



## Town of Burlington

### PLANNING AND ZONING COMMISSION MINUTES OF REGULAR MEETING FEBRUARY 14, 2019 BURLINGTON TOWN HALL

**PRESENT:** Richard Miller-Chair, Rob Wilson, JP Parente, and John Hebert.  
Absent was Lynn Buthe, Sonia Higley, Rudy Franciamore, Eric Lindboe and Barbara Dahle.  
Jerry Burn, Zoning Enforcement Officer.  
Lisa Ozaki, Recording Secretary.

#### 1. **CALL TO ORDER:**

##### A. **Attendance and Designation of Alternates**

Chairman Miller was present for meeting and called the meeting to order at 7:00pm.  
Regular members present were seated for the meeting. Alternates will be assigned on each application, as needed.

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

MOTION Parente, seconded Wilson to approve the minutes from the January 10, 2019 regular meeting as submitted; unanimously approved.

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

A. None

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

- A. **Application #2145 – Whispering Winds, LLC** – Subdivision – 4 lots – South Main St. #71 (Submitted February 7, 2019) (Public Hearing February 28, 2019)  
Robert Hiltbrand, engineer was present and addressed the commission. Gravel removal project done. Using same feasible plan shown to P&Z last time. Everything has been sent to WMC and BBHD. Public Hearing set for 2/28/2019. Hiltbrand will be away for public hearing. Removed all building. There is no wetlands.

Continued to February 28, 2019 meeting.

- B. **Application #2146 – Lin** – Special Use – Massage Therapy Spa – Spielman Hwy #258 (Submitted February 8, 2019)

Christopher Lee, representative for Lin was present and addressed the commission. Taking over doctor's office space at Burlington Green. BBHD is all set. Burns states all licenses are in order.

Motion Parente, seconded Wilson to approve Application #2146 – Lin – Special Use – Massage Therapy Spa – Spielman Hwy #258.

IN FAVOR: Miller, Wilson, Parente, and Hebert.

200 Spielman Highway ☎ Burlington, CT 06013-1735 ☎ 860-673-6789



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OPPOSED: None  
ABSTAINED: None  
Permit Approved.

### 3. **PENDING APPLICATIONS:**

A. None

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

A. **Application #2142** – O&G – Two Year Gravel Renewal – Covey Rd./Foote Rd.(Schwarzman Pit) (Submitted January 10, 2019) (Public Hearing February 14, 2019)  
Motion Wilson, seconded Parente to open public hearing at 7:06pm; unanimously approved.

Ken Faroni, was present and addressed the commission. 2 year gravel permit. Faroni submitted affidavits for signs posted and abutters. 140,000 cubic yards. 86 acres in total. Bond letter for \$40,000 renewed for next 10 years. Upson Road will be used for entering and exiting. Never received any complaints regarding graveling.

Motion Wilson, seconded Parente to closed public hearing at 7:21pm; unanimously approved.

Motion Wilson, seconded Parente to approve Application #2142 – O&G – Two Year Gravel Renewal – Covey Rd./Foote Rd. (Schwarzman Pit).

IN FAVOR: Miller, Wilson, Parente, and Hebert.

OPPOSED: None

ABSTAINED: None

Permit Approved.

B. **Application #2143** – Burlington Academy Properties, LLC – Resubdivision – Covey Rd. #4 (Submitted January 10, 2019) (Public Hearing February 14, 2019)

Motion Wilson, seconded Parente to open public hearing at 7:22pm; unanimously approved.

David Whitney, engineer was present and addressed the commission. Whitney submitted affidavits for signs posted and abutter's letters. Resubdivision consist of 5 buildings on 3 lots.

Lot #1 consists of small single family resident with office space on one side (12 Covey Rd.)

Lot #2 consists of 3 existing buildings for Burlington Academy of Learning on 2.7 acres.

Lot #3 consists of the Industrial building with several tenants in it. (8 Covey Rd.)

All uses are permitted by the CB zone. No new construction on site. Proposed water line will serve lots #1 & 2. Torrington Water Company letter read into record. Wetland's report dated 12/12/18 read into record. BBHD letter dated 2/5/19 read into record. Common driveway easement prepared by Atty. Bill Tracy. Letter from WMC dated 2/11/19 read into record.

Whitney submitted letter dated 2/13/19 into record regarding revised corrected changes.



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### Citizen Comment:

Bob Rivard, 233 Spielman Hwy., asks to see easement. Who is installing water line? Whitney states contractor recommended by Torrington Water. Will the wells be abandoned? Whitney states pumps will be pulled and wells cemented properly.

Motion Wilson, seconded Parente to closed public hearing at 8:01pm; unanimously approved.

Motion Wilson, seconded Hebert to approve Application #2143 – Burlington Academy – Resubdivision 3 lots – Covey Rd. #4 with condition indicated in WMC letter dated 2/11/19 and final review and install of fire hydrant if necessary.

IN FAVOR: Miller, Wilson, Parente, and Hebert.

OPPOSED: None

ABSTAINED: None

Permit Approved.

- C. **Application #2144 – Tonn** – Special Use Permit – Farm Store – Milford St. #418 (Submitted January 16, 2019) (Public Hearing February 14, 2019)

Motion Wilson, seconded Parente to open public hearing at 8:03pm; unanimously approved.

Atty. William Tracy, was present and addressed the commission. Tracy submitted affidavits and mailings for abutters. Dennis McMorrow, engineer for applicant was present and addressed the commission. McMorrow submitted new plans dated 2/13/19 into record. McMorrow discusses Farm Store. 1,444 sq. ft. building. 10% affidavit submitted into record. Letter from Berkshire dated 2/13/19 submitted into record and McMorrow goes through. BBHD approval dated 2/8/19. DOT has been contacted sees no issue with.

### Citizen Comment:

Paul Kovaleski, 426 Milford St, asks if fence next door is being kept or will new fence be put up. Jordan Tonn, Farm Store applicant addressed Kovaleski. Tonn states he wants to make Kovaleski happy. Does he want the fence up, down or replaced? Kovaleski would like it down. Tonn is fine with that.

Jon Crane, Whigville Preservation. Supports Tonn and they are wonderful neighbors. Preserve the community and preserve farming.

Tom Roberge, 57 Spielman Hwy., owner of Hard Rain Farm. I have visited many farms around CT. Tonn is the best farmer I have ever talked to. Concerned about the 10% only from within, and rest outsourced. Doesn't promote farming, but promotes farm store. How do you enforce the 10%? For myself, it's 100% my farm. Customers wants to know where it comes from and they want to know that it's yours. Tonn states I want to support CT farming. I don't have a relationship with you yet, but I would like to. We sell what is ours first. We want to support other local farms too. Roberge states it's still just promoting a farm store.

Aubrey Tonn, 10 Nicole Lane, states 10% comes our orchard which is in Terryville. Atty. Tracy reminds commission that 10% was dealt with in public hearing.



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Motion Wilson, seconded Parente to closed public hearing at 8:39pm; unanimously approved.

Motion Wilson, seconded Hebert to approve Application #2144 – Tonn – Special Use Permit – Farm Store – Milford St. #418 conditioned to WMC letter dated 2/11/19 and DOT approval.

IN FAVOR: Miller, Wilson, Parente, and Hebert.

OPPOSED: None

ABSTAINED: None

Permit Approved.

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

A. None

6. **CITIZEN COMMENT:**

A. None

7. **ZONING OFFICER REPORT:**

A. Burns is busy training with Malanca and Connor. Several enforcement issues dealt with. Starting Cazeo training in May.

B. 210 Covey Road Horse farm therapy. Wants commission's thoughts on it. Parcel has barn and stables there. Would just require a special use permit for the home occupation of the therapy. Horses are fine.

8. **STAFF/COMMISSION COMMENTS:**

A. None

9. **ADJOURN:**

**MOTION** Wilson, seconded Higley to adjourn the meeting at 8:53pm; unanimously approved.

Respectfully submitted,  
Lisa Ozaki  
Planning and Zoning Clerk