



## Town of Burlington

**PLANNING AND ZONING COMMISSION  
MINUTES OF SPECIAL MEETING  
DECEMBER 14, 2017  
BURLINGTON TOWN HALL**

**PRESENT:** Richard Miller - Chairman, Rob Wilson, Lynn Buthe, JP Parente, Rudy Franciamore, John Hebert, Rich Miller, Barbara Dahle 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 6:31pm.

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

**B. Election of Officers: Chairman, Vice Chairman, Secretary**

MOTION Hebert, seconded Wilson to nominate Richard Miller for Chairman; unanimously approved.

MOTION Hebert, seconded Richard Miller to nominate Rob Wilson for Vice Chairman; unanimously approved.

MOTION Wilson, seconded Parente to nominate Rudy Franciamore for Recording Secretary; unanimously approved.

**2. EXECUTIVE SESSION:**

**A. Pending Litigation – Meadowbrook:**

MOTION Parente, seconded Wilson to go into Executive Session at 6:36pm; unanimously approved. In Executive Session, Attorney Ken Slater spoke with the Commission. Invited in was Attorney Tim Hollister, Gerry Bryant, Mike Bryant, Christine Bryant and Ryan McEvoy.

MOTION Parente, seconded Wilson to come out of Executive Session and open Regular scheduled meeting at 7:24pm.; unanimously approved.

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

**A. Application #2126 – B & R – Amendment to Zoning and Subdivision Regulations – Driveways – Town of Burlington. (Submitted December 1, 2017)**

Atty. Bill Tracy, present for the applicant and addressed the commission. Text change which requires a Public Hearing. Tracy reads provision to commission.

MOTION Parente, seconded Buthe to set Public Hearing for January 11, 2018.



## Town of Burlington

**B. Application #2127 – O & G – One Year Gravel Renewal – Covey Road/Foote Road (Submitted December 13, 2017).**

Ken Faroni, applicant present and addressed the commission. Permit expires January 18, 2018. Site plan is the same as last 4 years. Letter of credit in place for \$40,000. Town attorney has already reviewed. Trucks will enter from Covey Road and exit from Upson Road. O & G is prepared to restore any issues with the road. Scope of permit is same as last year's.

**MOTION** Parente, seconded Buthe to approve Application #2127 – O & G – One Year Gravel Renewal – Covey Road/Foote Road as depicted on plans from Streeter Engineering Associates dated December 31, 1997 revised September 6, 2000.

IN FAVOR, Richard Miller, Wilson, Parente, Buthe, Franciamore, Hebert, Rich Miller and Lindboe.

OPPOSED, none.

ABSTAINED, None.

**Permit Granted.**

**4. PENDING APPLICATIONS:**

A. None

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

A. Application #2124 – Town of Burlington – SB-922 “An Act Concerning Temporary Health Structures: discuss possibility of opting out (Public Hearing December 14, 2017)

**MOTION:** Parente, seconded Wilson to close the regular meeting and open the public hearing at 7:25pm; unanimously approved.

Conroy explains we are automatically in this. Board of Selectmen has to opt out if we decide that. If the BOS doesn't opt out we are in it. Some towns have opted in and some have opted out. The commission would have to state the reasons for opting out. Other towns have opted out and are changing their Accessory Regulations to incorporate portions of this. Plainville is considering using a Special Permit for accessory apartments and an expedited process by staff approving with medical necessity. The Building and Land Use Office actually issued a partial Certificate of Occupancy this week to accommodate a temporary living condition with an for an addition with a bedroom and bathroom.

Rich Miller under the belief that the Burlington Accessory Apartment regulations took care of most of circumstances that temporary structures would be needed. Temporary structure seems more like a mobile home not a structure.



## Town of Burlington

Hebert it's my understanding someone has to put up a \$50,000 bond. Conroy explains we don't have to according to the General Statutes but that we may accept up to a \$50,000 bond to ensure compliance. Hebert asks Conroy what is the downside of this for the town. Conroy feels it could be hard to enforce to ensure compliance but that's why there would be a bond in place. Don't know how assessor will tax this since it's a temporary structure. Has to comply with the setbacks. Hebert says if we have control over it, what harm it would be. It's having an option. Lindboe asks Conroy when we adopted the Accessory Regulations and there was a certain size, did it benefit people. Conroy states she is not sure. Accessory apartment is a special permit and it's filed on the land records. Once someone sells their house, anyone can move into that. Not easy to enforce and regulate. These temporary structures, you can enforce and regulate. Parente reads Section 3b into record about accessory structures. Temporary structures do not require special use permit.

Conroy states definitions for Mobile, Recreational vehicle and motor home all overlap. We need to change the regulations and clean up this area of the regulations. Need to clarify regulations. Richard Miller feels the Accessory apartments cover a lot of this. State's group home regulations. There is also FEMA regulations to keep in mind. Setback requirements are a concern. I have 90' in my front yard that could fit this and I don't want it there. No public hearing and timing is difficult and not enough time. Would we have to call a special hearing or meeting? Conroy states doesn't see this as an issue. Health District has as much time as necessary to approve and we have two meetings a month. Richard Miller continues things concern him on enforcement and appearance.

Franciamore there is a requirement of note from health provider and town can require yearly proof. For some people Temporary Health Care Structures might make a difference.

Rich Miller is it hard to enforce that? Conroy says no since statute allows us to take a bond and if the person doesn't follow regulations, we can call up the bond.

Buthe states keep in mind the reason for these structures.

Parente feels we need to do our homework and does it go with any of our regulations. We really need to go through our entire regulations and review everything. Need to get ducks in a row.

Conroy states some towns are adopting policies as opposed to changing regulations to handle this. Either way they need Health District approval.

Richard Miller states most people bring ailing person into your home without having to do anything.

Conroy gives an example and states it gives the person more privacy.

Richard Miller feels accessory apartments meet this too.

### Public Comment:

Reinhart Herman, 126 Stone Road. If you adopt this bill, does it supersede the Town's regulations? Conroy states we are automatically in it unless we opt out. The act includes language "Shall" or "may". "Shall", the Town must commit to and "May" we should consider.



## Town of Burlington

DJ Harris, 43 Mountain Top Pass. Do you modify the accessory apartments to accommodate this? I thought you needed twice the acreage. That's strict if someone wants to accommodate a family member. How does a small little cottage impact a neighborhood? You can easily have someone stay there a day and move a different person in. Richard Miller states we could change the accessory apartments to accommodate this. Will look into.

Sonia Higley, 102 West Chippen Hill Road. It's not a special permit? Is it written in there that it can't be a special permit? Because when it comes to enforcement, you have file on the land records. And when you go to sell the house, attorney can make sure it's taken care of and off records. If recorded on land records, attorney needs to research and take care of. Conroy states statute says shall not require a special use permit.

Franciamore asks if we decide to opt in and there is a problem, can we later opt out. Yes.

Conroy directions:

1. Accessory apartment changes.
2. RV, Mobile home issues need to be addressed.

**MOTION:** Parente, seconded Buthe to close public hearing and reopen the regular meeting at 8:11pm, unanimously approved.

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

#### A. **Carrier Home Builders, Inc. – Performance Bond to Maintenance Bond.**

Conroy reads letter from Milone and McBroom dated December 4, 2017.

Original bond was \$90,000 to reduce to \$22,500. WMC letter dated December 5, 2017 read into record. Conroy will write a memo to BOS about completion of project and acceptance of road. File mylars with asbuilts after road is adopted.

**Motion:** Parente, seconded Franciamore to reduce Carrier Home Builders, Inc. Performance bond to a Maintenance Bond from \$90,000 to \$22,500 as recommended by Tharau and WMC, unanimously approved.

#### B. **Approval of Minutes**

**MOTION** Parente, seconded Wilson to approve the minutes from the November 9, 2017 regular meeting as submitted; unanimously approved.

#### C. **Communications:**

- A. Letter from Johnnycake Mountain Associates Inc. dated November 30, 2017 read into record. Area includes both town and O&G. Town attorney will review and inform us if acceptable. DJ Harris answers any questions. Easement says that they are allowed to drain. Will follow up with Attorney Slater.



## Town of Burlington

**D. Acceptance of 2018 Calendar:**

MOTION Parente, seconded Buthe to approve the acceptance of the 2018 Planning and Zoning Calendar.; unanimously approved.

**7. CITIZEN COMMENT:**

None

**8. ZONING OFFICER REPORT:**

A lot of New Single Family Certificate of Occupancies being done. Looking into predated things also. Bond reduction fee has always been a line on adopted fee schedule though not previously collected. As of January 2018, we will apply this fee to reduction requests. The fee is \$50 to cover Highway Director and Engineer to review and we never collected it. Implementing a more formal process. Conroy made an As-built Checklist for contractors to follow. Making sure as-builts have everything on them before bringing to Land Use Office.

**9. STAFF/COMMISSION COMMENTS:**

Miller mentions BOS discussion of new fees into the ordinances. Thinking about ways they can do other Land Use fees. Conroy states that is not how the First Selectman Shafer explained it to me. 3<sup>rd</sup> party review, example: Jerome Avenue application, 2 occasions that we had to go out and inspect with Highway Director and Engineer. We want to be able to say this required a 2 hours of labor above and beyond the scope of a normal application, receive an estimate from Town engineer for anticipated cost and let the applicant know so we recoup the fees.

Richard says this requires a written ordinance but BOS wasn't sure if that was required. Conroy reviewed fees from other towns and Council of Government and we are the only town that doesn't collect 3<sup>rd</sup> party review fees. Ordinance committee didn't want to take this task on so nothing was changed.

Parente comments:

1. Have Town Attorney come to meeting and explain when to recuse ourselves.
2. Look at way we accept applications. If they meet the regulations and the application is complete, just set the Public Hearing. The applicant doesn't even need to be here to address commission until hearing. Makes things faster.
3. I already started reviewing the regulations and could come in and help with that.

**10. ADJOURN:**

MOTION Parente, seconded Franciamore to adjourn the meeting at 8:31pm; unanimously approved.

Respectfully submitted,  
Lisa Ozaki  
Planning and Zoning Clerk