



Town of Burlington

PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES SEPTEMBER 22, 2016 7:00PM BURLINGTON TOWN HALL

1) CALL TO ORDER:

A) Attendance and Designation of Alternates

Chairman Miller called the meeting to order at 7:00pm.
Regular members present were seated for the meeting.

PRESENT: Richard Miller-Chairman, Michael D'Amato, Rudy Franciamore, Eric Lindboe for Gary Millinger, John Parente, Rob Wilson, Tom Zabel, Martin Connor, Consulting Town Planner and Beverly Jackson, Clerk.
The meeting was recorded in its entirety and is available in the Town Hall, \$20.00 per CD.

B) Approval of Minutes- August 25, 2016 – Motion made, seconded and passed unanimously to approve. (Parente/Wilson)

C) Communications: None

2) NEW APPLICATION/BUSINESS:

A) Application #2100 – O&G – Gravel Renewal Spielman Highway

Ken Feroni was present to discuss the application. Grading of the area has been changed from original application and applicant will withdraw this application and apply for a new application and pay the difference in the fee.
The applicant also discussed his existing permit on Library Lane. They are close to finishing and are waiting for weather to determine the timing of seeding and mulching. Applicant will check with Marty Connor and Stephen McDonnell as well as the town attorney about updated bonding procedures.

3) PUBLIC HEARINGS:

A) Application #2096 – MDR Contractors – Re-Subdivision, Riverview Estates Section 1, Lot #6 – Shire Way (Submitted 8/25/2016).

The legal notice for this public hearing was read into the record: The Planning and Zoning Commission of the Town of Burlington will be conducting the following Public Hearing on Thursday, September 22, 2016 commencing at 7:00PM in the Auditorium of the Burlington Town Hall: Application #2096 – Riverview Estates Section 1-Lot #6 Shire Way-Re-subdivision. At these hearings, interested persons may appear and be heard and written communications will be received. Copies of the proposed amendments and applications are on file in the Land Use Department for review.

A letter from Marty Connor, dated September 21, 2016 was read into the record.

Matthew Reale has filed a resubdivision application on behalf of Brook View Developers, LLC, for a proposed lot #6. Lot #6 is a 3.21acre lot with frontage on Shire Way (an unaccepted street) and frontage on Spielman Highway (CT Route 4.) Lot #6 is being created by subtracting land from lot 4, of the previously approved Orchard Hill Estates Subdivision. The total area of lot #4's land remaining is 52.1 acres. It's my understanding that Shire Way, where the driveway for proposed lot 6 is proposed to be accessed from, was approved as part of the Riverview Estates Section 1 Resubdivision. That resubdivision was conditionally approved 12/9/10 with final approval granted 1/23/14 when a bond was posted for the construction of the public improvements that remained in connection with the resubdivision. Based on the date of conditional approval, the public improvements, work remaining for Shire Way, must be completed by 12/9/19.

I reviewed plans in connection with the application titled, "Resubdivision Map, prepared for Brook View Developers, LLC, Canton Road (CT. RT. 179), Barnes Hill Road & Shire Way, Burlington, Connecticut," by Hrica Associates, dated 9/2/16 and "Site Plan, Lot 6, "Riverview Estates," "Section I" Prepared for Mathew P. & Diane Reale, Shire Way, Burlington, Connecticut, by Hrica Associates LLC, dated 6/16/16, revised 8/24/16.

In reviewing the plans submitted I have the following comments:

1. A report from the Inland Wetlands Commission is required.
2. Health District approval is needed for the subsurface septic system and well on lot #6.
3. Comments from the Town Engineer on the Site Plan for lot #6's driveway, drainage and erosion and sedimentation plan should be obtained. The driveway grade appears to be steep but minimally complies with the Driveway Ordinance. Retaining walls are required however which need to be properly designed, constructed and should be inspected by certified by a licensed professional engineer once completed before a certificate of occupancy is approved for a dwelling on lot #6. In addition, the Commission may want the Highway Supervisor to comment on the driveway to lot 6 which currently exists as a gravel driveway.
4. Lot 6 appears to meet the minimum lot size requirements for a lot in the R-44 Zone.
5. The property owner listed is different on the Resubdivision Map and Site Development Plan.
6. Comments from the Fire Marshal should be obtained on the need for Fire Protection Measures in connection with the resubdivision.



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7. What is the total number of lots that have been created by the original subdivision and subsequent resubdivisions?
Per Section 4-15 of the Subdivision Regulations, in all subdivisions and resubdivisions totaling more than 10 lots the Commission can require not more than 15% of the gross area to be dedicated to public use as open space, parks or playgrounds.
The resubdivision should remain open until the items listed above have all been addressed.

Applicant, Matt Reale was present and discussed the application. The road paving bond expires March 2017 and was discussed. Orchard Hill Estates had 3 lots, Barnes Hill had 1 lot and the 6 lots on Shire Way, clarification of these to be done. There is a fire-pond that was installed in the upper area of Daniel Trace and a fire tank on Shire Way that the fire marshal has inspected and tested, a letter from the fire marshal regarding these is requested.

A retaining wall and guard rail versus boulders were discussed and should be reviewed by the town engineer. The drainage swales need to be installed and inspected before a certificate of occupancy be given.

Citizens comments:

Katie Mathews, 6 Shire Way, commented that if the builder Matt Reale has the capital to build another house than he should have the capital to fix the safety concerns regarding Shire Way. She requested the safety issues and the stabilization issues be addressed before a certificate of occupancy be given to the new application, so that an additional family will not have to deal with the same issues of Shire Way.

Dave Regan, 5 Shire Way, (just below the proposed application), would prefer wood guard rails or boulders be used versus the metal guard rails and expressed safety concerns. The proposed plans are for guard rails and a modification would need to be submitted if that changes.

Motion made, seconded and passed to continue public hearing to next meeting. (Parente/Franciamore)

Some items requested from Matt Reale for next meeting include a letter from the Health District, IWWC letter of approval, History of Subdivision, comments from the fire marshal and comments from the town highway supervisor.

4) **PENDING APPLICATIONS:** None

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

6) **CITIZEN COMMENT –**

Katie Mathew, 6 Shire Way, feels her draining and stabilization was not completed properly by developer. She discussed certificate of occupancy. Alterations were made to the drainage after they bought their property. This has been an ongoing issue. She met with developer, Matt Reale, in February 2016 and the comments she was given is that the drainage is fine. The drainage now is going across and under her driveway and cannot access her house during the winter.

Matt Reale spoke regarding the situation and talked about alterations that were made about the swales. The driveway and the swales have been completed and the engineers have signed off on them. About 95% of this area is stabilized.

Anthony Czarzasty, 79 Taine Mountain Road, has a question about "AirB&B" in his neighborhood. Lisa Ozaki, building department clerk, was present and stated that these issues are under investigation.

7) **ZONING OFFICER REPORT –** None

8) **STAFF/COMMISSION COMMENTS –** None

9) **ADJOURN**

MOTION made, seconded and passed to adjourn at 8:38 pm. (Wilson/Parent)

Respectfully submitted,

Beverly Jackson, Planning and Zoning Clerk