



Town of Burlington

**PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING REVISED
July 27, 2017
BURLINGTON TOWN HALL**

PRESENT: Richard Miller-Chair, Rob Wilson, Tom Zabel, Lynn Buthe sat for Rudy Franciamore, John Hebert, JP Parente, and Barbara Dahle.
Marty Connor, Town Consulting Planner 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 7:02pm. 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 July 13, 2017 regular meeting as submitted; unanimously approved.

C. Communications:

A. None

3. NEW APPLICATIONS/NEW BUSINESS:

A. Application #2119 – West Wind Realty/ Lepore & Sons, LLC – Site Plan – Professional Office – Spielman Hwy#278 (Submitted July 25, 2017)

Diana Lepore, applicant was present and addressed the commission. Lepore is a Broker and Co-Owner that is leasing 278 Spielman Hwy. Jim Lepore was also present for Lepore & Sons, LLC. Primary Office space used by Real Estate Company. 2 employees now and hoping to eventually grow business. Lepore & Sons usage periodically for office meetings and to design custom home plans. An updated Site Plan was submitted for both 278 & 280 Spielman Hwy owned by Rivard. Enough parking indicted on Site Plan. A new sign was installed the same size that was previously there on the same post. Everything on property remains the same and meets current regulations.

MOTION Zabel seconded Parente: Approved: Application #2119 – West Wind Realty / Lepore & Sons, LLC – Site Plan – Professional Office Space and posted sign – Spielman Hwy #278.

IN FAVOR, Miller, Wilson, Zabel, Buthe, Parente, and Hebert.
OPPOSED, none.



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ABSTAINED, None.

Permit Granted.

4. **PENDING APPLICATIONS:**

- 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)

Bob King, applicant was present and addressed the commission. Open Space reviewed by Conservation Commission with King and town staff. Marty Connor read letter dated July 23, 2017 into record with 9 conditions and 2 approval waivers by applicant.

MOTION Wilson seconded Parente: Approved: Application #2115 – King - Jerome Ave. Lot #2-05-47, 2-05-51, 2-05-54 – Subdivision 23 lots with conditional approval:

1. The applicant shall address the comments from Town Engineer, Stephen R. McDonnell, P.E., in his letter to the Commission dated July 12, 2017.
2. Drafts of the proposed easements shall be submitted for review and approval by the Town Attorney prior to the recording of the Record Subdivision Map.
3. A Street light shall be placed at the proposed intersection of Stone Ridge Crossing and Jerome Avenue as requested by the Highway Superintendent.
4. In lieu of completion of the public improvements, the Highway Superintendent shall approve the detailed cost estimate for the public improvements proposed and a bond for the public improvements, in a form acceptable to the Town Attorney, shall be submitted.
5. A cash bond shall be submitted for the Erosion & Sedimentation Controls, in an amount acceptable to the Town Engineer & Highway Superintendent, in accordance with the approved Erosion & Sedimentation Control Plan prior to the start of construction of the public improvements.
6. Prior to the sale or transfer of any lots in the subdivision, a letter from the developer's surveyor shall be submitted certifying the placement of lot markers on the lots to be sold or transferred as per the approved subdivision plans.
7. The open space parcel shall be deeded either to the Town or a land conservation organization acceptable to the Commission such as the Burlington Land Trust.
8. The open space parcel shall be marked in the field with markers indicating "open space." The open space markers will indicate the Town or Land Conservation organization that accepts the open space parcel. The Zoning Enforcement Officer shall approve the markings in the field.
9. It is recommended that the applicant meet with the neighbors adjacent to the proposed entrance street off Jerome Avenue, Stone Ridge Crossing, and provide additional screening in the form of landscaping or fencing.

And approval of waivers by applicant:



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1. Waiver from Section 8-04 of the Subdivision Regulations, requiring the Record Subdivision Map be drawn at a scale of 1" = 40 ft. rather than the scale of 1" = 100 ft. submitted. The larger scale allows the entire subdivision to appear on one sheet rather than several.
2. Waiver from Section 8-04 O of the Subdivision Regulations, requiring the accurate location of all percolation test hole and observation pits with the percolation rate of tests listed in tabular form by lot and be located on the Record Subdivision Map. This information is shown on sheets EX-1 and SD-1 of the Subdivision Plans.

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

OPPOSED, none.

ABSTAINED, None.

Permit Granted.

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

A. **Application #2116 – Hiltbrand** – Gravel – Prospect St. #33 (Submitted May 8, 2017)

MOTION: Zabel, seconded Wilson to open the public hearing at 7:24pm; unanimously approved.

Robert Hiltbrand, applicant was present and addressed the commission. Hebert recused himself from Public Hearing. Hiltbrand conducted a sound level monitoring with screener and installed white noise back up beepers on equipment. July 10, 2017 report from DRS Seismic Consultants, LLC submitted into record. The allowed amount of noise in industrial zone to residential is 61 dBA from 7am to 7pm. On Prospect Street in front of gate 41 dBA. West side property line 50 dBA. Wildcat Brook side 44 dBA. Adjacent to the Krischner property on Prospect Street 39 dBA. Well within the sound requirements in residential zone. Conroy was present during testing. Prospect Street noise is louder than proposed activity. Back ground noise from Prospect Street is 60 dBA. Ran test for ½ hr. with background noise, nothing running. Then ran ½ hr. with pay loader, screener and back up beeper. 40' away was realistic. Question regarding the bridges. Bridge to the West of 169 was posted with sign. Not sure who posted sign. 1 bridge is posted with weight limit. DOT, Highway Director and Town Engineer inspected and not sure why bridge was posted. Traffic could be split both directions, depending where materials are going to. Hiltbrand requested by phone from DEEP any action on this property. Property has no address & DEEP researched the entire Prospect Street. Hiltbrand spoke with Jerry Matava who worked for Tomasso and lives in Whigville. Tilcon left that property because it became too stony and they wanted sand. DEEP reports no activity ever taken on this property. Maria Codo from DEEP emailed dated July 18, 2017 was read into record. Dahle states FOI should have been done not just phone and email. Date to start would like to be pushed off to Dec. 1, 2017 so Hiltbrand can finish project on South Main Street first. Connor states makes sure approval includes insurance & bonding according to regulations. Hiltbrand work schedule is 7:30am to

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4:30pm.

Public Comment:

Tony Krawiec, 22 Prospect Street. Hiltbrand didn't address crushing on property. Screening process isn't that loud, but he intends to crush on property. 7am to 7pm? 8am to 5pm? I have an issue with them operating so early. Hiltbrand responded that screener used is 80 dBA which is louder than crusher. A 2 to 3 week period during late spring. Hours for South Main Street per town regulations and not during school bus schedule. Crusher is a jaw.

MOTION: Wilson seconded Parente to close Public Hearing, unanimously approved. Do not have enough members here to vote. Buthe will listen to missed meeting for next meeting to vote.

C. Application #2117 – FDF Properties – Special Use Permit – Selling Diesel – Spielman Hwy #227 (Submitted June 7, 2017)

MOTION: Zabel, seconded Parente to open the public hearing at 7:41pm; unanimously approved.

Brian D'Amato, co-owner and applicant present and addressed commission. FDF Properties came before commission 1 year ago for diesel tank approval. Tank was used for their own trucks and would now like to sell diesel in town since no one does. A wide curb cut with a great big loop around building. FDF would install direction lines on pavement or have signs. Purchase of diesel by Credit card will be available 24 hrs. Key Fob operating system with no attendant. Commission ask what is in place for safety. FDF states Green town barrel there with speedy dry in it. No concrete pad to collect liquid. Just fire extinguishers there. There is a break away hose on tank. Commission expressed their concerns about safety. Fire Marshal has reviewed. FDF says we just need to sign papers for the state for location of the property for the pump. State is just looking for Zoning, Building, and Fire Marshal sign off. Connor believes fuel cannot be dispensed without an attendant at it. State requirements reviewed once Zoning location approval is granted. Connor is concerned about hours of operation with an attendant. Parente accessed State requirements online. Connecticut General Status require approval Zoning location and then state safety requirements. Also, attendant needs to be present to sell diesel.

MOTION: Zabel seconded Parente to close Public Hearing and to reopen the regular meeting at 7:55pm; none abstained, unanimously approved.

MOTION Wilson seconded Buthe: Approved: Application #2117 – FDF Properties – Special Use Permit – Selling Diesel – Spielman Hwy #227

IN FAVOR, Miller, Zabel, Wilson, Parente, and Hebert.

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OPPOSED, none.

ABSTAINED, None.

Permit Granted.

6. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

None

7. CITIZEN COMMENT:

A. Bob Rivard, owner of Rivco, 280 Spielman Highway and BD Properties at 278 Spielman Highway. Wants to pave the entire park lot at 278 Spielman Highway. Any issues on paving it. Site Plan shows part of property is paved and part is gravel. Connor read regulations pg. 98 must be submitted to town engineer and zoning enforcement officer to be reviewed. Conroy needs to look at drainage with engineer. Zoning permit is required. Rivard will stop down tomorrow for zoning permit.

Brian D'Amato, 23 Wildcat Road, wants the commission to consider doing a pledge of allegiance. Dahle says they do at the Selectmen's meeting. Not sure if we can though. Commission recommend he go before Board of Selectmen to discuss.

8. ZONING OFFICER REPORT:

A lot of pools and decks. Brycorp Builders C.O.s.

9. STAFF/COMMISSION COMMENTS:

Dahle, Not one question was asked on the map for Hiltbrand's application. How far is the crusher from property lines? When I had to gravel for farming, I was asked so many questions and now you ask nothing of other people. Farmers had the right to level their property for whatever they needed. Just saying you make some people jump through hoops and other people nothing.

Miller, regarding sign regulations in town.

Connor, change of use, is a permitted use. "As of right" doesn't have to come to us. Connor explains how things work with change of use. If ZEO not comfortable, she can have come before the commission.

Conroy, Existing building, store front or multi-unit complex can request a waiver of site plan. Had it been part of the same site, I could have taken care of Rivard. If brand new sign with site plan they would be charge for just the site plan and not the sign since part of site plan.

Dahle, Question for Marty. Signs on rt. 4 that is the state. State says you can put 1" onto our property and do not have a problem with it. Conroy says varies with signs and area. Dahle says this is a farm sign. Farms are permitted, not businesses.

Buthe, Application #2116, I will listen to tape from last meeting so I can vote for next meeting.



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10. **ADJOURN:**

MOTION Parente, seconded Zabel to adjourn the meeting at 8:15pm; unanimously approved.

Respectfully submitted,
Lisa Ozaki
Planning and Zoning Clerk