



## Town of Burlington

**PLANNING AND ZONING COMMISSION  
MINUTES OF REGULAR MEETING  
OCTOBER 27, 2016  
BURLINGTON TOWN HALL**

**PRESENT:** Richard Miller-Chair, John Hebert, Rudy Franciamore, Eric Lindboe sat for John Parente, Barbara Dahle sat for Michael D'Amato, Tom Zabel, Robert Wilson, Abby Conroy, ZEO, Martin Connor, Consulting Town Planner, Lisa Ozaki, Recording Secretary.

**1) CALL TO ORDER:**

**A. Attendance and Designation of Alternates**

Chairman Miller called the meeting to order at 7:02pm.

Regular members present were seated for the meeting. Alternates will be assigned on each application.

**B. Approval of Minutes – October 13, 2016**

MOTION Zabel, seconded Lindboe to approve the minutes from the October 13, 2016 regular meeting as submitted; unanimously approved.

**C. Communications:**

1. Town of Harwinton – Notice of a Subdivision Application received by them for a two-lot resubdivision at 135 line Road.

**2) NEW APPLICATIONS/NEW BUSINESS:**

**A. Application #2101 – Kraminsky – Proposed First Cut – Nepaug Road Lot #5-13-8**

Atty. William Tracy for applicant present. Explained that 1<sup>st</sup> cut is not for subdivision.

Received a colored map for record showing the cut the west side of Nepaug Road. Based on title transfer before 1978, this should be the 1<sup>st</sup> cut. Not a subdivision or resubdivision. Connor met with Atty. Tracy and advises commission this is eligible for 1<sup>st</sup> cut. Has correct acreage and requirements.

MOTION Wilson, seconded Franciamore determined not subdivision and entitled to first cut. Unanimously approved.

**3) PUBLIC HEARING(S):**

**A. Application #2096 – MDR Contractors: Re-subdivision – Riverview Estates Section 1, Shire Way #6**

Applicant asked to have application continued to next meeting November 10, 2016.

Connor explained still no BBHD approval and there is driveway concerns.

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### 4) **PENDING APPLICATIONS:**

- A. **Application #2098 - McHale:** Home Occupancy for Massage Therapy at Withe Pass #15 submitted (7/28/16).  
Applicant withdrew application.

### 5) **OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

A. **Informal Discussion – Harris – Library Lane:**

Dwight Harris present and spoke of having a Special permit granted for 26 Town Houses & Office Building on corner. Town house rentals with option to own later on. Tried to get a possible supermarket there, but can't do it. Went to EDC already. Start in the back and work our way forward. It's hard to attract more commercial. All parking will be in back of town houses facing Library Lane. Reserved the corner for commercial. Old Fashion Street scape along Library Lane. Contained area. Garbage in the back. Hide all garages. Library Lane will have limited parking on west side for extra parking. Septic concrete in back for every unit. Water is already available down Library Lane. Will take about 2 to 3 years. Need more time to design. Might consider buying other property next to parcel also. If commercial comes I would throw this plan out. Will talk to supermarket again. Will meet with Marty Connor on Friday afternoon, October 28, 2016.

Commission would like to see a side walk all the way down Library Lane. A light at end of Library Lane and Route 4. Make sure Fire trucks and garbage will be able to get back there.

B. **Brycorp Builders – Clearwater Creek Subdivision Phase 2 – Bonding:**

Received email for Steve McDonnell, Town Engineer. Continuing until next meeting, November 10, 2016 to make sure Steve looked at asbuilt plan.

### 6) **CITIZEN COMMENT:**

Jerry Romaniec of 514 Spielman Hwy., spoke of letter he sent to Rista Malanca, Marty Connor and Lisa Ozaki regarding complaint of 511 Spielman Hwy. He would like a written response sent to him. Commission will make sure Rista takes care of this in a written response.

### 7) **ZONING OFFICER REPORT:**

Abby Conroy asked Commission to do a little homework on way home regarding outdoor lighting that is referred to in our Zoning Regulations pg. 18 Section III.C.3. and pg. 52 Section VII.E.2. The way regulation was written makes everyone in violation. Regulations will have to be look at. For next meeting Conroy will have some suggestions.



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### 8) **STAFF/COMMISSION COMMENTS:**

Connor explained that his job to advise the Commission while he is at the meetings. Dahle voices that public hearing shouldn't have been closed and advised by Connor to do so. Miller states we closed public hearing and still get information from staff, attorneys, engineers, planners, enforcement officers and ourselves. That would eliminated any more comment from public. Dahle wanted them to live happily and another meeting would have worked it out. Connecticut State Statutes should have been referred to during public hearing. Conroy explained there was never a definition of massage in State Statutes. Miller, if application was not withdrawn, we would have had a lively discussion tonight.

Dahle Subdivision Section 12-08 Legal Status Provisions, Enforcement: The Building Official shall serve as the Enforcement Officer for these Regulations. This is the law. Connor, why would you want the Building Official enforcement the regs when he is not certified to do so? The Building Inspector does not understand the Zoning Regulations only Building codes. It's our law. Miller, says the Zoning enforcement Officer oversees the Building Inspector. Wilson states Planning and Zoning doesn't have the authority to appoint or discharge the Building Official or Zoning Enforcement Officer, so this is something we have no control over and direct to Selectman's Office.

### 9) **ADJOURN**

**MOTION** Zabel, seconded Wilson to adjourn the meeting at 8:13pm; unanimously approved.

Respectfully submitted,

Lisa Ozaki  
Planning and Zoning Clerk