



Town of Burlington

**PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING
NOVEMBER 9, 2017
BURLINGTON TOWN HALL**

PRESENT: Richard Miller - Chairman, Rob Wilson, Tom Zabel, Rudy Franciamore, Michael D'Amato, John Hebert, Lynn Buthe and Eric Lindboe sat for 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 7:00pm.

Regular members present were seated for the meeting. Alternates assigned on each application, as needed.

B. Approval of Minutes

MOTION Wilson, seconded Zabel to approve the minutes from the October 12, 2017 regular meeting as submitted; unanimously approved.

Hebert has correction of Joe Nickels to Joan Nickels.

C. Communications:

A. None

2. NEW APPLICATIONS/NEW BUSINESS:

A. Application #2125 – O & G – Gravel – Site Plan Modification – Spielman Hwy. (Pavlik Pit).
(Submitted November 1, 2017)

Ken Faroni, applicant present and addressed the commission. Requesting a modification to previously approved gravel permit. Changing triangle area to other triangle area that is closer to Rt. 4. It is the same acreage as before, just different area. No need for storm water permit since no discharge.

Hebert asks if there is wetlands in the property. Faroni states no. Distance to the property line is about 200'. Gates lock at the end of the day.

Miller asks about the slopes. Faroni states not an issue here.

Conroy states WMC has no concerns with modification.

MOTION Buthe, seconded Franciamore to approve Application #2125 – O & G – Gravel – Site Plan Modification – Spielman Hwy. (Pavlik Pit) as depicted on plans from Streeter Engineering Associates dated September 20, 1991 revised September 6, 2017.



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IN FAVOR, Miller, Wilson, Zabel, Buthe, D'Amato, Franciamore, Hebert and Lindboe.

OPPOSED, none.

ABSTAINED, None.

Permit Granted.

3. **PENDING APPLICATIONS:**

A. None

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

A. **Application #2123** – **Brycorp Builders, LLC** – Resubdivision – Foote Road Lots #111-13, 111-14, 111-15 & 111-20 (Submitted October 10, 2017) (Public Hearing November 9, 2017)

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

Hebert would like Miller to recuse himself since he has property adjacent to this. Conroy states Miller's property does not abutt these lots.

Gerry Bryant, owner of Brycorp Builders, LLC present and addressed the commission. These are the last 4 lots in Clearwater Creek 35-lot subdivision. All public improvements are done. 1 rear lot and 3 lots with frontage on Clearwater Creek Road and/or Foote Road. Subdivision was approved November 2012. Brycorp demonstrates the overall subdivision on the map from the Town Clerk. Phase I goes from entry then to right of West Ledge. Phase II goes from West Ledge to left. Phase III is Avas Way and West Ledge as curves to end on the right. There are steel markers on all the trees and the deeds regarding property lines have been filed. Brings in a lot of tax revenue for town.

Conroy questions the driveway at entry lot #20. Bryant states there is an easement on the lot. Driveway is off of Foote Road. Green area is conservation easement. Conroy reads WMC letter dated November 9, 2017 into record. Bryant will send copy of preservation easement for the file. Rear lot is over 3 acres.

Franciamore asks about the grades of driveway to the rear. Grade will comply and not go over 15%. Pretty flat there. Driveway is parallel to topography of the land.

Buthe asks Lots 13, 14, 15 on the left of Clearwater Creek Road? Bryant states yes. Guard rails already there.

Zabel asks, is there an issue with 3 lots coming off 1 driveway? Bryant states will add in pull off with no problem.

Buthe asks if shared driveway is clear of trees since I had an issue at Hinman Meadow. Bryant states yes.

Conroy asks Bryant to point out where the hydrant is. Bryant states there are 2 buried tanks within 1000' of property.



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Conroy states original and extension approval and BBHD approval in record. Sign affidavits are submitted.

Bryant states we promote this as a conservation subdivision. Other towns have conservation subdivision in their regulations. Some towns give incentives to preserve more land to give developers. Canton has a great one you can follow.

Zabel asks to have attorney draft something for us to review for conservation subdivision.

Buthe states one Public hearing sign says 7pm and other said 7:30pm. Maybe wait a little bit before we close public hearing.

Bryant states there is Cape Cod curbing in Hinman Meadow that town should take a look at. Cape Cod curb is 6" high and wide. They are lower to plow. Tharau allowed us to try it. The best example of it is in New Hartford Subdivision on Ramstein Road near Home Depot. They have rain gardens and everything. It's beautiful.

Buthe asks if these driveways can be plowed. Bryant states yes they can be plowed.

Public Comment: None

MOTION: Zabel, seconded by Buthe to close public hearing and reopen the regular meeting at 7:38pm, unanimously approved.

MOTION: Zabel, seconded by Franciamore to approve a waiver of section 4.06.B.2 of the Subdivision Regulations to allow for a shared driveway serving 3 lots, unanimously approved.

MOTION: Wilson seconded Franciamore to approve Application #2123 – Brycorp Builders, LLC – Resubdivision – Foote Road lot #111-13, 111-14, 111-15 & 111-20 conditioned upon WMC letter dated November 9, 2017.

IN FAVOR, Miller, Wilson, Zabel, Buthe, D'Amato, Franciamore, Hebert and Lindboe.

OPPOSED, none.

ABSTAINED, None.

Permit Granted

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

A. **Stone House Estates II LLC – Salvatore Vitrano – Bond Reduction**

Original bond was \$200,000. Road has been installed, still 1 outstanding improvement, fire tanks. Tharau and WMC are fine with taking 25%. \$62,500 is ok. Performance bond for improvements is \$62,500 for the road.

Motion: Zabel, seconded Franciamore to reduce Stone House Estates II, LLC Performance bond from \$142,925 to \$62,500 as recommended by Tharau and WMC, unanimously approved.



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6. **CITIZEN COMMENT:**

Gerry Bryant, Brycorp Builders, LLC spoke of Johnnycake Mews. There is no formal drainage there. Retention Ponds are becoming a maintenance nightmare. State DOT encourages Storm drainage management. Reducing the impact of these Subdivisions. Does more damage to natural environment then just making the road fit.

7. **ZONING OFFICER REPORT:**

Election results are in. This Zabel and D'Amato last meeting and we thank them for their service on the commission. Hebert and Buthe got elected for 2-year term and have been sworn in. New member Rich Miller starts December 1. Recount of Franciamore and Higley to be done.

Conroy discusses issues with regulations and shared driveway. Property on George Washington Turnpike could potentially have three wetlands crossings and 3 new driveways. More favorable to do shared driveways. Environmental concerns reviewed. Look at how other towns do it and will have a driveway discussion next time.

Franciamore asks about Punch Brook Road. Conroy states resident is doing just enough work according to building inspector. Pavilion has not moved yet, has had time to install fence around entire property.

MOTION Zabel, seconded Wilson to add executive session and open executive session at 8:17pm.

MOTION Zabel, seconded Franciamore to close executive session and open regular meeting at 8:29pm.

8. **STAFF/COMMISSION COMMENTS:**

None

9. **ADJOURN:**

MOTION Wilson, seconded Lindboe to adjourn the meeting at 8:30pm; unanimously approved.

Respectfully submitted,
Lisa Ozaki
Planning and Zoning Clerk