



Town of Burlington

**PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING
SEPTEMBER 28, 2017
BURLINGTON TOWN HALL**

PRESENT: Robert Wilson - Chaired, Barbara Dahle sat for Tom Zabel, JP Parente, Rudy Franciamore, Michael D'Amato, John Hebert and Eric Lindboe.
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 7:01pm. Regular members present were seated for the meeting. Alternates assigned on each application, as needed.

B. Approval of Minutes

Dahle states add visual from second story to her comments of smell. Lindboe states change drywalls to drywells

MOTION Parente, seconded Dahle to approve the minutes from the September 14, 2017 regular meeting as submitted; unanimously approved.

C. Communications:

A. NHCOC email for proposed changes to zoning regulation for Town of Harwinton.

2. NEW APPLICATIONS/NEW BUSINESS:

A. None

3. PENDING APPLICATIONS:

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)**

Conroy reads into record email from Marty Connor dated September 28, 2017. She didn't get a chance to review past minutes regarding the origin of distance between buildings, but zoning regulations from 1983 also had same requirements. All regulations have had no change in this. My concern is, is the Zoning Commission issuing a variance if they issue a waiver? Don't know the answer to that. I am weary to issue waivers that are not clear cut. Tend to be extra cautious in this matter.

Parente has issues with distance between the buildings. Regulations are made for reason. Is it the right project, but wrong location?

D'Amato shared the same concerns with distance. It is in the regulations and needs to be mentioned. Regarding the lease agreements with the joint property and noise when they operate; I would like to see that in the deed. More permanent record than the lease agreement.



Town of Burlington

Franciamore concerns are the same as other commission members. I don't see a hardship to meet the requirements. Adding a retaining wall to move a building isn't that hard. Don't see getting rid of units. In my opinion, I am an engineer and you can squeeze a few more feet out of this plan. Regulations clearly state the 35'. It's there and we have to follow the regulations as written. It is the right project for the town, but in a different location? I do see a need for this in town.

Hebert concerns are the same as other members.

Lindboe concerns are the same as other members. Distance between buildings is definitely an issue.

Dahle states it is what it is. Page 83 says it. Shall be 50' unless we waive it, but no less than 35'. It is what it is.

Wilson thinks there is a lot about this proposal that commends itself. Heard a lot of comments from citizens and concerns about traffic, residential units in a business zone. Those concerns have been addressed. I look favorably on the idea, but share the concerns that my other members do. 50' rule unless reduced to 35'. Applicant and consulting planner stated we could waive that and I have studied my regulations to find something to give this the authority to waive the distance. Don't see it, this is a real concern to me.

Conroy asks what do you foresee for this application? Parente said if they were able to move a unit it would accommodate the regulations but that would be up to the application. Would that involve changing the landscape buffer?

Wilson states reducing the number of units or moving the buildings around could be a condition.

Hebert states the commission needs to vote on without any conditions. The Applicant can reapply if not favorable.

MOTION: Hebert and seconded by Franciamore to approve application for Special Use – 25 Unit Multi Family Townhouse Rental on Covey Road #29.

IN FAVOR, None.

OPPOSED, Wilson, Parente, D'Amato, Franciamore, Hebert and Dahle.

ABSTAINED, None.

Permit Denied.

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

- A. **Application #2122 – B & R Corporation** –Special Use – Two Family Dwelling – George Washington Turnpike #399 (Submitted August 16, 2017) (Public Hearing September 28, 2017)
MOTION: Parente, seconded Dahle to close the regular meeting and open the public hearing at 7:21pm; unanimously approved.

Attorney William Tracy, represents the applicant and addressed the commission. Agenda was incorrect Application #2109 is incorrect on agenda. Application #2122 for Two Family dwelling



Town of Burlington

and not lot line revision. Notices have been submitted. Affidavit submitted regarding placement of signs. New site plans have been submitted. R15 zone. Existing lot since 1981. Will demo single family house and build 2 family dwelling. Meets all requirements for zoning. BBHD feasibility letter dated September 26, 2017. Appearance of the building meets the neighborhood. Case Road west into state forest. GIS map submitted. Blue highlighted are similar to proposed structure. Submitted Assessor street cards for all similar properties. 14 duplexes of 23 properties in area. 61% of neighborhood. POCD housing goals express a need to diversify different sizes and types of houses for different income levels. There is a need for this. Site plan shows driveway moving to middle of property. The 12 comments from WMC will be addressed by applicant engineer. Conroy reads email from Bob Barneschi from WMC dated September 26, 2017 in record. Conroy received an IWWC application with soil scientist report for agent review. Report shows parcel has no wetlands and no work in the regulated area. The dwelling will be two 38' units each 1,750 sq. ft. for a total of 3,500 sq. ft. Lindboe asks if each unit has a 1 car garage. Tracy states yes and they are abandoning existing well.

Wilson asks if each unit will be sold to different buyers. Tracy states yes.

Commission would like to go view the property before they make decision.

Public Comment:

Reinhart Hermann, 426 Stone Road. My house is small, 1,100 sq. ft. My neighbor's houses range from 1,100 to 1,800 sq. ft. These are the sizes in the neighborhood. What does it look like for the community?

Conroy addresses with reading the size of the duplexes from the street card submitted. The units range from 1,400 sq. ft. to 1,800 sq. ft. Each unit is the same size as a single family.

Lisa Fabian, 396 George Washington Turnpike. The diversity of the neighborhood has no colonials in it. Ranges from duplexes and ranch style homes. They are changing the whole dynamic of neighborhood. This property was sold and B & R never mowed the grass. There is trash all over property with chemicals seeping into ground. Not taking care of anything. How far is duplex from property lines? 16.8'. There is wetlands on the property. A lot of people in the area are sick. We have well water concerns. What price will they be sold at? Price point is going to lower our property values. Want to make sure nothing is just buried, but cleaned up.

Tracy responded with increase of 1 more duplex is only 1% change and size fits right in. Once construction starts and permits are in place, property will be cleaned up. Commission states to contact local health district with your concerns and if you think environmental issues.

Cindy Fabian, 396 George Washington Turnpike. Shows pictures on cell phone of trash on property. Mix of buildings now, before was always single family. We just came out of a drought. Don't know what quality of water will be. No blight ordinance in town to make them clean up property. There is also a lot of speeding on road.

Conroy reads wetland report into record from Pietras Environmental Group, LLC dated



Town of Burlington

November 5, 2016.

A woman in the audience who wouldn't give her name states there is wetlands there. She has lived there for 35 years. You walk out there and you will see it. What are trying to make it like another Bristol? We had a good reputation. You are going to ruin Burlington. She is running for the 5th district.

Public Hearing continued to next scheduled meeting on October 12, 2017.

MOTION: Parente, seconded by Hebert to close public hearing at 8:00pm and open regularly scheduled meeting.

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

A. **Stone House Estates – Bond Reduction**

Conroy Read letter dated September 11, 2017 from Salvatore Vitrano into record requesting bond reduction. Referenced Robert Hiltbrand's letter dated September 8, 2017 to reduce bond to \$142,925. Stone House Lane is now a through road to Valley View Lane. McDonnell and Tharau inspected and comfortable with reduction.

MOTION Franciamore, seconded Parente, Reduction of Performance Bond for Stone House Estates II from \$250,000 to \$142,925. Unanimously approved.

B. **Carrier Home Builders – Performance Bond Acceptance – 3B Washington Farms**

Conroy read into record email from Milone & MacBroom dated September 14, 2017. WMC & Tharau inspected and recommend performance bond be \$55,000 instead of applicant proposed \$47,600. Nelson Road is now a through road. Steve Carrier from Carrier Home Builders, present and agreed to amount.

MOTION Parente, seconded Franciamore, Acceptance of Performance Bond for Washington Farms Phase 3B for \$55,000. Unanimously approved.

C. **King – Jerome Avenue – 2 90 day extensions for mylars**

Conroy read into record letter dated September 26, 2017 from Milone & MacBroom requesting a two 90-day extension to file mylars. King has expressed interest in doing the subdivision in phases.

MOTION Parente, seconded Franciamore, to approve two 90 day extensions to file mylars. Unanimously approved.



Town of Burlington

6. **CITIZEN COMMENT:**

None

7. **ZONING OFFICER REPORT:**

SB922 – Public Act # 17-155

Conroy explains to commission that Marty's recommendation is to opt in senate bill effective October 1, 2017. Only concern would be specifics of zoning regulations. Would be good to put into regulations a definition of what that structure is. If commission wants to opt out, a public hearing is needed to discuss why we want to opt out. Some towns are opting out for 6 months to make changes to their regulations. Some towns are choosing to opt out since they don't want the structures in their town. There is concern with health district to approve these structures. You have 15 days to approve applications. Site plan that has to be approved in 15 days. BBHD not sure how they will review or approve them. Or if the state approves it. A lot of questions. Wait until October 1 to opt out and have public hearing and go to Board of Selectman. October 11, 2017 there is a meeting regarding the temporary structures. Hopefully, we will have more information by then. It would be nice to have this clear cut in the regulations. Could require up to a \$50,000 bond to ensure the structure will be removed. Interesting to compare to In-law structure regulations. You can require a doctor's note every year and to register the temporary health care structures. They do have to fall within the setbacks. It would probably be easier for these to be approved in a sewer area.

8. **STAFF/COMMISSION COMMENTS:**

None

9. **ADJOURN:**

MOTION Parente, seconded Franciamore to adjourn the meeting at 8:20pm; unanimously approved.

Respectfully submitted,
Lisa Ozaki
Planning and Zoning Clerk