

**ZONING COMMISSION MEETING**  
**MONDAY, DECEMBER 12, 2011**  
**TOWN HALL 7:00 P.M.**

Present: Peter Brazaitis, Nancy LaGanga, Todd Ouellette, Anne Marie Buonocore, Alternate Member Robert Lavoie, and Land Use Coordinator Polly Redmond

ZEO Karen Nelson arrives at 8:15 p.m.

Absent: Don Truskauskas, Alternate Member Glenn Bradley and Alternate Member Kevin Ferrarotti

**1. OPEN MEETING – ESTABLISH QUORUM.**

Commissioner Peter Brazaitis called the meeting to order at 7:00 p.m. All regular members present are seated with R. Lavoie seated for Commissioner Don Truskauskas.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 11/28/11.**

A. Buonocore **motioned** to approve the minutes of the previous meeting, seconded by R. Lavoie. Motion passed unanimously.

**3. PETER RINTELMAN – APPLICATION FOR 16'6" X 25' INGROUND POOL, 395 HILL ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.**

Mr. Rintelman is present. A letter written by Mr. Rintelman requesting a waiver of an engineered plan is on file. A site plan titled Zoning Location Survey Plot Plan for House Lot 15, Hill Road dated 5-19-00 is presented. The site for the pool has been drawn in and is located 95 feet to the north side property line, 79 feet to the south side property line and 103 feet to the rear property line. IWWC approval is on file. TAHD approval is outstanding but application has been made. N. LaGanga **motioned** to grant the waiver of an engineered plan, seconded by R. Lavoie. R. Lavoie **motioned** to approve the application with the condition that TAHD approval is received, seconded by N. LaGanga. Both motions passed unanimously.

**4. JARED BRADDOCK FOR PICKETT BROOK PROPERTY, LLC – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 1, FOX HUNT WAY, FOX HUNT SUBDIVISION.**

Mr. Braddock is not present at this time.

**5. JAMIE WOLF FOR PAUL & DIANE HONIG – APPLICATION FOR SINGLE FAMILY DWELLING, 71 TOWN LINE ROAD.**

Mr. Wolf is present for the Honigs. Site plans by Clark Engineering, Granby, CT dated 12-6-11 are reviewed. IWWC approval has been received. Soil and erosion control permit and driveway permit are on file. TAHD approval is outstanding but application has been made. LUC Redmond notified the Town of Burlington of the application as the location is within 500 feet of that town. A. Buonocore **motioned** to approve the application with the condition that TAHD approval is received, seconded by R. Lavoie. Motion passed unanimously.

**6. ATTY. WILLIAM TRACY FOR SUPREME INDUSTRIES – APPLICATION FOR STORAGE OF WOOD CHIPS RESULTING FROM STORM ALFRED, 529 BURLINGTON ROAD, PROPERTY OWNED BY FRED PESCE. (DEEP (FORMERLY DEP) AUTHORIZATION GIVEN.) APPLICATION INCLUDES SEEKING APPROVAL TO PROCESS, STORE AND SELL WOODCHIPS AFTER DEEP EMERGENCY AUTHORIZATION EXPIRES.**

Atty. Tracy is present and notes that the application is in the name of Johnnycake Property, LLC with Mr. Fred Pesce being a member. He explains the state activated emergency management plan after Storm Alfred and the designation of 529 Burlington Road as a temporary storage and volume reduction site. The State of CT has contracted with Ashbritt, Inc., a company out of Florida who has subcontracted with Supreme Industries. Atty. Tracy explains that the material being brought in is from DOT maintained highways, not

from private properties. The property at 529 Burlington Road contains 15 acres of which 8 acres is used for this operation. The material brought on site will be ground into mulch by Supreme Industries. It will be stockpiled for now but will be placed on the market for wholesale, not retail, out of the 529 Burlington Road site. Atty. Tracy notes that it will take "some time" to move the material back out. The application submitted is for a special permit to cover the emergency management step right through to the wholesaling aspect. Atty. Tracy adds that the material is stockpiled to the rear of the property and is surrounded by property also in the industrial zone. Chairman Brazaitis questions when the process will likely end with Atty. Tracy stating it could be a couple of years though that can be defined during the public hearing when he has more information. N. LaGanga questions if the material on site is just from the storm with Atty. Tracy stating it is not. The storm material needs to be processed and may need to be mixed with material from another site. Selectman Jon Truskauskas, audience member, questions whether grinding will be done during daylight hours as set by TAHD noise ordinance. Atty. Tracy replies that it would be during daylight hours. Selectman Truskauskas questions whether the woodchips will be dyed at this facility and if so, what steps will be taken to prevent dye getting into the water supply. At this time Atty. Tracy states his belief that questions should be submitted at the time of public hearing. Chairman Brazaitis states that during the public hearing phase there could be discussion on increased truck traffic and that is something Atty. Tracy should consider. N. LaGanga **motioned** to accept the application and set the public hearing for Monday, January 23, 2012 at 7:00 p.m. in the town hall, seconded by T. Ouellette. Motion passed unanimously. A \$240.00 fee is to be collected. The applicant is informed that notices to the Town of Burlington as well as neighbors within 200 feet of the property lines should be sent out notifying them of the public hearing date and the nature of the application.

Jared Braddock has arrived and Item 4 will be taken up for discussion at this time.

**4. JARED BRADDOCK FOR PICKETT BROOK PROPERTY, LLC – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 1, FOX HUNT WAY, FOX HUNT SUBDIVISION.**

Mr. Braddock is present for Pickett Brook Property, LLC. Site plans by Jones Engineering titled Proposed Plot Plan & Septic Design Lot #1 dated 11-15-11, revised 12-7-11 are reviewed. IWWC and TAHD approval has been received. Soil and erosion control permit and driveway permit are on file. LUC Redmond notes that the property contains a conservation easement which was proposed at the time of the Fox Hunt Subdivision. Conservation/Wetland Markers, purchased in the Land Use office, should be in place prior to Certificate of Compliance being issued. R. Lavoie **motioned** to approve the application with the condition that eleven (11) conservation markers be posted along the conservation easement line every 50 feet, seconded by N. LaGanga. Motion passed unanimously.

**4. SUNOCO CONVENIENCE STORE – APPLICATION FOR PLACEMENT OF PROPANE TANKS FOR SALE, 207 BIRGE PARK ROAD.**

No one is present to represent. LUC Redmond informs the commission that she spoke with William Baldwin, Harwinton Fire Marshal and received his approval for location of storing/selling propane tanks on the property. The location will be on the south side of the building replacing a bagged ice machine which is to be relocated to inside the store. The number of propane tanks is limited to 24. N. LaGanga **motioned** to approve the application based on the report and approval of the Fire Marshal with a limit of 24 tanks and the ice machine to be relocated to inside the store, seconded by A. Buonocore. Motion passed unanimously.

**5. GRJH, INC./SUNOCO GAS STATION – APPLICATION FOR MODIFICATION TO APPROVED SITE PLAN, 207 BIRGE PARK ROAD. CORRECT AND ABATE NOTICE ISSUED BY ZONING ENFORCEMENT OFFICER.**

No one is present to represent.

**6. INFORMAL DISCUSSION – KEVIN SULLIVAN – CHANGE OF USE AT 15 BURLINGTON ROAD, FORMERLY LAVENDAR PATH GIFT SHOP. PROPOSED USE: TRAINING CLASSES/GYMNASTICS.**

Mr. Sullivan is present and explains his intent for use of the property. He is instructed to contact TAHD for approval of the use for karate/yoga/fitness classes with approximately six children in attendance at one time, two/three nights a week. He intends to post a sign using the existing sign framework on the property. There is additional parking in the rear of the building that can be used. The commission's census is that no public hearing would be required, only a change of use application. A. Buonocore **motioned** to approve the change of use to a training class center, seconded by N. LaGanga. Motion passed unanimously.

**7. EXECUTIVE SESSION WITH ATTY. STEVE BYRNE, ZEO KAREN NELSON, AND BOB SMITH OF TAHD – ENFORCEMENT PROCEDURES – GRJH/SUNOCO GAS STATION, 207 BIRGE PARK ROAD.**

The commission awaits the arrival of Atty. Byrne and ZEO Nelson. LUC suggested an arrival time between 8:00 p.m. and 8:30 p.m. in order to take care of other business first.

**8. DISCUSS/REVIEW SIGN REGULATIONS, SECTION 11 OF THE ZONING REGULATIONS.**

LUC Redmond explains that certain signs listed in the definition of signs she prepared for possible incorporation into the Zoning Regulations could be highlighted as those not requiring a permit, but requiring only notification to the Land Use office. LUC Redmond will revise the definitions and send out with the next Zoning agenda. Discussion will continue at the 1-9-12 Zoning meeting.

**9. DISCUSS PA 11-79, AN ACT CONCERNING BONDS AND OTHER SURETY FOR APPROVED SITE PLANS AND SUBDIVISIONS.**

Item is tabled until the next Zoning meeting on January 9, 2012.

**10. DISCUSS PA 11-188 – FORMING TOWN AGRICULTURAL COMMITTEE.**

Zoning Commissioners received a copy of a letter from Michael Orefice, Chairman, Planning Commission, to the Board of Selectmen recommending implementation of an Agricultural Council. T. Ouellette states that it is his belief that the town would benefit from farmers who could be part of this Agricultural Council and offer guidance to the land use commissions. N. LaGanga **motioned** that the Zoning Commission send a letter to the Board of Selectmen stating that the HZC conveys their support for the town to form an Agricultural Council. R. Lavoie seconded the motion and it passed unanimously.

**11. COMPLAINTS/ENFORCEMENT ACTIONS.**

None.

**12. ANY OTHER BUSINESS.**

None.

**13. CORRESPONDENCE.**

None.

**14. INVOICES.**

T. Ouellette **motioned** to approve two invoices from Atty. Steve Byrne.

First invoice in the amount of \$1740.00 for Lucas v HZC and the second invoice in the amount of \$1320 for GRJH consultation with HZC. A. Buonocore seconded the motion and it passed unanimously.

**EXECUTIVE SESSION WITH ATTY. STEVE BYRNE, ZEO KAREN NELSON, AND BOB SMITH OF  
TAHD – ENFORCEMENT PROCEDURES – GRJH/SUNOCO GAS STATION, 207 BIRGE PARK ROAD.**

R. Lavoie **motioned** to enter into Executive Session at 8:15 p.m. Atty. Steve Byrne, ZEO Karen Nelson, LUC Polly Redmond, Selectman Jon Truskauskas and Robert Smith, TAHD are invited. T. Ouellette seconded the motion and it passed unanimously.

The Commission exited out of Executive Session at 9:38 p.m.

A letter, as amended, and written by Atty. Steve Byrne will be sent to GRJH, Inc. outlining outstanding items required by the Zoning Commission in order to submit an application for modifications to an approved site plan, 207 Birge Park Road, and that GRJH is to comply within thirty (30) days. (\*Original motion to do so was made at the commission's November 28, 2011 meeting.) A GRJH, Inc. representative is required to attend the Zoning Commission's January 9, 2012 meeting as outlined in the letter.

**15. ADJOURN.**

N. LaGanga **motioned** to adjourn the meeting at 9:45 p.m., seconded by R. Lavoie. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator