

TOWN OF ANDOVER
PLANNING & ZONING COMMISSION
MONDAY, JULY 19, 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, Steve Nelson, Leigh Ann Hutchinson, Scott Person, Anne Blanchard (alternate), Kevin Arnesen (alternate)

Member Absent: Susan England (alternate)

Others Present: Zoning Agent – Jim Hallisey, Board Clerk – Mindy Gosselin, Abbie Winter, Erik Loteczka, George Correia, Scott Beebe, Adam Delventhal, Chris Bell

- 1) Call to Order: Chair J. Larson called the public hearing to order at 7:01 p.m.
- 2) Application APPLICATION(S) PZC 21-03

Application of George Correia and Melissa and 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 is comprised of one (1) lot with access off Old Farms Road via an easement and one (1) lot accessed off Pine Ridge Drive (near the cul-de-sac).

E. Lotecka and G. Correia, the applicants, were present.

E. Lotecka stated that Andrew Bushnell revised the plans based on comments made at the last public hearing – such as the mention of the Town of Coventry in the notes section.

J. Hallisey stated that he had been in contact with the applicants. He is only concerned about the maintenance of the drainage structure that is situated off of the driveway, it is addressed in the draft motion. He has tried to obtain all the information from the applicant and their engineer throughout the process.

J. Hallisey also pointed out that there are some conditions as per the Wetland Commission's approval like plantings and removal of invasive species. J. Larson stated that there was discussion last meeting of having a condition of approval that allows the applicants to remove the invasive plants even if they are in conservation easement area.

J. Larson stated that solar with respect to development was mentioned in the notes of the application. He asked the applicants to elaborate on that and explain what they considered (Zoning Regulation Section 7.15). E. Loteczka explained the orientation of the lot closest to Pine Ridge and stated that he intends to build with solar. G. Correria stated that installing solar is their end goal and Eversource has programs that they want to utilize.

J. Larson asked about the identification on the drawings of boundary pins and monumentation. They were not depicted on the current drawings. E. Loteczka stated that the updated drawings/plans are in transit.

E. Loteczka stated that there is uncertainty on whether or not the pins and monuments need to be on the plans at this moment. The subdivision lines are not approved, so there are no pins. E. Loteczka asked if the pins/monumentations are required now or if they would be required later with the as-builts and CO. J. Hallisey stated that it can be on the site plan as proposed and change to existing once they were installed (and submitted with the as-built).

J. Larson stated that there also needs to be monumentation for the conservation easement.

S. Person asked if the fire department letter was submitted. J. Hallisey stated that it was.

3) Public Comment: None.

4) Close or Extend Public Hearing

S. Person MOVED to close the public hearing. Anne Crème SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

5) Adjournment

J. Larson MOVED to adjourn the public hearing at 7:20 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, Steve Nelson, Leigh Ann Hutchinson, Scott Person, Anne Blanchard (alternate), Kevin Arnesen (alternate)

Member Absent: Susan England (alternate)

Others Present: Zoning Agent – Jim Hallisey, Board Clerk – Mindy Gosselin, Abbie Winter, Erik Loteczka, George Correia, Scott Beebe, Adam Delventhal, Chris Bell

1) Call to Order: Chair J. Larson called the regular meeting to order at 7:21 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.

J. Hallisey clarified that there is currently one existing approved rear lot. This application proposes that approved rear lot be subdivided into two separate lots.

The draft motions drafted by J. Hallisey were then shared on screen. J. Larson stated that he wanted to add the authorization of the removal of invasives within the conservation easement. J. Hallisey also wanted to add mention of the monuments for the conservation easement. S. Person stated that there needs to be mention of both monumentations and pins.

J. Hallisey explained condition number six regarding the drainage structure.

S. Person MOVED to approve THE APPLICATION OF GEORGE CORREIA & ERIK/MELISSA LOTECKA FOR A SPECIAL PERMIT FOR TWO REAR LOTS AS DEPICTED ON A PLAN ENTITLED "CORREIA/LOTECKA ACRES – APPLICATION FOR A 2 LOT RE-SUBDIVISION AND SPECIAL PERMIT FOR 2 REAR LOTS 26 OLD FARMS ROAD/PINE RIDGE DRIVE ANDOVER, CT ASSESSOR'S MAP 28 BLOCK 7 LOT 6-23 TOTAL RESUBDIVISION AREA 13.86 ACRES" dated 8.12.20 and revised through 6.14.21. AND A TWO LOT OPEN SPACE/CLUSTER SUBDIVISION AS DEPICTED ON THE AFOREMENTIONED PLAN WITH THE FOLLOWING CONDITIONS:

1) The plan shall be modified so as to include the following:

Notes to be added:

"The property owner will maintain the culverts (2) on the driveway off Pine Ridge Drive so as to be clear of debris and maintain full flow through the culverts";

“The driveway shall be constructed in accordance with Section 4.9.4 and 4.16 of the Zoning Regulations”;

“The driveway shall be capable of supporting emergency equipment up to 70,000 pounds and design construction material submittals shall be certified by a professional engineer and submitted to the Town for review prior to construction”;

“The precast concrete box culvert shall be designed for HS20 or HL-93 loading in accordance with the Connecticut Department of Transportation Design Manual”

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“The driveways shall not exceed a grade of 10%”;

“Coventry” shall be changed to “Andover” wherever it appears”.

2) The applicant is responsible for submitting the proposed open space covenants for approval and such approval shall be secured prior to filing the mylars;

3) All monumentation and iron pins will be installed prior to the issuance of a building permit and shown as such on the site plan;

4) The area to be protected by the open space covenants will be identified in the field per the regulations.

5) Any damage to the shared driveway on Old Farms Road incurred as a result of construction shall be repaired by the applicant(s);

6) The applicant will take appropriate action to ensure that the drainage structure shown on the approved plan is maintained in perpetuity.

7) The applicant shall be responsible for filing the mylars of the approved plans, duly signed by the Planning and Zoning Commission Chairperson prior to the commencement of work.

8) The removal of invasive plants from the open space area is authorized.

L. Hutchinson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

- b) Discussion/Possible Action – PZC Application 21-04, 128 Wheeling Road. Applicant is seeking a Site Plan Approval for an Accessory Apartment in accordance with Section 4.11 of the Andover Zoning Regulations.

Adam Delventhal, the applicant, was present.

J. Larson stated that last meeting he was concerned with the application in regards to Zoning Regulations Section 11.2 - Space Requirements. The minimum lot size is 60,000 sqft. and A. Delventhal's lot is 50,000 sqft. J. Larson discussed how the lot size changed in the past and how situations like these may have been overlooked. J. Larson stated that as of today, the applicant does not meet the size requirement. There are 2 options: withdraw or move forward and potentially be denied.

J. Larson stated that the applicant can go to the ZBA no matter what the PZC outcome is. The applicant can also reapply if denied once the Commission has time to review the recent legislative changes regarding accessory apartments. PZC has the opportunity to opt out of these changes but there hasn't been any opportunity to discuss them. These changes may affect the regulations and make this proposed project approvable.

K. Arnesen asked if the garage and the accessory apartment are two separate items. J. Hallisey stated that the application doesn't differentiate. J. Larson stated that the accessory structure above the apartment triggers the regulation. The garage is not included in the square footage of the accessory apartment. A. Crème asked if someone wanted to put in a garage, would they need to go to PZC or

ZBA? J. Larson stated that as long as they apply for their permits and meet the setbacks they do not need to go to the Commissions.

A. Crème MOVED to approve PZC Application 21-04, 128 Wheeling Road. S. Person SECONDED. By roll call vote, MOTION FAILED 4:1:0.

- c) 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)

C. Bell, the applicant's engineer, was present.

J. Larson stated this application was approved last meeting however, there was a cease and desist letter from PZC that C. Bell did not see in time for last meeting. Additionally, the approval documents have not been issued yet.

J. Hallisey stated that the cease and desist order was sent to the applicant and address on record – Joe Genevese. He stated that there is currently a special permit in the land records and there will have be an extension letter that is one page that the applicants must file due to this approval. That letter will negate the cease and desist.

C. Bell stated that he has reported to J. Hallisey every week, seeded the bald spot on the hill, brought in concrete blocks for the turtle nesting area, and was able to discuss the detention pond with the applicant and the Town Engineer (Brandon Handfield). All of which were a part of the conditions of approval from last meeting.

The Town Engineer's memo was shared on the screen. He was in concurrence that there is no need to retain the detention pond.

C. Bell went on to explain the next steps of the project and stated that when the grading is done he needs to submit an 'as-built' to the building department. C. Bell suggested that the removal of the detention pond be a part of the as-built.

S. Person MOVED to remove the detention pond from the site. A Crème SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

It was decided that C. Bell will continue sending weekly reports to Zoning Agent J. Hallisey.

S. Person asked about the stones in regards to the turtle habitat. C. Bell stated that the owner indicated that he had concrete blocks instead of large rocks and from discussions with J. Hallisey and the Town Engineer – it was okay to switch to the concrete. S. Person stated that the turtles might like the rocks better. Ultimately, the concrete blocks were fine.

- d) Discussion/Action – Previously Approved Special Permit for a Kennel operation at **241 Route 6**. (Scott Beebe, applicant)

S. Beebe was present for the application.

J. Larson stated that the special permit was approved previously but the underlying documents like a site plan are missing from the records. Therefore, it is not known what was really approved. He stated that a permit modification is currently up for discussion.

S. Beebe stated that the original approval was for the construction for a commercial kennel. However, he never built the kennel and does not intend to. The operation is currently just fencing in a field off of a heifer barn with some kennels to house the dogs temporarily during the day. There is not a proposal for commercial kennel.

S. Beebe stated that the reason why he had to come to PZC is because he bought his business partner out. This action triggered the state to give him a paper that needs to be signed by the town Zoning Agent in order for the state to inspect the facility.

S. Beebe stated that he is in good standing with the state and they already came to inspect and no issues were found. He believes he will pass with no issue.

J. Larson referenced Section 19 of the Zoning Regulations.

J. Larson stated that it looks like the Doggy Day Care could be in the flood prone district. S. Beebe stated that he does not believe he is in the flood prone district. Also, none of his kennel's/buildings are in the flood zone and they are existing not proposed. J. Hallisey stated that when he visited the property the flood zone seemed a good distance away. J. Hallisey stated that he will transpose the flood zone onto the site map.

S. Person MOVED to have the applicant provide a modified application to PZC for approval. L. Hutchinson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

e) Discussion – Affordable Housing Plan and Recent Legislation

J. Larson stated that the town submitted a grant request for the development of the affordable housing plan. The request for planners was issued July 15th, the bids are due back September 1st and contracts are awarded October 1st. It is projected that there will be public hearings in November and April with approval and submittal to the state around May.

There was legislation passed on accessory apartments effective January 1, 2021 and the commission can opt out by January 1, 2023.

After January 1, 2023, each member of PZC shall complete at least 4 hours of training by January 1, 2024. Training will then be completed every other year thereafter.

As of July 1, 2021, resume legal postings in local newspaper.

As of April 1, 2022, permanently updated regulations on outdoor dining.

J. Larson also discussed PZC desired changes to the zoning regulations

- Frontage requirements
- Flood prone district prohibition
- Remove unconstitutional restrictions in sign regulations

There was a bulletin from Halloran Sage that was distributed with the legislation changes.

f) Discussion – Return to live Planning & Zoning Commission Meetings

J. Larson stated that he did not have enough time to figure out the technology for in-person meetings for the July meeting. He also stated all of the positives of remaining virtual via zoom.

A. Crème stated that she prefers in person meetings. L. Hutchinson stated that she is able to travel to the town hall but is also open to continuing to meet on zoom.

It was decided that the next meeting will be held via zoom.

g) Filling of Vacancies

J. Larson stated that the vacancies are filled. Steve Nelson, the new PZC member, is on the meeting today.

Abbie Winter, the incoming Land Use Board Clerk was also on the call shadowing the outgoing Board Clerk M. Gosselin.

K. Arnesen, A. Blanchard and S. England are now the commission alternates.

6) New Business: None.

7) Approval of Minutes

a) Public Hearing of June 21st, 2021

The June 21st, 2021 Regular Meeting and Public Hearing Minutes were amended as follows:

Item 5b. 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);

Item 5b. H. Gruner wanted it to be mostly sand and the seeding to be the little blue stem ecotype with 50% ~~coverag~~ **coverage**.

Item 5b. If the extension ~~in~~ **is** granted, the graded sand pile will be removed and restoration can proceed from station 250 to station 190.

Item 5d. S. Beebe stated that **he** 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.

Item 7e. S. Person ~~MOVED~~. **SECONDED**.

A Crème **MOVED** to approve the Regular Meeting and Public Hearing minutes of June 21st, 2021 as amended. S. Person **SECONDED**. By roll call vote, MOTION CARRIED 4:0:1 with S. Nelson abstaining.

8) Correspondence: None.

9) Administrative Report: None.

10) Commission Discussion/Miscellaneous: None.

11) Public Comment: None.

12) Adjournment

A. Crème **MOVED** to adjourn the meeting at 9:31 p.m. L. Hutchinson **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.