

Town of Andover Connecticut

Zoning Board of Appeals Community Room, 17 School Road, Andover

June 15, 2016
Regular Meeting/Public Hearing
7:00 PM
MINUTES

1. Call to Order: John Handfield calls the Meeting to order at 7:07PM

2. Roll Call/Seating of Alternates

Members Present: John Hanfield, David Hewett, Evelyn Russell

Members Absent: Dorothy Yeomans, Walter Weir

Alternates Present: None

Alternates Absent: Wayne Thrope, Donald Keener

Public Present: Attachment #1

Staff Present: John Valente, Sandra Nichols

3. Additions/Changes to the Agenda

None

4. Public Participation

None

5. New Business

Patrick Caron, 207 Lake Road. Request for a Special Permit/Home Occupation Permit for the applicant to operate a small scale (limited to a maximum of 2 passenger vehicles) used car dealer, 207 Lake Road. The special permit will allow the applicant to register with the State of CT DMV as a used car dealer and secure a dealer plate.

Public Hearing Opened

John Valente reads the Public Hearing Notice that was placed in the Rivereast.

Pat Caron Speaks about his small car repair business that is Just a Hobby of his. He explains that he buys the cars at auction brings them to his residence and then repairs them in the garage. There is no mechanical work done there or are any hazardous materials disposed of on site. The repairs are mainly cosmetic except for perhaps the repair of a radio or mirror. All car washes, oil changes and mechanical repairs are done off site. Mr. Caron is aware that he will have to provide proof of this through receipts to Mr. Valente during routine inspections of the property. He states that each vehicle takes approximately 2-3 weeks to get ready for sale and the same amount of time to sell on Craig's list. No vehicles are stationed at the property with for sale signs on them. He also states that the limit that the Planning and Zoning Commission placed on him within the restrictions is 20 vehicles per year that he is allowed to sell, he believes that selling 20 vehicles in one year would be hard. Mr. Caron explains that in the past he was using a friends dealer plate to transport the vehicles however it came to his attention that it would be better if he applied for his own dealer plate. He continues with pictures of his property and details the coverage from the road and around the property where the work would be done to shield the sight of the property. Mr. Caron stresses that he is not a dealership and just needs the plate to transfer and test drive the cars. That is why he needs the ZBA approval for his application for a Special Permit. He then discusses the restriction that were imposed on his application from Planning and Zoning using the pictures he provide to show such things as the visibility from the road and his neighbors which is minimal if any most of the year.

Evelyn Russell asks Mr. Caron about hazardous waste.

Mr. Caron replies that there will not be any at his residence for this repair business as it will be done off site. He also presents to John Valente a petition signed by neighbors and residents in support of his business along with the pictures of the property. He then continues to speak about the any similar requests that may come before Town for the same type of business and recalls that John Valente stated that every application that is received is judged on it's own merits. Mr. Caron also discusses the traffic impact and explains that due to the restriction that are imposed by Planning and Zoning it would be minimal since Rte 316 would be the main road for a test drive and he does not expect to have the vehicles on the road except for test drives which are usually one or two.

John Valente discusses Mr. Caron's presentation and the restrictions that were placed on the application by the Planning and Zoning Commission (Meeting May 16, 2016) for the business that are on file in the Building Dept. and the Town Clerks Office.

Evelyn Russell questions the amount of cars that could be sold from the property.

John Valente states that this is limited to 20 vehicles in the restrictions and Mr. Caron would have to apply for a variance if he wanted to sell more.

Pat Caron again reiterates that this is just a hobby and he has a full time job this is not done for the money only his enjoyment.

David Hewett asks John Valente what the Board is looking for?

John Valente reads the Andover Zoning regulation that this falls under-new/used car dealership repair/service, section 4.12Aii under home occupation.

David Hewett inquires what the hardship is under 4.12A

John Valente explains 4.12A2iii and that everything above “2” is less stringent. He proceeds to go over all of the restrictions/limitations on the applicant that are on file in the Town Clerks office and in the Building Dept.

Paul Carbonneau would like to clarify that the representatives from the Lake Association that spoke against Mr. Caron’s business at the last meeting on this topic were there to only speak as individual lake residence not on behalf of the Lake Association. He believes that residential zones should be separate from business/commercial zones. He also mentions cars that are parked in yards in the lake area that there have been complaints about with nothing done about them.

John Valente replies to Mr. Carbonneau that according to Andover Regulations this type of activity is permitted and believes that Mr. Caron is on the lower limit of what a used car dealer does.

Discussion among the Board and all present on the regulations and the application before them.

Julia Chiffer would like to know who would be monitoring Mr. Caron

John Valente replies that the Town would be monitoring it and Mr. Caron has agreed to provide all the necessary documentation for the Town to review.

Discussion on what would happen if things change with Mr. Caron’s business. John Valente explains Mr. Caron would be monitored.

Pat Caron addresses the Board and states that he is aware that if he violates any of the restrictions that the Planning and Zoning Commission has placed on his application that one letter from the Town could cause him to lose his dealer plate.

Dave Wilson a used car dealer from the Town of Bolton voices his concern that Mr. Caron will be a competitor for his business and they will lose money. He speaks about the money that he spends to run his business and believes that if the Town grants this Special Permit it will set a precedent in the Town and more dealers will come forward for approval.

Ed Chiffer suggests that Mr. Caron apply for temporary plates to transport the vehicles and believes that it is impossible for the Town to monitor the business and it will set a precedent.

Pat Caron responds to Mr. Wilson and states that he has the same fees that he mentioned to run his small business and does not make the same amount of money that his business does. He does not believe that he is a competitor and that he is actually at a disadvantage. In regards to the temporary plate he states that this is cumbersome and that he would have to be in line at the DMV every 10 days. He does not want to go this route.

The Public and the Board discuss the dealership

Diane Caron speaks on behalf of the business and does not believe it will be in violation ever of any restrictions placed on it.

Ed Chiffer talks again about this being in a Residential Zone

Dave Wilson rebuts Mr. Caron's comments

Pat Caron addresses Mr. Wilson's remarks and states that there are a lot of businesses in Town in Residential Zones.

Public Hearing is closed at 8:15 PM

b. Election of Officers

Evelyn Russell **Motions** to postpone the elections until the next meeting

David Hewett **Seconds**

Motion Passed/Unanimous

Discussion among the Board Members and John Valente on the application of Mr. Caron. John Valente talks about the restrictions that Planning and Zoning placed on the application. David Hewett believes that they are setting the Town up for legal issues. John then explains how the Commission view the application when they approved it. David still believes it will set a precedent and wonders how Mr, Caron would be policed.

John Valente and David Hewett discuss the dealer plate and the precedent it could set.

John Valente states that he would like the Town Attorney to set a motion for both the approval and denial of Mr. Caron's application.

Next Meeting set for July 20, 2016

6. Approval of Minutes: September 16, 2015 Regular Meeting

No discussion;

7. Correspondence:

None

8. Adjournment

Evelyn Russell **Motions** to Adjourn at 8:15 PM

David Hewett **Seconded**

Motion Passed/Unanimous

*Respectfully submitted by Sandra Nichols, Commission Secretary