



Town of Burlington

**PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING
DECEMBER 8, 2016
BURLINGTON TOWN HALL**

PRESENT: Richard Miller-Chair, John Hebert, Rudy Franciamore, Michael D'Amato, Tom Zabel, Robert Wilson, JP Parente.
Abby Conroy, ZEO, Martin 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 7:02pm.

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

B. Approval of Minutes

MOTION Wilson, seconded Zabel to approve the minutes from the November 10, 2016 regular meeting as submitted; unanimously approved.

C. Communications:

1. Town of Canton – Zoning Amendment Changes; Proposed removal of Section 8.6; Design Review.
2. Town of Canton – Zoning Amendment Changes; Proposed edits pertaining to Mixed Residential Accessory Uses.
3. Town of Canton - Zoning Amendment Changes; Proposed edits of Section 5.1C; Master Plan Requirements for Design Districts.
4. Town of Canton - Zoning Regulation Amendment; Proposed edits pertaining to the filing of As-Builts.
5. Town of Farmington – Zoning application for a Special use permit received from DeMatteo Construction Inc. to blast for extension of a roadway and construction of two homes in the Bridgehampton Crossing subdivision.
6. Western WUCC – Draft ESA Declaration Form for Review & Discussion.

2) NEW APPLICATIONS/NEW BUSINESS:

A. Jocelyn Ayers – Community & Economic Director of NWCOG

A presentation on PoCD was presented by Ayers. NWCOG is collecting data of the 21 town region. A brief survey was taken of Burlington residents and commission members.



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- B. **Application #2105 – Trinity Solar** – Special Use Permit Ground Mounted Solar – Donna Dr. #34 Submitted 11/26/2016) Withdrawn 12/7/2016.
- C. **Application #2102 – Brown Farmer** - Special Use – Home Occupation – Mine Rd. #38 (Submitted 12/1/2016)
Sharon Farmer, applicant was present and addressed the commission. Has an Accounting business in 1 room in her house. Burlington has known that there has been a business in my home for many years. Want to get that approved and a smaller sign for my business. Connor would like Farmer to write a few lines to answers the questions on pg. 62 of Zoning Regulations showing how she complies.
Public Hearing set for next meeting, January 12, 2017.
- D. **Appication #2106 - Michaels** – Special Use – Pavilion – 15 Punch Brook Road (Submitted 12/5/2016)
Justin Michaels, applicant was present and addressed the commission. Applicant is a dog trainer. Have 2 family dogs. Have a fenced in area outside 20' x 35'. Special permit is for roof style pavilion with no walls. The pavilion is to keep the rain and the snow off the fenced area for the dogs. Is for owners own use, not business. Square footage of structure requires a special permit. The structure is 22' from the setback. The pavilion has already been built. 575 sq. ft.. Connors asked about a Site plan. Commission waived request for site plan. Michaels will get a copy of the neighbor's survey. Michaels should also take pictures and bring to public hearing.
Public Hearing set for next meeting, January 12, 2017.
- E. **Aquifer Protection Area Boundary** – A small part of land. The area has shrunk and the rest of it in another town. Area is near Taine Mountain. We will eventually apply to our zoning map and then we will do regulations for it.
Public Hearing set for next meeting, January 12, 2017.

3) **PUBLIC HEARING(S):**

- A. **Application #2103 – Brycorp Builders** – Re-Subdivision – Clearwater Creek Section 3 – 12 lots (submitted 11/7/2016)
Miller reclused himself. Lindboe sat for Miller. Gerry Bryant, applicant present and spoke of 75 acre parcel of land with 35 lots in total. Sign notice affidavit. Letter from Fire Marshall received into record. Engineer and BBHD letters were received into record. Bryant reviewed the project for not present members at the last meeting. Some Commission members did come out and toured the road. Road will sit over the winter and will be paved in spring. Connor read into record his letter dated 12/5/16.

MOTION: Parente seconded Zabel to close the public hearing and reopen the regular meeting at 8:19pm; Miller abstained, unanimously approved.



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MOTION Zabel seconded Parente: Approved: Application 2103 – Brycorp Builders – Resubdivision – Clearwater Creek Phase III, 12 lots - approved with the following conditions

1. A draft of the “Proposed Drainage and Maintenance Easement” as well as the “Presentation Easement” shall be submitted for review and approval by the Town Attorney.
2. Prior to the sale or transfer of any lots in the resubdivision, a letter from the developer’s surveyor shall be submitted certifying the placement of the lot makers as per the approved resubdivision plans.

IN FAVOR, Zabel. D’Amato, Parente, Wilson, Lindboe, Franciamore, Hebert. OPPOSED, none. ABSTAINED, Miller.

Permit Granted.

B. Appication #2104 – O&G – Gravel – Spielman Hwy (submitted 11/7/16).

Ken Faroni was present for the applicant. A parcel with 66 acres and frontage on Rt. 4. Access and egress is from Rt. 4. O&G will be mining 5 acres. Permit recently expired in September of a different area. They have been graded and seeded. The acre is a continuous, self-containing that drains to center. Discharges into ground. No surface runoff. 120,000 yards not all done in the next 2 years. Portable tri-screening on site. Very quiet and 550’ from property line. Bond is in place. Bonding to buckle up the site, McDonnell, engineer says \$40,000 bond is fine. Connor, McDonnell and 1st Selectman Shafer took a tour of the site. Connor would also require Erosion & Sedimentation Controls bond in place too per regulations.

MOTION: Zabel seconded Parente to close the public hearing and reopen the regular meeting at 8:40pm; none abstained, unanimously approved.

MOTION Wilson seconded Franciamore: Approved: Application 2104 – O&G – Gravel – Spielman Hwy - approved 2 year gravel permit with the following conditions

1. Restoration Bond \$40,000 shall be submitted for review and approval by the Town Attorney.
2. Erosion and Sedimentation Control Bond \$7,900 shall be submitted for review and approval by the Town Attorney.

IN FAVOR, Zabel. D’Amato, Parente, Wilson, Miller, Franciamore, Hebert. OPPOSED, none. ABSTAINED, None.

Permit Granted.

4) PENDING APPLICATIONS:

A. None



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5) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Trotter's Gait – Phase III – Bonding:

Received letter from Atty. Ziogas Jr. dated 11/2/2016, requesting a release of the Phase II section of this subdivision. Approval of Trotter's Gait expired May 23, 2016. They need an extension. Commission would like someone from Trotter's Gait to be there for next meeting to explain. Tabled until regularly scheduled meeting, January 12, 2016.

B. Carrier Home Builders Inc. – Bond Release:

1. Alpine Drive - Rejean Carrier present for applicant, requesting a reduction of Performance bond from \$105,000 to \$10,000 Maintenance bond. Will verify of As-built filed on record per zoning regulations. Connor suggested the bond should be reduced to 25%. \$10,000 Maintenance bond changed to \$26,250.

MOTION Zabel, seconded Parente, Reduction of Performance Bond for Alpine Drive from \$105,000 to a Maintenance bond of \$26,250 with the following conditions a submission from applicant's engineer or surveyor of certified detailed "Record" plans, that show the as built conditions in accordance with submitted construction plans for the subdivision. Unanimously approved.

2. Perry Drive - Rejean Carrier present, requesting a reduction of Performance bond from \$90,000 to \$27,000.

MOTION Zabel, seconded Parente, Reduction of Performance Bond for Perry Drive from \$90,000 to \$27,000 provided "as-built" record plans are filed. Unanimously approved.

3. Taine Mountain Road - Rejean Carrier present, requesting release of Maintenance bond of \$10,000.

MOTION Zabel, seconded Parente, Release of the \$10,000 Maintenance Bond for Taine Mountain Road extension with the following conditions a submission from applicant's engineer or surveyor of a certified detailed "Record" plans, that shows the as built conditions in accordance with submitted construction plans for the subdivision. Bond to be released following road acceptance and the required 1 year period of the Maintenance bond. Unanimously approved.

C. Brycorp Builders – Bond Release:

1. Hinman Meadow – Maintenance – Jerry Bryant present for applicant, requesting release of \$20,000 Maintenance bond. Road already in and accepted by town. Bond has actually expired. Must first confirm mylars have been filed. Letter from engineer McDonnell confirms the road has adequately installed.

MOTION Zabel, seconded Parente, Release of the \$20,000 Maintenance Bond for Hinman Meadows. Unanimously approved.



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2. Johnnycake Mews – Maintenance – Jerry Bryant present for applicant, requesting release of \$120,000 Maintenance bond. Road already in and accepted. Bond has actually expired. Must confirm mylars have been filed. Letter from engineer McDonnell confirms the road has adequately installed.

MOTION Zabel, seconded Parente, Release of the \$120,000 Maintenance Bond for Johnnycake Mews. Abstained: Miller. Unanimously approved.

3. Hearthstone Villag – Stabilization – Jerry Bryant present for applicant, requesting release of \$4,000 Stabilization bond. Site has been stabilized for years. Letter from engineer McDonnell confirming site is stable.

MOTION Zabel, seconded Parente, Release of the \$4,000 Stabilization Bond for Hearthstone Village. Unanimously approved.

6) CITIZEN COMMENT:

Jerry Bryant, Brycorp Builders. Would be nice if there were subdivision regulation in place that give the developer incentives like other towns. Canton and New Hartford offer it. Preservation and conservation easements in exchange for reduced frontage or lot area.

Jerry Romaniec, 8-11 Rock St. wanted to know if his complaint about Green House Café was ever answered. It's been 43 days. Conroy responded to Romaniec but letter came back in the mail. Conroy mailed out again to other address. Romaniec is fine with that.

7) ZONING OFFICER REPORT:

None

8) STAFF/COMMISSION COMMENTS:

None

9) ADJOURN

MOTION Zabel, seconded Parente to adjourn the meeting at 9:25pm; unanimously approved.

Respectfully submitted,

Lisa Ozaki
Planning and Zoning Clerk



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