

Town of Andover Connecticut

Planning and Zoning Commission

Community Room, 17 School Road, Andover

February 18, 2016

Regular Meeting/Public Hearing

7:00 PM

MINUTES

1. **Call to Order**: Eric Anderson calls the meeting to order at 7:03PM

2. **Roll Call/Seating of Alternates**

Members Present: Eric Anderson, Mike Palazzi, Scott Person, Leigh Ann Hutchinson

Members Absent: Patrick Dougherty

Alternates Present: None

Alternates Absent: E. Sarisley, Gerry Hardisty

Public Present: Attachment #1

Staff Present: John Valente, Zoning Agent
Sandra Nichols, Commission Secretary

3. **Additions/Changes to the Agenda:**

John Valente explains to the Commission that he has made changes to the original agenda That was handed out at the beginning of the meeting and asks the Commission to accept the additions/changes.

Item 7b. Discussion date for a Special Meeting to discuss the 8-24 referral Easement application on Town property to access two residential homes, Clark/Wiensbicki off of Riverside Drive.

Mike Palazzi Motions to approve the changes to the Agenda

Eric Anderson Seconded

Motion Passed/Unanimous

4. **Public Participation:** None

5. **Public Hearings:** 5a,5b,and 5c

Eric Anderson opens the Public Hearing with Item 5a.

- 5a. Town application for improvements and reconstruction of Town recreation facility, Long Hill Road and Riverside Drive.

John Valente hands out maps of the property that is to be discussed to the Commission.

Kyle Hubbert, CLA Engineer (representative), explains to the Commission that they, CLA Engineers did the design plan for the fields working in the flood plain of the fields and he is here for approval of a special permit. The plan entails the removal of two baseball fields and their dugouts. They will regrade this area for grass to create three soccer fields which will have a walking track, approx. 6ft wide surrounding them. There will also be an irrigation system installed with new proposed wells to supply the irrigation system. They will not be bringing in new fill and are Are proposing a chain link fence along Riverside Drive and parallel to Hop River side to prevent soccer balls from going into the swale. They are also proposing a gravel parking lot off to the side (he points to it on the map) that will be used for staging during construction of the fields and when the site is complete they will strip it and re-gravel the area for parking. The CLA rep. then states that there will be no negative impact on the Hop River.

Eric Anderson cites regulation 10, specifically 10.1.1, uses which are dangerous to health and property. This he states is not an issue. Mr. Anderson then asks about the concession stands if they are in the flood Plain?

CLA Rep. Replies that they are and there is no plan to move it.

Eric Anderson has a concern about the track around the fields, specifically the upper hand corner since it usually floods in that area. He asks the CLA Engineer if there is anything that can be done about that.

CLA Rep. Responds that the swale that will be in place should alleviate some of the concerns and CLA will look at other options to propose.

Eric Anderson asks how would the walking surface fair in a flood.

CLA Rep. does not anticipate any heavy damage, he believes there may be minimal damage if any. Discussion with Eric Anderson on flooding.

Eric Anderson comments that they are not decreasing any wetlands and it is permitted in the regulations to use this land as a recreation facility defined in 10,1,2. He then asks the CLA Rep. If any other agencies need to be notified of the plan?

CLA Rep. responds that since there are grants involved they are required to be in Communication with the State. They have done this verbally.

Eric Anderson asks how they plan to protect the material from erosion in case there is a flood and a specific time of year in mind?

CLA Rep. States that they have a plan with the contractor to prevent this by using hay bails and silt fences. They will also monitor the weather for any

potential storms. The contractor will clear off any equipment from the site if there is a storm predicted.

Mike Palazzi asks the CLA Rep. some questions about the plan and they have a brief discussion. (partial inaudible)

Eric Anderson inquires what other sports/ usage does this recreation facility Have. Curiosity question.

CLA Rep. answers: you can do anything except play baseball.

Richard Berin asks the CLA Rep. how many yards of topsoil will they be stripping from the parking area?

CLA Rep. believes it is about 1,500 yards.

Richard Berin states his concern about erosion.

Discussion takes place among the Commission, the public and the CLA Rep. on the actual yards of soil that will be stripped and the amount of trucks it will take.

Joan Foran inquires what the time frame is for completion?

CLA Rep. States that they are estimating 2-3 months construction and he continues to explain the process.

Eric Anderson asks John Valente if we have historical data on the Hop River flooding.

John Valente along with the Commission have a discussion on the Hop River flood history. No definite time of flooding is determined.

Discussion among Commission on flooding and when it would be best to work on the facility.

Eric Anderson asks how long it will be before the grass is stabilized?

CLA Rep. replies that two weeks after it is seeded it will start to stabilize and will be stable within one month.

John Corl asks about the irrigation system and how the players will be protected from injuring themselves?

CLA Rep. replies that they have taken that into consideration and the heads are a small diameter and only pop up just above the surface of the field.

Dianne Grenier asks if the chain link fence will allow access to the Hop River for fishing.

CLA Rep. informs everyone present that the fence does not enclose the entire facility, you can go around it and they have two access points.

Mark Raes asks the CLA rep about the proposed new wells.

CLA Rep. Responds that it was evaluated and this was determined to be the best option.

Shannon Loudon discussed the sedimentation issue (inaudible).

Dianne Grenier asks the Commission if other activities such as the Farmers Market will be able to use the Facility.

Eric Anderson replies that is not germane to this Public Hearing. This

Hearing is being held to approve the impact on the wetlands. It has however been considered.

CLA Rep. states that it is a grass field and could be used for that purpose.

Shannon Loudon talks about the utilization of the facility and her concerns about vehicles on the fields.

Brief discussion about vehicles on the fields. (Parking area shown on map)

John Valente informs the Commission that no action can be taken at this Meeting since the Inland Wetland Waterlands Commission has not approved this activity (February Meeting canceled due to weather). Next meeting is in March. He asks the Commission, since this has been discussed at length if the Public Hearing should be closed or kept open. He requests that the contractor submit a plan to the Town in regards to construction and stockpiling for approval. In regards to the activity he does not believe there is a high risk of erosion and he will prepare something in writing regarding the stockpiling requirements prior to the next Meeting.

Eric Anderson asks the Commission if they would like to keep the Public Hearing open?

Leigh Ann Hutchinson Motions that the Town application for improvements and reconstruction of the Town recreation facility, Long Hill Road and Riverside Drive is kept open until the March 21, 2016 Meeting.

Scott Person Seconded
Motion Passed/Unanimous

Eric Anderson opens the Public Hearing for Item 5b.(reads aloud) 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 3 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. He asks John Valente if the application is complete?

John Valente replies that it is and that is why he called for the Public Hearing.

Eric Anderson asks Mr. Caron for an overview of what he is proposing to conduct on his property.

Mr. Caron explains how he got started at auction and what he does to The vehicles he acquires at the auction at his property. There is no Hazardous material disposed if on his property and he only does minor Repairs to the vehicles. Most of the work is detailing the vehicles. For all major repairs the vehicles are sent to a garage(Tarca's in Hebron) and any oil change is done off site. He states that two vehicles will be housed in the garage and the third 100ft down his 200 foot driveway. There is no advertising at his home he primarily uses Craig's List.

John Valente emphasizes that there is no hazardous materials being

disposed of on the property. Mr. Caron is basically just cleaning the cars up with minor repairs and selling them. Asks if he does engine repairs and can he?

Mr. Caron replies that he is able to however does not.

John Valente clarifies that no sales are done at the house and asks about Buffering.

Mr. Caron describes his property and the trees that buffer the property.

John Valente asks if he has any employees/workers?

Mr. Caron replies that he does not, he does the work on his property.

Scott Person asks Mr. Caron about selling the vehicles on the side of the road that it did not work well. He does not to look like a used car lot and is not comfortable with people just showing up at his house.

Eric Anderson excuses himself for a brief period of time from the meeting and **Leigh Ann Hutchinson** resumes the meeting.

Unidentified person in the public asks about the set up in Mr. Caron's garage.

Mr. Caron explains the set up of his garage.

Discussion inaudible

John Valente clarifies that the Town would monitor all operations that are performed at Mr. Caron's property.

Jeff Bauer asks if this is approved will it open up a can of worms in the town where people can turn their yard into a used car lot?

John Valente states that if the special permit application meets the requirements of the Town and it is judged separately on its own merit. If it meets the requirements there is no reason not to approve it.

Art Wood asks if there are any other car dealers in the Town.

John Valente not that he is aware of.

John Corl, representing ALMA does not believe that a used car lot belongs on Andover lake and is concerned about the enforcement of the restrictions.

Discussion between Mr. Corl and the Commission about Mr. Caron's Special Permit application.

Discussion with Mr. Corl, Mr. Caron and the Commission.

John Valente assures Mr. Corl that he has carefully reviewed this application and it will be monitored (3 inspections in the next 6 Months) and would ask for receipts. In looking at the application he does not see Mr. Caron being a threat to the Lake Area.

Scott Person asks Mr. Caron how he cleans under the hood?

Mr. Caron replies that this is done off-site at a car wash. He also states again that this is just a hobby.

Andrea Gaines has a few questions about Mr. Caron's business. (inaudible)

Mr. Caron answers her questions.

Mr. Raes asks how he intends on getting the dealer plate from the State?

Mr. Caron explains that he has done research on this and spoken to the state on the process. This is a lengthy procedure that could take up to a year.

Ken McNeil does not believe that the Andover Lake area is the place to conduct this business and asks if Mr. Caron has to do this from his home?

Mr. Caron does not believe that it will be an issue and since he is not selling directly from his home he is just cleaning up the vehicles for sale on Craig's list therefore there is not a lot of traffic.

Erika McNeil does not believe that the Andover Lake area is designed for this type of business and thinks it will invite more traffic.

Mr. Caron rebuts this by stating that there are many small businesses being run out of people's homes in Andover that generates more traffic than his business would.

Art Wood asks where the Zoning Commission draws the line for commercial businesses to operate in the lake zone? What if someone wants to operate a business on the lake front? He is afraid that this will open up a can of worms. Where do you, the Commission draw the line?

John Valente explains that all Special Permit Applications are judged their merit and this does not set a precedent. Mr. Caron has been operating his business for over a year and there have been no complaints made to the Town. Mr. Caron has clearly stated that he is not working on vehicles and there are no hazardous fluids disposed of. This is a unique situation and has not effected the Lake Area. He is leaning towards approving the Application since the merits of the application meet Town Regulations.

John Corl states that he is very upset that Mr. Caron has been operating illegally for over a year and also that there are vehicles that are on properties that are not registered.

Jeff Bauer had the understanding that a homeowner can have five vehicles on their property unless this has changed. He is concerned about the traffic around the lake, do we need more traffic? Specifically Lakeside Drive and Lake Road going down to Rte. 6.

Mr. Caron states that there are minimal visits to the property and he always goes along with the person test driving the vehicle and therefore assures that there is no aggressive driving.

Dianne Grenier asks what would Mr. Caron need to do if he wanted to expand the business?

Mr. Caron replies that if he did want to expand he would not do it on his property.

John Valente clarifies that if Mr. Caron wants to expand he would have to submit another Special Permit Application. He would also have to come Before the Commission for a site plan modification if there were any changes.

Ms. McNeil asks Mr. Caron why should he be trusted since he was running his business illegally for over a year. Would like to be assured that he is not

violating any restrictions/driving illegally, no registration/insurance.

Mr. Caron and John Valente clarify if what he was driving prior to this application where they registered and insured? This question is answered that they were.

Mr. Raes states that the business has been transparent for over a year so he does not see the harm.

Mr. Baurer is confident that Mr. Caron will do what he says that he will do.

Art Wood still has concerns about others following Mr. Caron.

Leigh Ann Hutchinson states that the Town has an obligation to look at all applications case by case judging by the applications merit.

John Valente notes the issues that have been presented by members of the Community and the Lake Association. He had come prepared to make restrictions on the approval of the application. He suggests that the

Commission allow more time for the Lake community to give their input and him more time to make more restrictions. This would make any future application for a business to be held in the Lake Area on it's merits.

The Commission is sensitive about Lake issues community concerns and at he protection of the Lake. Mr. Caron has lived there for almost 30yrs and shows no abuse of the Lake Area or issues with the Lake community.

He is not concerned about Mr. Caron's character. He will however conduct routine inspections and asks for receipts for work done off-site.

Scott Person asks how many cars he thinks he will sell a year?

Mr. Caron estimates that at best it could be 36 vehicles in a year.

John Valente asks Mr. Caron where he takes the vehicles for a test drive.

Mr. Caron replies that he usually takes a left down Lake Road to Rte. 316 and goes up to RHAM and turns around. Each car between one and three visits. Sometimes bought unseen.

John Valente asks Mr. Caron if it would be fair for the Commission to limit where he conducts a test drive.

Mr. Caron does not see a problem with that.

Scott Person asks about screening.

John Valente reads the recommended screening that would provide a buffer for all four seasons. He briefly mentions the commercial vehicle regulations that will be discussed later.

(inaudible)

Mike Palazzi Motions to continue the Special Permit application for Mr. Caron's small business to the March 21, 2016 Meeting.

Scott Person Seconded

Motion Passed 3/0/1, Eric Anderson abstained

Eric Anderson resumes conducting the meeting at 8:55PM with Public Hearing Item 5c, Adoption of Revisions to Zoning Regulations.

Overnight parking of commercial vehicles and vehicle signage.

John Valente hands the Commission a copy of the Overnight Parking of commercial vehicles and vehicle signage requirements that meets with the Approval of the Zoning Attorney (attachment #2).

Eric Anderson states to the Commission that the copies that they are reviewing before them were approved by the Town Attorney. He then opens the meeting up for discussion.

Leigh Ann Hutchinson comments that this was discussed before is it being brought up again because of complaints about Commercial Vehicles? She then notes item 2a on the document and briefly discusses it.

Eric Anderson discussed the requirements for Commercial Vehicles and The three tier approach that they came up with. One combination plates and dealer plates separately. Commercial vehicles, separated definition of what The DMV looks at that as, under 11K GVW, Commercial had to be housed or out of the front yard.

John Valente asks question on items 2a,b, and 2c. What is the intent of 2c, screening. Will they be permissible to be parked in the front or the side if they are screened. This needs to be defined, does not read that way.

Eric Anderson answers what the intent is on what is stated in item 2c regarding the screening of commercial vehicles with signage. Things that are reviewed by the ZEO need to be defined for this person.

John Valente would like additional information about screening. For Clarification if someone has a six foot fence would that be sufficient if I can still see the top of the vehicle? He does not want to see it. Believes that someone buying property next to a home owner with a commercial vehicle would not like to see it either.

Eric Anderson states that the intent is that if it is a commercial vehicle it should be garaged or in the rear of the property and screened. John Valente as the Zoning Agent(ZEO) needs to make the determination.

John Valente has concerns about having a lot of applications coming before the Planning and Zoning Commission.

Eric Anderson replies that the lake area vehicles would however the vehicles in rural area would not have to since they would be screened and there would not be an issue. He believes that only the vehicles that pose a concern to the ZEO should go before the Commission he does not want to many application coming before the Commission. He asks John Valente what his opinion is.

Discussion among the Commission and John Valente on the requirements as presented.

Eric Anderson asks John Valente if he has any recommendations and if he does he will entertain them and send them back to the Attorney.

Discussion on Screening among the Commission and John Valente

John Valente needs additional clarification on 2a, front/side yard.

Leigh Ann Hutchinson asks John Valente about the complaints that he has received she would like to know if it was the signage or where they were parked?

John Valente replies that he is not sure about the origin of the complaint it could have been a case of a neighbor not liking their neighbor. The Attorney reported that there were 15 commercial vehicles in the area. The origin of this complaint is not clear signage or parking.

Eric Anderson states that the goal in drafting this is to deal with commercial vehicles and to address the larger ones. There needs to be some mechanism in place for these vehicles to come into compliance.

John Valente says that the Town needs to get there somehow for the people to exist in the Town since there are so many with commercial vehicles (under 11,000lbs GVWR). The Town needs to do something. Which is a big job for the Zoning board that will increase Attorney fees.

Laurie Altner would like to know what type of vehicle signage is appropriate. Would the town allow a tattoo parlor sign?

John Valente replies that they are not here to censor the signage just to hide the signage.

Eric Anderson states that the objective was to come up with regulations that the majority of commercial vehicles could meet, that was the intention. Really do not want to see a lot of application for writing the reg. did we succeed in that, he is not sure at this time.

He then asks the Commission if there is anything that is still not clear that needs clarification.

Scott Person questions 2a and it is discussed among the Commission and John Valente again. It is stated that this is more restrictive for the ZEO to approve and then the Commission can approve.

Eric Anderson has a discussion with the commission on their suggestions. the problem lays within the Lake Zone.

John Valente clarifies that there was only one complaint this however got the ball rolling for Zoning to address the issue since there are now more commercial vehicles on the Lake. The Commission needs to set regulations so that people can park their commercial vehicles at their residence, however they cannot be conducting business at that location.

Eric Anderson states that most people will not comply with item 2a of the restrictions.

John Valente agrees especially in the Lake area, there needs to be screening. He asks if the Commission should determine a commercial vehicle by the license plate? He questions if it is just the signage that we want to have buffering or if it is a commercial plate?

Eric Anderson states that he personally has no issue with the signage. He would like suggestions from the commission were they believe the revisions belong in the Regulations.

Jay Chatterton asks the Commission about the revisions and where he can find them since he parts a commercial van at his home in the lake area.

Eric Anderson tells him they will be available after they are approved. There is another Public Hearing on March 21, 2016 to discuss them.

Mike Palazzi Motions to continue the discussion on the Adoption of Revisions to Zoning Regulations. Overnight parking of commercial vehicles and vehicle signage to the March 21, 2016 Meeting.

Leigh Ann Hutchinson Seconded
Motion Passed/Unanimous

Eric Anderson closes the Public Hearing

Old Business:

- a. Town application for improvements and reconstruction of Town recreation facility, Long Hill Road and Riverside Drive. **Continued**
- b. 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 3 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.
Continued
- c. Adoption of revisions to Zoning Regulations
Overnight parking of commercial vehicles and vehicle signage
Continued
- d. Report from L.A. Hutchinson/E. Anderson regarding the Route 6 Economic Development Committee and Zoning Sub-Committee
L.A Hutchinson believes that more of an effort should be made to Progress and she requests that the Commission set up a Special Meeting.
- e. Report of Sub-Committees **None**

6. New Business:

- a. Planning and Zoning Budget discussion

Eric Anderson presents a memo to the Commission dated January 2, 2015 that was sent to the BOS (attachment #3). He discusses it with the Commission and asks if they have any recommendations that they believe are priorities to go before the BOF. He discusses the three items on page one of the memo. Item 1 he states could be done in a relatively short time frame. Item 2 will probably take approximately a year. Item 3 would have an issue since someone would have to write the grant and that would cost approximately \$1000.00.

Mentions that the Town could possibly get Bill Warner as a planner

If he is willing to do it, his fee is approximately \$100.00/hr.

John Valente states that Mr. Warner knows the Town, knows the Regulations and sees no reason why he should not do the Regulations For \$100.00/hr.

Eric Anderson asks the Commission if everyone is comfortable with this document being submitted to Robert Burbank? The Commission is and John Valente will drop this off at Mr. Burbank's office.

Discussion on Attachment #4, Approved Budget

John Valente states that Bob Burbank informed him that that there is more Money that could be used if the Commission needed it.

Eric Anderson questions the legal line item and asks if the amount Expended includes the court case? It was his understanding that fees would Come out of the general legal budget.

John Valente does not believe that we spent over \$4,000.00.

Eric Anderson asks if the \$5,000 budget in the legal line can be reduced?

John Valente says he is not sure.

Eric Anderson asks John Valente if he sees any changes to be made?

John Valente replies nothing significant that he can see the is not much There except the Attorney fees, can't add only subtract.

Eric Anderson mentions the money in the budget under mapping and suggests that they change all the maps from R40 to R80.

John Valente says this would probably cost a couple of hundred dollars.

Eric Anderson asks the Commission if there is anything that they want to change on Attachment #4? The Commission is fine with the budget as presented. He then tells the Commission that he has discussed with the BOS and the BOF adding 12K to their budget to hire a part time planner.

Mike Palazzi Motions that the Commission approve the budget the same one as last year and add 12K to hire a part time planner.

Scott Person Seconded

Motion Passed/ Unanimous

- 7b.** Discuss date for Special Meeting to discuss 8-24 Referral Easement on Town property to access residential development, and other business items.

John Valente states that he received a copy of the Easement Agreement And made some comments about it that he submitted to Bob Burbank. He states that the commission made the motion, John reads the motion from the meeting minutes, that the 8-24 referral was based on two residential lots and the rest in conservation (30-40acres). The Town via a vote gave the BOS the authority to create an easement agreement. He will be attending the next BOS meeting on March 8, 2016 for the approval of the Easement

Agreement. He would like to set up a Special Meeting with the Commission To discuss the 8-24 referral and the Easement Agreement.

Eric Anderson asks what rights do we have with this?

John Valente suggests they discuss it at the Special Meeting with Mr. Clark who will be invited.

Eric Anderson suggests February 22nd at 7PM it is however noted from the Commission that the Town needs 24hr notice for a meeting therefore he changes the date for the Special Meeting to February 29th at 7PM location to be determined.

8. Approval of Minutes: January 21, 2016 Regular Meeting minutes.

Lee Ann Hutchinson Motions to approve the December 21, 2015 Minutes
Scott Person Seconds with changes

Changes to page 1; correct the spelling at the bottom from sight to site. Page 2 middle, correct spelling plan to plain visibility. Page 3, L.A Hutchinson's motion change that to read to accept. Page 4, Item 8 add Hutchinson prior to the word road.

Motion Passed/ Unanimous

9. Administrative Report:

John Valente talks about the Town of Columbia and how they are addressing the Rte 6 corridor plan. They will keep Andover apprised of What they are planning/doing. Bill Warner is working on the IHD and we Need the IHD regulations. The grant is for mapping and Regulations.

10. Correspondence: None, mentions the Fitch violation that he is working with him on.

**11. Christine Sammartino Appeal of Commission's Regulations. "Fire Cistern"
Closed**

12. Adjournment

Mike Palazzi Motions to adjourn at 11:00 PM
Scott Person Seconded
Motion Passed/Unanimous

*Respectfully submitted by Sandra Nichols, Commission Secretary