

**TOWN OF MANSFIELD
DEPARTMENT OF PLANNING AND DEVELOPMENT**

LINDA M. PAINTER, AICP, DIRECTOR

Memo to: Planning and Zoning Commission
From: Linda M. Painter, AICP, Director of Planning and Development
Date: January 7, 2013
Subject: **Whispering Glen Apartments
73 Meadowbrook Lane
Special Permit Application (File 1284-2)**

Project Overview

Applicant: Lakeway Farms, L.P.

Property Location: 73 Meadowbrook Lane

Zoning DMR

Property Size: 10.12 acres

Project Description: The applicant is requesting Special Permit Approval to develop 50 residential apartments. As part of the application, several dimensional adjustments are also requested pursuant to Article X, Section A.4.d.

Background

The property is zoned DMR and is currently developed with a vacant single family home. Surrounding land uses include single-family homes to the north, west and east (zoned R-20), Eastbrook Heights condominiums (zoned DMR) and Ledgebrook Office condominiums to the east (zoned PB-1), and vacant property zoned Planned Business 1 to the south.

- September 2009 ▪ The Commission approved a zone change from R-20 to DMR (File 1283) and a special permit (File 1284) for development of 32 luxury condominium units on the subject property.

- June 2010 ▪ The Commission approved a modification to the conditions of approval to authorize the Zoning Agent to issue a Zoning Permit for site work prior to filing of homeowners association documents on the land records.

- October 2011 ▪ The Commission approved a one year extension of the special permit approval to September 12, 2012.

- September 2012 ▪ The Commission received the current application.

- November 2012
- The applicant initiated a redesign of the site plan based on the recommendations contained in my November 1, 2013 memo.

The original application used the same general site layout as the previous luxury condominium development, with a single entry and loop drive providing access to eight buildings. The revised layout includes 4 buildings, each with 2 units, fronting directly onto Meadowbrook Lane with driveway access for each units. The remainder of the buildings are situated facing a central open space internal to the site that is reminiscent of a traditional New England town green. The main entry drive loops around this open space. Proposed buildings include both one-story ranch and two-story townhouse units. Units range from ±1,200-1,600 square feet; each includes three bedrooms and a one-car garage. For most units, a second parking space is provided in the driveway leading to the garage. The design of the buildings and overall development is intended to accommodate a possible future conversion to condominium ownership. The overall building footprint has been reduced from the previous proposal even though the number of units has increased. This has been accomplished through a reduction in unit size. The proposed number of units has been reduced from 54 to 50 as a result of the new layout.

As part of the special permit approval, the applicant is requesting approval of the following adjustments to dimensional requirements pursuant to Article X, Section A.4.d, as amended effective October 1, 2012:

- Article VIII, Schedule of Dimensional Requirements:
 - Reduction of required 100 foot front yard setback to 24.1 feet
 - Reduction of required 50 foot side yard setback to 20 feet.
- Article VI, Section B.4.q.2: Requires a minimum 50 foot buffer adjacent to more restrictive zones. This requirement would need to be reduced along the eastern property line, where the building facing Meadowbrook Lane is located approximately 34 feet from the property line, and along the western property lines, where the patios for one of the buildings are located within 50 feet of property zoned R-20.
- Article X, Section A.6.f: Requires a minimum 50-foot building separation; the applicant is proposing separation distances between 30 and 50 feet depending on the location. The Commission has the ability to reduce the separation distance if it determines that the variation will 'enhance the design of the project without significantly affecting either emergency or solar access.'
- Article X, Section A.6.g: Requires that parking spaces be set back a minimum of 10 feet from principal buildings. This requirement assumes development of a standard surface parking lot, not driveways leading to individual garages. This requirement would need to be reduced to 0 feet to allow the second space for each unit to be provided in driveways leading to garages.

Special Permit Approval Criteria

Article V, Section B(5) of the Mansfield Zoning Regulations requires that the proposed project meet the following criteria in order to be approved:

- *The proposed project will not detrimentally affect the public's health, safety and welfare.*
- *All approval criteria cited in Article V, Section A(5), Site Plan Approval Criteria, of the regulations have been met.*
- *The proposed use is compatible with the Town's Plan of Conservation and Development (POCD).*
- *The location and size of the proposed use and nature and intensity of use in relation to the size of the lot will be in harmony with the orderly development of the town and other existing uses.*
- *Proper consideration has been given to the aesthetic quality of the proposal, including the architectural design, landscaping and proper use of the site's natural features. The kind, size, location and height of structures, the nature and extent of site work, and the nature and intensity of the use shall not hinder or*

discourage use of the neighboring properties or diminish the value thereof. All applicable standards contained in Article X, Section R shall be incorporated into the plans.

Compliance with Zoning Regulations

During an initial review of the proposed development by staff, the Open Space Preservation Advisory Committee (see attached memo for more details), and the Commission's Design Review Panel, the following significant issues with the layout and overall design of the project were identified. These concerns were relayed to the applicant at a meeting on October 23, 2012. As a result of the discussions during that meeting, the applicant has spent the last several weeks revising the site plan. The following are initial comments prepared by staff based on the new layout. Due to the fact that the revised plans were not submitted until January 2, 2013, the Design Review Panel has not yet met to review the changes. As of the date of this memo, staff is working to schedule a meeting with the Design Review Panel for the week of January 7th to allow the applicant time to make any additional changes prior to the next public hearing on January 22, 2013. Comments that need to be addressed based on this initial review are underlined.

- *Site Design/Building Layout along Meadowbrook Lane.* Meadowbrook Lane is characterized by detached single-family homes. As a result, there is a strong pattern of modest buildings separated by open space. The front setback for many homes is approximately 60 feet, due to the fact that they are located on smaller lots in an R-20 zone. To address this inconsistency in visual pattern and scale (Article X, Section R.2.c, R.2.d, R.3.a, R.3.b), both staff and the members of the Design Review Panel suggested modifications to the plan to maintain the general rhythm of solids and voids along the street frontage by using smaller buildings (1-2 unit buildings) that face the street and using more natural landscaping between the buildings and the street. While the staff comments suggested that the access be taken from the internal loop road, the applicant has proposed driveways onto Meadowbrook Lane for each of the buildings facing Meadowbrook. A draft of the revised plan was reviewed by the Traffic Authority, which had no issue with the additional driveways provided adequate site distance is provided. Now that a final plan has been received, the Assistant Town Engineer will be reviewing the plan for site distance and other issues. One issue to note is the location of the easternmost driveway with respect to the speed bump along Meadowbrook; the applicant may need to relocate the speed bump.

With regard to the setback, the new layout proposes setting the buildings back from Meadowbrook Lane between 24 and 34 feet. While this setback appears to be generally consistent based on the location of the adjacent house shown on the site plan, rough measurements taken from aerial photographs indicate that the setback of the adjacent house is ± 50 feet. The applicant should provide additional context regarding locations of other structures along Meadowbrook Lane to support the proposed setbacks. It appears that there may also be some room to shift the buildings back from the street, which would reduce the building separation.

- *Relationship between Buildings.* Members of the Design Review Panel noted that there is no consistency in the way that buildings address one another in the original plan. For example, two buildings had the rear façade facing the open space, and two buildings had the front façade facing the open space (and the rear of the other buildings). The same was true for the relationship between on-site and off-site buildings, such as the rear of the buildings on Meadowbrook Lane facing the front of single-family homes on the other side of the street. Additionally, the buildings needed better siting with relationship to the driveway. The layout was cramped, with little space between buildings and the driveway in many locations.

The revised site plan addresses all of the above concerns. Most of the buildings face either Meadowbrook Lane or the open space in the center of the property. Of the 50 proposed units, only six (3, 4, 19, 20, 21, 22) face the sides of other units; the remaining all face the fronts of other units. The revised layout and corresponding reduction in units (from 54 to 50) has also resulted in buildings having sufficient separation

from the driveway.

- *Building Elevations.* A full set of elevation plans has been submitted as requested and will be reviewed by staff and the Design Review Panel prior to the January 22, 2013 meeting.
- *Affordability.* Pursuant to Article X, Section A.6.k, at least 20% of the units must be designed, constructed and marketed for occupancy by low income persons. Affordability of units is determined by compliance with maximum size requirements. While the applicant has indicated that 10 of the 50 units are designated as affordable (20%); any three bedroom unit that has less than 1,400 square feet would be considered an affordable unit pursuant to the regulations. Based on the preliminary floor plans submitted for one building, it appears that the actual number of units that meet the affordability standards would be higher than the minimum 20% required. The applicant does need to submit information on the design and character of the affordable units and the actions that will be taken to promote and retain occupancy of these units by low and moderate income persons.
- *Proximity to Wetland and Slope.* On the previous plan, the southernmost buildings on the property were located closer to the slope and wetland than approved through the existing wetlands license. Both the Open Space Preservation Committee and Inland Wetlands Agent recommended that these buildings be moved further away from the slope and wetland, at least as far as approved through the existing wetlands license. The revised plan relocates the southernmost buildings away from the slope. The Assistant Town Engineer will need to confirm that the revised location is consistent with the existing wetlands license.

The applicant was also requested to address the following:

- Relocation of the sewer line to the top of the slope.
The proposed sewer line continues to run through the slope; it needs to be relocated to the top of the slope as previously noted.
 - Stormwater management plan for the patios to minimize potential for further erosion of the slope.
The proposed patios have been replaced with decks that are located 6-12 inches above grade with crushed stone beneath to facilitate infiltration.
 - Expansion of the conservation easement to include the slope in addition to the wetland.
The conservation easement has been expanded to include the slope.
 - Relocation of the trails that are currently shown traversing the slope (see Open Space Preservation Committee memo for more details)
Some changes have been made to the proposed trail locations. Additional review by the Open Space Preservation Committee is needed. It is recommended that the applicant attend the next meeting of the Committee on January 15, 2013 to discuss and finalize changes to the trail plan.
- *Grading/Removal of Material.* The previous plan identified over 6,000 cubic yards of material being removed from the site. Based on the revised grading and drainage plan, there will now be a net increase of 1,850 cubic yards of material coming onto the site.
 - *Pedestrian Trails/Sidewalk.* The revised plan includes a sidewalk within the Meadowbrook right-of-way for the length of the property and extending to Sunny Acres Park. This extension is in response to a recommendation from the Traffic Authority that the Commission require sidewalk connections to key destinations in the area. In their review of the project, the Traffic Authority did not feel that the increased vehicular traffic from the project was significant with regard to overall traffic volume on Meadowbrook. However, the Traffic Authority was concerned with the impact of the additional vehicular traffic on pedestrian safety given that there are no sidewalks presently existing in the area. As such, the Traffic Authority recommended that the Commission require the applicant to extend sidewalks to key destinations in the area.

Where such sidewalks are across the frontage of other properties that may be developed/redeveloped in the future, an agreement could be entered into that would allow for reimbursement of the sidewalk costs by future developers. The exact location, width and material of the sidewalks should be coordinated with the Assistant Town Engineer and the Inland Wetlands Agency as needed. Some type of physical barrier will be needed at the eastern terminus to keep pedestrians from running into the guy wires for the existing utility pole and traversing across the adjacent yard.

Additional review of the proposed trails by the Open Space Preservation Committee is needed. It is recommended that the applicant attend the next meeting of the Committee on January 15, 2013 to discuss and finalize changes to the trail plan.

- *Phasing.* According to the Erosion and Sedimentation Control Plan, the project will be completed in three phases. Complete review of this phasing plan has not been completed by staff; additional comments will be forthcoming.
- *Sewer Capacity.* The Windham Water Pollution Control Facility issued a letter indicating that sufficient capacity is available for the proposed project.
- *Stormwater.* The applicant is encouraged to use Low Impact Development techniques to the maximum extent feasible as part of the site redesign. The applicant has replaced the originally proposed rain gardens with underground storage beds. Complete review of this plan with respect to LID practices has not been completed by staff; additional comments will be forthcoming.
- *Sign.* The applicant has submitted a revised sign detail. The proposed sign structure is 6 feet high by 5 feet wide. The sign itself is not dimensioned, but appears to be less than the 12 square foot maximum allowed. Pursuant to Article X, Section C.7, the sign is set back a minimum of 10 feet from the property line; sight line visibility still needs to be evaluated by the Assistant Town Engineer. The applicant should relocate the sign and identify whether it will be parallel to the street (as it appears on the site plan) or perpendicular to the street. Additional details on the lighting type proposed should also be provided.
- *Lighting.* The proposed light fixtures do not appear to be full-cutoff. The final fixture should be subject to approval by the Director of Planning and Development, should be fully shielded, and should conform to the requirements of Article X, Section R.4.
- *Open Space.* The proposed central open space continues approximately 52,200 square feet; which equates to approximately 1,044 square feet per unit. This meets the requirements of Article X, Section A.6.h, which requires that at least 600 square feet of open space be provided per unit. This calculation does not include the conservation area, which contains another 13,200 square feet of open space from the top of the slope to the south property line. Please note, the ballfield shown on the site plan and landscape plan was for the purposes of demonstrating the size of the open space and is not proposed for construction. As such, the ballfield should be removed from the plans unless required by the Commission as part of the open space improvements.
- *Landscaping.* Due to the new layout, the landscaping plan has been completely revised and will be reviewed by staff and the Design Review Panel prior to January 22, 2013.

Summary and Recommendations

The applicant will do a full presentation of the revised plans at the January 7, 2013 public hearing to start the process of receiving public and Commission input. Due to the fact that plans were not received until January 2, 2012, a complete staff review was not possible prior to tonight's meeting. I recommend that the public hearing

be left open to January 22, 2013 to allow staff, the Design Review Panel and the Open Space Preservation Committee time to finalize comments. Due to statutory timeframes, the hearing must close on January 22, 2013 as no further extensions can be granted by the applicant.

NOTES

- The analysis and recommendations contained in this report are based on the following information submitted by the applicant:
 - Application submitted August 28, 2012 and received by the PZC on September 4, 2012, including:
 - Eleven-page plan set prepared by Development Solutions LLC dated December 11, 2011 and updated through December 10, 2012
 - Eleven-page set of building elevations dated January 1, 2013
 - Statement of Use dated December 19, 2011
 - Stormwater Management Evaluation prepared by Development Solutions, Inc. dated June 20, 2012
 - Sanitation Report prepared by Development Solutions Inc. dated December 2011
 - Letter from F.A. Hesketh and Associates to Development Solutions Inc. dated April 24, 2012 regarding updated traffic analysis
 - Bond estimate dated December 2011
 - Revised sign detail (no date)
 - Photos of a condominium project in Norwich-undated
- The following correspondence regarding the proposed development has been received:
 - Letter from Development Solutions Inc. to Windham Sewer Dept dated June 24, 2012
 - Letter from Development Solutions Inc. to Paul Deveny at Windham Water Works dated June 24, 2012
 - Email from Paul Deveny at Windham Water Works to Patrick Lafayette with Development Solutions dated August 30, 2012
 - Letter to David Garand at Windham Sewer Dept. from Patrick Lafayette dated September 26, 2012
 - Letter to Paul Deveny at Windham Water Works from Patrick Lafayette dated September 26, 2012
 - Letter from Linda Painter to abutters noting that no presentation would take place at the public hearing on October 15, 2012
 - Memo from Open Space Preservation Committee dated October 23, 2012
 - Memo from Linda Painter, dated November 1, 2012
 - Letter from Thomas Peters, 27 Michelle Lane, dated November 3, 2012
 - Letter from Jessica Higham, 14 Adeline Place, undated
 - Letter from Marianne Barton and David Henry, 8 Adeline Place, dated November 5, 2012
 - Letter from William and Sarah Kaufold, 7 Michelle Lane, undated
 - Letter from Karen and Tony Molloy, 18 Adeline Place, dated November 5, 2012
 - Letter from Linda Painter to abutters noting that the hearing was being tabled until December 3, 2012, dated November 14, 2012
 - Email from Doug Murphy, 21 Michelle Lane, dated November 14, 2012
 - Email from Michele and Zeljko Boskovic, 11 Michelle Lane, dated November 16, 2012
 - Letter from Anna and Kevin Cranmer, 33 Adeline Place, dated November 19, 2012
 - Letter from Patrick Lafayette requesting extension dated November 19, 2012
 - Letter from Frederick Goetz, Advisory Committee on Needs of Persons with Disabilities dated November 28, 2012
 - Letter from Patrick Lafayette requesting extension dated December 3, 2012
 - Email from Ricky and Kathy Wang, 86 Meadowbrook Lane, dated December 9, 2012

- Letter from Patrick Lafayette of Development Solutions dated December 21, 2012
- Letter from David Garand, Windham Water Pollution Control, dated December 26, 2012
- Letter from Patrick Lafayette to David Garand, Windham Water Pollution Control, dated December 31, 2012
- Letter from Patrick Lafayette to Paul Deveny, Windham Water Works, dated December 31, 2012
- Memo from Francis Raiola, Fire Marshal, dated January 2, 2012 (supposed to be 2013)
- Letter from Patrick Lafayette requesting extension dated January 2, 2013
- Email from Susan and Harry Barney, 37 Michele Lane, dated January 6, 2013
- Neighborhood Notification Forms were required to be sent to property owners within 500 feet of the subject property in accordance with Article V, Section B(3)(c) of the Mansfield Zoning Regulations. A copy of the notice has been provided. **Certified mail receipts must be submitted prior to the close of the public hearing.**
- Before rendering a decision, the Planning and Zoning Commission must consider other referral reports and public hearing testimony. A decision must be made within 65 days of the close of the Public Hearing unless the applicant grants a written extension.
- The Public Hearing on this item was opened on October 15, 2012 and must be closed by January 22, 2013 based on extensions granted by the applicant.