



Town of Burlington

**PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING
August 24, 2017
BURLINGTON TOWN HALL**

PRESENT: Richard Miller-Chair, Tom Zabel, John Hebert, Barbara Dahle sat for Rudy Franciamore, Michael D'Amato, and JP Parente.
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 7:03pm. Regular members present were seated for the meeting. Alternates will be assigned on each application, as needed.

B. Approval of Minutes

MOTION Zabel, seconded Hebert to approve the minutes from the August 10, 2017 regular meeting as submitted; unanimously approved.

C. Communications:

A. Council of Government - Save the Date Thursday 8/31/17 in Goshen. Discussing regulating short term rentals like Airbnb. Overview of new laws. Changes to other regulations. Update of regional POCD.

3. NEW APPLICATIONS/NEW BUSINESS:

A. Application #2120 – B & R Corporation – Special Use – Two Family – George Washington Tpke. #399(Submitted August 16, 2017)

Atty. William Tracy, attorney for applicant was present and addressed the commission. Special Permit for Two Family house in R15 zone. Braddock submitted maps into record. Public Hearing scheduled for September 28, 2017.

4. PENDING APPLICATIONS:

A. None

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)

Email from Gerry Bryant to continue meeting to September 14, 2017. No BBHD, WMC or traffic study ready at this time.

MOTION: Zabel, seconded Parente to continue to regularly scheduled meeting on September 14, 2017.



Town of Burlington

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

A. None

7. **ZONING OFFICER REPORT:**

Conroy explains SB922 effective October 1, 2017, new act temporary health care structures. Structure is like a park model RV. Small less than 500' not built on a foundation. A "Grannie Pod" for people in need of medical care that their caregiver lives with them on their property. Burlington needs to decide to opt in or out for this and adopt regulations should we elect to participate. More affordable option for people in medical need. There are state mandates so the pod doesn't get abused with other occupants. No special permit required, but review of Site Plan and has to be approved within 15 days of application. BBHD questions about septic need to be addressed. 1 structure per lot. Disability is defined (mentally or physically impaired). Will share information with commission through email.

Received a number of complaints for Peter Zurles property at end of Belden Road. Even Land Trust has contacted us. Farms are exempt from a lot of things. Information on case law regarding farm odors and manure can't expect to have animals without the dirty part of the animals. Pig smell is bad and residents are complaining about waste going into stream on property and traveling downstream. Right to Farm.

Regional Conservation Plan draft was sent out. Please review. We will take a vote at next meeting, comments must be received by September 15, 2017.

May have an affordable housing application coming before the commission, so please read up on it. Statutes outline what is required of the affordable housing applicant.

Justin Michaels, 15 Punch Brook Road, structure is still up. Building inspector needs to review status. Will use Marshal if necessary

Received many complaints from distressed residents regarding Sawmill Road extension. A lot of residents in audience from the neighborhood will be heard during citizen's comment.

8. **CITIZEN COMMENT:**

Robert Dunn, 1 Fox Glen. Appreciate you letting me talk and by no means are my comments meant to be overly negative. I am extremely dishearten with the process and approval for Sawmill Road extension to Mountain Top Pass. I am sure all the requirements were followed in terms of public notice and so forth, but that's just not practical. There is no one who sits around and looks through those issues to figure out what applies to you. I sent an email through the First Selectman's office today to have forwarded to you. Not here to judge final decision since I don't have all the facts. Most of us in the neighbor know that it was a possibility, but the first time you hear about this issue is 2 months after it was approved? I reject that. Not trying to make a situation where you have to put in new regulations in terms of notification. We are residents in a small town and there is no way that you couldn't have known that pushing through the cul de sac that has been there for over 20 years is not going to be an issue for a neighborhood. Now the Town has taken ownership of the park up on Johnnycake Mountain, perhaps it will cause other issues. I



Town of Burlington

think my issue with this Town is that I had no part in the feedback and I feel like I got kicked in the stomach. Not going after anyone individually. Just my feedback. Now maybe we can meet with Board of Selectman regarding safety concerns of road. There is a bad feeling now in this neighbor that our voices didn't matter to be heard. I am certain that proper protocol was done, but 2 months went by without letting us give our feedback. When the decision was made, we would have felt better.

Miller appreciates Dunn's comments and as a board we have to follow State Statutes. And as Bob Coates knows, this was a site plan. A Site plan is ministerial, not discretionary. It either meets the zoning regulations or it doesn't. There was discussion with the highway director when this road was designed that it be curvy nature for speed control. Don't know if it will be used as a cut through. Bob was a chairman in the 90s when I was on the commission and this was brought to the commission. Subdivision has lots. This was always listed as a temporary cul de sac even before the 90s; the overall subdivision plan of Johnnycake Mountain also shows this as a temporary cul de sac. Commission was not trying to hide it.

Conroy explains the reason there was no public hearing on a site plan is it either meets the regulations or it doesn't. You could hold a public hearing, but the only things that are in consideration is what is in the regulations. We actually voted on this application 2 different times and decision was published 2 different times.

Bob Coates, 10 Sawmill Road. The lack of communication from this commission is inconsiderate to me. Decision will affect the people on Sawmill Road and Fox Cliff Estates. You are increasing traffic on the road and the safety for residents is at risk with traffic coming down Johnnycake Mountain. This new park will affect the road. It's a narrow road. 1 lane road with traffic. All of Village Lane, Smith Lane and Johnnycake Mountain Road is one huge cul de sac each. Not a feasible thing. Have seen site plans on roads there to connect from Rock Road before but nothing done with that. No benefit for road to come out to 69 from Sawmill Road. Connect Johnnycake Mountain Road with West Chippen Road. Our property values are going to go down from this. Regardless if this was a temporary cul de sac, it's been sitting here for 27 years, people get used to it. Dwight Harris indicated 2 or 3 years ago that he wasn't going to connect the road to Mountain Top Pass. The Blue Trail goes right through Harris's property and now will moved. Blue Trail has been cut up in that area now. Vegetation being disturbed from clearing. Not very happy about it or the way it was done.

Miller states that if Sawmill Road was not a temporary cul de sac, some of the houses after 1500' would not have been built, because it's beyond the 1500' requirement in the subdivision regulations.

Bob Coates, 10 Sawmill Road, states there is a caveat in regulations if the safety of the neighborhood is in danger because of the increased amount of traffic, then you can deny plan.

Brenda O'Leary, 5 Fox Glen Road. I understood your explanation about site plans either meets or not meets their requirements. I feel that if we were able to give our opinion to developer about our concerns, they could change their plan. We were never given the right to give our opinion at all. We were told that they were not going to extend Sawmill Road ever and so were our friends by the Harris's on Mountain Top Pass. I feel that the Harris's have been very good people in the town, but I don't think they gave us the opportunity to be heard. The Harris's could have adjusted the site plan had they spoken



Town of Burlington

with us. We have young children in the neighborhood and are concerned with their safety. I know the people in our neighborhood and now I have to worry about other vehicles and people on our roads. We are extremely tight neighbors that stick together. We hired an attorney when the cell tower tried to come on our road. We did not buy a house on a cul de sac to lose it now. Not right that we were never heard. Why are we building a new road when a road already exists on Johnnycake Mountain Road? Conroy states, it's owned by a private property owner and he can do what he wants with his land. Water Company owns the property at Johnnycake Mountain Road.

Brenda O'Leary, 5 Fox Glen. None of our friends on Johnnycake Mountain want a cut through to our road. The property value will go down for both Sawmill and Mountain Top Pass. Our neighborhood is nice and we love it, but nothing like homes on Mountain Top Pass. Harris can move at any time and it doesn't matter that there is a cut through now. You just don't understand how upset or hurt we are.

Shaun McCauley, 16 Sawmill Road. Lived on the hill for 28 years. This is a small community. You can't even change a bar name without anyone knowing 6 months in advance. We have known about the cul de sac for years, but it just feels like we got kicked in the stomach. Hard not to know about this road until a month after approved. There is a lot of kids on this street and how are we going to protect them or slow traffic down. Very narrow road and blind driveways. How to protect our interest and our children? Needs a stop sign at Fox Glen; all intersections. What about speed bumps?

Miller states, we did not consider this road a cut through. It is designed to come down and be curvy for safety. The condition of a road is not reviewed by us.

Conroy states being able to have access to bottom and top of Sawmill made it easier for fire and emergency to get to Mountain Top Pass. Nelson Drive was a temporary cul de sac. Steps after road is built will identify the problems that have to be addressed. Clearing is happen now.

Jay Seltzer, 27 Sawmill Road. I have lived here for 11 years. A note or an email would have been nice. Snow is horrible on the road. I slid down my driveway and totaled my car. I almost hit a parked oil truck. I'm partially blind and can't read without a magnifying glass. Don't get the paper. Winter is horrible there. I have 2 little dogs. Wildlife on the property all the time. What's going to happen now? No notice at all.

Katie Hooper, 13 Sawmill Road. I have lived here for 1 ½ months. Grew up in Burlington. I bought my dream house on a cul de sac and my back yard comes right out to the walking trail. I have great neighbors. I am a single female with a dog. I don't spend time looking at Town of Burlington website or Hartford Courant. This all happened before I bought my house. Is there a traffic report? If so, can we have access to that? Is there a public notice registry? When Subdivision application is done will be notified? Destruction of Blue Trail at end of road, will there be an easement for that at the top of Mountain Top Pass? Does Connor come to these meetings?

Conroy states the Blue Trail Was flagged without Harris's approval on his land. Harris would like to keep the trail, but it will be rerouted on his property. Connor is a consultant, and wasn't needed at tonight's meeting.

Ozaki states Harris has expressed that any of you are welcome to speak to him about this matter.

Scott O'Leary, 5 Fox Glen. We have been here before for this matter with the same board. I don't



Town of Burlington

blame you, but you knew we would be upset. We would like a traffic study, if there is one. I think it has been done. Can't compare Sawmill Road to Rock Road. Hairpin right turnoff Rock Road. People will cut through Sawmill Road more than Rock Road. Traffic will increase. Can't ask the developer because he is not here, why he wanted the cut through. Was road extension in the interest of the town? Did someone think it was beneficial to the town?

Conroy states Rock Road intersection has been reviewed and the Town would like to fix.

Miller states road decision from land owner, not the town. We are bound by our regulations with the 1500' cul de sac to approve site plan. A lot of Sawmill Road would of not of been developed with the temporary cul de sac. Just like Angela's Way is a temporary cul de sac and will eventually connect to George Washington Turnpike. That is the way subdivisions go. We don't want long cul de sac for safety.

Robert Coates, 10 Sawmill Road. When I was on the commission, there was an application to connect Village Lane to Covey Road. And we rejected it. We also have an opportunity on Smith Lane to connect to Town Line Road and the commission rejected. It should have connected, but was voted down. There are bigger cul de sac issues than Sawmill.

Miller states Village Subdivision was approved before 1500' cul de sac regulation was. Smith Lane developer didn't want to extend road. We have to follow our regulations or we can be sued by applicant. Yes, follow the regulations, but we don't always have to agree with them.

Robert Coates, 10 Sawmill Road. Public safety is a reason you can turn down an application.

Scott O'Leary, 5 Fox Glen. Would Sawmill Road have a yellow line down it? Bottom of Sawmill Road is a race way. Can we place a temporary gate at top of Sawmill Road? A barrier at the top then? There could have been a sign put at the end of the road to notify us. Is there anything we can do to prevent this from happening?

Conroy states would still be a temporary cul de sac. No, it's approved.

Robert Dunn, 1 Fox Glen. Can there be a traffic study done or is there one? We want a traffic study.

Conroy states its private property and we can't force the developer to do one.

Ernie Wollman, 50 Covey Road. Lived on Rock Road for 51 years. Everyone talks in here like Johnnycake Mountain Road is closed, abandoned. Am I right? You cannot close a Road without a town meeting? Did Ted Scheidel have a meeting to close it? There still is a 50' right of way on that mountain and no reason to have the road closed. Johnnycake Mountain Road should be open to Chippen Hill Road. If you connect to Sawmill Road it doesn't help anyone on Johnnycake Mountain. Everyone above Mountain Top Pass has one way out. They can't get out of there. They are signing their own death certificate. There is no cul de sac down there so why was Johnnycake Mountain Road closed? I used that road all the time and was in perfect shape.

Miller states Water Company owns the property and the road was not in good condition. Water Company not willing to pave the road. Deemed unsafe.

9. **STAFF/COMMISSION COMMENTS:**



Town of Burlington

10. ADJOURN:

MOTION Zabel, seconded Hebert to adjourn the meeting at 8:13pm; unanimously approved.

Respectfully submitted,
Lisa Ozaki
Planning and Zoning Clerk