

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
MONDAY, October 7, 2013
Council Chamber, Audrey P. Beck Municipal Building

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

Chairman Goodwin called the meeting to order at 7:21 p.m. and appointed Westa to act in the absence of Chandy.

Minutes:

September 16, 2013 Regular Meeting: Holt MOVED, Hall seconded, to approve the 9/16/13 Meeting Minutes as presented. MOTION PASSED UNANIMOUSLY. Holt and Pociask noted for the record that they listened to the recording of the meeting.

Zoning Agent's Report: Noted.

Public Hearing:

a. Live Music Special Permit Renewals

Chairman Goodwin opened the Public Hearing at 7:25 p.m. Members present were Goodwin, Hall, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Marcellino and Westa. Westa was appointed to act. Linda Painter, Director of Planning and Development, read the Legal Notice as it appeared in The Chronicle on 9-24-13 and 10-2-13, and noted the following communications received and distributed to members of the Commission: a 9-19-13 memo from Curt Hirsch, Zoning Agent.

Mr. Hirsch reported that he has received no complaints regarding these businesses during the past year and has no additional information to add to his memo as submitted to the Commission. Goodwin noted no public or Commission comments or questions. Plante MOVED, Pociask seconded, to close the Public Hearing at 7:29 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

d. Live Music Special Permit Renewals

Holt MOVED, Ryan seconded, that the Commission approve the special permit renewals for the use of live music for Huskies Restaurant, Pub 32 and Ted's Restaurant, until November 1, 2014. The renewals are conditioned upon compliance with the current conditions for each, which shall be attached to this motion. MOTION PASSED UNANIMOUSLY.

Public Hearing:

b. Modification to Special Permit, Regional School District #19, Athletic Facilities Renovation Project, PZC File #1117-2

Chairman Goodwin opened the Public Hearing at 7:30 p.m. Members present were Goodwin, Hall, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Marcellino and Westa. Westa was appointed to act. Linda Painter, Director of Planning and Development read the Legal Notice as it appeared in The Chronicle on 9-24-13 and 10-2-13, and noted the following communications received and distributed to members of

the Commission: a 10-1-13 memo from Linda Painter, Director of Planning and Development, and a 9-11-13 email from Susan Kaeser.

Bruce Silva, Superintendent of Regional School District #19, and Andrew Zyjak of MUSCO Lighting were present.

Zyjak explained the lighting fixtures and the key components that would make these fixtures more neighbor friendly: specifically visors, optics, mounting height and the number of fixtures per pole. He pointed to a rendering submitted with the application which illustrated that these fixtures direct light precisely where it is wanted on the field, reducing the amount of light outside of the target area.

Goodwin noted no public or Commission comments or questions. Pociask MOVED, Holt seconded, to close the Public Hearing at 7:39 p.m. MOTION PASSED UNANIMOUSLY.

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

Chairman Goodwin opened the Public Hearing at 7:40 p.m. Members present were Goodwin, Hall, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Marcellino and Westa. Westa was appointed to act. Linda Painter, Director of Planning and Development, read the Legal Notice as it appeared in The Chronicle on 9-24-13 and 10-2-13, and noted the following communications received and distributed to members of the Commission: a 10/6/13 email from Ethel Gaudette; a 10/3/13 memo from Linda Painter, Director of Planning and Development; a 10/2/13 memo from Dennis O'Brien, Town Attorney; 9/3/13 comments from the Agriculture Committee; and 9/4/13 comments from Ted Melinosky, Vice Chair of WINCOG's RPC, which was read into the record.

Painter reviewed the background of the revision, which was initiated by the Commission, to reduce the amount of required prime agricultural land to be preserved in the PVRA and PVCA zones from 40% to 35%, explaining that this revision is a negotiated settlement with the land owners to resolve pending appeals in Superior Court.

Goodwin noted no public or Commission comments or questions. Plante MOVED, Rawn seconded, to close the Public Hearing at 7:45 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

- a. **Application to Amend the Zoning Regulations; Storrs Center Alliance, LLC, applicant, (File #1246-14)**
After extensive discussion of opinions both in favor and against the project, Hall volunteered to draft a denial motion and Holt volunteered to draft an approval motion for the next meeting.
- b. **Application to Amend the Zoning Map; Storrs Center Alliance, LLC, applicant, (File #1246-15)**
After extensive discussion of opinions both in favor and against the project, Hall volunteered to draft a denial motion and Holt volunteered to draft an approval motion for the next meeting.
- c. **Approval Request: Revised Plans for Paideia Greek Theater Project Exhibit Building, 28 Dog Lane (File #1049-7)**
Tabled-awaiting revised plans.
- e. **Request for Site Modification, Regional School District #19, Athletic Facilities Renovation Project, PZC File #1117-2**
Westa MOVED, Holt seconded, to approve the application to modify the special permit (File #1117-2) of Region 19/E.O. Smith High School to allow the installation of four 80-foot light poles to light the football field and track. This approval is based on the project as described in the application dated August 28, 2013

and presented at a Public Hearing on October 7, 2013, including a site plan dated March 10, 2011 and detailed plans and specifications prepared by MUSCO lighting.

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. The Zoning Agent and Director of Planning may approve occasional community use that extends past 9pm.
2. **Timing.** Lighting shall be turned off within 30 minutes of practice end and as soon as stands and field have cleared after a game.
3. **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 UNANIMOUSLY.

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

Lewis MOVED, Holt seconded, to approve revisions as presented in an August 19, 2013 draft to Article X, Section A.9.b, Agricultural Land Preservation Requirements for the Pleasant Valley Residence/Agriculture (PVRA) zone and Article X, Section A.10.f, Agricultural Land Preservation Requirements for the Pleasant Valley Commercial/Agriculture (PVCA) zone to change the minimum percentage of prime agricultural acreage to be preserved from 40% to 35% (File #907-40). The subject Zoning Regulation revisions were presented at Public Hearing on October 7, 2013 and filed prior to the hearing with the Mansfield Town Clerk. A copy of the subject regulations shall be attached to the Minutes of this meeting, and this amendment shall be effective as of November 1, 2013.

In approving the 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 Development and the Mansfield Town Attorney. Reasons for approval include:

1. The revisions are considered acceptably worded and suitably coordinated with related zoning provisions.
2. The revisions are consistent with the Plan of Conservation & Development, particularly policy goals 1 and 2.
3. The revisions are consistent with the provisions Section 8-2 of the Connecticut General Statutes and Article I of the Zoning Regulations, including statutory requirements that zoning regulations provide for consideration of impact on agriculture.
4. The revisions reflect the Commission's goal of balancing 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. MOTION PASSED UNANIMOUSLY.

New Business:

a. Stearns Farm Gravel Removal: Review of Historical Use

Painter explained a memo distributed this evening in which staff is asking for a determination from the Commission as to whether it finds that the gravel operation conducted on this site is “grandfathered”. David Stearns and Philip DeSiato explained the background and history of the gravel removal on the property, offering testimony that the operation was in place prior to the advent of the 1957 - 1959 zoning regulations. After discussion, Hall MOVED, Plante seconded, that sufficient supporting information has been provided for the Commission to determine that this use is “grandfathered” and that no Special Permit is required for the continuation of the use. The owner was instructed to consult with the Wetlands Agent regarding the need for a wetlands license. MOTION PASSED UNANIMOUSLY.

b. Request for Building Modification, Dollar General Store, 591 Middle Turnpike, PZC File #221-4

Hall MOVED, Holt seconded, the PZC approve the 10/2/13 modification request of Cornerstone Mansfield, LLC, as shown on plans revised to 9/16/13, provided that the one-way traffic pattern and angled parking spaces of the 8/4/86, PZC-approved plan be retained. The pavement markings shown on the 1986 plan shall also be retained. The applicant shall also review with Town staff, the work approved at the site entrance as part of the 11/18/85 approval. If necessary, the applicant shall complete this work prior to an occupancy permit being issued for the Dollar General store unless this condition is revised by the PZC. MOTION PASSED UNANIMOUSLY.

c. 8-24 Referral: North Hillside Road Bikeway Easement

Holt MOVED, Ryan seconded, that the Planning and Zoning Commission notify the Town Council that the proposed adjustment to the easement for the North Hillside Road Bikeway is consistent with the 2006 Plan of Conservation and Development. MOTION PASSED UNANIMOUSLY.

d. Storrs Center Zoning Permit Application: Educational Playcare (VS-11)

Linda Painter, Director of Planning and Development, as a courtesy to the PZC because no PZC action is required, reviewed the Zoning Permit application submitted by Educational Playcare (VS-11). She noted that the Downtown Partnership intends to take this proposed use to Public Hearing before requesting approval from the Director of Planning. Therefore, pursuant to the Storrs Center Special Design District regulations, the Mansfield Downtown Partnership Inc., will hold a public hearing on Thursday, October 17, 2013 at 7:00 pm at the Audrey P. Beck Building Town Council Chambers Room, 4 South Eagleville Road, to hear comments on the Zoning Permit application. Members expressed concerns about the child drop-off and pick-up locations as well as the location of an area for school bus stops.

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Painter said work continues on the draft POCD revisions and noted a 10/16/13 Advisory Group Meeting.

Reports from Officers and Committees: None.

Communications and Bills:

Hirsch and Painter noted a 9-26-13 email from L. Dyson Re: Stone Mill Kennel in which Ms. Dyson contends that this use is in violation of the zoning regulations. Staff stated that this issue came before the PZC some time ago and that recently the Resident State Trooper and the Animal Control Officer have revisited the site and evaluated it, determining that in their opinion the use did not constitute a nuisance. The consensus of the Commission was that this matter should be placed on our next agenda and notices should be sent to the property owner, Ms. Dyson and all property owners within 500 feet of the property.

Adjournment: The Chairman declared the meeting adjourned at 9:06 p.m.

Respectfully submitted,
Kay Holt, Secretary