

TOWN OF ANDOVER
PLANNING & ZONING COMMISSION
MONDAY, SEPTEMBER 21, 2020
LOCATION: VIRTUAL ZOOM MEETING
7:00 P.M.

PUBLIC HEARING MINUTES

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

Others Present: Zoning Agent Jim Hallisey, Admin Assistant Amanda Gibson, Board Clerk Mindy Gosselin, Engineer Gerry Hardisty, Kevin Arnesen

1. Call to Order: J. Larson called the public hearing to order at 7:02 p.m.
2. PZC Application #20-02 - Application of Carma, LLC
12 Webster Lane, Bolton (mailing address) aka Andover Assessor's Map
Application for a 2 lot Subdivision in accordance with the Andover Subdivision Regulations

G. Hardisty, the applicant's engineer, stated that the purpose of this application is to split an existing lot with an existing house, into two separate lots. The property was in an estate and deteriorated over the years, however the house was fixed up and it was recognized that the 3.6-acre lot could be split. This application has already been approved by the Wetlands Commission in both Bolton and Andover, and the Planning and Zoning Commission in Bolton. There is also approval of both lots from the Eastern Highlands Health District (EHHD). G. Hardisty stated that the plans provided were revised that morning to show the proposed lot's 150 by 200 square foot buildable area. Regarding solar access on the property, it was stated that the current subdivision plans propose the house be oriented at North South, the ridgeline will be running parallel to Webster lane. This orientation allows for better solar access. When this plan was approved by the Wetlands Commission (IWWC), there was a condition of approval stating that the driveway should be gravel and that E&S plan will be a town agent and contractor conversation.

J. Hallisey asked G. Hardisty to state the differences between the plan shown at the public hearing from the plan approved by the Wetlands Commission. G. Hardisty stated that the plan proposed at the public hearing accommodates the regulations for a subdivision, the house, septic, and well will be outside the 100 ft upland review area. Once the subdivision is approved, the regulations fault to zoning and to wetlands where conditions of approval carry. This current house proposal will most likely not be followed, its predicted that the long end/ridgeline of the house will be parallel to Webster Lane and the existing house.

There was question on whether or not presenting one plan to one commission and another plan to another is allowed. S. Person stated that he understands that the plan complies with wetlands but asked if the proposal is complying with Planning and Zoning. G. Hardisty stated that the reason for this application is to show that this is a buildable lot. Once the lots are approved, the house does not need to be put in that proposed buildable square, there just needs to be a buildable square on the lot. G. Hardisty continued to state that once the application is approved and filed, with two stand-

alone lots, the regulations default to zoning regulations. The intention is to then build the house that is approved by wetlands.

J. Larson stated that PZC is authorized to create regulations, but then they must be followed. The proposed house, septic, and well are complying with PZC regulations as they stand at this meeting.

J. Hallisey reviewed the application, and was present at the IWWC meeting that discussed this item. He talked to G. Hardisty about a waiver request pertaining and a soil and erosion control plan. G. Hardisty stated that the town agent can handle the plan on the approval.

G. Hardisty noted that public hearing signs were posted on the property, letters were mailed to abutters within 100 feet.

J. Hallisey stated that both lots should be charted out on the proposed plan and the setbacks should be adjusted based on which town it is located in.

J. Larson pointed out that the legend was inconsistent with drawing on the topography map. The regulated area and setback lines on the legend were the same annotation.

J. Larson opened discussion to committee members.

J. Larson stated that the plans that EHHD approved were plans that wetlands would approve, not planning and zoning. G. Hardisty noted that he talked to sanitarian about changing the location of the septic. The sanitarian responded that if it is within 25 feet of the soil pit test, it would be approved.

J. Larson asked why the septic was outside the regulated area. G. Hardisty stated that the soils in the proposed area have more of a slope to them which is more conducive to affluence going into the ground. It also fits the lot configuration better.

J. Larson mentioned that the sequence of construction did not state when the driveway would be installed. Other applications have had problems with driveways in the past. A sequence is needed, whether that is before or after the silt fence. G. Hardisty suggested that the driveway would be constructed right after the silt fence was installed because property accessibility.

J. Larson mentioned a topsoil stockpile location is absent from the plan. G. Hardisty stated that the location of the stockpile is left up to the town agents and the contractor.

J. Larson asked about a fire marshal inspection in relation to the driveway. J. Hallisey stated that after 200 feet there should be a driveway turnaround. There can be a condition of the Fire Marshall to review and approve the plan.

At this time, J. Larson asked for public comment.

K. Arnesen, an abutter, expressed that he was concerned that the test pits were done in August. This is the driest time of the year, versus February through May when they are regulated. Kevin stated that in the spring, where the proposed septic is supposed to go, there are standing bodies of water for extended periods of time. G. Hardisty stated that the soil test examines soil conditions and looks for mottling which is oxidation in the soil. This mottling is apparent when there is water that has been around the soil for 30 days or longer. The Connecticut Dept. of Public Health septic system design prefers spring soil testing but tests can be conducted in any season.

K. Arnesen asked for clarification on how the process of buffers and clearing trees would work if the application is approved. G. Hardisty stated that the current applicants don't intend to take any more trees down than is necessary. The proposed limit of disturbance is on the plan.

K. Arnesen expressed a concern that this application makes it so there is a house in his backyard. J. Larson asked where the house would be better located. K. Arnesen said in neither of the proposed house locations.

J. Larson stated that the house would either not be following the regulations or not be desirable to abutters. The current proposed plan at the public hearing is more restrictive than the one presented to wetlands, if they change the location of the bump out they would need to go back to IWWC.

K. Arnesen asked about the septic tank location. G. Hardisty stated that these proposed plans are generic, the plan presented to wetlands will most likely be close to what will actually be built. The septic and driveway can be anywhere, it will just have to comply with wetlands approval.

J. Larson stated that he would like this commission to approve this subdivision and he will investigate the legalities from any deviation of that moving forward.

3. Adjournment: A. Crème MOVED to adjourn the public hearing at 8:05 p.m. L. Hutchinson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

REGULAR MEETING (commenced immediately following the Regular Meeting)

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

Others Present: Zoning Agent Jim Hallisey, Admin Assistant Amanda Gibson, Board Clerk Mindy Gosselin, Engineer Gerry Hardisty, Kevin Arnesen

1. Call to Order: J. Larson called the meeting to order at 8:06 p.m.

2. Roll Call / Seating of Alternates: Alternate Susan England was seated for commission vacancy.

3. Additions / Changes to Agenda: J. Larson proposed that item 6a. be moved before Old Business and item 5d. moved up to item 5b. S. Person MOVED and L. Hutchinson SECONDED.

4. Public Speak: No one wished to speak.

5. Discussion/Action - 2 Lot Subdivision - Property of Carma, LLC, 12 Webster Lane, Bolton (mailing address), aka Andover Assessor's Map 19, Block 16, Lot 1 for a two-lot subdivision in accordance with the Andover Subdivision Regulations in their entirety.

S. England MOVED TO APPROVE WAIVER OF SECTION OF THE REGULATIONS offering relief from the requirement that topography be provided 200' from the property boundary. S. Person SECONDED. By roll call vote, MOTION CARRIED 5:0:0

J. Larson stated that if the commission approves, they approve with conditions. S. Person MOVED TO APPROVE THE APPLICATION OF CARMA, LLC FOR A TWO LOT SUBDIVISION AT THE PROPERTY KNOWN AS 12 WEBSTER LANE,

BOLTON AKA ANDOVER ASSESSOR'S MAP AND DEPICTED ON A PLAN ENTITLED "CARMA, LLC TWO-LOT SUBDIVISION 12 WEBSTER LANE ANDOVER/BOLTON DEVELOPMENT PLAN" DATED AUG 26, 2019 AND REVISED THROUGH 9/20/20 WITH THE FOLLOWING CONDITIONS:

1. The plans shall be modified prior to filing so as to address the following:
 - a. Amend the legend on the plan so as to differentiate between the regulated area and the setback lines.
 - b. Add the driveway and construction entrance detail to the Erosion and Sedimentation Control Plan.
 - c. Show probable location of stockpiled material and silt fence containing same.
 - d. Add "Erosion and sedimentation plan adjusted in the field based on contractor input and town approval.
 - e. The lack of dimensional requirements in the space compliance chart on the plan for the lot depicting the existing dwelling;
 - f. Address the inconsistencies between the chart and the requirements in Section 11.2 of the Zoning Regulations; and
 - g. the conditions of approval shall be added to the plan.
2. The applicant shall notify the town at least 48 hours prior to the commencement of construction. Either the applicant or his agent shall attend a pre-construction meeting with town staff prior to the commencement of work.
3. The applicant shall submit payment-in-lieu of open space in an amount equal to 10% of the appraised value of the property as determined by an appraiser approved by the Town. The appraisal shall be performed in accordance with applicable state statutes and local zoning regulations. The total payment amount will be paid to the Towns of Andover and Bolton based on the percentage of land situated in each town. Payment will be made either at the time of filing or a Notice will be filed in the land records indicating that payment is due upon transfer of property.
4. An as-built drawing, certified by a licensed engineer, shall be submitted prior to issuance of a Certificate of Occupancy for the subject property. Said as-built shall show all structures, the well location and driveway. All monumentation shown on the aforementioned plan shall be installed and shown on the as-built

A. Crème SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

J. Hallisey stated that the E&S chart is on the plan to be filled out. G. Hardisty stated that it will be decided between the contractor and town agent.

6. Old Business

- a) Discussion – Update on possible acquisition of Klock property, Merritt Valley Road, for Open Space

S. Person stated that the real estate agent contacted the Klocks and they said that they are not interested in any donations or gifts or the parcel at this time (in whole or partially). Therefore, the commission cannot afford the lot at the current price.

- b) Discussion/Action - Planning & Zoning Commission Annual Report

J. Larson stated how S. England's suggestions were incorporated to the revised report. The wording and format of the Wetland Mission statement and what's on the website was taken into consideration. There can be improvement on the application process being less difficult.

c) Discussion – Draft Amendments to the Zoning Regulations – Lake Regulations

& Meeting with the Andover Lake Property Owners Association

J. Larson, J. Hallisey and J Valetta: At the June ALMA and ALPOA meeting, members asked for update on the lake regulations for the October 14th meeting. On October 5th, 2020 J. Larson will be presenting this presentation to the Wetlands Commission, followed by ALMA and ALPOA officers, and then the general membership meeting on October 14th.

J. Larson presented on the Lake Regulations and asked for feedback zoning classifications. He discussed storm water runoff and how improving the watershed is a part of proposed activities/projects, mitigation zone reductions, septic system mitigation, and where to go from here.

c) Discussion/Action – Amendments to the Planning & Zoning Commission By-laws

No discussion. Passed on to next meeting.

e) Commission Vacancies: No discussion.

7. New Business

a. Discussion – Sign Regulations

All sign regulations made by the PZC must be applicable to all types of signs (per Town Attorney.). There can be separate regulations for temporary versus permanent signs. PZC cannot regulate what type of sign or what it says. There was a meeting with the Republican and Democrat parties for ruling on signs for private yard. People are allowed to put political signs on the town property right of way (within 15 feet of the road), however, the signs cannot be bigger than 4 sqft.

S. Person stated that the state changed the time frame in which political signs can be posted.

8. Discussion:

Resignation – Linda H McDonald, Land Use Board Clerk.

L. Hutchinson asked about 57 Hendee Rd. J. Hallisey stated that there is inconsistency in a regulation and that the application probably won't come back to the commission. S. Person added that the parcel needs frontage on a town road, not town property. There was a mistake made, they need 400 feet of frontage and they currently have 46 feet of frontage. J. Hallisey stated that the property on the left side of the house is part of the lot on the right side of the lot (the lot being referenced is in the middle of the site plan). J. Larson stated how it was improperly allowed but there is nothing that can be done now. J. Hallisey said the left lot is normal but the right lot only has frontage on town property because of road relocation. J. Larson said the two lots are connected, which means it has enough front as long as the left and right lots are connected. J. Larson stated that there is no satisfactory proposal by the applicant. J. Hallisey said it's a prohibited residential use and that he has not been approached with a new plan. The flood zone must also be taken into consideration and there is a discrepancy in the regulations. A special permit may be needed for lot reconfiguration, then the frontage issue would be resolved.

9. Approval of Meeting Minutes

a. Regular Meeting of August 17th, 2020

S. England MOVED to approve the regular meeting minutes of August 17, 2020 as amended. A. Crème SECONDED. By roll call vote, MOTION CARRIED 5:0:0

1. Special Meeting (Site Walk) - August 20, 2020

The Special Meeting minutes of August 20, 2020 was amended as follows:

Agenda item 2: "...realtor representing the owner of the property who left at 9:40 A.M."

S. England MOVED to approve the special meeting (site walk) minutes of August 20, 2020 as amended. S. Person SECONDED. By roll call vote, MOTION CARRIED 4:0:1 with L. Hutchinson abstaining.

9. Correspondence

J. Larson stated that he received a letter from Eric Anderson asking for an 8/24 referral on a couple pieces of property that the town has been offered by a land owner and a land trust. He will end out the information about it. It would be a donation and will be continued onto next meeting.

10. Administrative Reports

a. Zoning Agent

J. Hallisey met with engineer Chris Bell and the applicant Bill Genovese of 517 route 6. The project was approved in 5 phases. They have to start from restoration in phases before they move forward, a restoration plan is needed (grading and seeding). There is a lost point of contact with the Genovese brothers, the are no longer on site. The site is now managed by Andover Auto Parts. J. Hallisey needs to re-establish contact.

The gentleman from Old Farms and Pine Ridge Drive wants access from both streets, the application is moving forward with the Wetland's Commission and will go to PZC in the future.

b. Inland Wetlands & Watercourse Commission Liaison

J. Larson's drawing on 57 Hendee Rd. was approved by IWWC within 200 feet of the river. It will be moving onto to zoning or planning/zoning.

11. Public Speak: No one wished to speak.

12. Adjournment: L. Hutchinson MOVED to adjourn the regular meeting at 09:54 p.m. A. Crème SECONDED. By roll call vote, MOTION CARRIED 4:0:1 with S. Person abstaining.

Respectfully Submitted,

Mindy Gosselin

PLEASE SEE THE MINUTES OF SUBSEQUENT MEETINGS FOR THE APPROVAL OF THESE MINUTES AND ANY CORRECTIONS HERETO.