



Town of Burlington

**PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING
JUNE 14, 2018
BURLINGTON TOWN HALL**

PRESENT: Richard Miller - Chairman, Rob Wilson, John Hebert, Eric Lindboe, JP Parente, Barbara Dahle, Lynn Buthe, Rudy Franciamore and Rich Miller. Absent was Sonia Higley.
Marty Connor, Consulting Town Planner
Lisa Ozaki, Recording Secretary

1. CALL TO ORDER:

A. Attendance and Designation of Alternates

Chairman Miller called the meeting to order at 6:30pm.

Motion Wilson, seconded Parente to go into Executive Session at 6:35pm.

Motion Wilson, seconded Parente to come out of Executive Session at 7:20pm and to into regularly scheduled meeting at 7:21pm.

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

B. Approval of Minutes

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

C. Communications:

A. Pequabuck Rivershed Tour.

2. NEW APPLICATIONS/NEW BUSINESS:

A. Application #2136 – Village Shops – Site Plan Modification – Spielman Hwy #262 (Submitted June 11, 2018)

James Pryor, applicant present and addressed the commission. Own a commercial property that has residential on it. The florist moved out in December and can't find another tenant to rent it. Decided to make another apartment out of it. For commercial use this building is hard for visibility, so rental apartment would be good. Duplexes are allowed in CB zone. There is already 2 bedrooms, just need to add bathroom to it.

Connor proposes applicant get a new site plan.

Rich Miller states would like to see what exactly is going in there on map.

Buthe states she has concern for visitors and parking. Pryor states there is 25 spaces already there and never an issue with parking.

Parente states it's just a change of use and no change of footprint.



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Wilson states no changing of building so why would we need an engineered plan. No formal site plans. A new drawing with cleaner summary on it.

Dahle states regulation pg. 98 #4 just a change of use.

Pryor required to provide clean site plan with summary to Zoning Officer

Motion Parente, seconded Rich Miller to waive site plan; unanimously approved.

Motion Wilson, seconded Buthe to approve Application #2136 – Village Shops – Site Plan Modification – Spielman Hwy #262 subject to zoning and BBHD approval.

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

OPPOSED; None.

ABSTAINED; None.

Permit Granted.

B. Application #2135 – Creative Concepts Kitchen & Bath Design – Site Plan/Change of Use – Spielman Hwy #292 (Submitted May 25, 2018)

Liz C, applicant was present and addressed the commission. Change of use from Mountain Mudd to Kitchen and Bath showroom.

Richard Miller states there is enough parking in the complex.

Ozaki states business already open and renovations are done. Permits for building were approved.

Motion Parente, seconded Rich Miller to waive site plan; unanimously approved.

Motion Wilson, seconded Buthe to approve Application #2135 – Creative Concepts Kitchen & Bath Design – Site Plan/Change of Use – Spielman Hwy #292.

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

OPPOSED; None.

ABSTAINED; None.

Permit Granted.

3. PENDING APPLICATIONS:

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

Atty. William Tracy, attorney for applicant was present. Still waiting for IWWC approval.

Special meeting on the June 27, 2018. Should have everything wrapped up for next meeting.



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Continued to next regularly scheduled meeting on June 28, 2018.

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

- A. **Application #2132 – Clampett** – Text Amendment – Farm Brewery – Town of Burlington (Submitted March 15, 2018) (Public Hearing April 26, 2018)
Motion Buthe, seconded Parente to open Public Hearing at 7:44pm; unanimously approved.

Charles Clampett, applicant present and addressed the commission. New amendment submitted and goes through changes with commission.

Connor explains that he has written 2 of these for 2 other towns.

Dahle asks if she is to wait until end to respond. Richard Miller states yes wait until end.

Clampett explains the liability and training to the commission.

Diagram of Business model was submitted into record.

Dahle asks farm nano, how many acres would you have to be. A farm is a farm is a farm. That is what a farm is. Going down in acres. Minimum shall be 3 acres and 5 acres. Should be 3 to 5. Property lines shall have a vegetative barrier 20' from line. You are losing a lot a property. Do you realize this? Clampett states I know what 20' is. This is from existing regulations to have a buffer to hide in residential zone.

Dahle states under farm brewery should be exactly what is state statute. Connor states that is what we have. Clampett states I am trying to establish a nano brewery is town. Dahle states you are changing everything to benefit just you. Franciamore asks Dahle to please let him finish.

Dahle states but what we are doing is having special rules for special people. Ozaki asks Dahle to listen and let him finish. Clampett states if I am being too specific then maybe I need to change things. Richard Miller states Connor has done this with 2 towns and can help with it. He informs the commission Conroy is leaving. Someone asks if Dahle is leaving. Dahle states no. Franciamore asks about distance to property since he was not at previous meeting. What about customer and noise involved. Parente states it was touched on a little bit and he doesn't have an application in yet. Richard Miller states it will be by special permit.

Rich Miller states I appreciate the effort.

Dahle states she doesn't like that Conroy helped you write this. You should hire a lawyer for this and if you can't afford a lawyer then you shouldn't be going into the brewing business.

Wilson says to Dahle to cut it out. Ozaki states she didn't write it that he had a meeting to discuss what should be addressed. Dahle states I think farm brewery goes back to state statute. Clampett states that Kent Falls has a special liquor permit and don't follow the state statute.

Dahle states this whole thing has been written just for you. If this doesn't go this way, you said you can't do it and will have to go somewhere else. We don't write regulations for people.

Clampett states the state is less restrictive. Dahle states this is not how we do things. Too many regulations, cut it in half and it passes.

Wilson states a lot of work went into this. Well thought out ideas. I understand that you are not a



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lawyer and have every right to appear before us as a citizen. Talked about trying to change the regulations for a farm brewery. Has potential for a pub brewery. Talked about that it has to conform to state laws, but it doesn't have to. We are free to be less restrictive. Under state statute 25% from State of CT and 2nd year after 50%. There are 2 different guidelines. Clampett explains if I can't source ingredients to make beer than I don't have a viable business. Wilson states you will need to get a special permit from us and other things from the State. Definition of Tap Tasting room. Means there could be tasting room in any brewery.

Parente asks do we need a special permit for the tap taste room.

Connor states special uses of whole thing is an accessory to production of the beer.

Dahle states Connor check the R15 special use. They would not comply. Wilson states we would be more comfortable to limit to R44 and not R15.

Wilson states section III.B.7 confused. No provision? What provisions shall not apply? We need to change it.

Richard Miller states we are going to have Connor and Conroy review and come back to us. We don't have staff to regulate all this nano and micro.

Parente states these are good and we are moving forward. Opened up the scope, not exactly what the state statute says. Why did you do it? Clampett states I need to line up supplier in order to survive. If demand is so high, I have to look outside the state to have a viable business. I don't want to start down this path and fail.

Parente states you are looking at a starter kit to take it to the next level. Connor states needs the % to say CT grown to have to meet farm definition. Backup for other people in town. Don't see this as a point specific but opening up for more opportunities in town.

Hebert states I agree and don't want to see this too restrictive.

Parente states page 4 is just your business model and don't want to see it in regulations.

Clampett states yet.

Richard Miller asks how many employees you would have. Clampett states 0. Just me.

Dahle states don't like it when a chairman regulates how much you can talk. You have a specific right to this and need no special permit for farm brewery. Clampett states it seems simple, but it isn't. Dahle thinks we should simplify it to just that. Special permit for everything else.

Citizen Comment:

Jon Crane, 27 Stony Hill Road. Appreciate all the efforts you are doing for Clampett and we can get a farm brewery in town. It would be a wonderful addition. Thank you.

Richard Miller states we should close the public hearing. Connor and Conroy can take a look at this and fix it.

Hebert asks if it would be appropriate to email us the other town amendments you have worked on. Connor states he could but he can't add anything to this from it, if public hearing is closed.

Parente asks if we close do we use the specific amendment or can we tweak it?



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Connor states if there is a minor tweak, we can change. No major additions.

Richard Miller states he had done a great job with the frame work.

Dahle states I want to make it easier for you. You can bypass all regulations needs. Less is more.

Motion Wilson, seconded Rich Miller to close the public hearing and to go back to regular meeting at 8:24pm; unanimously approved.

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

A. **JMA – Saw Mill Road**

Dwight Harris present and addresses the commission. Saw Mill Road is complete. Everyone is happy with it. 600 cars were at the Music Fest and were cleared out in 20 minutes. No complaints. I think there should be an entrance and exit on that side of the park to go down Saw Mill Road. Warranty the road in lieu of maintenance bond.

Connor explains 8-24 to Board Selectmen to send a favorable acceptance the road with 1 yr. maintenance agreement. First Selectman Shafer and Conroy are fine with this.

Harris states never had a problem in the 30 years with any of our roads. Mountain Top Pass people are using it, but not really Johnnycake Mountain Road using it. It's the last road to now be built on Johnnycake Mountain.

Motion Wilson, seconded Buthe to make a favorable acceptance of the Saw Mill Road Extension to the Board of Selectmen; unanimously approved.

6. **CITIZEN COMMENT:**

- A. Jon Crane, 27 Stony Hill Rd. Hope the town puts a road sign up indicating access to Johnnycake Mountain Park via Saw Mill Road once park is opened.

7. **ZONING OFFICER REPORT:**

- A. None

8. **STAFF/COMMISSION COMMENTS:**

- A. Richard Miller states again that Conroy is leaving for new position. She will be missed and wish her luck.
- B. Francimore states in the 9+ years I have been on this commission I think we need to, no matter how the audience gets, I don't think anyone should be limited to speaking unless they are being rude, offensive and loud. It should be shut down and we are the professional commission and should be better. I truly do not like it. I don't enjoy coming to meetings when they get like that.



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9. **ADJOURN:**

MOTION Lindboe, seconded Hebert to adjourn the meeting at 8:24pm; unanimously approved.

Respectfully submitted,
Lisa Ozaki
Planning and Zoning Clerk