

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Tuesday, September 3, 2013
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante (7:08 – 9:25),
B. Pociask, K. Rawn, B. Ryan
Alternates present: A. Marcellino, V. Ward (7:08- 9:06), S. Westa
Staff Present: Linda Painter, Director of Planning and Development
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:08 p.m.

Minutes:

August 19, 2013 Regular Meeting: Hall MOVED, Rawn seconded, to approve the 8/19/13 Meeting Minutes as presented. MOTION PASSED UNANIMOUSLY. Chandy, Holt and Pociask noted for the record that they reviewed the recording of the meeting.

Zoning Agent's Report:

Noted

Public Hearings:

a. Storrs Center Alliance Applications:

- **Application to Amend the Zoning Regulations; Storrs Center Alliance, LLC, applicant, (File #1246-14)**
- **Application to Amend the Zoning Map; Storrs Center Alliance, LLC, applicant, (File #1246-15)**

Chairman Goodwin opened the Public Hearing at 7:09 p.m. Members present were Goodwin, Chandy, Hall, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Marcellino, Ward, and Westa, none of whom were seated. Painter read the legal notice as it appeared in The Chronicle on 8/20/13 and 8/28/13 and noted the following communications received and distributed to all members of the Commission: a letter from Sherry Hilding dated July 14, 2013; a letter from the Windham Regional Planning Commission dated August 7, 2013; a letter from Windham Water Works dated August 9, 2013; a letter from Dennis O'Brien, Town Attorney, dated August 15, 2013; a memo from Fran Raiola, Fire Marshal, dated August 26, 2013; an email from Bhikhu Gandhi dated August 27, 2013, with an attached June 27, 2013, letter and supplemental water usage data; a September 3, 2013, email from Alison Hilding; and a September 3, 2013, letter from Barry Jessurun of Dog Lane Café.

Attorney Thomas P. Cody, of Robinson & Cole, LLP, represented the applicant, Storrs Center Alliance, LLC. He stated that these two applications pertain only to the Storrs Center Special Design District (SC-SDD). The first proposes to amend the regulations to include "limited service hotel" to the list of approved uses within the SC-SDD and the second proposes to amend the zoning map to include a specific hotel in a stated location. He summarized the history of Storrs Center and reported that the Mansfield Downtown Partnership Board has approved the applications and concurred with the applicant that the inclusion of a hotel in Storrs Center is an appropriate use.

Geoffrey Fitzgerald, of BL Companies, the engineer working on the project, reviewed changes to the infrastructure occasioned as a result of changing the residential use to a hotel use, including updates to the Master Parking Plan, Master Traffic Plan, and Master Stormwater Drainage Plan. He reviewed the "entrance only" drive from Route 195/Storrs Road, and he noted that the Connecticut Department of Transportation

approved the proposed one-way entrance drive and curb cut. He stated that compared to apartments, the hotel would post only a slightly increased trip generation in the morning and a decreased trip generation in the evening. The majority of the patrons would park in the parking garage, which had already allocated parking for the residential use, or the hotel developer might propose parking under the structure for the convenience of the patrons. Fitzgerald stated that the hotel use would have slightly less impervious surface than the planned residential units and the height of the proposed building would be reduced from 85 feet to 65 feet.

Attorney Cody stated that the zoning regulations do not require the submission of a market study showing the impact to existing businesses.

A water-usage estimate from three hotels of similar size operating in areas similar to Storrs, in central Connecticut, was presented by the applicant.

Chairman Goodwin asked for questions/comments from the Commission:

Chandy asked where the next closest curb cut south of the entrance drive is located.

Pociask asked where the crosswalk and entrance drive are located in relation to E.O. Smith High School.

Lewis questioned when "actual numbers" can be used for traffic counts. Fitzgerald responded that once the Market Square is built they will have actual numbers.

Rawn questioned how many people would have been housed if it remained apartments as opposed to the 100-room hotel.

Hall questioned that if the apartments are being rented quickly and the market seems to be working, why change it from apartments to a hotel. Attorney Cody replied that his client feels there is a market in the area for another hotel.

Lewis requested more information about the water usage data submitted; specifically, if laundry is done on site at these facilities. Lou Marquet, Storrs Center Alliance, responded that they will get more specifics for the next meeting.

Goodwin questioned the traffic study assumption that a hotel would have no greater impact on traffic than apartments, and noted that if the apartments housed students that assumption would be false.

Chairman Goodwin asked for comments from the public:

John Lenard, Deerfield Lane, questioned what the reason was for proposing a hotel instead of apartments.

Mark Okin (sp?), New England Carpenters Union, expressed concern for the safety of the students with the hotel proposed directly across from the High School.

Harry Birkenruth, 81 Ball Hill Road, member of the Mansfield Downtown Partnership, speaking on his own behalf, is in favor of the hotel and feels that the inclusion of a hotel will help make the entire Storrs Center a success. He noted that apartments aren't the only thing needed, noting that many travelers will only stay at brand name hotel chains. He added that those who stay at this hotel will patronize other local businesses.

Art Smith, 74 Mulberry Road, spoke against the application.

Nelson Rowett, Co-Owner of One Tribe, noted that being a new business in the Storrs Center he feels that a community is being built and people will travel here to visit their students or to visit the college as a potential university for their children. Those people who visit will also patronize the local businesses.

Attorney Tim Hollister, representing Campus Associations (Nathan Hale Hotel), spoke against the application and submitted a September 3, 2013, opposition "tabbed booklet". He also requested that all materials submitted at the previous public hearing be entered into the public hearing of this application. He noted that all the reports and presentations did not show any impact outside Storrs Center and that a comprehensive market study should be made.

Sherri Hilding, Courtyard Lane, felt Storrs Center can succeed without adding a hotel and that the proposal will put the existing hotels out of business. She is also concerned with traffic, housing numbers and safety.

Stephen Bacon, Vice President of Mansfield Downtown Partnership, noted that as part of the review process the Mansfield Downtown Partnership has a responsibility to review the application as part of the overall plan to

determine whether the change is acceptable based on impacts on air quality, traffic, water, sewer, stormwater, parking and the number of jobs created.

William Jordon, New England Carpenters Union, expressed concern for the safety of the high school students if prostitution became a problem, because of the hotel's proximity to the high school.

Holly Upton, Birch Road: spoke in favor of the applications stating that the Town and University are growing and this will help all businesses, noting that visitors often could not find rooms at local hotels and had to stay as far away as Manchester.

Curt Hirsch, Courtyard Lane, Mansfield Zoning Agent and member of the Downtown Partnership Subcommittee, speaking on his own behalf and not in any official capacity, stated that he is not expressing an opinion on the applications, but noted that other competitive businesses in town strive to offer good services and stimulate each other to improve their goods and services. He cited examples of the pairs of businesses that seemed to improve each other: two service stations at Four Corners, Starbucks and Dog Lane Café, Wooster Street Pizza and Husky Pizza, Froyo and Peach Wave, etc.

At 9:18 p.m. Holt MOVED, Hall seconded, to continue the Public Hearing to the 9/16/13 meeting. MOTION PASSED UNANIMOUSLY.

b. Special Permit Application, Retail and Retail Sale of Automotive Fuels, 1659 Storrs Road/625 Middle Turnpike; OMS Development LLC, Owner and Applicant (File #1319)

Chairman Goodwin opened the Continued Public Hearing at 9:25 p.m. Members present were Goodwin, Chandy, Hall, Holt, Lewis, Pociask, Rawn, Ryan and alternates Marcellino and Westa. Marcellino was appointed to act in Plante's absence. Linda Painter, Director of Planning and Development, noted the following communications received and distributed to members: an August 19, 2013, memo from Linda Painter, Director of Planning and Development; an August 27, 2013, letter from David L. Spear, P.E. of DLS Traffic Engineering, LLC; and a letter from Samuel L. Schragger dated August 26, 2013.

Attorney Samuel L. Schragger, speaking on behalf of the applicant, reviewed items on a revised sheet of plans (revision dated 8/27/13) which he distributed to the Commission. He discussed the items of concern that were raised at the last meeting.

Noting no further comments from the Commission or the public, Holt MOVED, Hall seconded, to close the Public Hearing at 9:30 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

a. Special Permit Application, Building Addition, Charles River Laboratories, Inc, 65-67 Baxter Road (File #1320)

Hall MOVED, Holt seconded, to approve with conditions the special permit application (File #1320) of Charles River Laboratories, Inc. to expand an existing non-conforming research and development laboratory use. This approval is based on the project as described in the application dated June 5, 2013 and subsequent information submitted by the applicant, and as shown on plans dated June 5, 2013 as revised to July 15, 2013 and as presented at a Public Hearing on July 15, 2013.

This approval is granted because the application is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. **Extent of Approval.** This approval is specifically tied to the applicant's submissions and the conditions cited in this motion. Unless modifications are specifically authorized, the proposed uses and site improvements shall be limited to those authorized by this approval. Any questions regarding authorized uses, required site improvements and conditions cited in this approval shall be reviewed with the Zoning

Agent and Director of Planning and Development, and, as deemed necessary, the PZC.

2. **Permits.** No Zoning Permits shall be issued and no construction shall commence until all applicable state and federal permits have been obtained.
3. **Use.** Use of the property is specifically limited to the research and development activities identified in the Statement of Use as clarified by the supplemental explanation dated June 27, 2013. All research and development activities shall comply with the limitations on bio-safety levels identified in Article VII, Section U.3.a of the Zoning Regulations.
4. **Final Plans.** Final plans shall incorporate the following revisions:
 - a. Notes shall be added regarding monitoring and maintenance procedures for the rain garden.
 - b. The landscape plan shall be revised to add a mix of evergreen and deciduous trees at the intersection of Forest Road and Baxter Road to complement the proposed shrubs and provide some initial height.
 - c. The dumpster enclosure shall be relocated/aligned to provide sufficient 90° access for garbage trucks.
 - d. Note 11 on the Site Plan shall be deleted as the issues identified were addressed in the 7/15/13 plan revision.
5. **Validity.** This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records.

Motion PASSED with all in favor except Pociask who disqualified himself.

b. Application to Amend the Zoning Regulations; Joshua's Tract Conservation and Historic Trust, owner/applicant (File #1321)

Holt and Ryan recused themselves. Marcellino and Westa were appointed to act.

Pociask MOVED, Rawn seconded, to approve the application of Joshua's Tract Conservation and Historic Trust, (File #1321), to amend Article VII, Section G, Uses Permitted in the RAR-90 Zone to add a new subsection 14 and Article X to add a new Section U, Preservation Uses. The revisions are approved as submitted to the Commission in an application dated June 12, 2013, and heard at a Public Hearing on August 19, 2013. A copy of the subject regulations shall be attached to the Minutes of this meeting, and this amendment shall be effective as of October 1, 2013. Reasons for approval include:

1. The revisions are considered acceptably worded and suitably coordinated with related zoning provisions.
2. The revisions are consistent with Plan of Conservation & Development goals and objectives promoting preservation of historic and cultural resources, specifically Policy Goal 1, Objective d and Policy Goal 2, Objective b.
3. The revisions are consistent with the provisions Section 8-2 of the Connecticut General Statutes and Article I of the Zoning Regulations, specifically Sections B.3 and B.9.
4. The requirement that any new Preservation Use obtain special permit approval allows for a case-by-case determination as to whether a Preservation Use is appropriate in a specific location and ensures that potential land use impacts will be addressed.

MOTION PASSED with all in favor except Holt and Ryan who recused themselves.

c. Special Permit Application, Retail and Retail Sale of Automotive Fuels, 1659 Storrs Road/625 Middle Turnpike; OMS Development LLC, Owner and Applicant (File #1319)

Holt volunteered to work on a motion for the next meeting.

d. Application to Amend the Zoning Regulations; Storrs Center Alliance, LLC, applicant, (File #1246-14)

Tabled for continued Public Hearing on 9/16/13.

e. Application to Amend the Zoning Map; Storrs Center Alliance, LLC, applicant, (File #1246-15)

Tabled for continued Public Hearing on 9/16/13.

f. Approval Request: Revised Plans for Paideia Greek Theater Project Exhibit Building, 28 Dog Lane (File #1049-7)

Linda Painter, Director of Planning and Development, reviewed her 7/11/13 memo including a history of the project. She noted the following communications from neighbors and staff received and distributed to members of the Commission: a 6/12/13 report from Fran Raiola, Acting Deputy Chief/Fire Marshal; a 7/10/13 report from Grant Metzler, Assistant Town Engineer; a 9/3/13 email from Richard Bass; a 9/1/13 email from William Stark; a 9/3/13 email from Patricia (Meredith) Poehlitz; a 6/10/13 email from Sheila Musiek; a 6/17/13 email from George Soroka; a 6/10/13 email with attached letter from Suzanne Bansal.

After extensive discussion among staff, Commission members and Mr. Tomazos, the consensus of the Commission was that Mr. Tomazos must return to the Commission once he has plans that accurately illustrate the actual work done to date and that incorporate the exact modifications for which he is seeking approval from the Commission. At such time as the plans come before the Commission for consideration, Mr. Tomazos should appear with his architect and engineer. Suzanne Singer Bansal chose to speak in opposition to the requested modifications, although she was advised that the Commission would take no action until the appropriate plans were submitted. The matter was added to the Field trip agenda of September 11 and then tabled.

g. Town Council Referral – Water Supply EIE Preferred Alternative

After discussion of the Draft Memo prepared by the Director of Planning and PZC/IWA Chairman, members requested that reduction of pipeline sprawl be added to the letter. Holt MOVED, Pociask seconded, to authorize the Planning and Zoning Commission Chairman to sign a revised letter and send it to the Town Council. MOTION PASSED UNANIMOUSLY.

h. Proposed Revisions to the Pleasant Valley Residence/Agriculture (PVRA) and Pleasant Valley Commercial/Agriculture Regulations, PZC File #907-40

Tabled pending 10/7/13 Public Hearing.

New Business: None.

Mansfield Tomorrow | Our Plan ▶ Our Future: No new updates.

Reports from Officers and Committees: None.

Communications and Bills: None noted.

Adjournment: The Chairman declared the meeting adjourned at 10:42 p.m.

Respectfully submitted,
Katherine Holt, Secretary