



Town of Burlington

PLANNING AND ZONING COMMISSION MINUTES OF REGULAR MEETING OCTOBER 8, 2020 VIA TELECONFERENCE

PRESENT: Richard Miller-Chair, Rob Wilson, Sonia Higley sat for JP Parente, Rich Miller, Stefen Stolarz, Rudy Franciamore, Eric Lindboe sat for Rich Miller, John Hebert.
Jerry Burns, ZEO
Allison Tharau, 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 7:02pm.
Regular members present were seated for the meeting. Alternates will be assigned on each application, as needed.

B. **Approval of Minutes**

Motion Higley, seconded Franciamore to approve the minutes from the September 24, 2020 regular meeting as submitted; unanimously approved.

C. **Communications:**

A. September 2020 Permit Report

2. **OLD BUSINESS:**

A. None

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

A. **Application #2169**-Hogan-Ground Mounted Solar System-Equestrian Lane#66
Motion Higley, seconded Wilson to set public hearing for November 12, 2020; unanimously approved.
Motion Higley, seconded Wilson to amend agenda to add **Application #2171**-O&G Industries Excavation Renewal – Pavlik Pit-Spielman Hwy and set public hearing for November 12, 2020; unanimously approved.

4. **PENDING APPLICATIONS:**

A. **Application 2168**-Patel-Special Use Permit-Liquor Retail-Spielman Hwy #276.
Public hearing scheduled for October 22, 2020

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

A. **Application 2166**-Lemieux-Special Use Permit-In-Law Apartment-Valley View Lane Lot#32-10



Town of Burlington

Motion Wilson, Seconded Higley to close the regular meeting and open the public hearing at 7:06PM; unanimously approved.

Alex Nocera present and addressed the Commission.

Jerry Burns, ZEO, read summary report into the record.

Public Comment: None

Commission discussed application.

Motion Wilson, seconded Higley to close public hearing and reopen regular meeting at 7:20PM; unanimously approved.

Motion Wilson, seconded Hebert to approve Application 2166-Lemieux-Special Use Permit-In-Law Apartment-Valley View Lane Lot#32-10 per the plans submitted for the following reasons: This application for the proposed use meets or exceeds or Planning & Zoning Regulations for the R-44 Zone for the following reasons:

The Accessory Apartment is subordinate to the existing single-family dwelling with separate sanitary and cooking facilities from the main dwelling;

The purpose as defined by our regulations is met by this plan;

The location and appearance of the structure will be in character with the surrounding neighborhood;

The Bristol Burlington Health District is reviewing this use with the proposed septic and well system and approval is expected;

This is the only Accessory Apartment proposed for this lot:

The occupants of the main dwelling are the owners of record;

The following Regulation calculations are all met or exceeded;

Total bedrooms; Off-street parking; Total Living Space percentage and square footage;

Minimum Living Space; No reduction of Total Living Space for the principal dwelling;

The Apartment is not in the basement or cellar:

The principal dwelling and proposed Apartment will conform with all the applicable building, health, fire, sanitary and R-44 Zoning Regulations;

The single-family residence appearance will be achieved with the proposed plan;

The Apartment has a direct, separate entrance from the main dwelling.

The plan favorably meets all the following P&Z Special Permit Use Regulations:

Accordance with the Plan of Conservation and Development (POCD);

Harmony with the Area: Adequate Access; Adequate Infrastructure; Natural Resource Conservation; Compatible Design; Public Health, Safety & Welfare; Residential Impact.

And with the following conditions:

Full approval of the well and septic system by BBHD before the Accessory Apartment can be occupied.

IN FAVOR: Miller, Wilson, Hebert, Franciamore, Stolarz, Higley, Lindboe

OPPOSED: None ABSTAINED: None

Permit Granted



Town of Burlington

B. Application #2167-Yudelson-Special Use Permit-Home Occupation-Town Line Rd#44

Motion Higley, seconded Lindboe to close regular meeting and open public hearing at 7:25PM; unanimously approved.

Deven Yudelson was present and addressed the Commission.

Jerry Burns, ZEO, read summary report into record.

Public Comment: none

Commission discussed application.

Motion Wilson, seconded Franciamore to close public hearing and reopen regular meeting at 7:40PM; unanimously approved.

Motion Wilson, seconded Stolarz to approve Application 2167-Yudelson-Special Use Permit-Home Occupation-Town Line Road #44 per the plans submitted for the following reasons:

This application for the proposed use meets or exceeds our Planning & Zoning Regulations for the R-44 Zone for the following reasons:

The purpose as defined by our Regulations is met by this plan;

The plan requirements were met by the applicant; The following use Requirements have been satisfied: One home occupation for this dwelling; Less than 20% of Living Area used for the business; The Special Permit will be granted to the applicant and not the land; Business is entirely carried on inside the home by the occupant; No non-resident employees are planned for; The home occupation is incidental and subordinate to the residential use by the occupant; Limited patronage and infrequent shipments by common carrier are expected; No change to the residential character of the dwelling or neighborhood; No objectionable noise, odor, vibrations or unsightly conditions will be created; No interference of TV or radio signals will be created; No health or safety hazards will be created; No outside storage to be used; The business will not be carried on in a garage or other detached accessory building; No display of signs or products visible to others from inside or outside the dwelling; This home occupation is not a prohibited use;

The plan favorably meets all the following P&Z Special Permit Use Regulations:

Accordance with the POCD; Harmony with the area; Adequate Access; Adequate Infrastructure; Natural Resource Conservation; Compatible Design; Public Health, Safety & Welfare; Residential Impact.

And with the following conditions:

Application limited to transactions allowed by Type 1 Federal Firearms license.

IN FAVOR: Miller, Wilson, Higley Hebert, Franciamore, Stolarz, Lindboe

OPPOSED: none ABSTAINED: none

Permit Granted

6. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. 8-24 Referral-Library Lane Land Purchase

Ted Shafer, First Selectman presented a power point presentation.

Duncan Forsyth, Town Attorney, provided a definition of 8-24.

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



Town of Burlington

Tod Kallenbach, Chair EDC, supported the land acquisition.

Motion Wilson, seconded Stolarz to approve Town of Burlington 8-24 Referral per the information submitted by the Town Attorney, Duncan Forsyth, on behalf of the Town of Burlington Board of Selectmen.

IN FAVOR: Miller, Wilson, Franciamore, Higley, Lindboe, Stolarz.

OPPOSED: Hebert. ABSTAINED: none

B. **Application 2170**-DCU Developers LOC-Site Plan Modification-Canton Rd #205

Jerry Burns, ZEO, provided overview specifically discussing guardrails. Larry Farrell, Building Official, Tim Tharau, Fire Marshall and developer are all in agreement with plan modification. Map provided showing placement of guardrails. Letter dated October 7, 2020 from Larry Farrell, Building Official, read into record.

Motion Higley, seconded Franciamore to approve Application 2170 -DCU Developers LOC-Site Plan Modification-Canton Road #205.

IN FAVOR: Miller, Wilson, Hebert, Franciamore, Stolarz, Higley, Lindboe, Hebert.

OPPOSED: None ABSTAINED: none.

7. **CITIZEN COMMENT:** None

8. **ZONING OFFICER REPORT:** None

9. **STAFF/COMMISSION COMMENTS:** None

10. **ADJOURN:**

MOTION Higley, seconded Lindboe to adjourn the meeting at 9:16pm; unanimously approved.

Respectfully submitted,
Allison Tharau
Planning and Zoning Clerk