with a service bar where the point of sale for all food and beverages will be at the main ordering counter. After the customer's order has been placed, the customer will choose to sit at a booth, a table or a counter. When the order is filled it is delivered to where the customer is sitting.

① Article X

Site is served by UCONN WATER + SEWER SYSTEMS

NORTH

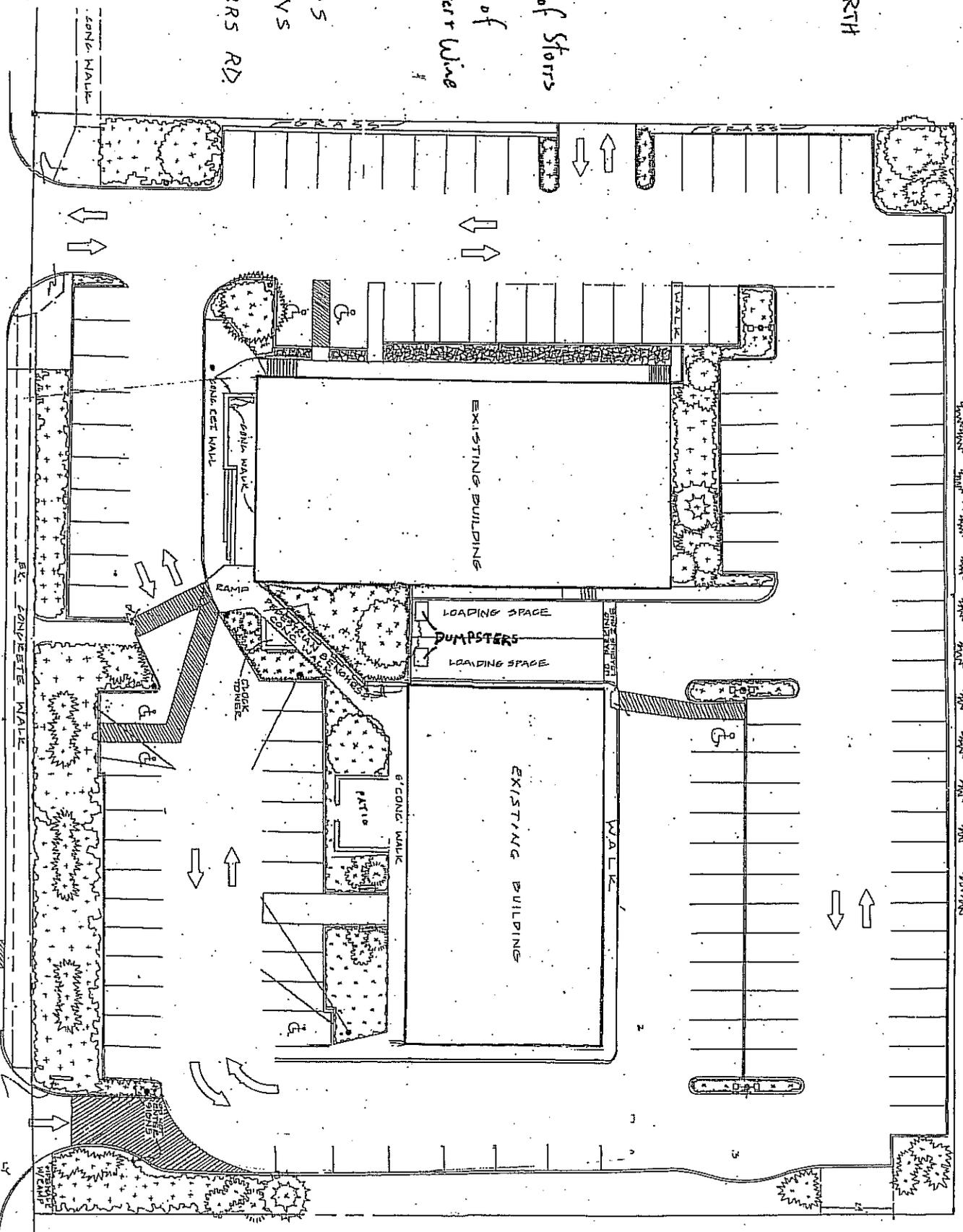
Jack Rabbits of Storr's

Proposed Sale of
Restaurant Bear Wine

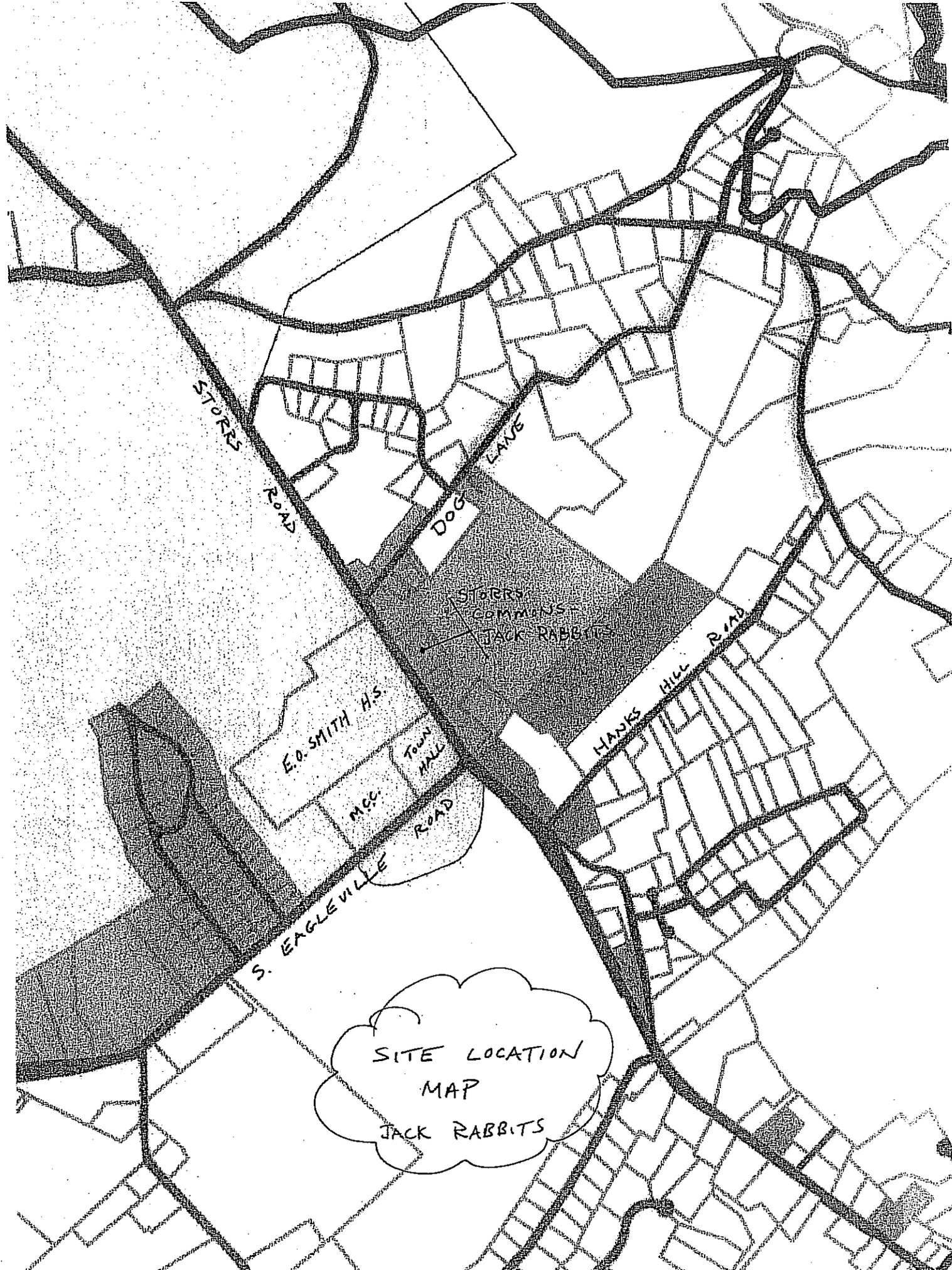
1-28-10

STORRS
COMMONS

1244 STORRS RD.



STORRS ROAD



SITE LOCATION
MAP
JACK RABBITS

Storrs Associates, LLC

PO Box 476

Storrs, CT 06268

Phone: 860-429-8891 Fax: 860-429-6857

Email: tmcorp@charterinternet.com

January 27, 2010

Gregory Padick, Director of Planning
Town of Mansfield
Audrey P. Beck Municipal Building
4 South Eagleville Road
Mansfield, CT 06268

Dear Greg:

On behalf of Storrs Associates, LLC, this letter shall serve as authorization for Jack Rabbits of Storrs, LLC to pursue a Special Permit for the sale of beer and wine at their new location (in the old Blimpies) in Storrs Commons, with the Town of Mansfield.

Please contact me if you have any questions or comments.

Truly yours,

A handwritten signature in black ink, appearing to read "Michael Taylor", with a long horizontal flourish extending to the right.

Michael Taylor
Managing Member
Storrs Associates, LLC

C.c. Ernest Porco

Abutters List

16.41.14
 HAIDOUS NICHOLAS and GEORGIA and
 HAIDOUS FAMILY TRUST
 897 STORRS ROAD

STORRS CT 06268

16.41.13-1
 HELLENIC SOCIETY "PAIDEIA" INC
 CHAPEL and CENTER FUND AT UCONN
 P O BOX 14852

HARTFORD CT 06114

16.36.18
 MANSFIELD TOWN OF
 TOWN OFFICE BUILDINGS
 4 SOUTH EAGLEVILLE RD

STORRS CT 06268

15.32.15
 UNIVERSITY OF CONNECTICUT
 U BOX 3038 FACILITIES MANAGEMENT
 STORRS MANSFIELD CT 06269

16.40.9
 ROGERS STEVEN H and
 DONALDSON DOUGLAS P BOB RANDALL B
 93 OLD TPK RD
 STORRS CT 06268

16.36.17-1
 REGIONAL SCHOOL DISTRICT 19
 EOS HIGH SCHOOL
 1235 STORRS ROAD
 STORRS CT 06268

16.41.18
 ROBARGE RICHARD JR and
 ROBARGE LESLIE D
 3 LORRAINE CIRCLE
 STORRS CT 06268

16.41.15
 STORRS ASSOCIATES LLC
 P O BOX 476
 STORRS CT 06268

16.41.17
 UNIVERSITY OF CONNECTICUT
 OLD FLEET BANK-PHYSICAL THERAPY CLINIC
 U BOX 3038 FACILITIES MANAGEMENT
 STORRS, CT 06269
 STORRS MANSFIELD CT 06269

16.40.10
 UNIVERSITY OF CONNECTICUT
 PUBLICATIONS BUILDING
 U BOX 3038 FACILITIES MANAGEMENT
 STORRS CT, 06269
 STORRS MANSFIELD CT 06269

16.41.16
 WARZOCHA ESTHER EST OF
 C/O WARZOCHA GARY and BRIAN
 P O BOX 83
 STORRS CT 06268

16.41.13
 UNIVERSITY OF CONNECTICUT
 POULTRY HOUSE 2
 U BOX 3038 FACILITIES MANAGEMENT
 STORRS CT, 06269
 STORRS MANSFIELD CT 06269

16.41.13A
 CONNECTICUT STATE OF
 LEASED TO U S POST OFFICE

ZONING BOARD OF APPEALS

DECISION NOTICE

On January 27, 2010, the Mansfield Zoning board of Appeals took the following action:

Denied the application of William Paulson, for a Special Exception of Art XI, Sec C.2.b to construct a 20' x 30' deck onto a non-conforming residence, at 527 Middle Tpke that will be no closer than 11' from the front yard setback where 50' is required, as shown on submitted plan.

Reasons for voting in favor of application:

- deck enhances property and does not adversely affect property values or the health and safety of others
- other properties on Rte 44 are close to the road and act to slow traffic
- would be a community asset, not a liability

Reasons for voting against application:

- deck is too close to road and is a detriment to neighborhood and the safety of others
- applicant could work with zoning officer to find possible alternatives
- if applicant had come to ZBA before deck was constructed, there would have been opposition

In favor: Accorsi, Fraenkel, Katz

Opposed: Pellegrine, Singer-Bansal

Motion failed.

Additional information is available in the Town Clerk's Office.

Dated January 28, 2010

Carol Pellegrine
Chairman

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