

TOWN OF ANDOVER
PLANNING & ZONING COMMISSION
MONDAY, APRIL 18, 2022 - 7:00 P.M.
LOCATION: VIRTUAL MEETING VIA ZOOM

PUBLIC HEARING MINUTES

Members Present: Chair Jed Larson, Vice Chair Anne Peterson Cremé, Scott Person, Leigh Ann Hutchinson, Steve Nelson, Anne Blanchard (alternate), and Kevin Arnesen (alternate)

Member Absent: Susan England (alternate)

Others Present: Jim Hallisey – Zoning Agent, Abbie Winter – Board Clerk, Andy Minicucci, Bill Warner, Brandon Handfield, Catherine Magaldi-Lewis, Cathy Palazzi, Chesney McOmber, Curt Dowling, Dianne Grenier, Douglas Grunert, Elaine Buchardt, Erin Boris, Jeff Tracy, Joanne Hebert, Katherine Hutchinson, Matt Eucalitto, Matthew Bruton, Pat Padlo, Robin Pearson, Sarah Costagliola, and Stephen

- 1) Reconvene Public Hearing on the application from Garrett Homes, LLC for a Site Plan Approval for a 10,640 s.f. structure for the operation of a retail operation and related site work at 580 Lake Road.

Chair J.Larson called to reconvene the public hearing at 7:02 p.m.

- 2) Applicant to address outstanding concerns; Questions by the Commission, staff input; Public Participation.

J.Hallisey stated the application appears to be complete and they've addressed all outstanding questions. He asked about the applicant's offer to provide screening for the dumpster loading area, as discussed at the prior public hearing.

M.Bruton noted the screening callout included on the original site plan - a 6' high black vinyl coated chain link fence with privacy slats to entirely enclose and screen both dumpsters from public view. M.Bruton also showed the site of the proposed freestanding sign on the site plan. The pedestal for the sign is 17' off the new sidewalk location, and 30' from the corner of the road off the edge of pavement.

J.Hallisey stated the town engineer raised the issue that the location of the driveway is not 100' from the nearest driveway. J.Hallisey asked why the applicant's plan does not incorporate a the shared driveway, since the town regulations encourage shared driveways.

M.Bruton stated the Lake Road driveway functions as a secondary driveway for the corner lot. He sated the Lake Road driveway is ~140' feet from the Route 6 intersection. The applicant is providing the greatest distance possible from Route 6 to the driveway to optimize visibility and drivers' ability to que at the traffic light. Since the plan incorporates maximum separation between the driveway and Route 6, the driveway is therefore adjacent to the Benjamin Franklin Plumbing's driveway.

J.Larson noted the 23.4D Traffic Access regulations that state "no proposed driveway shall be closer than 100' to any another existing or proposed driveway". J.Larson stated he does not desire to suggest moving the driveway closer to Route 6, and the 23.4D Regulations command that public driveways should be common driveways whenever feasible.

J.Larson asked M.Bruton if the applicant would reconsider a shared driveway, and why they are opposed to it.

M.Bruton stated two access points to the site would be most effective as opposed to one entrance on Route 6. The issue with a shared driveway is the restrictions and maintenance agreements that are required with a shared driveway, and it's challenging for future parties and tenants to agree to these terms and restrictions. M.Bruton stated it is his standard to propose individual driveways since it's easiest for future parties and tenants.

J.Larson stated the Commission will deliberate this later on in the meeting.

J.Hallisey mentioned the sight line issue, and reported he received notice from the Benjamin Franklin Plumbing's attorney that access could be provided for clearing trees to provide the sightline if necessary.

L.Hutchinson noted concern about the driveway on Route 6, and she stated there should be a single entrance on Lake Road so all of the business's traffic can be controlled by the stop light at the intersection of Lake Road and Route 6. She also asked about the anticipated amount of excess water that will be redirected under Route 6 from the site.

M.Bruton stated the Route 6 entrance is the most favorable for a truck, employee, and customer entrance. Since this is a DOT road it requires a DOT encroachment permit, which is under review now. Two driveways allow options, and the Route 6 entrance ensures trucks will not use Lake Road. M.Bruton stated that during the last public hearing residents voiced concern for further traffic on Lake Road, and if any driveway needs to stay it's the Route 6 driveway. This entrance needs to follow state DOT requirements regarding signage, orientation, etc. M.Bruton showed how truck access is not possible on Lake Road, they need to enter from Route 6. He clarified that they anticipate future tenants' will expect one tractor trailer delivery a week.

L.Hutchinson stated the need to extend the 40 mph speed limit through this proposed area.

M.Bruton reviewed the site's drainage pattern towards the 18-foot reinforced concrete pipe (RCP) that crosses Route 6. Their drainage system plans are in accordance with the 2004 CT Stormwater Manual guidelines with the goal of matching current drainage patterns. The catch basins and underground storage system catch, treat, recharge the site groundwater, and discharge excess water across Route 6. The RCP is owned and maintained by the DOT, and the DOT will review the applicant's drainage connection to the RCP. M.Bruton showed where the RCP discharges across Route 6. M.Bruton projected the site's drainage system will decrease the amount of runoff that will flow across Route 6 via the RCP, due to the project's onsite water detention measures.

J.Larson asked if the plans will incorporate Brandon Handfield's suggestion to connect the roof runoff into this drainage system. M.Bruton stated the plan was updated to incorporate this suggestion into the project.

J.Larson asked if they will incorporate the 8-foot buffer between the edge of the road and sidewalk within the site plan. M.Burton confirmed, and added they are also incorporating the sidewalk extension to the corner Route 6, and the connection across the street to the eventual recreation area.

J.Larson opened up the conversation to members of the public to offer comment and questions.

Catherine Magaldi-Lewis asked if the site development can wait until the town conducts the UConn project. J.Larson stated it is an as-of-right matter so as long as the applicant complies with the PZC regulations, the Commission has to approve it. C.Magaldi-Lewis asked if this decision is affected by the long term planning's call for preserving the rural atmosphere of Andover and residents' requests for specific business development at this site. J.Larson stated these factors do not carry weight within this particular decision, since the proposed site plan meets the PZC's regulations so they have to approve it. If the Commission does not approve of this site plan, then it is automatically approved.

J.Larson addressed the public's concern for big box stores in Andover, and he stated the PZC regulations include a maximum size for a store of 15,000 square feet to intentionally exclude the large scale stores that the community voiced concern about. C.Magaldi-Lewis asked what happens to the building if the tenant does not occupy it for some reason. J.Larson stated it is up to the owner to find a tenant. He added the Regulations state anything in the business zone is permissible as long as its included on the list of as-of-right businesses – and retail store is included as a matter of right.

Cathy Palazzi voiced support for the two driveways as presented – one off Route 6 and one off Lake Road.

Curt Dowling asked about the entrance and exit onto Route 6, and the traffic impact study. As a lifelong member of the fire department and the town's fire department chief, he stated the fire department has responded to minor and major crashes in the area where the Route 6 entrance is proposed to go. He stated that the Route 6 entrance should only be an entrance for eastbound traffic, not an exit for westbound traffic. He voiced his approval of businesses on Route 6 to ease town finances. He stated his belief that Route 6 should be commercially developed to ease the town's tax burden. J.Larson stated he twice intentionally observed traffic to validate the numbers that Pat Padlo briefed the Commission on from the traffic impact study. He observed the number of cars were slightly higher than what P.Padlo's projected from 3:45 pm - 4:15 pm, and at 5 pm (with more accurate sampling technique) the number of cars were spot on with P.Padlo's projection.

P.Padlo presented the Connecticut Crash Data Repository, compiled by CT DOT and UConn. For the traffic impact study, P.Padlo queried data for the window of time between January 2019 and December 2022.

Elaine Buchardt voiced support for the potential tenant as a convenient resource for residents. She stated this business may attract more businesses to come to town. She added the town previously pursued attracting businesses to town and they did not have luck, so this is a good opportunity.

Erin Boris noted concern for an entrance and exit driveway on Route 6, noting that the traffic impact study results may be influenced by the decrease in traffic during the height of the pandemic.

Joanne Hebert echoed Elaine's points that they are excited to have something in town that looks nice. She noted from her experience as a young mom, it would be helpful to have a store in town.

3) Adjourn/continue Public Hearing.

J. Larson MOVED to adjourn the public hearing. S.Person SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

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

REGULAR MEETING MINUTES

Members Present: Chair Jed Larson, Vice Chair Anne Peterson Cremé, Scott Person, Leigh Ann Hutchinson, Steve Nelson, Anne Blanchard (alternate), and Kevin Arnesen (alternate)

Member Absent: Susan England (alternate)

Others Present: Jim Hallisey – Zoning Agent, Abbie Winter – Board Clerk, Andy Minicucci, Bill Warner, Brandon Handfield, Cathy Palazzi, Dianne Grenier, Elaine Buchardt, Douglas Grunert, Joanne Hebert, Katherine Hutchinson, Matt Eucalitto, Matthew Bruton, Pat Padlo, Robin Pearson, and Sarah Costagliola

- 1) CALL TO ORDER: Chair J. Larson called the regular meeting to order at 8:03 p.m.
- 2) ROLL CALL/SEATING OF ALTERNATES: No alternates were seated.
- 3) ADDITIONS/CHANGES TO THE AGENDA:
 - a. Under section 6 – New Business, item a. regarding the 580 Lake Road application should move to the top of section 5 – Old Business.
 - b. Under section 5 – Old Business, item b. regarding the Economic Development Commission signage discussion should be considered New Business, however should be discussed in the order written on the agenda.

J.Larson MOVED to approve the changes to the agenda as discussed, making Old Business a. the 580 Lake Road application, and including New Business as new item c, and re-lettering the other ones as appropriate. S.Nelson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

- 4) PUBLIC SPEAK
- 5) OLD BUSINESS

- a. Action/Discussion Item - Receive Site Plan Application from Garret Homes, LLC (Gary Eucalitto), Property of 580 Lake Road, Applicant seeking a Site Plan Approval for a permitted use (retail) in an Industrial Zone.

J.Larson asked the Commission to discuss the access driveway off Lake Road. J.Larson recognized the applicant's desire to have 2 driveways, however the Lake Road entrance is not in compliance with Regulation 23.4D pertaining to Traffic Access. J.Larson stated that compliance with 23.4D would not preclude access to the site, since the Route 6 driveway provides access. He added he is, however, not interested in moving the Lake Road driveway closer to Route 6. S.Nelson stated he thinks the site plan's driveway locations are logical, and he asked if the applicant needs to apply for a variance or can the Commission approve it as is. J.Larson stated they cannot approve it as is since it violates Regulation 23.4D, and that the applicant would need to pursue a variance at that point.

J.Hallisey stated he thinks Regulation 23.4D gives the Commission discretion.

A.Cremé stated it doesn't make sense to have a joint driveway, the driveway should not move closer to Route 6, and the retail store needs more than one entrance to relieve customers from making left turns into the store from Route 6.

J.Hallisey voiced support for making the Lake Road driveway a shared driveway, however they pose drawbacks for the owners in regard to insurance and future tenants.

L.Hutchinson voiced concern that if the Commission uses J.Hallisey's reasons against using shared driveways as reasons to excuse the applicant from developing a shared driveway, this could create a precedent that excuses anyone in town from developing shared driveways. She wants to minimize the number of public driveways on public streets in the interest of public safety.

S.Nelson stated he does not interpret Regulation 23.4D to authorize the Commission to approve the site plan without a variance. J.Larson agreed, and expressed concern that the applicant would instead move the driveway closer to Route 6.

J.Larson stated it is in the interest of public safety to minimize the number of driveways, specifically considering the stop sign for Merritt Valley Road, the Rail Trail crosswalk, and the number of driveways on Lake Road, all within 100 feet.

J.Larson MOVED to ask the applicant, in the interest of public safety, to investigate the use of a common driveway and show the Commission why it would not be feasible if they conclude it is not. S.Nelson SECONDED.

A.Cremé noted she would prefer the Commission considered the driveway a variance instead of requiring this investigation.

S.Person stated he does not believe requiring the applicant to get a variance is the answer either, and he thinks there is a better way than requiring a shared driveway.

By roll call vote, MOTION CARRIED 4:0:1 (A.Cremé abstained).

Robin Pearson, attorney on behalf of the applicant, stated the public hearing is closed, so the applicant cannot address the Commission in regard to substantive issues that relate to this application. The Commission can only approve or deny the site plan as it was heard at the public hearing. In terms of addressing new issues raised as part of the site plan process, she stated she believes the applicant will need to file a new application in order to address the newly raised issues - this is not her final opinion and she intends to look at the procedural aspects further for this situation. J.Larson agreed and will confer with the land use attorney on this.

The Commission will continue this item during their May 16th meeting.

b. Discussion - Update on Affordable Housing Plan (material on web-site)

Bill Warner was present on behalf of the plan.

J.Hallisey asked for the plan to specify that the rental figures are gross rents, clarifying that these rental figures include utilities. B.Warner agreed to clarify this.

S.Nelson asked B.Warner about the recommended proactive measures for the town to meet the goals, or if market conditions will allow them to hit the target. B.Warner stated his primary recommendations to create a committee which includes a day-to-day staff person, and to

create a housing trust fund which would support accessory affordable housing and programming.

J.Larson will brief the Board of Selectmen at their May 9th meeting. He added his intention to hold the public workshop on Saturday May 14th, and he asked B.Warner and the Commission members to attend and show support. Then the Commission will act on the plan during the May 16th regular meeting, and file the plan with the town clerk to finish the process. He asked B.Warner how to submit the plan to the state. B.Warner stated the Commission needs to send it to the State Department of Housing, and he believes there is a website on which to submit the plan with a formal letter from the town.

6) NEW BUSINESS

- c. Discussion of Request from the Economic Development Commission regarding entryway signage for the Town of Andover

On behalf of the Economic Development Commission, Elaine Buchardt was present.

E. Buchardt discussed the need for town welcome signs, shared the EDC's plan to apply for funds from the Hartford Community Fund, and shared the proposed design of the sign.

E. Buchardt asked the Commission what regulations and permits the EDC needs to consider as they pursue funding.

J.Larson noted the sign is consistent with the Commission's sign regulations, and in the newly updated sign regulations, the town can put up any sign it wants as long as the sign itself doesn't exceed 16 square feet. He noted that J.Hallisey mentioned the 12-foot area bordering the state highway is state owned so this sign falls under state DOT purview. J.Larson recommended the EDC check CT DOT's highway signing policy and programs. The DOT application will ask if the sign is approved by town Planning and Zoning, and J.Larson is willing to make a motion to approve the sign once the EDC researches the state highway signing policy and programs requirements.

The EDC will come back for Commission approval once they secure funds.

The first sign will be located along Route 6 coming from Bolton, across the street from the Network building. If the sign is within the 12-foot border of Route 6, then it will not encroach on personal property.

The second sign will be located along Route 6 coming from Columbia right before Parker Bridge Road, past a guard rail.

OLD BUSINESS (continued)

- d. Discussion/Action - Sign Regulations. Set Public Hearing for June 20, 2022

J.Larson reviewed the proposed changes from the Commission's previous discussion, including wall signs on a building can be limited to 18 inches, instead of 15 inches as previously noted.

J.Larson repeated the Commission's conclusion that the current regulations are too restrictive on window signs, so he suggested changing the regulations to say there is no maximum square footage but the signs cannot exceed 25% of the available business frontage window area.

J.Larson will send these proposed changes to Attorney Branse for review, and then J.Hallisey can send them to the Capital Region Council of Governments for review.

S.Nelson asked if the two gas stations would comply with the 25% regulation. J.Larson stated the gas station on the corner of 316 would not comply since it has so many window signs up, especially considering the current regulations do not allow them to have any signs at all.

- e. Discussion/Action – Other regulatory amendments. Set Public Hearing for June 20, 2022

Attorney Mark Branse sent J.Larson comments on the other regulatory amendments. J.Larson will review these, and the Commission will discuss during next month's meeting.

7) DISCUSSION

L.Hutchinson stated concern that the sign regulation's 25% window coverage stipulation is too restrictive. J.Larson stated a retailer can seek relief from the ZBA, and also the Commission can update these regulations again if they find they are too restrictive.

8) APPROVAL OF MEETING MINUTES

- a. March 21, 2022

J.Larson MOVED to approve the March 21, 2022 regular meeting minutes. L.Hutchinson SECONDED.

J.Larson noted there were some last names missing within the attendees list, which is alright but it is important to have the last name of attendees that speak.

By roll call vote, MOTION CARRIED 5:0:0.

J.Larson MOVED to approve the March 21, 2022 public hearing minutes. A.Cremé SECONDED.
By roll call vote, MOTION CARRIED 5:0:0.

- b. March 28, 2022

J.Larson MOVED to approve the March 28, 2022 special meeting minutes. S.Nelson SECONDED.
By roll call vote, MOTION CARRIED 5:0:0.

9) CORRESPONDENCE: None.

10) ADMINISTRATIVE REPORTS

- a. Zoning Agent – Enforcement actions, pending applications, miscellaneous

J.Hallisey reported 12 Center St is moving forward with the demolition of the structure.

J.Hallisey spoke with the owner today, and someone will be there this week to work on it.

He spoke with the owner of the Route 6 property with the RVs. J.Hallisey reported the owner made an arrangement with the RVs to be demolished and carted away, hopefully soon.

J.Hallisey will follow up on this.

J.Hallisey was unable to contact Mr. Barnett, owner of the Route 6 property which formerly had a food truck and debris.

J.Hallisey reported a dumpster issue on Long Hill Road, and he is following up on this tomorrow (April 19th).

S.Person asked if Mr. Barnett lives on the site. J.Hallisey stated he believes Mr. Barnett resides elsewhere in town, and he will investigate further.

- b. Inland Wetlands & Watercourse Commission Liaison

J.Larson updated that there is nothing to report from the Inland/Wetlands Commission that affects PZC.

11) PUBLIC SPEAK

Dianne Grenier voiced support and appreciation for the hard work of the Commission and Commissioner J.Larson.

12) Next Regularly Scheduled Meeting – May 16, 7:00 p.m.

13) ADJOURNMENT

J.Larson MOVED to adjourn the meeting at 9:03 p.m. A.Cremé SECONDED. MOTION CARRIED unanimously.

Respectfully submitted by Abbie Winter,

Abbie Winter

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