

TOWN OF ANDOVER  
PLANNING & ZONING COMMISSION  
MONDAY, JUNE 21, 2021 7:00PM  
LOCATION: VIRTUAL MEETING VIA ZOOM

**PUBLIC HEARING AND REGULAR MEETING MINUTES**

**PUBLIC HEARING**

**Members Present:** Chair Jed Larson, Vice Chair Anne Peterson Crème, Scott Person, Leigh Ann Hutchinson, Susan England, Anne Blanchard (alternate), Kevin Arnesen (alternate) (arrived at 7:02 p.m.)

**Member Absent:** None.

**Others Present:** Board Clerk – Mindy Gosselin, Eric Anderson, Erik Loteczka, Florence and Bob Dube, George Correia, Beebe Family, Ken Van Cara, Chris Bell, Mark, Adam Delventhal

- 1) Call to Order: Chair J. Larson called the public hearing to order at 7:01 p.m.
- 2) Application #21-03: Application of George Correia and Melissa/Erik Loteczka. Property known as **26 Old Farms Road**, aka Assessor's Map 28/Block 7/Lot 6-23.

Applicants seeking 1) a Special Permit for two rear lots in accordance with Section 4.9 of the Andover Zoning Regulations; AND A two (2) lot Open Space/Cluster re-subdivision in accordance with Section 5.5 of the Andover Zoning Regulations and the Andover Subdivision Regulations in their entirety.

NOTE: As proposed, this re-subdivision consists of one lot with access off Old Farms Rd. via an easement and one lot off Pine Ridge Drive at the cul-de-sac.

J. Larson introduced the application. E. Loteczka shared the 06/14/2021 subdivision plans (6 pages) on the screen. The first page shows the property location in relation to Route 6 and surrounding roads. The property is currently a rear lot off of Old Farms Rd. The property is currently 14 acres and the current access is from Old Farms Rd but the frontage of the property is actually on the Pine Ridge cul-de-sac.

E. Loteczka continued to explain that this is a re-subdivision application. The application proposes that the 14 acres be divided into two lots, one a little more than 8 acres and the second a little less than 6 acres. Access to the second lot will come from Pine Ridge – which is where there are significant wetlands. The wetlands commission approved this application on May 27<sup>th</sup>, 2021.

The second page of the plan shows the boundaries, wetlands delineation, and setbacks. E. Loteczka reviewed the proposed subdivision lines. He explained that they are applying for an open space rear lot subdivision which requires some land conservation. The conservation easement lines were then reviewed. There will be easements filed on both deeds.

The third page shows the grade and limits of disturbance. An existing driveway is shown because the previous owners got a building plan approved and only executed the driveway portion. E. Loteczka stated that they have basically adopted the previously approved plan for development on that side of the property (Lot 1). He continued to explain that there will be a utility easement established on Lot 2 – the details with Eversource still need to be worked out.

The fourth page reviews the proposed wetland crossings over two wetland streams. Some grading will be necessary in order for the driveway to remain gravel. There will be two styles of culverts on Lot 2. There will be a 3x8 ft box culvert buried 9 inches on one side, and on other side there will be a 3 ft in diameter culvert pipe. Rip rap will be installed on each side. These crossings were designed to pass the 100-year storm.

According to the national diversity database, this site may be home to some box turtles – which are a listed species. With this in mind, the design - particularly the box culvert, meets the openness ratio for these species (State and US Army Corps Regulations).

S. Person stated that he did not see any downstream erosion measures. G. Correia stated that there are hay bales and silt fence. Downstream, the silt fence is down the property line and the hay bales are on the banks. S. Person asked about the delineated wetlands because it's dated back to 1988. G. Correia stated that John Ianni re-delineated the wetlands in the crossing area in 2020.

S. Person stated that there are not any boundary pins on the plan. E. Loteczka stated that Andrew Bushnell could answer that question but he was unable to be on the call.

J. Larson asked what the design weight limit is for the driveway in regards to emergency vehicles. G. Correia stated that he did not know the actual weight rating but the design is for 8 inches of compacted gravel. G. Correia will find out the information. J. Larson stated that the Town Engineer should look at the construction of the driveway and its materials – this review can be made as a condition of approval.

J. Larson asked about the address assignments. G. Correia stated that they would keep 26 Old Farms Road for Lot 1 and a new address will be assigned for Lot 2 off of Pine Ridge Drive.

After reviewing the construction sequencing, J. Larson asked how they would get the trees out of the wetland area without the driveway being installed. G. Correia stated that they would stockpile the trees. The idea would be to start from the Pine Ridge side and work inward. G. Correia stated that the equipment will not cross the wetlands until the crossing is in progress.

J. Larson stated that on page 6, general note 5 – it states that the proposed driveway would not exceed a 15% slope. However, J. Larson thinks that it should say a 10% slope to stay consistent with the submitted drawings. G. Correia stated that it is his understanding that 15% is the maximum. He explained that 10-15% the driveway needs to be paved, and less than 10% the driveway could be gravel. J. Larson then stated that the plan should say under 10% because the driveway is proposed as gravel.

J. Larson stated that in the conservation easement there is no mention of the removal of Barberry. He asked if the Barberry is in the conservation area, and if it is, Larson would be interested in granting the ability to remove the invasive and replace it with native plants.

J. Larson asked who is responsible for putting in the monuments for the conservation easement areas. J. Larson will ask J. Hallisey.

S. Person asked how many trees need to be removed for the driveway. G. Correia stated that the driveway needs to be 16 ft wide and that is the extent of the clearing. It will be 8 ft from the center line left and right unless the Fire Marshall says otherwise.

J. Larson stated that the Fire Marshall is satisfied.

There was more discussion about the driveway and turn arounds.

### 3) Public Comment

Florence and Bob Dube from 20 Old Farms Rd. asked about the driveway materials and if the Lot 2 materials will be also brought in from the Lot 1 Old Farms access. They also wanted to make sure that there will not be a shared driveway with theirs. G. Correia stated that the heavy stuff will be brought in from Pine Ridge. For interconnecting the driveways, there might be a walking path but that is it. The Dube's stated that if the driveway is ruined, the person who ruined it needs to fix it.

Ken Van Cara from ChesterBrook Lanes stated that he was in favor of making lands available in a responsible manner. He stated that it is incumbent that it environmentally makes sense. K. Van Cara asked about the construction in relation to wetlands and flooding. J. Larson stated that as the wetlands commission was working through the application there was a specific engineering analysis done regarding stream flows and blocking of culverts. It was concluded that the crossings will not be detrimental to the wetlands/stream flow. Additionally, in the approval, it was required that the owners maintain these culverts. J. Larson then directed K. Van Cara to review the wetlands commission minutes and the ecological reports submitted with that application for more details in regards to environmental impact.

K. Van Cara asked if the owners knew of the challenges when they bought the lot. E. Loteczka stated that they generally knew what they were getting into due to a previously approved northern lot and preliminary application discussions. However, they did know about everything – the wood turtle was unexpected.

### 4) Close or Extend Public Hearing

J. Larson extended the public hearing to next meeting.

### 5) Adjournment

J. Larson MOVED to adjourn the public hearing at 8:13 p.m. MOTION CARRIED unanimously.

## REGULAR MEETING (Held immediately following the Public Hearing)

**Members Present:** Chair Jed Larson, Vice Chair Anne Peterson Crème, Scott Person, Leigh Ann Hutchinson, Susan England, Anne Blanchard (alternate), Kevin Arnesen (alternate)

**Member Absent:** None.

**Others Present:** Board Clerk – Mindy Gosselin, Eric Anderson, Erik Loteczka, Florence and Bob Dube, George Correia, Beebe Family, Ken Van Cara, Chris Bell, Mark, Adam Delventhal

- 1) Call to Order: Chair J. Larson called the regular meeting to order at 8:14 p.m.
- 2) Roll Call/Seating of Alternates: No alternates were seated.
- 3) Additions/Changes to the Agenda: None.
- 4) Public Comment: None.
- 5) Old Business
  - a) Action Item – Application(s) of George Correia & Erik/Melissa Loteczka, **26 Old Farms Road**, aka Assessor's Map 28/Block 7/Lot 6-23. Applicant is seeking;
    - i. A Special Permit for one additional rear lot (two in total); **AND**
    - ii. An approval of a two lot Open Space Re-subdivision in accordance Section 5 with the Andover Subdivision Regulations in their entirety.

Due to the absence of the Zoning Agent and discussion during the public hearing, this item was deferred to the July meeting.

- b) Action Item – Request of Christopher Bell, Agent for William/Joe Genevese. Applicant seeking and extension of an existing Special Permit to operate a Sand/Gravel Pit at **517 Route 6** (Section 16 of the Andover Zoning Regulations);

The applicant's engineer, Chris Bell, was present. C. Bell stated that there was a report, revised site plan, and site photos submitted since last meeting. He then shared and reviewed his 6/21/21 letter on screen.

C. Bell stated that they completed the restoration on Friday afternoon with all of the seeding and grading complete for the disturbed area. There was a site visit this morning with the town engineer and he provided a report to J. Hallisey this afternoon. C. Bell went on to explain that almost all of the stumps from the rear of the lot have been removed. Some tree trunks and logs were unable to be removed (about a half truck full), and they have been relocated until they can be hauled away. Final grading between station 2 +50 on the west side and station 3 +75 on the east side going all the way back to station 565 has been completed. A site visit was conducted for the grading with the town engineer, Hank Gruner, wetland agent, and zoning agent. Once that was approved, they seeded and mulched the area. He stated that they did not topsoil the graded sand pile which is about 600 cubic yards near station 250 east – they could not get that off the site before the cease and desist.

There were a couple of meetings with Hank Gruner on site in relation to turtle nesting. H. Gruner wanted it to be mostly sand and the seeding to be the little blue stem ecotype with 50% coverag. He approved the grading last week.

The conveyance swale was installed between station 4 and the detention pond. There is a silt fence at the pond inlet.

If the extension is granted, the graded sand pile will be removed and restoration can proceed from station 250 to station 190. This would complete a phase and then an inspection would take place.

C. Bell then reviewed the submitted site plan.

It is not the goal of the owner to remove as much material as possible, his goal is to get a nice-looking site so he can develop it or sell it.

Less than two thirds of the materials have been removed. About 16,000 yards have been removed and there is about 8,000 yards left.

C. Bell stated the J. Hallisey contacted him and stated that from a higher elevation you can see a bald spot on top of the hill.

C. Bell stated that the cease and desist from wetlands has been lifted.

C. Bell shared site photos on screen.

S. Person asked what the elevation is where they finished spreading the 2000 yards of material. C. Bell stated that it is about 3 feet higher than it was. It was about 293 and now it is around 295+ or so.

S. Person asked about how the turtles nesting area would be protected in the future. C. Bell stated that there is no intention of making that area gravel but they can certainly block that area off. S. Person suggested that rocks/boulders be placed in that area. C. Bell restated that 50% will be grass and 50% will be bare.

L. Hutchinson asked if PZC and Wetlands issued a cease and desist. C. Bell stated that Wetlands ordered a cease and desist and as of today he received an email that the order was lifted. C. Bell stated that he did not receive a cease and desist order from PZC. J. Larson stated that he was under the impression that he did get one from PZC but he will look into the paperwork.

L. Hutchinson stated that last meeting she asked if a person would-be on-site supervising and C. Bell stated that it would be someone by the name of Pat. However, in C. Bell's letter to J. Hallisey it mentions a Bill Young. C. Bell stated that Pat was fired and Bill Young was brought on board. B. Young is the supervisor of operations for Manchester gravel. He was not necessarily there every day but he would be there in the mornings when the workers were there to make sure they were directed correctly. Overall, since there was only 30 days to get this work done there were a few people in the supervising role.

C. Bell stated that he could send a report the Thursday before each PZC meeting citing their progress. S. Person asked if there could be weekly reports submitted. J. Larson stated that weekly reports should be sent to Agent Hallisey. C. Bell stated that he can send weekly reports to J. Hallisey.

There was discussion on the detention basin and whether or not it is ideal or functional in its current location. C. Bell stated that the Town Engineer had differing opinions than what he was told previously.

J. Larson MOVED to approve the extension of the existing special permit for 517 Route 6 for six months with the following conditions:

- Within two weeks, seed the bald spot on top of hill
- Within two weeks, place boulder stones to protect the turtle nesting areas
- Submit weekly reports to the Zoning Agent on the status of the project
- Resolve with Zoning Agent and Town Engineer, prior to next meeting, whether or not detention basin should be retained

S. Person SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

c) Action Item – Application of Adam Delventhal, **128 Wheeling Road**

Applicant seeking Site Plan approval for an attached Accessory Apartment in accordance with Section 4.11 of the Andover Zoning Regulations.

Adam Delventhal, the applicant, was present. He stated that he is proposing a 30x38' 3-car garage with apartment above it. There is a driveway access with stairs up to entrance, kitchen, one bedroom, bathroom, etc. The apartment is 780 sqft. The bump out on the plan is the breezeway/mud room to the house. The driveway that is shown on the plan is the existing driveway – it is large enough in its current state.

J. Larson asked how the septic system would connect to the apartment. A. Delventhal stated that there would be a pipe that runs to the existing septic – he has already been in contact with the Health District and was approved.

Currently the existing house is 2 bedrooms, this addition would be the house's third bedroom.

J. Larson stated that he has potential concern about the size of the lot (Section 11.2). The regulations say the lot area square foot minimum is 60,000 sqft., whereas, the applicant's lot is around 50,000 sqft. There needs to be some more research into this because it may need approval from ZBA.

This application was continued to next meeting.

d) Discussion/Action – Previously Approved Special Permit for a Kennel operation at **241 Route 6**.

S. Beebe has been training dogs in his neighbor's field at the Post Farm for 23 years. In 2011 he came to the town to build a commercial kennel – after a legal battle that he ended up winning, there was no money left for the kennel. Last year he bought out his partner. And since he now leases land at Post Farm, the state requires him to have approval from planning and zoning. S. Beebe stated that all of his activities are what he was approved for minus the kennel. There may be a possibility of a kennel in the future but right now he needs to just get approval to continue running his business. He stated that it is in the previous special meeting minutes and that the special permit was approved, however, it was never signed by Bob Burbank.

S. Beebe stated that operates as a does doggy day care but under state regulations his business falls under boarding due to the dogs being looked after for more than 5 hours. S. Beebe stated that he runs his business on 200 acres and meets all of the town regulations.

J. Larson suggested to defer this matter to next meeting so the previously issued special permit can be reviewed.

e) Discussion – Return to live Commission meetings

Andover Town Hall is now open.

L. Hutchinson stated that she would be willing to meet in person with some type of social distancing. A. Crème stated that she is very comfortable with going back to in person meetings.

There would be an expectation that if you are vaccinated you do not have to wear a mask and if you are not vaccinated you have to wear a mask.

J. Larson stated that there are not that many people from the public that show up, so a virtual feed may not be necessary. Everyone can just show up in person.

A Crème MOVED to hold the next PZC meeting in-person at town hall. S. Person SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

f) Discussion – Parking/Picnic Area

J. Larson stated that there was interest in improving the parking along Lake Road at the new property from Merit Valley to Route 6. There was also conversation of installing a picnic table out there. J. Larson thinks those are good ideas and told Eric it might be worth discussing with Diane Grenier to see if her grant money could be used. There are also federal funds coming from the government that could potentially be used.

J. Larson stated that if the grant money or federal money can't be used, he would not be opposed to have the commission consider using their open space fund. The project would be less than \$1,000.

This matter was continued to next meeting.

g) Discussion – Affordable Housing Plan

J. Larson attended a webinar on affordable housing. There was a plan to use POCD money develop an affordable housing plan. However, the state announced they are awarding grant money specifically for

the development of these affordable housing plans. J. Larson and Eric already submitted the grant request.

This matter was continued to next meeting.

h) Update – Sign Regulations

J. Larson stated that he did not have any updates.

6) New Business

a) Action Item – Previously approved kennel operation at **241 Route 6** (Scott Beebe applicant).

Previously discussed.

b) Action Item – Election of Officers (Planning & Zoning Commission) in accordance with the Commission's By-laws (available on-line).

S. England MOVED to nominate J. Larson for PZC Chairperson. L. Hutchinson SECONDED. By roll call vote, MOTION CARRIED 4:0:1 with J. Larson abstaining.

J. Larson MOVED to nominate A. Crème for PZC Vice Chair. S. England SECONDED. By roll call vote, MOTION CARRIED 4:0:1 with A. Crème abstaining.

7) Approval of Minutes

a) Public Hearing of April 19<sup>th</sup>, 2021

The April 19<sup>th</sup>, 2021 Public Hearing Minutes were amended as follows:

Change K. Arnesen to **Member Present**.

Item 2. And the other lot will become ~~1-acre~~ **an acre and a half**.

Item 2. J. Larson stated that the regulations state, "...perpendicular to the mean direction of side lot lines and touches but is not in front of the building line", and currently the building line is ~~500-ft~~ **50 ft** from the center of Hendee Rd.

Item 2. It is **not** easy to get the perpendicular lines and to get the width measured from the building line which is taken from the 50 ft center line of Hendee Rd.

Item 2. He also explained another option that ~~would comply although it is not favorable~~ **he was not fond of that would comply and meet the regulations – it would be to use the existing lot lines width to the west**.

Item 2. Flood elevation is 323.5 ft, so the house will be raised up to ~~325-ft~~ **325.5 ft**.

J. Larson MOVED to approve the Public Hearing minutes of April 19<sup>th</sup>, 2021 as amended. S. England SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

b) Regular Meeting of April 19<sup>th</sup>, 2021

The April 19<sup>th</sup>, 2021 Regular Meeting Minutes were amended as follows:

Change K. Arnesen to **Member Present**

S England MOVED to approve the Regular Meeting minutes of April 19<sup>th</sup>, 2021 as amended. A Crème SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

c) Public Hearing of May 17<sup>th</sup>, 2021

A Crème MOVED to approve the Public Hearing minutes of May 17<sup>th</sup>, 2021 as presented. S. Person SECONDED. By roll call vote, MOTION CARRIED 4:0:1 with S. England abstaining.

d) Regular Meeting of May 17<sup>th</sup>, 2021

L. Hutchinson MOVED to approve the Regular Meeting minutes of May 17<sup>th</sup>, 2021 as presented. A Crème SECONDED. By roll call vote, MOTION CARRIED 4:0:1 with S. England abstaining.

e) Special Meeting/Site Walk of June 2, 2021

S. England MOVED to approve the Special Meeting/Site Walk minutes of June 2<sup>nd</sup>, 2021 as presented. S. Person MOVED. By roll call vote, MOTION CARRIED 4:0:1 with L. Hutchinson abstaining.

8) Correspondence: None.

9) Administrative Report: None.

10) Commission Discussion/Miscellaneous

S. Person stated that he would like to discuss road frontage and the development of residential buildings in flood plains at a future meeting. These would potentially involve changing some of the regulations.

11) Public Comment: None.

12) Adjournment

S. Person MOVED to adjourn the meeting at 9:53 p.m. A. Crème SECONDED. MOTION CARRIED unanimously.

Respectfully submitted by Mindy Gosselin,

*Mindy Gosselin*

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.