



Town of Burlington

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MAY 13, 2010 – 7:30PM
BURLINGTON TOWN HALL – 200 SPIELMAN HIGHWAY**

PRESENT: Chairman Robert Angelillo, Christopher Chenette, George Curtis, Peter Dumais, Christopher Dupras, Robert Sussdorff; Alternates Joseph Palmer and Matthew Reale; Land Use staff Zoning Enforcement Officer Joe Budrow and Recording Secretary Stacey Sefcik.

ABSENT: Paul Rachielles; Alternate Rodolfo Franciamore.

Chairman Robert Angelillo called the meeting to order at 7:32PM. 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. Mr. Sussdorff arrived to the meeting at 7:35PM.

B. Approval of Minutes – April 22, 2010 regular meeting and April 29, 2010 special meeting.

MOTION Mr. Angelillo, second Mr. Curtis, to accept the minutes of the April 22, 2010 regular meeting and the minutes of the April 29, 2010 special meeting as written; unanimously approved.

C. Citizen Comment.

No one present expressed a desire to speak.

2) ZONING OFFICER REPORT:

Mr. Budrow briefly discussed a Notice of Violation that had been issued regarding an oil truck located on residential property.

3) PUBLIC HEARINGS CONTINUED:

A) Application 1987 – Public Hearing for Adoption of the 2009 Plan of Conservation and Development.

The Commission briefly reviewed the draft Plan of Conservation and Development (POCD). Mr. Dupras noted that the Commission had not yet received a more recent copy of the document with typos corrected. Mr. Bauer informed the Commission that they could adopt the POCD subject to the correction of all typos. Mr. Angelillo then opened the floor to public comment; however, no one present expressed a desire to speak.

MOTION Mr. Angelillo, second Mr. Dumais, to close the Public Hearing for Adoption of the 2009 Plan of Conservation and Development; unanimously approved.

The Commission agreed to immediately act on this matter.



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5) **PENDING APPLICATIONS:**

- A) **Application 1987 – Public Hearing for Adoption of the 2009 Plan of Conservation and Development. *Public Hearing opened 4/29/10 and continued to 5/13/10.***

MOTION Mr. Angelillo, second Mr. Dumais, to adopt the 10-Year Plan of Conservation and Development subject to the condition that all typographical errors be correct; unanimously approved.

- 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.**

Mr. Angelillo and Mr. Reale recused themselves from discussion of this matter. Mr. Dumais chaired this portion of the meeting. Mr. Dumais then read into the record a letter from the applicant's attorney granting an extension up to the full 65 days allowed under Connecticut General Statute. The Commission then agreed to continue the Public Hearing in this matter to the June 10, 2010 regular meeting.

4) **PUBLIC HEARINGS:**

- A) **Application 1999 – Special Permit for Accessory Apartment, 497 Jerome Avenue. Applicant: John Chiaradio, Owner: Bruce and Kristen Guillemette.**

Mr. Budrow informed the Commission that the application was completely compliant as far as zoning issues; however, he noted that, as the proposed addition included a bedroom, he recommended obtaining approval from the Burlington Bristol Health District (BBHD) prior to granting any approval. The applicant, Mr. Chiaradio, explained that the BBHD had informed him he should first obtain the necessary permit from the Planning and Zoning Commission prior to BBHD approval. Mr. Budrow stated that he would speak with the BBHD to straighten the matter out.

Mr. Dumais then read into the record a letter from Mark and Cara Jones of 495 Jerome Avenue, the Guillemettes' abutting neighbors. The letter highlighted concerns regarding additional water runoff and vehicle access to the construction site. Mr. Chiaradio responded to these concerns, stating that silt fencing would be installed; however, water flowed toward the area of the new addition and not toward the neighbor's property. Mr. Angelillo asked about the line of sight for the proposed new driveway, and Mr. Chiaradio stated that it was excellent compared to the current location of the driveway.

Mr. Angelillo then opened the floor to public comment, and Mr. Davis of 499 Jerome Avenue, abutting neighbor on the other side of the Guillemette's property, addressed the Commission. Mr. Davis expressed concern about the relocation of the Guillemette's driveway and garage closer toward his property, noting that there already had been water flow and drainage issues.

MOTION Mr. Angelillo, second Mr. Curtis, to continue the Public Hearing in the matter of **Application 1999 – Special Permit for Accessory Apartment, 497 Jerome Avenue. Applicant: John Chiaradio, Owner: Bruce and Kristen Guillemette;** unanimously approved.



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5) **PENDING APPLICATIONS:**

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. Public Hearing opened 4/8/10 and continued to 5/13/10.**

The Commission agreed to continue this matter to the June 10, 2010 regular meeting.

C) **Application 1999 – Special Permit for Accessory Apartment, 497 Jerome Avenue. Applicant: John Chiaradio, Owner: Bruce and Kristen Guillemette.**

The Commission agreed to continue this matter to the June 10, 2010 regular meeting.

D) **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. Public Hearing Opened 1/14/10 and closed 3/11/10.**

Town Attorney Charles Bauer informed the Commission that the Board of Selectmen held a Town Meeting on May 5, 2010, at which time they voted to convey 0.19 acres of Town-owned land to the applicant to be used for the proposed detention basin and retaining wall, thereby ensuring all structures were located on the applicant's land and not on Town land. He explained that the only condition was that the application be approved by the Planning and Zoning Commission. Mr. Curtis asked about the May 13th letter from Town Engineer James A. Thompson which stated that the application was not yet ready for consideration. Mr. Dumais asked about the applicant's selection of building materials for the fencing and retaining walls. Several Commission members asked Mr. Bauer about Town liability regarding the fencing, retaining walls, and detention pond.

MOTION Mr. Curtis, second Mr. Dumais, to approve the application in the matter of **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** per all oral and written testimony with the following conditions:

1. The applicant must use esthetically pleasing materials for the construction of the retaining wall on Lot 1.
2. The 0.19 acre parcel conveyed by the Town to the applicant must be added to Lot 1 on the plans as per the Town Engineer's May 13, 2010 letter, and a new subdivision plan submitted.

The motion was unanimously approved.

6) **NEW APPLICATIONS:**

A) **Application 2000 – Special Permit for Home Occupation – Commercial Kitchen, 43 Cornwall Road. Applicant/Owner: Kara Lynch, dba Pour Me Tea, LLC.**

The applicant, Kara Lynch, addressed the Commission regarding her application. Ms. Lynch stated that she was seeking to run her herbal tea company from her home. She said that all ingredients were dried and she would need no appliances or special equipment. Ms. Lynch said that she had spoken with the Consumer Protection Agency and was informed that the Burlington Bristol Health District need not be involved; she then referenced a letter from the BBHD in the file which confirmed this. Mr. Budrow explained that a home occupation must use less than 20% of the square footage of the home; Ms. Lynch's proposal used only 13%.



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MOTION Mr. Angelillo, second Mr. Dumais, to schedule a Public Hearing for the matter of **Application 2000 – Special Permit for Home Occupation – Commercial Kitchen, 43 Cornwall Road. Applicant/Owner: Kara Lynch, dba Pour Me Tea, LLC** for the May 27, 2010 regular meeting; unanimously approved.

The Recording Secretary then informed the Commission that the Public Hearing would have to be moved to June 10, 2010 as there would not be sufficient time for legally required noticing if the Public Hearing were held on May 27th. The Commission agreed to amend the earlier motion and have the Land Use Administrative Assistant notify Ms. Lynch of the change.

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

A) **Workshop Pertaining to the Development of Rules for Zoning Complaints and Violations.**

The Commission agreed to continue this matter to the May 27, 2010 regular meeting.

B) **Zoning Enforcement Officer Position.**

Mr. Budrow informed the Commission that Karl Nilsen had officially retired from the position of Zoning Enforcement Officer. Mr. Budrow explained that the Board of Selectmen had offered the position to him and he had accepted, and he would be in the office on Thursdays and Fridays. Mr. Budrow stated that he would continue holding meetings with applicants on the first and third Fridays of each month.

MOTION Mr. Dumais, second Mr. Curtis, to adjourn at 8:45PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik
Planning and Zoning Clerk

Christopher Dupras, Secretary
Planning and Zoning Commission