



Town of Burlington

PLANNING AND ZONING COMMISSION MINUTES OF REGULAR MEETING OCTOBER 13, 2016 BURLINGTON TOWN HALL

PRESENT: Richard Miller-Chair, John Hebert, Rudy Franciamore, Eric Lindboe, Barbara Dahle sat for John Parente, Tom Zabel, Abby Conroy, ZEO, Martine 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 7:00pm.

Regular members present were seated for the meeting. Alternates will be assigned on each application.

B). Approval of Minutes – September 22, 2016

MOTION Zabel, seconded Lindboe to approve the minutes from the September 22, 2016 regular meeting as submitted; unanimously approved.

C). Communications:

1. Memo from Ellie Parente, Director of Finance 2015-2016 Final Budget.
2. CRCOG – Report for POCD Referral POCD-2016-0: petitioned proposal to amend the Town's Plan of Conservation and Development including Future Land Use Map with regard to land on the north side of Colt Highway (Route 6), just east of the intersection with Finemann Road and Birdseye Road.
3. CRCOG – Report for POCD Referral POCD-2016-8: Proposed comprehensive update of the Town's Plan of Conservation and Development.
4. Farmington River News Spring 2016
5. City of Bristol – Letter from Bristol Zoning Commission, dated September 29, 2016 regarding referral of Proposed Amendment to the Bristol Zoning Map. Amendment to change the zoning map from the current R-15/BT (Single-Family Residential-Downtown/Neighborhood Transition Overlay) to BD-2 (Downtown Business) for Assessor's Map 26, Lot 140 & 141 Laurel St.
6. City of Bristol – Letter from Bristol Zoning Commission, dated September 26, 2016 regarding referral of Proposed Amendment to the Bristol Zoning Map. Amendment to the Special Permit Uses in a BG (General Business) Zone, Section VI.B.3> is proposed to be amended to include a new Section: "(ee) Public Warehousing or Storage, including self storage."



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2) NEW APPLICATIONS/NEW BUSINESS:

A). None

3) PUBLIC HEARING(S):

A) Application #2098 - McHale: Home Occupancy for Massage Therapy at Withe Pass #15 submitted (7/28/16).

Seated: Miller, Hebert, Franciamore, Lindboe, Dahle, Zabel.

MOTION Zabel, seconded Lindboe to close the regular meeting and open the public hearing at 7:07pm; unanimously approved.

Sharon McHale, applicant, was present and addressed the Commission. She submitted proof of mailings and list of abutting owners. She is proposing massage therapy in her own home. McHale will be the only one working massage therapy in one room 12' x 12', 156.2 sq. ft. McHale read her letter into the record. There will be no traffic and nothing changing in house. She is not advertising on internet. Will be word of mouth of friends and referral only for clients. There is enough parking in driveway since only 1 client at a time. On a typical day, only 1 or 2 a day for massage.

Massage therapy definition: Intentional systematic manipulation of the soft tissue of the body to enhance health and healing. We are licensed Massaged Therapists by the State of Connecticut after having completed all course work required by Connecticut Center of Massage Therapy and having passed a state required exam.

Connor read updated letter from September 19, 2016 into the record. Applicant has provided as-built. She will be the sole proprietor and has devoted 156.2 sq. ft. office for use of massage therapy in one room of her home.

Miller read into record, letter from Arthur & Sandra Hierl not in favor of McHale.

Public:

Jennifer Cavallari – 18 Withe Pass – read into record her letter, dated October 13, 2016 not in favor of McHale.

William Walluck – 1 North Ridge – Secretary for Barnes Ridges Property Owners Association provided Deed Restrictions for Barnes Ridge property owners (Home owners association).

Sandra Hierl – 10 Withe Pass – Stated she called Connecticut Department of Public Health and you must be a license massage therapist.

Christopher Mascoli – 22 Withe Pass – Supports everything the Hierls and Cavallari has said. If the state requires a license then it's a business and a business cannot be in a residential zone.

Cathy Bergstrom – 9 Ryans Way – In favor of McHale. Clearly she has a license and can practice massage therapy. There are no safety concerns on Withe Pass that this business will cause.

Gabby Harakas – Hunters Crossing – In favor of McHale. Great to have own business. Very clear that it's only 1 room, 1 person in house and will help people.



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Cecile Berry – 98 Charolais Way – In favor of McHale. There is no concerns about the cars on road. With McHale's 4 kids gone there is less traffic with massage therapy. Use common sense.

Art Hierl - 10 Withe Pass – Not in favor of McHale. Concern on impact on neighborhood. Not be allowed in residential area. Is that activity prohibited allowed in area?

Jennifer Cavallari – 22 Withe Pass – Issue on hand is it allowed? Traffic was a prediction. If she increase her clients how will we stop that?

Naomi Miwako – 11 Candlewood Road – In favor of McHale. Not running a massage parlor. Definition provides treatment for ailments. This will not impact traffic or house values.

Allison Baker – 79 Hunters Crossing – In favor of McHale. No traffic. Association is a joke. Nothing ever done for meeting or anything for HOA since we lived there.

Christopher Mascoli – 22 Withe Pass – We on Withe Pass have direct impact not the people who live around us. McHale has been having clients without a permit.

McHale – Lived on Withe Pass for 25 years. HOA hasn't been around in years. Pulling Mr. Walluk out when association doesn't exist. I have friends come over for free practice since I need to complete hours for my license. I physically cannot do a lot of massages in one day. Commission would put restrictions on what I can and cannot do with the Special Use permit. When my kids are home, I will not be working since I want to spend the time with them. 1 or 2 clients a day and not every day, nor do I want to every day.

MOTION: Zabel seconded Lindboe to close the public hearing and reopen the regular meeting at 8:07pm;

IN FAVOR, Miller, Hebert, Franciamore, Lindboe, Zabel.

OPPOSED, Dahle

ABSTAINED, none.

Agenda item continued to the next regular meeting on October 27, 2016.

B. Application #2096 – MDR Contractors: Re-subdivision – Riverview Estates Section 1, Shire Way #6

Miller read BBHD lettered, dated October 12, 2016 into record. Well location and septic system has changed and needs to be reviewed. No approval from BBHD at this time.

Connor read into record his letter dated October 11, 2016. States BBHD needs to review new plan. WMC has not reviewed new plan that was submitted tonight. Document needed for what is allowed and not allowed in conservation easement.

Matt Reale, applicant was present. Reale states that only changes on revised plan is the conservation easement added in. Discussion of guardrails versus boulders. 275' long guardrail installed before construction starts.

Connor recommends commission members walk Shire Way Lot #6 1 at a time to see



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site and report back at next meeting what you saw. Reale has extended his application 65 more days in writing and commission has accepted. Need BBHD Approval and Conservation Easement information.

Public:

Katie Matthews – 6 Shire Way – Bond for Shire Way Rd. Please explain how that works. Can Matt also continue to re-subdivide?

MOTION: Zabel seconded Lindboe to continue the public hearing to next regular meeting on October 27, 2016 and reopen the regular meeting at 8:40pm;

IN FAVOR, Miller, Hebert, Franciamore, Dahle, Lindboe, Zabel.

OPPOSED, none

ABSTAINED, none

4) PENDING APPLICATIONS:

5) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION: None

6) CITIZEN COMMENT:

Katie Matthews – 6 Shire Way – Thank you for coming out for site visit. Continue to express my concern for a resolution for Shire Way. Want it to be safe to get to our homes. Thank you.

Daryl Gordon – 2 Shire Way – Thank you. I support what Katie has said and we will keep being here. Long way away from 2019. Thank you.

7) ZONING OFFICER REPORT- None

8) STAFF/COMMISSION COMMENTS- none

9) ADJOURN

MOTION Wilson, seconded Zabel to adjourn the meeting at 8:45pm; unanimously approved.

Respectfully submitted,

Lisa Ozaki

Planning and Zoning Clerk