

**Zoning Board of Appeals**

**July 27, 2016**

**Special Meeting  
7:00 PM  
Minutes**

1. Call to Order:

**Dorothy Yeomans** calls the Meeting to order at 7:05PM

2. Roll Call/Seating of Alternates:

Members Present: Dorothy Yeomans, John Handfield, David Hewett, Evelyn Russell, Walter Weir (arrives late after all 5 members are seated).

Members Absent:

Alternates Present: Wayne Thorpe (seated for Walter Weir), Donald Keener

Alternates Absent: None

Public Present: Attachment #1

Staff Present: John Valente, Sandra Nichols

3. Additions/Changes to the Agenda:

None

4. Public Participation:

None

5. Old Business:

- a. 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 on site at anytime) 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.

**Dorothy Yeomans** reads Agenda Item 5a.

**John Valente** asks if all the Board Members/Alternates present heard the audio tape of the Public testimony from the 6/15/2016 Regular Meeting/Public Hearing. The 5 members seated at the meeting respond that they had.

*Breif discussion on the vote and how many votes are needed for a motion to pass (not a super Majority just a majority vote).*

**John Valente** reads/interprets parts of the letter from the Town Attorney Hamel dated June 18, 2016 that outline the Zoning Regulation regarding this application(attachment #2).

**Dorothy Yeomans** asks Mr. Valente if there is a hardship?

**John Valente** replies that there is not.

**John Handfield** has questions on the restrictions and who would be responsible for enforcing them.

**John Valente** explains these restrictions and how they would be enforced. He also clarifies Mr. Caron's intentions.

**Dorothy Yeomans** asks for a motion for a discussion.

**John Valente** states that a motion is not needed for a discussion.

*Discussion among the Board Members on the application, the restrictions placed on Mr. Caron's application and the Attorney's input regarding the application. There was also a brief discussion on the DMV however Mr. Valente points out that this is not the Towns concern/job. Concern that there is no hardship that is associated with the application.*

**Dave Hewett** voices his concern that this will set a precedent of a business conducted in a residential zone.

**Dorothy Yeomans** states that the ZBA will not be setting a precedent since all application are judged on their own merit. She continues to speak about the application and the restriction placed on it. Due to these restrictions set for this activity she does not see this as a future problem.

*Continued discussion on the application of Mr. Caron.*

**Evelyn Russell** mentions her concern about approving an application without a hardship and noted the application is based on location.

**John Valente** states that car dealerships and gas stations do not need one according to the Andover Regulations. The procedural route is that it goes through Planning and Zoning first for approval and then ZBA.

**Dorothy Yeomans** believes that if this set a precedent in the Town it would be a positive one due to the restrictions placed on the application and these restrictions would be placed on any future applications for this type of business. She also notes that Mr. Caron can not secure a dealer plate without the location Special Permit approval.

*Discussion on the property if it is sold the location Special Permit would be transferred to the new owner(s) so they could run the same type of business.*

**John Handfield Motions** to approve the Special Permit application for a home based business.

**Wayne Thorpe Seconded**

*Discussion on the motion that was made and the Andover regulations among the Board and Mr. Valente that the application was submitted under.*

*Mr. Handfield withdraws his Motion.*

**Evelyn Russell Motions** to approve the application as presented, the proposed location of a used car dealership.

**Wayne Thorpe Seconded**

*Discussion on the method of the vote*

**Motion Passed 3/2/0 Wayne Thorpe and Dave Hewett Opposed**

b. Election of Officers.

**Dorothy Yeomans** nominates Evelyn Russell as Chairman

**John Handfield Seconds** the nomination

**Vote Passed/ Unanimous 5/0/0**

**Evelyn Russell** would like to go on record stating to Mr. Handfield that he did a great job stepping up to take over when the Chairman was not able to be at the meetings.

**Evelyn Russell** nominates Dorothy Yeomans as Vice Chair.

**John Handfield Seconds** the nomination

**Dorothy Yeomans** nominates Dave Hewitt as Vice Chair.

**Walter Weir Seconds** the nomination

*Discussion about the votes for both nominated Vice Chair persons.*

**Vote Passed for Dave Hewett as Vice Chair with 4 votes**

6. Approval of Minutes: July 20, 2016 Regular Meeting.

**Dorothy Yeomans Motions** to approve the July 20, 2016 Regular Meeting Minutes.

**Wayne Thorpe Seconded** with the correction of the spelling of his name.

**Motion Passed/ Unanimous 5/0/0**

7. Correspondence:

None

8. Adjournment:

**Dave Hewett Motions** to adjourn at 7:50PM

**Wayne Thorpe Seconded**

**Motion Passed/Unanimous 5/0/0**

**\*\*\*Respectfully submitted by Sandra Nichols, Board Clerk**