



Town of Burlington

**PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING
MAY 24, 2018
BURLINGTON TOWN HALL**

PRESENT: Richard Miller - Chairman, Rob Wilson, John Hebert, Eric Lindboe, JP Parente, Barbara Dahle, Lynn Buthe and Sonia Higley sat for Rudy Franciamore. Absent was 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. Wilson states Mary needs to be changed to Marty.

B. Approval of Minutes

MOTION Parente, seconded Wilson to approve the minutes from the May 24, 2018 regular meeting as submitted; unanimously approved.

C. Communications:

A. Town of Farmington – Carrier Home Builders – Blasting off Taine Mountain Road.

2. NEW APPLICATIONS/NEW BUSINESS:

A. None

3. PENDING APPLICATIONS:

A. Application #2130 – B & R Corporation – Site Plan Shared Driveway – George Washington Tpke. Lot #4, 5, & 6. (Submitted February 22, 2018)

Applicant not present. Conroy states IWWC still has not approved. Soil Scientist going out next week.

Continued to next regularly scheduled meeting on June 14, 2018.

4. PUBLIC HEARING(S):

A. Application #2134 – Palmarozza – Special Use – Home Occupation Bakery – Skip Lane #3 (Submitted April 23, 2018) (Public Hearing May 24, 2018)

Motion Wilson, seconded Parente to open Public Hearing at 7:04pm; unanimously approved. Christopher Palmarozza, applicant present and addressed the commission. 12' x 24' 2 story



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addition with dining room on top floor and commercial kitchen for bakery on 1st flr. Smaller than existing deck footprint. Hidden off Jerome Ave. and Skip Lane. Talking to BBHD along the way. Engineer working on septic system right now. No problem with it and separate reservoir for down the line. Letter was mailed to neighbors and signs were put in yard.

Hebert states he is curious if any neighbors showed up for this.

Wilson asks will this be retail sales. Palmarozza states it will be delivery only.

Citizen Comment:

Kim Massicotte, 4 Skip Lane. I live directly across the street from them. We just love this family. They are such courteous people. Can't think of more wholesome thing to do on this property then bake, especially the baking that Chris does, it is amazing. I encourage you all to try their baked goods. I hope because I am here to support them, that I will have an endless supply of baked goods. Whole heartedly support this application. Please support it.

Motion Wilson, seconded Parente to close the public hearing at 7:08pm; unanimously approved. Motion Parente, seconded Rich Miller to approve Application #2134 – Palmarozza – Special Use – Home Occupation Bakery – Skip Lane #3.

IN FAVOR; Parente, Higley, Buthe, Wilson, Richard Miller, Hebert and Rich Miller.

OPPOSED; None.

ABSTAINED; None.

Permit Granted.

- B. Application #2131 – Rock Builders, LLC – Subdivision – E. Chippen Hill Rd. Map #4-02-17 (Submitted March 12, 2018) (Public Hearing April 26, 2018)**
Motion Buthe, seconded Higley to open Public Hearing at 7:10pm; unanimously approved.

Atty. Tim Furey present for the applicant and addressed the commission. Furey states we are asking for conditional approval tonight. This is getting very frustrating for us since we submitted these plans back in February, early March. We are now in June and just now getting more comments fully reviewed. It's just not fair, but we have no problem with what the commission decides. Issues with the planner have been dealt with. We just moved the house. Bristol P&Z should be approved next week. Bristol has agreed to sewer the one home in Bristol if need be. May not be able to have water hooked up though. 2nd issue to redirect the swale for the driveway. This is minor engineering and if WMC wants us to fix it, we can. Furey states Bristol wants a 45' wide cul de sac. That is 4' bigger than Burlington but can accommodate Bristol plows. Town Planner, Marty Connor comments have been resolved. Street light can be put in if your High Director wants it. Town attorney will review the conservation and drainage easements. Furey hands in a draft of those. Town will decide who conservation rights will go to.



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BBHD wanted soil testing mapped and review new maps. Phyllis was on site when the perc happened. Perc rate was 10 minutes or less. Phyllis wanted the holes on the plan. No letter has been written by BBHD yet. Email from Phyllis Amodio read into record dated May 24, 2018. Conroy states if it were all sand and gravel and she would of wrote the letter but wanted to take the time to review it and just did not have an opportunity.

Conroy reads WMC letter dated May 24, 2018 into record. Rock's engineer reviewed the drainage calculations. Detention basin is on town land.

Furey states we are happy complying with IWWC comments. IWWC approved with conditional approval. P&Z had 2 comments and addressed them and then again, we received even more comments now. Furey states give us approval with conditions.

Conroy asks about Lot #5 grade to drain. Rock states water from this lot no longer a burden to the retention pond so it has zero runoff. Furey states the town attorney will review and we would put a restrictive convenient in the deed. Had they brought this to up earlier, I would of already done it.

Richard Miller asks how we make sure this gets done. Conroy explains to Miller how that will be taken care of. Rock states the zoning and building permits will also be looked at. Furey states a grade to drain to lot 5 or Rock states could be bonded. The grading and site work will be done all in one shot. Road has to be bonded. WMC will add this cost in. Rock states it's not a problem.

Parente asks BBHD has a question about perc. Furey states no, she was on site for it and she hasn't had the time to look at it to write the letter. Satisfy BBHD and WMC and get final set of plans. Once I get the plans, I will do easements and have town attorney review. Rock states Bristol will not sign off until Burlington has. Parente states I don't usually like conditional approval, but I am ok with this.

Lindboe asks who is going to maintain drainage. Town maintains it. Town has the easement on land. Nothing can be done there.

Hebert asks do you see any changes being made to the conservation. Furey states no, not going to affect any of that. Hebert asks if any major activity will be allowed in the conservation area. Furey states no, mostly wetlands. Grading on Bristol side only. Rock states silt fence and hay bales will be in it. Riprap? 8" almost like concrete 6% grade.

Commission takes a vote on the light at end of the cul de sac. Commission does not want one but will discuss with public works. Rock states Bristol wants a light at Bristol Burlington line. Furey states latest map will have results from perc test on it for BBHD. Will most likely begin work rather than set bond for entire road.

Hebert asks if the Town Planner is fine with conditional approval. Last paragraph from Marty Connor letter was read into record.

Motion Wilson, seconded Rich Miller to close public hearing 7:50pm; unanimously approved



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Motion Wilson, seconded Higley to approve Application #2131 – Rock Builders, LLC - Subdivision – E. Chippen Hill Rd. Map #4-02-17 with the conditional approval:

1. Draft of proposed easements should be submitted for review by the town attorney prior to recording the record subdivision map.
2. Cash bond should be submitted for the erosion and sedimentation control in accordance with the approved plan prior to the start of the construction of the public improvements.
3. Prior to sale or transfer any lots in the subdivision, a letter from the developer's surveyor shall be submitted certifying the placement of lot markers as per the approved subdivision plans.
4. Receipt of BBHD final approval letter.
5. Satisfaction of outstanding concerns from WMC email dated May 24, 2018.

IN FAVOR: Richard Miller, Wilson, Hebert, Lindboe, Higley, Dahle, Parente and Buthe.

OPPOSED: None.

ABSTAINED: None.

B. Application #2132 – Clampett – Text Amendment – Farm Brewery – Town of Burlington (Submitted March 15, 2018) (Public Hearing April 26, 2018)

Motion Wilson, seconded Buthe to open Public Hearing at 7:55pm; unanimously approved.

Charles Clampett, applicant present and addressed the commission. Met with Conroy and simplified the amendments. Conroy helped with structure and other language. Clampett reads amendments into record.

Dahle states brewery is out of context. Dahle states a farm brewery is under farm. Dahle states if you read the manufacture permit and follow it. First, let's get farm breweries in town before changing all this. Conroy states we are going section by section and the definitions are there. Dahle states putting the horse before the cart. I don't believe you can consume beer on premise, but you can sample it.

Rich Miller asks Conroy about the corrections Clampett made.

Wilson states I am a little bit confused. The existing language under III.A.7. No provisions apply. What provisions? Not clear. Clampett states I read it as, alcoholic beverages can only be consumed in these places.

Dahle states look up consummation, sampling and sipping. Clampett states that is not my intent. My intent is to sample and buy then drink at home.

Conroy states the commission expressed interest in brewery in residential, commercial and other zones. As proposed in residential zones, must always meet the farm brewery regulations, but there are other definitions. Clampett states I just want to open a farm brewery.

Dahle states you need to go under farm and add and content with manufactures permit. Dahle continues with the other definitions. Clampett states his intent in doing this. Parente states you asked him to look beyond the scope of it 5 minutes ago.



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Dahle reads manufacturers permit for a farm brewery. State statute states you can consume on the farm. Conroy disagrees, farm, nano, and micro are subtypes of brewery.

Clampett reads definitions in record.

Richard Miller states he has a concern since the town passed an ordinance about requiring a licensed server. Parente states only on municipal property. Parente asks does the town own his houses? No. Richard Miller states he is concerned with sampling and people drinking too much then driving home through a residential neighborhood. Parente states he would have insurance. Wilson states he went to Kent Falls. There is a farm shed. You can buy a full-size glass of beer. It follows the state statute.

Clampett asks what the difference is if you go drinking at Finnegan's and drink too much and drive home. Miller states they have licensed bartenders that watch out for that. Parente states no they don't.

Hebert states if we want more business in town, people are investing a lot of money into breweries.

Clampett states he takes all the risk himself, financial and liability.

Rich Miller asks if all this absolutely needs to be included in regulations. I want to give him positive feedback.

Conroy states I didn't consider the commission concern with consumption, concern just brought up now

Dahle states the manufactures permit has it all in it. Follow it.

Wilson states the State statute allows for consumption on property.

Conroy states the nano or micro is the scale. That is why we need different definitions. Nano scale might be appropriate on a site where macro is not.

Dahle is confused.

Parente states so what this is doing is having a farm brewery in a residential zone and a brewery in other zones.

Ozaki states he is trying to cover the whole subject in different zones.

Miller asks why we would have a nano brewery in a residential zone. Wouldn't we want something else. Conroy states that is why a special permit comes into play, commission chooses appropriate scale of operation.

Parente states these extra sections allow you to change things.

Conroy goes through special uses in industrial zone. Do you think we should add this? Yes.

Clampett continued to read amendments to commission.

Dahle questions parking spaces. Rich Miller states he isn't a restaurant. Parente asks would he follow a farm stand parking? Conroy states potentially yes.

Richard Miller states I still have issues on consumption especially in a residential zone.

Parente asks do you want new business in town or not? Sounds like we want new business but you don't want any change. Stop arguing about this. Read these regulations and give him something to follow. You go to a bar, you buy beer and drink, but we aren't police. This is



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ridiculous.

Higley states his liability is controlled through the State. It's his problem. He has insurance and that's what it is for. Agree with Parente. He has done a great job. Definitions should be in there. I like what he has done.

Buthe states other businesses deal with same thing. Not for us to be concerned with. We want new business.

Wilson asks about the definition for Farm brewery. Did you get from Kent? Yes. Kent does not have the official farm brewery license and have a State liquor license. Better to conform to the state statute. But can also get a liquor permit. Conroy states farm breweries can only sell what you produce. Clampett states he is putting more restriction on myself and what I can have. I would like to support local agriculture. Burlington first, but I might have to outsource it.

Dahle states everyone read the act of establishing farm breweries. pg. 23 B add farm brewery defined by state statute. I want this for him, but don't want it in subdivisions. Farm Brewery with a sub heading brewery.

Hebert states he has done a good job. I am fearful that if there are too many restrictions there is no economic growth. Are we just going to look at brewery or look at distillers? I would like to see this work for him. Expanding the radius to 50 miles for supplies may be necessary to support production.

Rich Miller states, I commend you. Like the definitions. Appreciate someone like you willing to bring business in town. We should look at this and learn a lesson from it. Consumption can not be controlled. I have friends that live near a brewery and its fine.

Citizen Comment:

Jon Crane, 27 Stony Hill Road. Thank you for your patience with Clampett and please continue working with him.

Carl Updale. Consumption policing too much. Extra regulations to put on top of brewery. What would happen if a good Samaritan took the keys. People try to do their best and not drive intoxicated.

Michael O'Connor, 43 Meadow Road. Like what he is doing and should be able to do whatever he wants. He has a good head on his shoulder. I am too old for this.

Dahle asks Clampett if he read the establishment of the permit. She reviews with him.

Motion Wilson, seconded Buthe to continue public hearing to June 14, 2018 regularly scheduled hearing and close public hearing back to regular meeting at 8:59pm; unanimously approved.

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

A. JMA – Saw Mill Road

Conroy gives commission an update on Sawmill Road Extension. She states it has been

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completed. That was site plan application as opposed to a Subdivision application. The Subdivision regulations do not apply to this road. Subdivision regulations call for a one year maintenance bond for improvements. Since it didn't go through subdivision approval, it does not apply. We are now looking for a one year agreement with JMA guaranteeing the integrity of the road.

Richard Miller asks doesn't the Board of Selectmen have to approve the road and it be put in that approval. Conroy states correct. The town will plow the road. It will be drafted by the attorneys and reviewed. When it's all put together we will deal with it and then send to the Board of Selectmen.

6. CITIZEN COMMENT:

A. Jordan Tonn from Tonn's Orchard on Milford Street. We were here before about a farm store and meet all the criteria, but the 200 sq. feet for the farm stand isn't enough. We are in need of a larger space than that and not sure where to go from here. Do we rewrite regulations?

Conroy asks the commission if there is any regulation that allows retail space in a residential zone. Dahle states Farm. He has a right to build a building. Conroy asks he has the right to build 1000 square foot store?

Hebert asks do we change the regulation than.

Tonn explains we have a stand and need a bigger farm stand away from the house. So it is safer for my grandfather.

Hebert suggest Tonn's speak to Joan Nichols of CT Farm. She is wonderful and has the knowledge for this.

Dahle states a road side stand does not have heat. Conroy states to Dahle so why do we care about a 200 sq. ft. farm stand but not a building. Road side stand is regulated, but not a 1000 sq. ft. retail space.

Conroy asks why are regulating a farm brewery differently than if you don't regulate retail.

Tonn asks so what can I do.

Richard Miller states I think you have what you need.

Parente states I think we need to bring someone in to clarify things before we tell him what to do. Look at the regulations and see what makes sense.

Dahle states as growing up on a family farm, you didn't need permit. We have regulations for everything, but for some reason we forget to put the barn and farm buildings in here. Maybe this gentleman is going to be the one to fix this.

B. Michael O'Connor, 43 Meadow Road. We got a big problem over in the Whigville area on Prospect St., South Main St. and Meadow Rd. The bridge over there, at one time, had a limit of 3 tons on it. Then it was 15 tons. The signs are gone. Conroy states the Town engineer and State engineers have been out there on several occasions to inspect the bridges. O'Connor states there are big trucks with building material going over those bridges. Hiltbrand is taking things out of the pits when it is closed at 6pm.



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Parente states didn't we already take a look at this. Conroy states yes.

O'Connor states he told police we have a safety problem here. No signs. The bridges are cracking. Suggest they go to the Board of Selectmen. P&Z cannot do anything about this. Who took the signs down? There are trucks on the road when buses are out. Taking dirt from South Main St. and bringing it to the pits. This has to be addressed. Conroy will contact Hiltbrand about hours of operation.

Parente asks if we can refer to Board of Selectmen.

Richard Miller states the Board of Selectmen is more capable to take care of this.

- C. Tammy O'Connor. 43 Meadow Road. This is very upsetting what is going on in my neck of the woods. I had a private meeting with 1st Selectmen and it didn't help anything. They brought in speed limit machines.

Conroy states you have to go to Board of Selectmen.

7. **ZONING OFFICER REPORT:**

A. None

8. **STAFF/COMMISSION COMMENTS:**

A.

9. **ADJOURN:**

MOTION Buthe, seconded Wilson to adjourn the meeting at 9:20pm; unanimously approved.

Respectfully submitted,
Lisa Ozaki
Planning and Zoning Clerk