



Town of Burlington

PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES AUGUST 25, 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, Eric Lindboe for John Parente, Rob Wilson, Rudy Franciamore, 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.

B) Approval of Minutes- July 28, 2016 – Motion made, seconded and passed unanimously to approve. (Wilson/Franciamore)

C) Communications: None

2) NEW APPLICATION/BUSINESS:

A) Application #2096 – MDR Contractors – Re-Subdivision, Riverview Estates Section 1, Lot #6 – Shire Way (Submitted 8/25/2016). Applicant, Matt Reale was present and requested scheduling a public hearing even though he has not finished with IWWC, and he assumes the risks. Rob Wilson stated that they are getting close to finishing. The public hearing will be scheduled for September 15, 2016.

B) Application #2098 – McHale – Home Occupancy – 15 Withe Pass (Submitted 7/25/16)

Applicant was present and discussed the application. A letter from Marty Connor, dated August 24, 2016, as follows:

Re: Application #2098, Sharon McHale, 15 Withe Pass, Home Occupation – Massage Therapy
Dear Chairman Miller and Commission:

Sharon McHale has submitted a Special Permit application for a Home Occupation – Massage Therapy for her property at 15 Withe Pass. Home occupations are allowed in the R-44 Residential Zone by Special Permit per Section IV A. 4, and the Plan and Use Standards listed in Section IX B below:

SECTION IX B 2- PLAN REQUIREMENTS

Applications for a professional office or a customary home occupation are specifically exempted from the site plan requirement of Section X provided that the application is accompanied by the following information:

- a. An "as built" survey of the property,*
- b. A statement of the total square footage of the dwelling excluding unimproved attic, garage and unfinished basement areas,*
- c. A statement of the square footage of the dwelling devoted to living area, and*
- d. A statement of the square footage of the dwelling devoted to existing non-residential uses, including professional offices, customary home occupations, etc.*

SECTION IX B 3- USE REQUIREMENTS

a. Such uses may be approved by the Commission and be operated by the applicant provided that the use shall:

- i. Be limited to one per dwelling, inclusive of existing non-residential uses,*
- ii. Be limited to an area not to exceed 20% of the living area of the dwelling, which shall not include unimproved attic and basement areas and garages.*
- iii. Be granted only to a specific applicant and shall not run with the land,*
- iv. Be carried on entirely within the dwelling by occupants thereof;*
- v. Employ not more than two non-residents of the premises,*
- vi. Be clearly incidental and subordinate to the use of the dwelling for residential purposes by the occupants thereof;*
- vii. Generate only limited patronage visiting the premises, or infrequent shipments by common carrier, relative to current normal traffic levels;*

b. Such uses may be approved by the Commission and be operated by the applicant provided that the use shall not:

- i. Change the residential character of the dwelling or neighborhood;*
 - ii. Create objectionable noise, odor, vibrations, or unsightly conditions;*
 - iii. Create interference with radio and television reception in the vicinity;*
 - iv. Create health or safety hazards;*
 - v. Include outside storage;*
 - vi. Be carried on or located within the garage portion of the main building or within a detached accessory building;*
 - vii. Display products in windows, doors, or the exterior of the premises, or signs advertising products or services.*
- c. Home occupation uses shall not include beauty salons, barber shops, animal grooming, kennels, **massage parlors**, dry cleaning, laundry, or retail sales of any type.*



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The application lists the Home Occupation as "Massage Therapy." Section 3 c above states that "massage parlors" are not allowed as a home occupation. The applicant will need to differentiate between the massage parlor business listed above that is not allowed and the massage therapy home occupation she has proposed. The Zoning Regulation definition section does not provide for a definition for either term.

In reviewing the application submitted, in order to make it complete, the applicant needs to submit an "as built" survey of the property; a statement of the total square footage of the dwelling excluding unimproved attic, garage and unfinished basement areas; a statement of the square footage of the dwelling devoted to living area, and a statement as to the square footage of the dwelling proposed to be devoted home occupations to her home occupation.

Once the application is complete the Commission will need to set a public hearing date. In addition to the information above, she should be required to submit any professional licenses she presently holds to perform massage therapy.

Sincerely yours,

Martin J. Connor, AICP
Consulting Town Planner

Applicant will address all of the issues that have been addressed in the above letter. A public hearing will be scheduled for October 13, 2016.

c) **Application #2099** – FDF Properties LLC – Site Plan Mod - #227/231, Submitted 8/11/2016

Brian D'Amato was present and discussed the application. A letter from Marty Connor dated August 24, 2016, was read into the record:

The Commission previously discussed with Brian D'Amato his plans for adding a U-Haul rental office and parking for U-Haul rental vehicles as an accessory use to his current Fuel Office Business. At the last PZC meeting the Commission had thought that the property was zoned R-44 Residential and his present business uses were pre-existing non-conforming uses in a residential zone. The Commission determined however addition of the U-Haul rental office and vehicle did not constitute a significant change from the present uses and previous school bus storage use. The Commission requested that the applicant submit an updated Site Plan to show where the office rental area would be, and where the U-Haul parking would be.

A check of the Zoning Map at the Land Use Office revealed that the properties at 227/231 Spielman Highway, actually are Zoned CB – Center Business. I made a site visit to the property, reviewed the Site Plan titled, "Property/Boundary Map Prepared for FDF Properties, LLC, 231 & 237 Spielman Highway, Burlington, Connecticut," by Jonathon Kula, Land Surveyor, sheet 1 Of 1, dated August 9, 2016. The plan shows the office area for both Firehouse Fuel and U-Haul in the existing office area at 231 Spielman Highway and the parking for fuel trucks and fuel trucks in the existing gravel parking areas at 227 Spielman Highway. I recommend approval of this application as a Site Plan Modification allowing the owner to add the U-Haul Office Rental and U-Haul rental office and U-Haul vehicle parking to the present Firehouse Fuel Office, sales and vehicle storage. In my opinion the Site can safely accommodate the proposed additional office and parking proposed.

Motion made, seconded and passed unanimously to approve Site Plan Modification Application 2099, FDF Properties, to allow Uhaul dealership with parking in addition to Firehouse Discount Fuels. (Wilson/Franciamore)

3) **PUBLIC HEARINGS:** -None

4) **PENDING APPLICATIONS:**

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

6 **CITIZEN COMMENT** – None

7. **ZONING OFFICER REPORT** – None

8. **STAFF/COMMISSION COMMENTS** – Richard Miller requested safety and accident report for Route 4.

9. **ADJOURN**

MOTION made, seconded and passed to adjourn at 8:15 pm. (Wilson/Lindboe)

Respectfully submitted,

Beverly Jackson, Planning and Zoning Clerk