



Town of Burlington

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
MAY 14, 2009 – 7:30 PM
BURLINGTON TOWN HALL – 200 SPIELMAN HIGHWAY**

PRESENT: Chairman Peter Dumais, Robert Angelillo, George Curtis, Christopher Dupras, James McCusker, Paul Rachielles, Robert Sussdorff; Alternate Vijay Kambli; Land Use staff C.Z.E.O. Karl Nilsen, Assistant Z.E.O. David Thiery, and Recording Secretary Stacey Sefcik.

ABSENT: None.

Chairman Peter Dumais called the meeting to order at 7:34PM. 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. Kambli was seated for Mr. McCusker until his arrival at 7:40PM.

B. Approval of Minutes.

1. April 23, 2009 regular meeting.

MOTION Mr. Rachielles, second Mr. Angelillo, to accept the minutes of the April 23, 2009 regular meeting with the correction in Agenda item 3A, page 3 from "Ted Scheider" to "Ted Scheidel"; unanimously approved.

C. Citizen Comment.

No business was discussed as no members of the audience expressed a desire to speak.

2) UNFINISHED BUSINESS:

A. Reports/Discussion with the First Selectman.

No business was discussed.

B. Reports/Discussion with the Town Attorney.

No business was discussed.

C. Review/Discussion with the Zoning Enforcement Officer.

No business was discussed.

D. Plan of Conservation and Development Review.

No business was discussed.

3) PUBLIC HEARINGS CONTINUED:

A. Application 1977 – Amendment to Open Space Regulations – Article 15 Section 4 of the Subdivision Regulations – Applicant: Town of Burlington Planning and Zoning Commission. (3/12/09).

MOTION Mr. Curtis, second Mr. Dupras, to close the regular meeting and open the Public Hearing in the matter of **Application 1977 – Amendment to Open Space Regulations – Article 15 Section 4 of the 200 Spielman Highway • Burlington, CT 06013-1735 • 860-673-6789**



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Subdivision Regulations – Applicant: Town of Burlington Planning and Zoning Commission; unanimously approved.

Perley H. Grimes, Jr., attorney representing Patricia Miller, submitted a letter to the Commission itemizing concerns with the proposed amendment, which he then discussed. Several Commission members then asked questions of Mr. Grimes regarding his letter.

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The following residents also addressed the Commission: Barbara Pavlik Dahle, 100 Spielman Highway; Mort Dunning, 444 Spielman Highway; Ben Dunning, 7 Woodhaven Drive; Dwight Harris, 22 Charolais Way; Linda Graham, 278 Spielman Highway; John Hebert, 168 Stone Road; Linda Kresensky, Forest Glen Road.

MOTION Mr. McCusker, second Mr. Angelillo, to the close the Public Hearing in the matter of **Application 1977 – Amendment to Open Space Regulations – Article 15 Section 4 of the Subdivision Regulations – Applicant: Town of Burlington Planning and Zoning Commission;** unanimously approved.

4) PUBLIC HEARINGS:

No business was discussed.

5) PENDING APPLICATIONS:

A. Application 1977 – Amendment to Open Space Regulations – Article 15 Section 4 of the Subdivision Regulations – Applicant: Town of Burlington Planning and Zoning Commission. (3/12/09).

The Commission agreed to continue this matter to the May 28, 2009 regular meeting.

B. Application 1973 – Special Permit – Sand and Gravel Operation –West side of Monce Road approximately 200 feet south of the intersection with Deer Avenue – Assessor’s Map 1-2, Parcel 4A. Owner/Applicant: Fred Marinelli, Northeast Sports and Entertainment, LLC. (2/10/09). *Public Hearing closed 4/23/09.*

MOTION Mr. Curtis, second Mr. Dumais, **TO APPROVE THE APPLICATION FOR Application 1973 – Special Permit – Sand and Gravel Operation –West side of Monce Road approximately 200 feet south of the intersection with Deer Avenue – Assessor’s Map 1-2, Parcel 4A. Owner/Applicant: Fred Marinelli, Northeast Sports and Entertainment, LLC.**

WHEREAS, in addition to all oral and written testimony received and the said application, which includes the following: maps and plans entitled “Northeast Sports & Entertainment L.L.C., Special Permit Use: Moving & Processing of Earth Products, Monce Road, Burlington – Connecticut” which include: Cover Sheet, Topographic Survey, Topographic Plan, Erosion Control Plan, and Erosion Control Details prepared for Owner/Applicant Northeast Sports & Entertainment, L.L.C., 17 Ryans Way, Burlington, CT 06013 by Design Professionals, 425 Sullivan Avenue, P.O. Box 1167, South



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Windsor, CT 06074, dated February 9, 2009 and revised March 23, 2009, April 2, 2009, April 13, 2009, and April 23, 2009.

And all reports from the professional advisors of the agency which have reviewed said application and provided written and verbal reports to the Commission on this application. These include letters from James A. Thompson of Buck & Buck, LLC dated March 31, 2009 and April 23, 2009.

WHEREAS, the Planning and Zoning Commission of the Town of Burlington convened and completed a public hearing on this application;

NOW THEREFORE BE IT RESOLVED by the Planning and Zoning Commission of the Town of Burlington as follows:

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The aforementioned **Application 1973 – Special Permit – Sand and Gravel Operation – West side of Monce Road approximately 200 feet south of the intersection with Deer Avenue – Assessor’s Map 1-2, Parcel 4A. Owner/Applicant: Fred Marinelli, Northeast Sports and Entertainment, LLC** is approved with the following conditions:

CONDITIONS:

1. Trucks will not enter the site from the north or exit the site to the north on Monce Road.
2. The applicant will place appropriate signage at the entrance and exit of the site and will confer with the Town of Burlington Director of Public Works as to the best locations for this signage.

IN FAVOR: Mr. Dumais, Mr. Angelillo, Mr. Curtis, Mr. Dupras, Mr. McCusker, Mr. Rachielles, Mr. Sussdorff

OPPOSED: None.

ABSTENTIONS: None.

The motion was unanimously approved.

- C. Application 1978 – Site Plan and Special Permit – Residential and Professional Offices – 276 Spielman Highway – North side of Spielman Highway northeast of the intersection with Library Lane. Owner/Applicant: Johnnycake Mountain Associates. (3/20/09). Public Hearing scheduled for 4/23/09.**

MOTION Mr. McCusker, second Mr. Dupras **TO APPROVE** Application 1978 – Site Plan and Special Permit – Residential and Professional Offices – 276 Spielman Highway – North side of Spielman Highway northeast of the intersection with Library Lane. Owner/Applicant: Johnnycake Mountain Associates:

WHEREAS, in addition to all oral and written testimony received and plans presented in connection with said application, which includes the following: “Site Plan for Library Row Route 4 Spielman Highway, Burlington CT,” prepared by Shannon Engineering Associates IHC, Civil Engineers, 4

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Mills Lane, Canton CT 06019 for HBC Investments LLC, received by the Town of Burlington Land Use Office on 3/20/09; and "Topography Map for Library Row Route 4 Spielman Highway, Burlington, Connecticut," prepared by Shannon Engineering Associates IHC, Civil Engineers, 4 Mills Lane, Canton CT 06019 for HBC Investments LLC, dated December 30, 2008.

And all reports from the professional advisors of the agency which have reviewed said application and provided written and verbal reports to the Commission on this application.

WHEREAS, the Planning and Zoning Commission of the Town of Burlington convened and completed a public hearing on this application;

NOW THEREFORE BE IT RESOLVED by the Planning and Zoning Commission of the Town of Burlington as follows:

The aforementioned application Site Plan and Special Permit – Residential and Professional Offices – 276 Spielman Highway – North side of Spielman Highway northeast of the intersection with Library Lane. Owner/Applicant: Johnnycake Mountain Associates is approved with the following conditions:

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CONDITIONS:

1. Prior to issuance of a zoning permit or building permit for development on this site, detailed site development plans for driveway design, building design, parking lot design, storm water treatment systems, erosion and sediment control plans shall be submitted to the Planning and Zoning Commission for review and approval in accordance with Section 10 - Administration and Appendix A of the Zoning Regulations.
2. A detailed Erosion and Sedimentation Plan shall be submitted for certification by the Planning and Zoning Commission prior to the development of the site.
3. Iron pin property corners and concrete monuments shall be set prior to filing the recording mylar map. A letter from the surveyor attesting to the setting of the pins and monuments shall be submitted to the Land Use Office.

The application for the **Site Plan and Special Permit – Residential and Professional Offices – 276 Spielman Highway – North side of Spielman Highway northeast of the intersection with Library Lane. Owner/Applicant: Johnnycake Mountain Associates** is approved according to the Town of Burlington Zoning Regulations. The Commission has determined that the intent of the Zoning regulations has been met as provided for in Section 1-B – "Purposes" of the Zoning regulations and that the application conforms to the Town of Burlington Zoning regulations. As part of the approval, a Mylar copy of all applicable maps, approved as part of the application, shall be filed in the Town Clerk's Office within the proper statutory times. All map filing is at the expense of the applicant.

IN FAVOR: Mr. Dumais, Mr. Angelillo, Mr. Curtis, Mr. Dupras, Mr. McCusker, Mr.

Rachielles, Mr. Susdorff

OPPOSED: None.

ABSTENTIONS: None.



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The motion was unanimously approved.

D. Application 1980 – New Driveway Regulations – Applicant: Town of Burlington Planning and Zoning Commission (4/23/09). Public Hearing scheduled for 5/28/09.

The Commission agreed to table this matter to the May 28, 2009 regular meeting.

6) NEW APPLICATIONS:

No business was discussed.

7) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Revisions to Regulations Pertaining to Setbacks and Parking in the Central Business Zone – Proposed by Commission member Jim McCusker. Workshop scheduled for 5/28/09.

This matter was tabled to the May 28, 2009 regular meeting.

B. Modifying Zoning Regulations and Subdivision Regulations: Hours of Operation – Heavy Equipment.

No business was discussed.

C. Application 1964 – 16 Acres, LLC.

Mr. Nilsen referenced a letter in the Commissioners' packets from James Ziogas, attorney for the applicant, dated May 8, 2009, which requested a 90-day extension to file subdivision maps.

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MOTION Mr. Curtis, second Mr. Rachielles, to grant a 90-day extension to file subdivision maps in the matter of **Application 1964 – 16 Acres, LLC**; unanimously approved.

MOTION Mr. McCusker, second Mr. Curtis, to adjourn at 9:10PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik
Planning and Zoning Clerk

Christopher Dupras, Secretary
Planning & Zoning Commission



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