



Town of Burlington

**PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING
June 22, 2017
BURLINGTON TOWN HALL**

PRESENT: Richard Miller-Chair, Rob Wilson, Eric Lindboe, Rudy Franciamore, John Hebert, JP Parente and Lynn Buthe sat for Tom Zabel.
Marty Connor, Town Consultant and Abby Conroy, ZEO,
Lisa Ozaki, Recording Secretary.

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. Alternates will be assigned on each application, as needed.

B. Approval of Minutes

MOTION Parente, seconded Wilson to approve the minutes from the June 8, 2017 regular meeting as submitted; unanimously approved.

C. Communications:

A. None

3. NEW APPLICATIONS/NEW BUSINESS:

A. None

4. PENDING APPLICATIONS:

A. Application #2114 - JMA - Site Plan - Sawmill Road/Mountain Top Pass (Submitted 5/1/2017)
DJ Harris present for JMA and addressed the commission. 20-acre parcel connecting Sawmill Road to Mountain Top Pass. Building road only, no lots at this time. IWWC letter dated June 21, 2017 read into record. WMC letter dated May 25, 2017 read into record. Connor's letter dated May 31, 2017 read into record.

MOTION Parente seconded Wilson: Approved: Application #2114 – JMA – Site Plan – Sawmill Road/Mountain Top Pass conditioned Martin J. Connor letter dated May 23, 2017 items:

2. An approval block should be added to the plans listed above. 200 Spielman Highway Burlington, CT 06013-1735 (860)-673-6789 Town of Burlington

3. A report from the Inland Wetlands Commission is required prior to a decision. (It's my

200 Spielman Highway ☎ Burlington, CT 06013-1735 ☎ 860-673-6789



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understanding that the Inland Wetlands Commission has approved the project.)

5. The Erosion and Sedimentation Control Plan appears complete and eligible for certification by the Commission. The applicant's engineer should submit a bond estimate for the cost of the installation and maintenance of the E&S Controls. That estimate should be reviewed and approved by the Town Engineer. A bond in a form acceptable to the Town Attorney should be posted prior to the start of construction.

7. The applicant will need to coordinate inspections with the Town Engineer and Highway Supervisor if he hopes to have this road accepted as a Town Road in the future. Design Standards and Road Construction Procedures for road construction contained in Sections 10, 11 and Appendix of the Subdivision Regulations should be followed.

IN FAVOR, Miller, Wilson, Buthe, Parente, Franciamore, and Hebert.

OPPOSED, none.

ABSTAINED, None.

Permit Granted.

5. **PUBLIC HEARING(S):**

- A. **Application #2115** – **King** – Subdivision 23 lots – Jerome Ave. Lot #2-05-47, 2-05-51, 2-05-54 (Submitted May 5, 2017) (Public Hearing 6/8/2017)

MOTION: Zabel, seconded Parente to close the regular meeting and open the public hearing at 8:27pm; unanimously approved.

Conroy states revised plans not submitted in time for review by engineer or meeting. Open Space was still being reviewed.

MOTION: Wilson, seconded Parente to continue Public Hearing at next regularly scheduled meeting on July 13, 2017.

- B. **Application #2116** – **Hiltbrand** – Gravel – Prospect St. #33 (Submitted May 8, 2017)
Robert Hiltbrand, applicant present; Addressed the commission. Hebert recused himself from Public Hearing. Hiltbrand stated Tilcon previously owned the industrial zoned parcel and graveled it until the 1970s. 62.7 acres with frontage on Prospect Street. Large parts of parcel were never stabilized. There has always been an entrance on Prospect Street but Hiltbrand extended the access way and hooked it to right adding a wall and gate to buffer Industrial from residential. A recently restored field is to the west and wooded area to east. Hiltbrand previously restored 3 acres of land towards the front along the western side of property; had permit from IW Commission to conduct work. Applicant states there was a lot of illegal dumping on property but he cleaned up the land. Hiltbrand is proposing to take about 15000 cubic yards



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sand and gravel from site. Bond estimate was approved by Town Planner and Town Engineer. IWWC approval is on file for this activity. Hiltbrand has earth removal at previous Swedish Social Club site on South Main Street; not aware of any complaints to Town regarding that site. The materials will be utilized locally. Some materials from Swedish Social Club site have been used at New England Needles Company for their addition. WMC letter dated May 31, 2017 read into record. Connor's letter dated May 31, 2017 read into record. Bond estimate letter dated June 2, 2017 read into record. Sediment and erosion control \$1,000 with Restoration of 1.6 acres of graded land \$10,050 and Seeding \$5,576, totaling \$18,300. Hiltbrand letter dated June 2, 2017 read into record.

Public Comment:

Tom Grodecki, 75 Prospect Street, lives across the street from gated entrance. States Hiltbrand did clean land and took down trees. Explained history of parcel to commission. Tomasso owned and mined the property in the 60s and 70s. DEEP stopped them from mining any farther. Water table is very high on Prospect Street. Grodecki states that the graveling will affect their wells. When coming out of gated entrance, the loaded trucks will have a bridge to cross either way they turn. States that the bridges are not able to handle the load of a truck. The streets will be destroyed and become bubbly from trucks going over them. There are 2 small brooks, Whigville and Wildcat bordering the property that will be affected. Mr. Grodecki can't see this project going forward; opposed to it. Not feasible and not right. Why can't trucks go off Stone Road, instead of Prospect?

Hiltbrand states land does not abut Stone Road. DOT, Town engineer and Scott Tharau, Highway Director reviewed Town bridges in the fall. Stated that the bridges are fine for loaded trucks to go over. Loaded trucks will exit site to the east. That bridge has no weight limits posted. Town Engineer has already reviewed plans and approved trucks exiting to the east. Tony Krawiec, 22 Prospect Street states the brooks have already taken a beating and that Hiltbrand will be crushing, causing more pollution. Concerned with pollution, noise and chemicals/dust going into air and water. He states that work starts too early and ends too late. Hiltbrand responds Whigville Brook is to west and Wildcat is to east. Whigville Brook is at higher elevation than property is. Working 100' from all wetlands and watercourses as approved by the IWWC. Property is bowl shaped; No way for water to get off the site. Highway Director agrees with coming in from west and exiting from east loaded. Commission would like letters from Engineer and Highway Director regarding bridges.

Hiltbrand states planning to start crushing in early spring 2018 before everyone starts going outside for the year. Crushing once a year for a 3-week period. Trucks will not be leaving when school buses are on roads; Hours of work in conformance with commission requirements, work has never been done at night on Swedish Club Property. Hours will be 8am to 5pm. Conroy will pull approval from South Main St. application where Swedish Social Club was and compare conditions. Roads have been fine with no issues. Hiltbrand has been approached by a number of



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people for other options of use for his land as it is industrial zoned, but wished to use property within reason. Work will be performed away from neighboring residences, 1.5 acre buffer. Tom Grodecki, 75 Prospect Street states property has previously been flooded and bridge destroyed and rebuilt from flooding.

Tony Krawiec, 22 Prospect Street states bridge has 15-ton max limit.

Cynthia Krawiec, 22 Prospect Street, Hiltbrand has answered most of my questions, but does crushing require a permit? What about decibels, noise, vibration of machines? Is DEEP concerned with crushing? Commission states Hiltbrand doesn't need a permit to crush; part of this permit. Hiltbrand states if crushing were constant, it would probably, but crushing only once a year for a 3-week period and not uncommon to crush on site. An outside firm comes in to crush. Conroy states processing machine and equipment must be 400' away and Hiltbrand is about 1000' away.

Shari M. Krawiec, 38 Prospect Street, asks to please take into account concerns of continued removal at South Main St. If happening at same time it will increase traffic in area. What will the use of property be after work is done?

Hiltbrand states it's for his personal use and enjoyment.

Shari is concerned that trucks have already been coming and going from property.

Hiltbrand states only bringing in topsoil for previously approved restoration and not taking anything out of property.

Cynthia Krawiec, 22 Prospect St., Crushing and washing on site? It used to be pristine farmland. Hiltbrand says no washing just crushing. Water helps keep dust down.

Tom Grodecki, 75 Prospect St., When was the property zoned Industrial? Conroy states it been a long time. Grodecki, states bridge will collapse from weight of truck.

Hiltbrand reacts; wants to use property within reason.

Tony Krawiec, 22 Prospect St., Hebert and Hiltbrand are friends, why can't he use Hebert's property so trucks can exit to Stone without crossing bridges?

Miller states Hebert will not comment as recused.

Krawiec, 15000 cubic yards, is work done after that? Hiltbrand states not sure yet. Not commenting. Reasonable use of property.

Cynthia Krawiec, 22 Prospect St., What is your intent? File application for Zone change?

Hiltbrand states property is a nice piece of land. He lives on Stone Road. In previous years, he had an informal discussion with Planning and Zoning about rezoning a portion for himself to put 1 single family dwelling.

Tom Grodecki, 75 Prospect St., Being in a bowl, doesn't it affect wetlands? Water table is high there.

Hiltbrand states once again, 100' from wetlands. Would need permit if below water table, but not going that low.

Paula Kosciuszek, 81 Prospect St., grew up on property and rode quads there. There used to be Wetlands but not there anymore. Water from brook comes into my yard directly across street. I



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pay flood insurance. Where did the wetlands go? Isn't this flood plain? Trucks do not drive slow. It's old town Whigville. The homes they build now don't belong in Whigville. Tom Grodecki, 75 Prospect St., going to speak to DEEP with concerns and have them investigate it. You can't put a subdivision there.

MOTION: Wilson seconded Parente to continue Public Hearing to July 13, 2017 and to reopen the regular meeting at 8:10pm; none abstained, unanimously approved.

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

A. **Low Impact Development Discussion**

Miller would love to see commission members and Conroy look into this. Scott Tharau would be a great resource for this. Other towns should also be looked into.

7. **CITIZEN COMMENT:**

A. **None**

8. **ZONING OFFICER REPORT:**

Conroy stated a lot of pools and decks permit being approved right now. Amended new regulations were given out tonight for all members. FEMA has been added to regulations. Conroy explained how definition of structure has changed with FEMA. Before FEMA changed, structure just needed a roof and now needs roof and walls. Conroy stated there is a carport on blocks located on Vineyard Road in the right of way. Conroy is trying to figure out how to enforce zoning violation on this carport since definition of structure has changed. Building inspector has some power. Ozaki showed commission members a picture of carport. Commission agrees that carport is a structure and Conroy should enforce it.

Conroy states the zoning regulations needed to be reviewed and updated; we need a clear path to enforcement, to eliminate grey area. Miller states Low Impact Development should come first, before regulation review. Parente agrees with Conroy that regulations should be reviewed and great idea to have at least 3 people review and report back to Conroy.

Conroy discusses Savarese Lane multifamily matter. Would it benefit residents with non-conforming to change regulations so there is some compassion for adding on if needed? Franciamore states in-law apartment on Jerome Ave. did just that and now house is humongous and looks out of place for property.

9. **STAFF/COMMISSION COMMENTS:**

Conroy reminds commission on June 29th, there is a meeting at 6:30-8pm at the Council of Government regarding the State Plan of conservation and Development. Miller went over the Ordinance Meeting vote with commission; Two were shot down at meeting, Right to Farm and Agriculture Commission.



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10. ADJOURN:

MOTION Wilson, seconded Buthe to adjourn the meeting at 8:46pm; unanimously approved.

Respectfully submitted,
Lisa Ozaki
Planning and Zoning Clerk