



Town of Burlington

PLANNING AND ZONING COMMISSION MINUTES OF REGULAR MEETING OCTOBER 12, 2017 BURLINGTON TOWN HALL

PRESENT: Richard Miller - Chairman, Rob Wilson, Tom Zabel, JP Parente, Michael D'Amato, John Hebert, Lynn Buthe and Eric Lindboe sat for Rudy Franciamore.
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 assigned on each application, as needed.

B. **Approval of Minutes**

MOTION Parente, seconded Zabel to approve the minutes from the September 28, 2017 regular meeting as submitted; unanimously approved.

C. **Communications:**

A. None

2. **NEW APPLICATIONS/NEW BUSINESS:**

A. **Application #2123 – Brycorp Builders, LLC** – Resubdivision – Foote Road Lot #111-13, 111-14, 111-15 & 111-20 (Submitted October 10, 2017)

Gerry Bryant, applicant present and addressed the commission. 4 lot resubdivision at Clearwater Creek Subdivision. This is the last phase of project. No public improvements. All roads and drainage complete. Approval received in 2012. 4 lots are on existing town road. IWWC approval is in place. Planning and zoning approved a 5 year extension.

Public Hearing scheduled for November 9, 2017.

MOTION Wilson, seconded Zabel to move item #5 on agenda to 2A.

2A. **Brycorp Builders, LLC – Clearwater Creek Subdivision Phase 3 – Maintenance Bond**

Conroy read email from Ryan McEvoy of Milone & McBroom dated October 3, 2017 into record. WMC and Tharau have reviewed and are fine with \$20,000. Gerry Bryant asks commission to make a recommendation to the Board of Selectmen to accept this road. Commission agrees. Brycorp will request to be put on Board of Selectmen agenda for next meeting.

Motion Zabel, seconded Parente, acceptance of Maintenance Bond for Brycorp Builders, LLC Phase 3 for \$20,000. Unanimously approved.



Town of Burlington

3. **PENDING APPLICATIONS:**

A. None

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 Zabel to close the regular meeting and open the public hearing at 7:11pm; unanimously approved.

Chairman Miller has listened to tape from September 28, 2017 meeting.

Attorney William Tracy, represents the applicant and addressed the commission. The 12 comments from WMC were addressed by applicant engineer. Applicant submits new plans to commission into record. WMC has no issues with new plans.

Conroy explains concerns about property. It has been cleaned up and demo permit is in place.

House on site was used for fire department training exercise. 3 times BBHD has been out on the site with DEEP with them. The entire property was walked by them.

Conroy read BBHD letter dated October 12, 2017 into record. Photos that were shown at last meeting were deleted off cell phone and never submitted into record so should be disregarded for public record.

Public Comment:

Lisa Fabian, 396 George Washington Turnpike. I had made several calls to the land use office to ask what was being planned on property. I made calls every 2 to 3 weeks and never got a call back. Not one. It wasn't until we saw notice that there was going to be a hearing. To say there was never calls made to complain is wrong. How are you supposed to make a complaint if no one calls you back? No one told me to put the complaints in writing. When I talked to Phyllis from BBHD, she said I was the only person who complained. It was decided by the neighbors that I would make the contact because we were all upset at what was going on. Phyllis did not tell me there were not dangerous chemicals on property. Phyllis states if things were buried or chemicals in the ground, there was no proof since there were no pictures to prove it. No testing would be done without proof. When I talked to Phyllis today, I never told her I was upset. I was disappointed about everything about all the problems that there and now couldn't be addressed since she never saw them herself. At that point I say thank you and I hung up. I didn't just hang up on her. Also, how many commission members went and viewed the property?

Conroy, Farrell, Ozaki, BBHD and Wilson have all looked at property.

Conroy explains all complaints have to be in writing. I had a voicemail from you and I called you back.

Ozaki explains that when someone call about a property, we have no knowledge of what is



Town of Burlington

happening there until the applications come into the Land Use department to process. And there is no blight ordinance in town to make them clean up property.

Louise Zanardi, 403 George Washington Turnpike, decency goes a long way.

Reinhart Hermann, 426 Stone Road, at last meeting I stated the house looked too big for our neighborhood. All I heard from board is all the houses up the street are duplexes and no one mentioned anything about our side of Stone Road with single family dwellings. Asked the board to come see how a big house will look in our neighborhood. Is the house going sideways on the lot? Where is front?

Miller states we have regulations that we are bound to follow and if applicant complies with them, we have to follow. House will face front.

Louise Zanardi, 403 George Washington Turnpike, Questions are being asked and you don't have the authority to change it anyway. What are we all really here for? It's not going to fit our neighborhood. We tried to get you to go other way when the other duplexes were built. We brought lawyers with us and nothing was done. I am not criticizing you all. My home to me and to me its god. My home is everything. A lot of people don't feel that way. We are trying to keep it decent. How from away from the property line is the house going to be? Most of town and nicer towns are going with 30'. Who made all these regulations anyway because those are the people we have to talk to. It's senseless to ask these things. I want to end up living in a decent home. When I built my house in town I had to have 2 acres back then. It took a lot of work and a lot of pride. If you look at it today, it's beautiful. I have a lot pride and faith in my neighbors. By the time our children grow up, they will not want to live in Burlington. It's becoming just like Bristol. You are going to do what you please anyway. If there is someone else I could go see. It's not right. At 15' I could hang out my bedroom window and shake his head. Please do it right. If you want me to go somewhere else, I am going to represent the 5th district. Don't be mad at me.

Conroy explains there are 2 different residential zones in town and they each have different setbacks. The house is 16' 8" from property line.

Zabel explains text change application in our Zoning Regulation, pg. 100 article #7. It's an outline to change our regulations. You can stop by the land use office to get a copy during business hours.

Cindy Fabian, 396 George Washington Turnpike, When did the area became R15? Was it zoned something before that? Most of the zone was single family zoned. A text amendment change was never done. Why wouldn't the neighbor's attorney fight to put that in? Given that information to keep the zoning character as it is. More duplexes were put in after that and did they know they could change the text? The commission doesn't have any responsibility to inform the citizens of what regulations could be changed? Why can't you do a waiver then like last meeting's application?

Conroy states there were 3 different residential zones. Changed around 1984. Anything we have already received is grandfathered in. The attorney that was representing the group should have



Town of Burlington

read the regulations and known that could have been changed. We just informed you this evening. All our regulations must adhere to Connecticut General Statutes.

Parente explains the application asking for a waiver was in a Commercial zone and has a Central Overlay that could be followed. It doesn't apply to the residential zones.

Louise Zanardi, 403 George Washington Turnpike, what can I as a resident do to put a waiver through? We don't know. In other words, if I come to a meeting you people should have the authority to say he's right, she's wrong. There should be something in regulations that says if it's wrong it's wrong. Most towns when you pay your property tax, you have to show that your septic system has been pumped out. I lived here for 35 years. I would like to go to someone in town.

Conroy states General Statutes and things change because of case law. We can't just deny it because we don't like it.

MOTION: Wilson, seconded by Parente to close public hearing and reopen the regular meeting at 8:00pm, unanimously approved.

Parente, we have what we need. How many commission members have seen that area? 4 commission members and 2 staff members.

Hebert it appears that there is concern that the property is going negatively impact neighbors, would be good to have a buffer in place?

Miller, no.

D'Amato, the day I looked at property, the building was being torn down. Whether it's a single family or multifamily nothing can stop it from happening.

Zabel, I don't know if we can require any buffer in this application.

Wilson, I have all I need to act on this tonight.

Parente, could act on structure since the structure fits the regulations.

Hebert, BBHD had DEEP come out with them every time and I appreciate that.

MOTION Wilson seconded D'Amato to approve Application #2122 – B & R Corporation – Special Family – Two Family Dwelling – George Washington Turnpike #399 as depicted on plans from Robert Green Associates dated September 6, 2017 revised October 10, 2017.

IN FAVOR, Miller, Wilson, Parente, D'Amato, Hebert and Lindboe.

OPPOSED, none.

ABSTAINED, None.

Permit Granted.

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

A. **None**



Town of Burlington

6. **CITIZEN COMMENT:**

Tammy Karen O'Connor, 43 Meadow Road. We are concerned what is happening over on Prospect Street and South Main Street. 1992 graduate and went to Lewis Mills. I've seen this neighborhood blow up with mansions on my street. People come down Prospect St, or Jerome and they come 75, 80 mph. I used to walk a lot and ride my horse when I was a kid. You can't do that now. Road has turned into Route 84. No stop signs or speed limit signs on street. Very busy area. Called town clerk 2 weeks ago about a speed bump and radar on my property. I was told they had that capability. I was sent over to the First Selectman's office and no one ever called me back. Finally I talked to Linne his assistant, she said town had a couple and someone will get back to me. No one has gotten back to me. I would like to get the radar. It's public a safety issue. Another issue in my area, because I live in the valley. They are crushing on South Main Street. Now there is stuff on Prospect Street. I use to go in there all the time. Now trucks full of dirt are going back and forth from Prospect to South Main. They work during school bus hours. This past Friday I watched a bus at 7:44am. Huge issue with not operating during hours right hours. What is he going to do in there since I heard it's going to be 15 houses? A truck came out of Prospect St. with no cover on and sprayed dirt all over us.

Conroy states there are 3 radar detectors and they are on Rock Rd., Nelson Drive and somewhere else right now.

Miller recommends you go to the Board of Selectmen meeting and do citizen comment section. Make a presentation to them. Ask for radar and additional police protection. Next one is on the 24th.

Conroy, please come to office and put complaints in writing. No plans for subdivision submitted yet. He is only clearing 1 acre at Prospect, not a lot.

7. **ZONING OFFICER REPORT:**

SB922 – Public Act # 17-155

Conroy explains to commission Ozaki and she went to the CAZEO meeting yesterday. The topic was temporary health care structures. Basically towns are split. They are going either way. In Litchfield, on Monday night P & Z we have our public hearing to discuss. If everyone says it's great opt in we do nothing. If everyone doesn't agree, then let's schedule public hearing to discuss it and potentially opt out.

Miller, when I read that publication, I thought it was the most stupid, poorly crafted legislation ever seen. You could have motor homes and trailers place everywhere for this.

Conroy states yes and no. State requires that they are ADA accessible. Need to read what the definition is for recreation vehicle. Need to find out whether it's the Board of Selectmen or town meeting to opt out.

Zabel says we really should have a public hearing.

Miller thinks that our in-law apartment regulations cover this.



Town of Burlington

Conroy states if you want to opt out you need to set a public hearing. That is what I have been requesting for the last 3 meetings. We will cross the other bridge after public hearing.

Set Public Hearing for December 14, 2017.

Conroy states there is a frequent question that comes up. It's about farm animals. We define farm animals. It's not just the definition but density in the zone. Because in the R44 zone where this happens. Farming is allowed in any zone. The keeping of livestock having or which will have an adult weight exceeding 250 pounds, for the exclusive use of the occupant(s) of the principal building. What about dwarf goats? Smaller breeds of livestock animals. So does that mean you can have a dozen of them on an acre? If you read the definition of kennel, it's different than a farm. Any premises, other than a farm, on which four or more dogs, cats, or other animals six months old or older are kept. So, if someone has a dozen dwarf goats, are they a kennel?

Zabel states they have the right to farm. So they are using their right to farm to keep the animals. Conroy should draft some type of proposal to bring to us.

Hebert says we should bring in Joe Nickels to talk us.

Conroy would you be comfortable if I just change the weight limit. We will go over regulations over the winter for a project. Have frequent phone calls about property people are looking to purchase and have these animals on.

MOTION Wilson, seconded Zabel to add executive session and open executive session at 8:27pm.

MOTION Zabel, seconded Parente to close executive session and open regular meeting at 8:46pm.

8. **STAFF/COMMISSION COMMENTS:**

None

9. **ADJOURN:**

MOTION Zabel, seconded Parente to adjourn the meeting at 8:47pm; unanimously approved.

Respectfully submitted,
Lisa Ozaki
Planning and Zoning Clerk