



## Town of Burlington

**PLANNING AND ZONING COMMISSION  
MINUTES OF REGULAR MEETING  
August 10, 2017  
BURLINGTON TOWN HALL**

**PRESENT:** Richard Miller-Chair, Rob Wilson, Tom Zabel, Lynn Buthe sat for John Hebert, Rudy Franciamore, Michael D'Amato, JP Parente Eric Lindboe, 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 7:00pm. Regular members present were seated for the meeting. Alternates will be assigned on each application, as needed.

**B. Approval of Minutes**

MOTION Wilson, seconded Buthe to approve the minutes from the July 27, 2017 regular meeting as submitted; unanimously approved.

**C. Communications:**

A. Farmington River News

**3. NEW APPLICATIONS/NEW BUSINESS:**

**A. Application #2120 – JMA – Resubdivision – NSF – Mountain Top Pass Lot #380 & 381(Submitted July 27, 2017)**

Dwight Harris, Sr., applicant was present and addressed the commission. Application is at wetlands presently. 2 lot subdivision. 4 houses will use shared driveway. Driveway and utilities are in. Large lots. Very little wetlands. A lot preserve area there. Waiting for BBHD and WMC approval.

**MOTION:** Zabel seconded Parente to schedule Public Hearing set for September 14, 2017.

**B. Application #2121 – JMA – Resubdivision – NSF – Mountain Top Pass Lot #370 (Submitted July 27, 2017)**

**MOTION:** Zabel seconded Parente to schedule Public Hearing set for September 14, 2017.

**4. PENDING APPLICATIONS:**

**A. Application #2109 – B & R Corporation – Proposed Lot Line Revisions – George Washington Tpke. #399**

Atty. William Tracy, attorney for applicant was present and addressed the commission. Town Attorney Ken Slater reviewed. Atty. Slater letter dated August 9, 2017 submitted into record. Atty. Tracy states existing lots were reconfigured. The lots follow the current zoning regulations. Houses will fit best on these lots. Not a subdivision. Dahle states lot line revision



## Town of Burlington

are really adjusting the lots and decreasing the lots. Miller states B & R made larger fewer lots. Connor met with application about this beforehand. Tracy states there were 6 individual parcels defined in the deed. Moving boundary lines. Dahle, does every lot abut George Washington Turnpike for frontage? Tracy states that each lot was given frontage when it met with the regulations. Tracy explains lots to Dahle.

**MOTION:** Wilson and seconded by Zabel that application does not constitute a subdivision. Therefore just lot line revisions.

IN FAVOR, Miller, Wilson, D'Amato, Buthe, Franciamore, and Dahle.

OPPOSED, none.

ABSTAINED, None.

**Permit Granted.**

**B. Application #2116 – Hiltbrand – Gravel – Prospect St. #33 (Submitted May 8, 2017) (Public Hearing June 22, 2017).**

Rob Hiltbrand, applicant present and addressed the commission. Lynn Buthe listened to recording of the meeting she missed. All information has been received.

**MOTION:** Wilson and seconded by Buthe application for gravel on Prospect St. #33 conditioned upon compliance with hours of operation per Town regulations, not operating during school bus schedule of operation, and Stabilization, Erosion and Restoration \$18,300 bonding and insurance required acceptable to Town Attorney.

IN FAVOR, Miller, Wilson, Buthe, and Parent.

OPPOSED, none.

ABSTAINED, None.

**Permit Granted.**

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

**A. Application #2118 – Northwest Asset Management, LLC – Special Use – 25 Unit Multi Family Townhouse Rental – Covey Road #29 (Submitted July 7, 2017) (Public Hearing August 10, 2017)**

**MOTION:** Buthe, seconded Franciamore to open the public hearing at 7:28pm; unanimously approved.

Gerry Bryant, applicant was present and addressed the commission. Sign affidavit submitted. 25 unit multifamily townhouses 5.8 acres in Central business zone on West side of Covey Road. Abuts the cemetery on the south side, Forestville Tree Service and O&G on the north side. 350 linear feet on frontage on Covey Road. No wetlands on site. Public water available. Each building will have a common septic system. 6 systems in total. Soils are very good there; gravel. BBHD has approved. Site was previously gravel pit and is flat now. Prior owners, Andrews Perry, were approved for gravel and a 4 lot commercial subdivision. 50' buffer vegetated around property. Excavated materials right to the property line as part of subdivision application. 2 to 1 slope to south boundary abutting cemetery. Townhouses will be like



## Town of Burlington

Hearthstone, but going to be 1600 sq. ft. per unit. 5 buildings will have 4 units and 1 building will have 5 units. Each townhouse has its own garage and 1 parking space. There are 73 total parking spaces. 2 bedroom units with 2 ½ baths. Bryant states we have done very well at Hearthstone and have people on a waiting list. Project is desperately needed by town. There are 4 more reasons why this is needed. 1. POCD rated Burlington dead last for available rental uses. None in town. NWCOG states Burlington has highest monthly housing costs. 2. Town of Burlington did a study for the CB Zone. If we ever want to bring commercial business to CB, we need people living there to do so. 3. Tax revenue. Divorced parents and newlyweds want to stay in town. Kids can't move back because cost of living is so high. Proposal will generate about \$100,000 a year in property taxes. Project is estimated to introduce 3 to 5 kids in the school system. 4. Project will act as economic stimulus that is going to provide a little more than \$4,000,000 to the local economy; using local people and suppliers for project. Atty. Tim Hollister, attorney for Northwest Asset Management, LLC addressed the commission. BBHD and Fire Marshal are all set. Certified mailings went out on July 25, 2017. New packet was submitted into record that included BBHD approval, Fire Department letter, Torrington Water company letter, and Traffic review done by Milone & McBroom. Rentals are definitely affordable, but at market price. Development will not require a lot of municipal services. Attorney, NWA and town staff had a meeting a couple of weeks ago. CB overlay is the key to this application. It will be an attractive development. Site plan overlay design guidelines have been met. All objectives have been met for special permit on pg. 64 & 65. No residential properties nearby. Site has 350' of frontage. Ryan McEvoy, engineer from Milone & McBroom addressed the commission for the applicant. No evidence of ground water or wetlands. It is well suited for septic. Storm water management drywells will treat runoff from buildings, driveways and roads. Low impact development principles incorporated in this complex. Traffic for the site has been review. Total amount of traffic in the morning and evening, during peak hours both into and out of this site is 10 to 15 trips per day. Maximum of 6 vehicles, 1 per every 10 minutes. Minor amount of traffic leaving the site. Site lines at driveway are in accordance with DOT 30 mph design road. S&E controls benefit from the site being mainly gravel and sand. Runoff from site towards Covey Road will be directed into temporary sediment trap during construction. WMC letter dated August 8, 2017 was received 2 days ago and they will address the comments and concerns with WMC. Connor read his letter dated August 7, 2017 into record. Community Recreation area to be west of units. Flat land of 10,000 sq. ft. Each unit has 600 sq. ft. behind them. Franciamore asked if 20' driveway/ private road will remain. McEvoy states 22' wide driveway at entrance than reduce each drive to South and West to 20'. Drainage of yard drain #6 too wide for 25 yr. storm. McEvoy states that depth is 4" below road and doesn't reach the edge of pavement. Lindboe questions the space between the buildings and property line. McEvoy states 2 to 1 slope limits development area and minimum distance. Will take a look at alternatives. Lindboe asked if road/driveway will attach to Library Lane. McEvoy explains there is a 50' drop to O&G parcel. Not compatible with road to due east. Topo doesn't



## Town of Burlington

make sense for road that will never be built. Bryant states it would make a lot more sense for the road to go through O&G property then come out on 15 acre property further down Covey Road. Miller states there is a drop in O&G property. Dahle states glad Bryant isn't going through with entry from Library Lane. Distance between buildings need to be addressed. Please follow the regulations the best you can. Bryant states Appendix B put into place in 2004. Bryant put in building and then town put a moratorium on building. The appendix give the commission the flexibility to play with regulations if you felt a project was good for the town. Miller comments about landscaping plans and architectural plans. Bryant states they will match the design plans. Miller would love to see O&G come up with something for economic development like a road down Library Lane to a grocery store. Miller has concerns about traffic at Covey Road for safety. Would like the town to reinforce with DOT to make it safer. Zabel asked about in future of selling condos instead of rentals, what does that do to the state law that was passed for septic systems? McEvoy states each building has their own leaching fields. Not per unit but per building. Hollister says state allows rentals to be converted to condos. Zabel asked about traffic study. Questioning the study at that peak hour. McEvoy states study came from Institute of Traffic Engineers at all different types of developments. Traffic varies hours and times. These numbers taken are an average. Zabel worried about turning radius during winter time at driveway. Bryant might make the whole driveway 22' wide. Will take a look at the wider road. Pedestrian walkway should be shown on plans so there is a way to CB district. Bryant asked where it should go. No possible way. D'Amato concerned about residents being protected from drop off/slope to south of site. Bryant states there is a buffer. Buthe agrees that people want to stay in town and need housing options to do that. How long will construction take? Bryant states he would do it all at once; 2 years to build. Conroy states that state just did a safety audit on roads/intersections in town and can add this to the record. Commission would like WMC to review traffic study.

### Public Comment:

Ken Faroni, from O&G, but here for himself as professional planner. 4 years ago I was on a committee for the village. Agrees this project would address many of land use policies that were written for the village. O&G has completed excavation behind the library. Hearthstone looks great. There will be feasibility for road through O&G parcel. Believes this project is critical for town. Makes sense. Great idea and great project. I highly endorse it. Not endorsing for O&G though.

Steve Jackson, 1 West Woods Road. Not in favor of this project. Came to Burlington for single family appeal. Travels Covey Road every day. 1 more car coming down is too many. Who will be responsible for snowbank along Covey Road?

Kathleen Neuhasser, 52 Covey Road. I liked the gravel pit; open field. How far will building be off Covey Road? Will there be a buffer? What are we going to see from Covey Road? My household and neighbor have 6 cars come out every morning. Hard to get out past Covey Road



## Town of Burlington

and Rt. 4 at that peak time. Might be a nice building, but I prefer not to see it. If this is approved there's no land left in CB zone for commercial development.

Melinda Forella, 24 Village Lane. When I go to work, there are 3 to 4 cars behind me at light. Traffic is my major concern. I am very concerned.

David Miner, 15 Cranberry Lane. Lived here for 38 years. My father recently had an accident last year at Covey Road. Traffic is horrible. Why do you have to have a building about the graveyard? Why not move building other way so not abut graves? My mother's grave is one of them on the hill near there. Bryant felt this layout worked the best. McEvoy looked at a lot of options. 30' to 40' away from cemetery. This arrangement provided the most buffer from neighboring property. Cemetery area is already stabilized and don't want to disrupt it.

Vegetated Buffer along Covey Road. Big trees will come down. Raised earthen berm for privacy 61' to Covey Road. Plantings will be in backyards of units.

Gary Boucher, owner of Forestville Tree Services. We have worked out of there since the early 70's. There is a lot of noise from my operation. My operation goes in and out during winter for snow plowing. I have construction equipment, grinders, chainsaws, wood, logs and it's an eye sore. I don't want renters complaining I am waking them up. There is no fence or buffer if someone falls off the slope. Residential areas always have problems with companies like mine. I was in favor of it when Andrews Perry was going to do a 4 lot commercial development.

Almost like putting a church next to a bar. The units in the back will see my property and tenants will not want my business there anymore. I don't want to be pushed out since I have been there for 3 generations. I cut wood there on weekends. We have motorcycle riding while I BBQ there. I don't want renters complaining about my operation and push me out of property. Bryant will take a look at it needs and will see. It has been excavated down 6' to 7'. Might want to put into bylaws that abuts commercial. We will take a look back there.

Ralph Larson, 106 Wildcat Road and 26 Covey Road. Beautiful project. Town has regulations to follow and I have seen drawings after drawings, maybe there will be a road someday. There is limited amount of CB left in town. We are pushing commercial out of town. Couldn't there be a different spot for this. I want good neighbors. Bryant states there is no zone to build these, but a little bit on Claire Hill Road. Only zone to build is the CB. Town should develop it.

Tawnia Jacobson, 2 West Ledge. This is needed for Burlington. I want more business in the district. We looked at a lot of apartments and most are not high end. Want to be near good people. No traffic problems here. I don't leave during peak hours. Never had a problem when I lived at Hearthstone. More young people coming into town. This type of housing is needed. Not a lot of traffic. Might need a traffic light. No noise at Hearthstone. Have a professional relationship with Brycorp. Brycorp is detail oriented, respectful and live here. Dahle states Forestville Tree Services has been in town a long time. Don't want to hear or see a court case about the appearance. Put a 12' fence up or noise thing out. Preexisting condition.

Ernie Wollman, 50 Covey Road. I belong to the cemetery association. There was an old wire horse fence there. Stones right on property line. Can take anyone out there and show them the





## Town of Burlington

area. What is going to protection the cemetery from this project? People going up there and disturbing the cemetery. McEvoy states very uninviting to go up that slope. Will give it some thought. Might want to put no trespassing signs. Covey Road and Route 4 could use a traffic light.

Jason Boucher, 41 Spielman Hwy and 37 Covey Road. Access to Library Lane is a liability. Pedestrians will increase more. O&G property has mountain bike and motorcycles already riding there. Trespassing to my property also. Added traffic. There is a tree buffer now. Once snow comes and salt mix on road, will kill the pine trees that are there. No trespassing signs and fence should be installed. Traffic is all trucks coming out on Covey Road. Clearwater Creek added more traffic. Construction vehicles also coming from Rt. 4 down Covey Road. In Hearthstone when I lived there, there was a parking problem. Concern of overflow parking. Trucks and residents always doing U-turns in our driveway. Public water is great for this property. Business district goes farther than just this property. Goes down to Men's club and O&G.

Chris Jacobson, 2 West Ledge. Moved her in March 2016. Love Burlington. Had hope that it would be more vibrant town. Hoping for a grocery store or shopping mall with restaurants. Traffic is not an issue. Intersection is an intersection, not going to change. Great project for the town. Want more things for my town.

Barbara Wollman, 50 Covey Road. Lived here all my life. Covey Road has a traffic problem. Anything coming new onto Covey is going to be a disaster. We have all the village and new development coming out of Covey Road. You can sit on my porch and watch. Traffic study not accurate. Traffic is not slow. They start at the stop sign at Foote Road and by the time they hit my house, they are driving 60 mph. Bikes with kids and more people walking. Big concern with traffic.

Steve Jackson, 1 West Woods Road. Traffic is not just 25 vehicles. A lot of cars are going by. Dahle, CB is limited in town. Have to get the public talking. This piece is going to be eaten up for residential instead of commercial. Conroy read a letter into record from concern citizens of Burlington. Conroy asked McEvoy about pipe underneath road. McEvoy states existing storm drainage. Not adding to those.

MOTION: Zabel seconded Wilson to continue Public Hearing to next meeting on August 24, 2017 and return to regularly scheduled meeting at 9:34pm, unanimously approved.

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

None

7. **CITIZEN COMMENT:**

A. None



## Town of Burlington

8. **ZONING OFFICER REPORT:**

Busy writing grant for Barnes Hill & Punch Brook Road intersection. Grant for multi model transportation. State did RSAs for safety. Maxed out at \$400,000 and we asked for \$350,000. 4 corners and grading down embankments. Town would be responsible for easements for grading to abutting property owners. Push back telephone poles. Guardrails and poles are causing visibility issues. Miller states not the only intersection in town that needs it. S curves need to be looked into. Added Covey Road concerns to this. Building Official and Zoning Officer having Neil O'Keefe served by Marshal for violation of garage in ROW. More pools. No new home building permits.

9. **STAFF/COMMISSION COMMENTS:**

10. **ADJOURN:**

**MOTION** Parente, seconded Zabel to adjourn the meeting at 9:41pm; unanimously approved.

Respectfully submitted,  
Lisa Ozaki  
Planning and Zoning Clerk