

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, September 20, 2010

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan,

Members absent: J. Goodwin, R. Hall,

Alternates present: F. Loxsom, K. Rawn, V. Stearns

Staff Present: Gregory J. Padick, Director of Planning

Chairman Favretti called the meeting to order at 7:10 p.m. and appointed Loxsom and Stearns to act in member absence.

Minutes:

9-7-10-Beal MOVED, Ryan seconded, to approve the 9/7/10 minutes as corrected (“majority” was replaced by “two-thirds” in the last sentence of Old Business item 2 on page 3). MOTION PASSED UNANIMOUSLY.

9-16-10 Field Trip- Ryan MOVED, Beal seconded, to approve the 9/16/10 field trip minutes as presented. MOTION PASSED with Rawn, Beal, Ryan, Holt and Favretti in favor and all others disqualified.

Zoning Agent’s Report:

Noted.

Old Business:

1. **Request to authorize overhead utility lines over conservation easement area dedicated in association with the Hawthorne Park Subdivision, PZC File # 1177**

Tabled: awaiting additional information.

2. **Rezoning of Industrial Park Zone and Associated Regulation Revisions, PZC File 907-33**

Ryan and Lewis noted for the record that they listened to the tapes of the June 7th Public Hearing. The chairman noted that because of her absence at the June 7th Public Hearing and subsequent meetings where discussion was held, Stearns has agreed to disqualify herself for this item. Favretti appointed Rawn to act in her place.

Rawn MOVED, Holt seconded, to approve, effective October 15, 2010, the rezoning of the existing areas zoned Industrial Park (IP) located south of Pleasant Valley Road to three (3) separate zone classifications (Pleasant Valley Residence Agriculture, Pleasant Valley Commercial Agriculture and Rural Agricultural Residence-90) and to approve, effective October 15, 2010, related revisions to Articles II, VII, VIII and X, of Mansfield’s Zoning Regulations, as presented in an April 14, 2010 listing of draft revisions with the correction noted below. The subject Zoning Map and Zoning Regulation revisions were presented at a Public Hearing on June 7, 2010 and filed prior to the Public Hearing with the Mansfield Town Clerk.

The approved Zoning Map revisions are as follows:

- A. Rezone areas zoned Industrial Park, located east of a Flood Hazard zone containing Conantville Brook and south of Pleasant Valley Road, to Pleasant Valley Residence/Agriculture (PVRA) zone.
- B. Rezone areas zoned Industrial Park located east of Mansfield Ave, west of a Flood Hazard zone containing Conantville Brook and south of Pleasant Valley Rd to a new Pleasant Valley Commercial/Agriculture (PVCA) zone.
- C. Rezone areas zoned Industrial Park that are west of Mansfield Avenue to a Rural Agriculture Residence-90 zone.

The approved Zoning Regulation revisions, which are attached, shall revise proposed Article VII Section U to change the first sentence of U.2. to reference Sections U.3. and U.4., and not K.3 and K.4. The revisions include:

1. Revisions to Art. II, VII, VIII, and X. Sec. A. to reference/implement zoning map revisions and to incorporate needed reference and coordination changes. The proposed new PVCA zone will be a Design Development District.
2. A new Art. VII, Sec. U that lists permitted uses in the PVCA zone (including research and certain industrial and repair services uses, communication facilities, automotive garages, offices, commercial recreation, veterinary hospitals and kennels, and agricultural uses).
3. Revisions to Art. VIII, Sec. A including a twenty-five (25) acre minimum lot area for new lots in the proposed PVCA zone.
4. Revisions to Article X, Section A.9 to refine and supplement requirements for the PVRA zone, including provisions for agricultural land preservation and open space/recreation facilities and a new Design Criteria section that has setback requirements from Pleasant Valley Road.
5. A new Article X, Section A.10 to establish special provisions for the PVCA zone, including water and sewer requirements, agricultural land preservation provisions and a Design Criteria section that has setback requirements from Pleasant Valley Road.

In approving the subject zone changes and related zoning regulations, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and the Mansfield Town Attorney. The zoning map and regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2, which grants the Commission the following:

- the authority to regulate the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- the authority to divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of Chapter 124 of the Connecticut General Statutes; and, within such districts, the authority to regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land;
- the mandate to consider the Plan of Conservation and Development prepared under Section 8-23;
- the mandate to promote health and the general welfare; to prevent the overcrowding of land and to facilitate the adequate provision for transportation, water, sewerage, and other public requirements;
- the mandate to give reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality;
- the authority that reasonable consideration be given for the protection of existing and potential public surface and ground drinking water supplies;
- the authority to encourage energy-efficient patterns of development.
- The mandate that zoning regulations shall be made with reasonable consideration for their impact on agriculture.

The subject zoning map revisions and regulation revisions have been adopted because they promote these statutory goals. Furthermore, the Commission has adopted the subject zoning map and regulation revisions for the following reasons:

1. The subject rezonings are consistent with recommendations contained in local, State and regional land use plans. See letter from WINCOG Regional Planning Commission and 6/3/10 report from the Director of Planning. More specifically, these revisions promote all policy goals contained in Mansfield's 2006 Plan of Conservation and Development and, in particular, recommendations associated with Policy Goal 1, objectives 1a, 1b and 1d; and Policy Goal 2, objectives 2a, 2c and 2d. Of particular significance, this zone change will help preserve significant prime agricultural land and important natural and scenic resources. The intent sections of Article VII, Sections K and U provide more details supporting the subject zone changes to PVRA and PVCA
2. The subject regulation revisions promote goals and objectives contained in Article I of the Zoning Regulations and are consistent with the approval considerations contained in Article XIII, Section D of the Zoning Regulations.
3. The subject regulations revisions are acceptably worded and suitably coordinated with related Zoning provisions. The proposed wording has been found legally acceptable to the Town Attorney.
4. The explanatory notes contained in the 4/14/10 draft zoning and regulation revisions explain and provide additional support for the adopted revisions.
5. Existing permitted use provisions, the schedule of dimensional requirements and a number of additional sections of the regulations needed to be revised to incorporate the establishment of a new PVCA zone. The new design standards and other approval criteria for the PVRA and PVCA zones are necessary and appropriate to ensure the public's health and safety and to promote compatibility between areas to be developed and areas to be preserved for agricultural use and/or conservation.
6. The proposed rezonings and regulation revisions were drafted following previous rezoning public hearings and extensive discussions regarding the subject land south of Pleasant Valley Road. Examples of information considered in association with the subject revisions are cited in the 6/3/10 report from the Director of Planning. Public safety, potential impacts on public infrastructure and public service demands, neighborhood compatibility and property owner rights also have been considered.

The Commission has endeavored to balance reasonable development opportunities (primarily due to the proximity of public sewer and water services) with the protection of the area's special agricultural, natural resource and scenic characteristics. The existing Industrial Park zone and associated regulations have not been significantly revised for over thirty (30) years and are no longer considered consistent with local, regional or State land use plans and other expressions of regulatory intent. These adopted revisions are considered a significant improvement over the existing zoning provisions for the subject area and this action does not preclude consideration of future revisions.

MOTION PASSED UNANIMOUSLY.

3. **Special Permit Application, Proposed Efficiency Unit Apartment at 147 Stafford Rd., D. Rice o/a, PZC File #1293**

Tabled- 10/4/10 Public Hearing Scheduled.

New Business: (at this time Stearns assumed her seat as alternate and Rawn stopped acting in her stead)

1. **Special Permit Renewal Request for the Use of Live Music in Conjunction with the Following Restaurants: Huskies, King Hill Rd; Stonewall Tavern, Rt. 32; & Ted's Restaurant, King Hill Rd.;**

Plante MOVED, Holt seconded, to receive the Special Permit application renewals (file # 895)

for the Renewal of Live Music Permits and to refer to the staff for review and comments and to set a Public Hearing for 10/4/10. MOTION PASSED UNANIMOUSLY.

2. **August 2010 Final Draft Environmental Assessment Re: Planned Animal Health Research Center at UConn Depot Campus**

The Draft Environmental Assessment report was discussed. Padick related that he expects to receive notice of a 30-day review period for the Animal Research Center, and that this item will be included on the agenda for the next meeting.

Reports of Officers and Committees:

Chairman Favretti noted a PZC vacancy on the Transportation Advisory Committee, and Ryan noted that she cannot attend Sustainability Committee meetings and will need to be replaced. Favretti asked members to consider volunteering for these committees. Beal stated that the next Regulatory Review Committee meeting is on 9/29/10 at 1pm.

Communications and Bills:

Noted.

Adjournment:

Chairman Favretti declared the meeting adjourned at 7:47 p.m.

Respectfully submitted,

Katherine Holt, Secretary