



## Town of Burlington

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
APRIL 8, 2010 – 7:30PM  
BURLINGTON TOWN HALL – 200 SPIELMAN HIGHWAY**

**PRESENT:** Chairman Robert Angelillo, Christopher Chenette, George Curtis, Peter Dumais, Christopher Dupras, Paul Rachielles.  
**ABSENT:** Robert Sussdorff; Alternates Joseph Palmer and Matthew Reale.

Chairman Robert Angelillo called the meeting to order at 7:30PM. The entire proceedings were recorded on audio tape and are available in the Town Hall.

**1) CALL TO ORDER:**

**A. Attendance and Designation of Alternates.**

All regular members present were seated for the meeting.

**B. Approval of Minutes – March 11, 2010 regular meeting.**

**MOTION** Mr. Angelillo, second Mr. Curtis, to accept the minutes of the March 11, 2010 regular meeting as written; unanimously approved.

**C. Citizen Comment.**

No one present expressed a desire to speak.

**2) ZONING OFFICER REPORT:**

No business was discussed.

**3) PUBLIC HEARINGS:**

**A. Application 1996 – 3-Lot Subdivision, Riverview Estates II – West side of Route 179 (Canton Road), approximately 750 feet north of intersection with Route 4. Applicant/Owner: MDR Contractors, LLC.**  
Chairman Robert Angelillo recused himself from this Public Hearing and exited the meeting room. Vice-Chairman Peter Dumais chaired this Public Hearing.

**MOTION** Mr. Dumais, second Mr. Rachielles, to open the Public Hearing in the matter of **Application 1996 – 3-Lot Subdivision, Riverview Estates II – West side of Route 179 (Canton Road), approximately 750 feet north of intersection with Route 4. Applicant/Owner: MDR Contractors, LLC;** unanimously approved.

The attorney for the applicant, William Tracey, with offices at 43 Bellevue Avenue, Bristol, addressed the Commission. Mr. Tracey entered into the record an affidavit regarding Public Hearing signage, a copy of the Declaration of Restrictive Covenants required by the Inland Wetlands Commission, a draft driveway easement, and excerpts from Section 4.4 of the Connecticut Stormwater Quality Manual. Mr. Tracey reviewed the development history at this site, as well as drainage calculations for the proposed lots. He explained that one lot would have frontage on Canton Road, and that the other two would have frontage on the street created in an earlier approved application. Mr. Tracey then reviewed the plans for this subdivision, explaining that the only way this application differed from an earlier version withdrawn last year is that one less lot is now being proposed. He then explained the Restrictive Covenants, drainage plans, and construction sequence for the subdivision. Mr. Tracey next gave details regarding the common driveway that would serve Lots 4 and 5.

He then addressed concerns raised by Town Engineer Jim Thompson regarding the Commission's ability to approve lots that front on an unfinished road and the fact that the proposed common driveway does not meet current Town standards. Mr. Tracey explained that the first concern could be addressed by the Commission conditioning any approval on the completion of the road the lots front. He then stated that the applicant would be requesting two waivers from the current driveway standards in that sections of the common driveway are within 3 feet of the property lines and there are areas where the grade is 10-15% for more than 100 feet. Mr.



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Tracey detailed the challenges the applicant had encountered during their first application for this subdivision that ultimately led to the applications withdrawal. He then explained that alternatives meeting Town regulations would lead to more impervious surface and more ground disturbance.

Mr. Dumais asked questions regarding the driveway grade waiver, dropoffs at the sides of the driveway, and proposed retaining walls. Mr. Tracey explained that the average grade was 14% and that the driveway in those locations was 18 feet wide. Mr. Rachielles asked for and obtained the applicant's permission to walk the site. Mr. Dupras asked about the site's access to water for the Fire Department.

Mr. Dumais then opened the floor to public comment. Barbara Pavlik Dahle, 100 Spielman Highway, addressed the Commission asking about outstanding reports from the Town Attorney and Town Engineer. Rodolfo Franciamore, 2 Ryan's Way, next addressed the Commission to ask whether this would be a private road or Town road. Mr. Tracey stated that the road would be a public road and explained the proposed drainage for the road.

**MOTION** Mr. Dupras, second Mr. Curtis, to continue the Public Hearing in the matter of **Application 1996 – 3-Lot Subdivision, Riverview Estates II – West side of Route 179 (Canton Road), approximately 750 feet north of intersection with Route 4. Applicant/Owner: MDR Contractors, LLC.** to the May 13, 2010 regular meeting; unanimously approved.

Mr. Angelillo then returned to the meeting room and chaired the remainder of the meeting. Mr. Sussdorff arrived to the meeting prior to the start of Agenda item 3B.

**B. Application 1997 – Special Permit – Flea/Country Market at 304 Spielman Highway. Applicant/Owner: Joni Schneider.**

Joni Schneider addressed the Commission to request approval for the use of the parking area of 304 Spielman Highway for a country/flea market on Sunday mornings from 5AM to 3PM between April and October. Ms. Schneider then explained the plans which demonstrated the proposed usage of the parking area. She stated that there were 41 designated parking spaces for employees of her childcare center that could be used for market customers, as the childcare center would not be open at this time. Ms. Schneider then explained that up to 80 vendors could rent a 10 x 10 foot space around the perimeter of her 2-acre property; however, she expected that most vendors would prefer to rent larger spaces to accommodate their cars and surplus merchandise, thereby lessening the total number of vendors onsite. Ms. Schneider stated that her lot was fenced in and that the market would be insured through her business. She explained that vendors would be allowed to set up at 5AM, the market would open at 7AM, and closing would likely be between 2-3PM. Ms. Schneider said that portable toilets would be located onsite and would be picked up by the company at the end of the day.

Mr. Angelillo asked where vendors would be located and whether it would impact the line of sight for traffic in and out of the lot. Ms. Schneider then pointed out where the proposed stalls would be located on the property. Mr. Rachielles asked whether food would be served on site, and Ms. Schneider explained that a food vendor was interested in renting a space at the market. Mr. Angelillo asked whether health permits would be needed and Ms. Schneider replied negatively, explaining that the vendors would be responsible for carrying all necessary health permits. Mr. Rachielles and Mr. Dumais asked where the vendors would park, and Ms. Schneider stated that most preferred to park either behind or next to their assigned spot. Ms. Schneider stated that she had spoken with the owner of Burlington Commons and had agreed to contact all Burlington Commons tenants prior to the opening of this market.

Mr. Angelillo then opened the floor to public comment. Barbara Pavlik Dahle addressed the Commission to ask about public parking spaces and whether Burlington-Bristol Health District approval had been obtained for the portable toilets. Ms. Schneider stated that she was not sure whether such approval was required.

**MOTION** Mr. Angelillo, second Mr. Rachielles, to close the Public Hearing in the matter of **Application 1997 – Special Permit – Flea/Country Market at 304 Spielman Highway. Applicant/Owner: Joni Schneider;** unanimously approved.



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### 4) PENDING APPLICATIONS:

- A. **Application 1993 - 20-Lot Subdivision, Washington Farms, Alpine Drive Extension – North side of Alpine Drive, just north of intersection with Alto Road. Applicant/Owner: Rejean Carrier.**  
The Commission agreed to continue this matter to the May 13, 2010 regular meeting.
- B. **Application 1996 – 3-Lot Subdivision, Riverview Estates II – West side of Route 179 (Canton Road), approximately 750 feet north of intersection with Route 4. Applicant/Owner: MDR Contractors, LLC.**  
The Commission agreed to continue this matter to the May 13, 2010 regular meeting.
- C. **Application 1997 – Special Permit – Flea/Country Market at 304 Spielman Highway. Applicant/Owner: Joni Schneider.**

**MOTION** Mr. Dumais, second Mr. Dupras, to approve **Application 1997 – Special Permit – Flea/Country Market at 304 Spielman Highway. Applicant/Owner: Joni Schneider** with the condition that the applicant must obtain any required permits from the Burlington-Bristol Health District prior to opening the market; unanimously approved.

**MOTION** Mr. Angelillo, second Mr. Curtis, to amend the agenda; unanimously approved.

**MOTION** Mr. Angelillo, second Mr. Dupras, to add Application 1998 to the agenda; unanimously approved.

### 6) NEW APPLICATIONS:

- A. **Application 1998 – Site Plan Modification – Addition to Existing Day Care Center, Young Beginnings Child Care, 264 Spielman Highway. Applicant/Owner: J&C Partnership Associates, Inc.**  
The applicant's engineer, Lawrence Regan, PE, submitted revised plans to the Commission. Mr. Regan asked for Commission input as to the whether the procedures stated on page 80 of the Zoning Regulations pertaining to staff review applied to this application. Mr. Regan briefly explained the applicant's proposed addition, noting that there would be no increase in traffic as the additional space would be used to accommodate current students. Mr. Regan and the Commission discussed whether or not a Public Hearing would be required for this matter, and the Commission advised the applicant to contact the Town Attorney and the interim Zoning Enforcement Official, due to start the next day.

### 7) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

- A. **Application 1987 – Draft 2009 Plan of Conservation and Development.**  
Mr. Angelillo stated that he had been in contact with the First Selectman, who informed him that the Board of Selectmen had held a Public Hearing on this matter and would be meeting again on April 13<sup>th</sup> to put together their comments to the Commission on the POCD.  
**MOTION** Mr. Dumais, second Mr. Curtis, to set the Public Hearing for **Application 1987 – Draft 2009 Plan of Conservation and Development** for April 29, 2010 at a special meeting to be held at 7:30PM in the Auditorium of the Burlington Town Hall; unanimously approved.
- B. **Workshop Pertaining to the Development of Rules for Zoning Complaints and Violations. Scheduled for April 22, 2010.**  
No business was discussed.
- C. **Application 1988 – Approved 5-Lot Subdivision, Table Rock Estates Section 8, North side of George Washington Turnpike approximately 3000 feet north of intersection with Angela's Way – Convert November 12, 2009 approval to Conditional Approval. Applicant/Owner: Robert McCallum/GWT Associates, Inc.**



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**MOTION** Mr. Angelillo, second Mr. Rachielles, to modify the existing November 12, 2009 approval of **Application 1998 (Application 1954) Reapproval of 5-Lot Subdivision, Table Rock Estates Section 8, North side of George Washington Turnpike approximately 3000 feet north of intersection with Angela's Way. Applicant/Owner: Robert McCallum/GWT Associates, Inc.** to convert it to a conditional approval with all previously noted conditions to remain in effect; unanimously approved.

**MOTION** Mr. Angelillo, second Mr. Curtis, to amend the agenda to add Application 1983; unanimously approved.

**D. Application 1983 (Application 1968) – Approved 15-lot subdivision, Burlington Meadows – North side of UConn and Princeton Drive. Applicant/Owner: Rock Builders, LLC. Request for 1<sup>st</sup> Extension to File Mylars.**

Mr. Angelillo informed the Commission that the applicant had just obtained their approvals from the City of Bristol as per this Commission's conditions of approval and was now requesting a 90-day extension to file mylars in order to allow time for the Interim Zoning Enforcement Officer to review the plans.

**MOTION** Mr. Angelillo, second Mr. Chenette, to grant a 90-day extension to file mylars in the matter of **Application 1983 (Application 1968) – Approved 15-lot subdivision, Burlington Meadows – North side of UConn and Princeton Drive. Applicant/Owner: Rock Builders, LLC. Request for 1<sup>st</sup> Extension to File Mylars;** unanimously approved.

**MOTION** Mr. Angelillo, second Mr. Dumais, to adjourn at 9:10PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik  
Planning and Zoning Clerk

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Christopher Dupras, Secretary  
Planning and Zoning Commission