



Town of Burlington

**PLANNING AND ZONING COMMISSION
MINUTES OF REGULAR MEETING
January 12, 2017
BURLINGTON TOWN HALL**

PRESENT: Richard Miller-Chair, John Hebert, Barbara Dahle for Rudy Franciamore, Michael D'Amato, Eric Lindboe for Tom Zabel, Robert Wilson, JP Parente and Lynn Buthe. 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 7:00pm.

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

B. Approval of Minutes

MOTION Parente, seconded D'Amato to approve the minutes from the December 8, 2016 regular meeting as submitted; unanimously approved.

C. Communications:

1. The Connecticut Landscape Architect Fall 2016
2. Town of Harwinton – Zone Change – County Line Road

2) NEW APPLICATIONS/NEW BUSINESS:

- A. Application #2107 – O & G** – Gravel renewal – Covey/Foote Rd. (Submitted 1/3/2017)
Ken Faroni, applicant present for O&G and addressed the commission. It is the east side of Covey Road. Easement with New Britain Water Company thru 2018. This application is identical to 2015 & 2016 applications. No wetlands are involved on the property. Line of Credit is still in place. Town Attorney has reviewed the bond. Evergreen clause allows bond to automatically renew 35 days in advance. Operation bond letter has been drafted. Right of Entry letter submitted to commission. O & G Has liability insurance. Truck traffic will go through Upton road which is a gravel road. O & G will avoid spring thaws when working. We have an agreement with the Town to fix gravel road when needed. 25 yards of material will be removed. Asking for 1 year permit renewal. Letter from Town Engineer is the same as last application for this property. A section of site has white pine forest canopy that cannot be walked through. Warm season grass is better, has been used for restoration. Not selling any product from this to anyone else. Bank stabilization will be done. Commission asked for updated map and written report from Town Engineer. Faroni submitted the letter from Town Engineer dated January 20, 2015 and it was read into the record.



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MOTION Wilson seconded Parente: Approved: Application 2107 – Gravel renewal – Covey/Foote Rd. - approved 1 year gravel renewal.

IN FAVOR, Miller, Dahle, D'Amato, Parente, Wilson, Lindboe, Hebert. OPPOSED, none. ABSTAINED, None.

Permit Granted.

- C. **Application #2108 – Town of Burlington Aquifer Protection Agency** – Adoption Aquifer Level A – Connecticut Water Company – Charles W. House Well location. Conroy, ZEO, addressed the commission. Very small Aquifer protection area near Farmington. Industrial Aquifer Protection Level A. Near Alto and Kings Grant.

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

- A. **Application #2102 – Brown Farmer** - Special Use – Home Occupation – Mine Rd. #38 (Submitted 12/1/2016) (Public Hearing 1/12/17)
Sharon Farmer, applicant was present and addressed the commission. Accounting practice in home at 38 Mine Road. Office is 144 sq. ft. one room in Farmer's home. It's 6% of the home. As-built survey has been provided. Sharon Farmer is the only worker in this office. Limited people will be coming and going to the property. Farmer goes through list to state how she complies with requirements. Traffic is not impacted. No signs will be located in Burlington since part of property where sign will go is in Bristol. Clients will drop off and pick up. All neighbors were notified. Tax season might see 2 or 3 clients a day.

MOTION: Wilson seconded Parente to close the public hearing and reopen the regular meeting at 7:26pm; abstained none, unanimously approved.

MOTION Parente seconded D'Amato: Approved: Application #2102 – Brown Farmer - Special Use – Home Occupation – Mine Rd. #38 - approved.

IN FAVOR, Miller, Dahle, D'Amato, Parente, Wilson, Lindboe, Hebert. OPPOSED, none. ABSTAINED, None.

Permit Granted.

- B. **Application #2106 - Michaels** – Special Use – Pavilion – 15 Punch Brook Road (Submitted 12/5/2016) (Public Hearing 1/12/17)
Justin Michaels, applicant was present and addressed the commission. Michaels has a fenced in area of 22.5' x 26' that gets very muddy. Michaels wanted to build a pavilion for his dogs to go under when it's too sunny or wet out. It's a 6 posts with a peak pavilion. Michaels submitted pictures of Pavilion already started to be built with fence around it. Conroy reads her memo dated 1/12/17 in record. Building Official's Stop Work order letter dated 1/11/17 is also read into record. Commission asks if pavilion is only for his dogs. Michaels states he does in home kennel training at his house. If the dogs Michaels worked with are not chained, it would make

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sense to work within fence. Michaels would gladly not do in home kennel training at his house if it is not allowed. Commission states he needs a license to have a training facility in his home. Michaels says he is not a training facility but a dog trainer. Commission states the State of Connecticut says you need to be licensed to have a kennel, training or grooming facility with a yearly inspection. It appears that Michaels kennels dogs in basement. A kennel is not allowed in Michaels's zone R44. Michaels explains he didn't do his homework regarding the pavilion beforehand. Michaels states the structure is 24' to nearest property line. No intentions of running a commercial kennel, but just dog trainer. Structural issues need to be addressed. Michaels's father-in-law designed the structure.

Public Comment:

Sarah Hinks, 19 Punch Brook Road. Has lived on Punch Brook for 30 years. It's a great neighborhood. Pavilion is fenced in and looks like a pen now. Fence is ok if within the 25'? Commission says fence doesn't need to be 25' from setback. The pen has lights on the fence. Don't mind the dogs.

Albert Petrauskas, 12 Punch Brook Road. We live across the street from 15 Punch Brook. Sees Pavilion from my house. I do see the dogs in there and I see a lot of dogs. He is training there. I believe he is going to start a kennel. Don't like all the noise. However, if it's just his 2 dogs, it's fine. Control the looks of it because it doesn't go with the landscape. There is a wooden fence is right along the road to block the view of the kennel. Maybe he can put fence all the way across to help hide it.

Paul Dickens, 11 Punch Brook Road. Michaels house is in my front yard. We look at his backyard every day out our front windows. The dogs are in my yard all the time. For 8 years, I took care of the property when Henrietta lived there. The noise is horrible from the dogs. The dogs have knocked me over. Is the septic system where the pavilion is? That side of the yard never gets sun. Trees block the sun from there. Structure is big and worries me regarding if there is a fire in the residence. The dogs just come into my property because it's one big yard. Since pen has been up dogs still in my yard. There are a lot of dogs there. On Tues. night he trains and has dogs there.

Tom Rorberge, 57 Spielman Hwy. I am neighbors with all the people who are here. I live on Spielman Hwy, but have property on Punch Brook Rd. that abuts to Michaels property. What do you do now since he doesn't have a permit to build it? What happens now? Commission says if he doesn't meet the requirements he will have to take it down. Dog kennel, online business, can he have a home business? Commission says depends on what he has for a business. Supports his neighbors' concerns.

Edward Hybner, 16 Punch Brook Road. We live not directly across the street from Michaels, but structure is sort of out of our view. Asking if pavilion is open or siding? Michaels says open with just earth under it.

Michaels says he has large breed dogs. Has had fence longer than the dogs. Michaels is a dog trainer. Michaels apologizes to neighbors. He plans on going to people's house to train the dogs or meet them on the trail. Michaels will speak with the building Official about structure and see where to go from here. Commission says it is a Public Safety issue. Commission says structure



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not in harmony with area, in its current state, Nature of use, Public Health, Safety concerns.
Does not meet regulations.

MOTION: Wilson seconded Lindboe to close the public hearing and reopen the regular meeting at 8:15pm; none abstained, unanimously approved.

MOTION Wilson seconded D'Amato: Denied: Application 2106 – Michaels – Special Use – Pavilion – 15 Punch Brook Road as it does not meet the special use requirements. Structure must be taken down.

IN FAVOR, None. OPPOSED, Miller, Dahle, D'Amato, Parente, Wilson, Lindboe, Hebert.
ABSTAINED, None.

Permit Denied.

4) **PENDING APPLICATIONS:**

A. **None**

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

A. **Trotter's Gait – Phase II – Bonding:**

James Ziogas, Jr., Attorney for Trotter's Gait present and addressed the commission. Trotter's Gait Phase II is looking for release of its \$30,000 bond. The work has been totally complete. An As-built needs to be brought to the Town Hall. Town engineer and Scott Tharau have review and are fine. Commission is asking for submission of As-built and Mylars. Trotter's Gait will have those ready in 7 days.

MOTION Parente, seconded Wilson, Release of the \$30,000 Stabilization Bond with the condition of As-built be submitted. Unanimously approved.

B. **Trotter's Gait – Phase I – Bonding:**

James Ziogas, Jr., Attorney for trotter's Gait present and addressed the commission. 3 lots in this Phase have not been built on yet. Phase I all of the improvements have been taken care of and letter from James Thompson dated August 7, 2008 read into record. The common driveway is not done yet. Approval for Subdivision is May 2007. Pass 9 year status. We never asked for extension. Expiration May 2016. We requested in July 2016. Driveway is gravel now not paved. Conroy spoke with Tharau. Tharau wants driveway apron paved. First thing in the spring, we will pave the apron.

MOTION Wilson, seconded Lindboe, To modify Application #1928 - Trotter's Gait - Site Plane - Phase I to allow for gravel driveway and understanding that only apron needs to be paved and a bond of \$1,500 be posted. Unanimously approved.

C. **Cartographic Errors to Zoning Map:**

Several applications and approvals for Zone change have never been applied to the Zoning map. Some parcels are in more than one zone and were never changed. Conroy has adjusted the map and shows parcels correctly on GIS. Streams are changed on the maps also. There will be 3 updated maps in Land Use Office. Asking members to come in and check out maps to make



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sure maps are correct. Land Use will scan and send out to the commission to review.

6) CITIZEN COMMENT:

None

7) ZONING OFFICER REPORT:

Matt Reale, Shire Way Subdivision: Mylars have not been filed yet. Reale submitted zoning and building permits for Lot #6 Shire Way before he had Subdivision approval. Building and Land Use has issued Cease and Desist orders for both building and zoning. He put in foundation on Lot #6 Shire Way without permits. No conditions of the subdivision have been met. Our office will go out and take a look at the driveways. ZEO is requiring a foundation as-built from Reale to continue. Building Inspector has reported Reale to the State.

8) STAFF/COMMISSION COMMENTS:

None

9) ADJOURN

MOTION Parente, seconded Hebert to adjourn the meeting at 8:34pm; unanimously approved.

Respectfully submitted,

Lisa Ozaki
Planning and Zoning Clerk