

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, February 06, 2012
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), K. Holt, G. Lewis, B. Pociask, P. Plante, K. Rawn, B. Ryan
Members absent: M. Beal, R. Hall
Alternates present: B. Chandy, S. Westa
Alternates absent: V. Ward
Staff Present: Linda M. Painter, Director of Planning and Development

Chairman Goodwin called the meeting to order at 7:28 p.m. and appointed alternates Chandy and Westa to act in members' absence.

Minutes:

1-17-12 Minutes: Plante MOVED, Ryan seconded, to approve the 1/17/12 meeting minutes as written. MOTION PASSED with all in favor except Westa who disqualified herself. Pociask noted that he listened to the recording of the 1-3-2012 meeting and Holt noted that she listened to the recording of the 1-17-2012 meeting.

Zoning Agents Report:

Linda Painter, Director of Planning and Development, updated the Commission on the Cease & Desist Order issued to Kueffner regarding earth removal on Merrow Road as well as an investigation of a noise complaint about a farming operation on Wildwood Road. She noted that Hirsch will give a status report at the next meeting. Pociask asked that staff provide an update at the next meeting regarding the Paideia site, noting that another delivery of marble has recently arrived at the site.

Public Hearings:

a. **Special Permit Application, Addition to Eastbrook Mall, 95 Storrs Road, New England Design/applicant, PZC File #432-6**

Chairman Goodwin opened the continued Public Hearing at 7:35 p.m. Members present were Goodwin, Holt, Lewis, Pociask, Plante, Rawn, Ryan and alternates Chandy and Westa, both of whom were appointed to act. Linda Painter, Director of Planning and Development, noted the following communications received and distributed to members of the Commission: a memo from Deputy Fire Marshall Francis Raiola dated 1/31/2012; a memo from Assistant Town Engineer dated 2/2/2012; a letter from CT DEEP Natural Resources dated 1/31/2012 regarding wood turtles; and a memo from Linda Painter, Director of Planning and Development, dated 2/2/2012.

John Whitcomb, of BL Companies, noted that the out-parcel originally proposed as part of the application has been withdrawn. He distributed a 2/6/2012 cross-section of the retaining wall on the north side of the site and stated that irrigation will be installed to ensure adequate moisture for the vegetation planted in the retaining wall. Whitcomb stated that the travel lane, rain gardens and storm-water system remain as originally proposed, and noted that the storm-water system is designed to accommodate future development of the out-parcel.

John Everett, of New England Design, pointed out on revised plans the changes designed to add visual interest to the north and west sides of the proposed addition in response to comments about the blank concrete wall.

Noting no further comments or questions from the Commission, public or the applicant, Plante MOVED, Hall seconded, to close the Public Hearing at 7:50 p.m. MOTION PASSED UNANIMOUSLY.

b. **Special Permit Application, Cumberland Farms, 643 Middle Turnpike & 1660 Storrs Road
Cumberland Farms, Inc./applicant, PZC File #1303-2**

Chairman Goodwin opened the Public Hearing at 7:51 p.m. Members present were Goodwin, Holt, Lewis, Pociask, Plante, Rawn, Ryan and alternates Chandy and Westa, both of whom were appointed to act. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in the Chronicle on 1-25-12 and 2-1-12, and noted the following communications received and distributed to members of the Commission: a memo from Linda Painter, Director of Planning and Development, dated February 2, 2012; memos from the Assistant Town Engineer dated January 10, 2012, and January 30, 2012; a memo from Geoffrey Havens, Eastern Highlands Health District dated January 17, 2012; a memo from Mansfield Conservation Commission dated December 29, 2011; a memo from John Jackman, Fire Marshal, dated January 9, 2011; a letter from David A. Sawicki, State Traffic Commission, dated January 20, 2012; a letter from Nelson DeBarros, DEEP Wildlife Division, dated January 17, 2012; a memo from Peter Miniutti of the Design Review Panel dated December 21, 2011.

Attorney Joseph P. Williams, of Shipman and Goodwin, reviewed the project and site layout, the requested waivers and his opinion that the project was in compliance with the Mansfield Plan of Conservation and Development. Williams stated that the applicant would like to withdraw the signage plans and re-apply for this approval at a later date.

Kevin Thatcher, P.E., of CHA Companies, reviewed the site, landscape buffers, sidewalks, building layout, and refuse area and storm-water management. He stated that the applicant will be using the existing well and septic, noting that the new use is less intensive than the previous restaurant and the design load is adequate for the new use.

Dave Kahlbaugh, Traffic Engineer, of CHA Companies, summarized the traffic study and responded to the Commission's concerns regarding the left turn lane onto Route 195. It was his professional opinion a left turn onto 195 is appropriate. Plante and Rawn requested that consideration be given to a bus pull-off and shelter on the property.

Dick Kreuzscher, former owner of the Exxon Station at Four Corners, spoke in favor of the proposed application and improvements.

John Marth, Project Manager for Cumberland Farms, stated that an underground propane tank is proposed for the site.

Pociask asked that consideration be given to restricting the hours of operation to the same as the convenience/gas station across the street. The applicant and staff agreed, prior to the next meeting, to review the approved hours of operation, as well as the Route 195 access-driveway, bus pull-offs, underground tank, and lighting.

Noting no further comments or questions from the Commission, public or the applicant, at 9:01 p.m. Rawn MOVED, Holt seconded, to continue the Public Hearing to the 2/21/12 meeting. MOTION PASSED UNANIMOUSLY.

Old Business:

a. **Special Permit Application, Addition to Eastbrook Mall, 95 Storrs Road, New England Design/applicant,
PZC File #432-6**

After a brief discussion, Plante volunteered to work with staff to draft a motion for the next meeting.

b. **Special Permit Application, Cumberland Farms, 643 Middle Turnpike & 1660 Storrs Road
Cumberland Farms, Inc./applicant, PZC File #1303-2**

Tabled, awaiting closure of the Public Hearing.

c. **Special Permit Application for Fill, 28 Old Kent Road, James owner/applicant, PZC File #1306**

After extensive discussion, Ryan MOVED, Plante seconded, to deny the special permit application (File #1306) of James James for approximately 200 cubic yards of fill at 28 Old Kent Road, in an R-20 zone, as shown on the submitted plans, described in application submissions and as presented at a Public Hearing on January 3, 2012.

This denial action is taken because the application is incomplete. The applicant requested waivers of numerous application requirements as part of the special permit application, including basic site plan requirements and the supplemental information required for any application for fill, grading or excavation. While the Commission has the authority to grant such waivers, the requirements may only be waived in situations where the information is 'clearly not needed to determine compliance with these Regulations' (Article V, Section B.4 and X, Section H.4). In this situation, many of the application requirements are needed to determine compliance with the Regulations, particularly those relating to survey and site plan requirements for the subject property and surrounding properties that show topography existing prior to the fill activity and proposed changes in grade. This information is needed to determine how the fill activity will impact drainage, determine improvements needed to address drainage impacts and identify appropriate measures needed to stabilize banks resulting from the fill activity. Additionally, engineered plans for the structural retaining walls are needed to determine whether the retaining walls surrounding the filled area are structurally sound. MOTION PASSED with all in favor except Westa who disqualified herself.

New Business:

a. **Request for BAE Revision, Sawmill Valley Estates, 102 Crane Hill Road, B. Lacy/applicant,
PZC File #1228**

Holt MOVED, Plante seconded, that the Planning & Zoning Commission approve the Building Area Envelope on Lot 4 of the Sawmill Valley Estates Subdivision as proposed in a 1/25/12 request and shown on plans dated 1/5/12. This action shall be noticed on the Land Records. MOTION PASSED UNANIMOUSLY.

b. **Potential Changes to the Pleasant Valley Residence/Agriculture (PVRA) & Pleasant Valley
Commercial/Agriculture (PVCA) Regulations**

After extensive review and discussion, Painter agreed to finalize the draft for distribution at the next meeting based on the comments made tonight.

Reports from Officers and Committees:

It was noted that the next Regulatory Review Committee meeting will be on Wednesday, February 8th at 1:15 p.m. in Council Chambers and that there will be a presentation by Michael Dietz, UConn Cooperative Extension Program, on Low Impact Development.

Communications and Bills: Noted.

Adjournment: Holt MOVED, Ryan seconded, to adjourn the meeting at 10:18 p.m. MOTION PASSED UNANIMOUSLY.

Respectfully submitted,

Katherine Holt, Secretary