

TOWN OF ANDOVER
PLANNING & ZONING COMMISSION
Monday, December 21, 2020
Location: Virtual Meeting Via Zoom
7:00 P.M.

REGULAR MEETING MINUTES

Members Present: Chair Jed Larson, Vice Chair Anne Peterson Crème, Susan England, Leigh Ann Hutchinson (joined at 7:18 p.m.)

Member Absent: Scott Person

Others Present: Zoning Agent – Jim Hallisey, Board Clerk – Mindy Gosselin, Kevin Arnesen, Anne E. Blanchard

1. **Call to Order:** J. Larson called the meeting to order at 7:02 p.m.
2. **Roll Call/Seating of Alternates:** J. Larson seated S. England and L. Hutchinson (7:19 p.m.).
3. **Additions/Changes to the Agenda:**

S. England MOVED to add the 2020-2021 Fiscal Year Budget as agenda Item 6c. A. Crème SECONDED. By roll call vote, MOTION CARRIED 3:0:0.

4. **Public Comment:** No one wished to speak.
5. **Old Business:** None.
6. **New Business:**

a) Zoning Amendment (Lake Regulations) – Receive Application & Set Public Hearing

J. Larson presented the proposed Lake Regulations. He explained the changes that were made since the last presentation and reviewed comments from the Town Attorney and Limnologist.

In Section 2.1, there is now a 'Z' added to the district zone acronym.

In Section 2.2, Appendix 1 is referenced when on the website it is referred to as Appendix A. The website needs to be updated to say "Appendix 1".

The referenced map needs to be approved at the public hearing.

J. Larson reviewed Hillary's comments on the 7.6.0 Intent section.

There were updates to the numbering system and the appendices. Appendix 1 is the Andover Zoning District map. Appendix 2 is the Watershed Overlay Zone map. Appendix 3 was the Nutrient Allocation Worksheet; however, it will not be a part of the regulations anymore. It is meant to be a tool that helps implement the regulations. The Zoning Agent will utilize it.

In Section 7.6.4, words were added based on discussion from last meeting

There was more discussion on the comments and changes.

J. Larson stated that the regulations have to be sent to CRCOG and they have 30 days to review. He also stated that ALMA/ALPOA liked the proposed regulations.

J. Larson asked if there were any suggestions.

A. Blanchard suggested moving the definitions to the beginning of the document as a preface.

K. Arnesen asked if the 2-inch rainfall event is defined in the regulations. He stated that it may need to be more specific in regards to the duration of time and buffers.

J. Larson stated that it was understood that the first 2 inches were in a single rainstorm event.

J. Hallisey said that this was discussed before and it was decided to leave it how it is worded.

J. Hallisey stated he will make the regulation changes with J. Larson and then post the edited version on the website with the application and the watershed map.

J. Larson stated that after the public hearing there will be deliberation and another opportunity to edit/review the regulations.

L. Hutchinson MOVED to accept the application and to set the public hearing for the January 2021 Regular Meeting. S. England SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

b) Discussion – Use of Town-Owned Rights of Way

J. Hallisey explained that a large swath of land was taken by the state for the proposed Route 6 project along Wheeling Road. As a part of the plan, the state was going to re-align Wheeling Rd on the acquired land. However, the project was not approved and the land was deeded to the town. Since Wheeling Road was never re-aligned, the lot that the state originally acquired land from no longer has frontage.

J. Hallisey explained that the regulations went from using the term frontage to lot width. He also explained that every driveway crosses the right of way adjacent to the traveled way of a town road (~10-15 feet). In this situation, the right of way would be wider (~50 feet).

J. Hallisey consulted Mark Branse. M. Branse did not have a problem with the right of way and stated that the property was designed for road use.

J. Hallisey said it is not a Zoning Agent's decision and is looking for policy direction. Should it be the Board of Selectman setting the policy? J. Larson suggested talking with Eric.

J. Hallisey stated that he can prepare a memo.

J. Larson stated it could have been a free-cut made to a lot that did not have frontage, which should have not been made a permissible lot. It may not be a legal lot now. The lot used to have plenty of frontage but the state bought part of it and now it doesn't. The state did not move Wheeling Rd to give the property its frontage back.

J. Larson stated that driveway placement should be restrictive when there is development on the lot. J. Hallisey stated that the site plan was driven by ledge and soil conditions.

L. Hutchinson asked if there should be a policy for situations like these or if they should be case by case. J. Larson said it's case by case right now.

If this issue goes to the Board of Selectman, the Commission may need to weigh in.

J. Larson said someone was interested in buying the property but there is a comment on the plan that says "not a buildable lot". The potential buyers were just doing their research and inquiring about the property and its potential for a septic system, etc.

J. Larson stated that there needs to be a consistent policy. There is no action for the Commission tonight.

c) 2020-2021 Fiscal Year Budget

J. Larson proposed an identical budget from 2019-2020 for 2020-2021. The budget is used for professional services like a professional engineer, legal consulting, creating maps/plans and trainings.

J. Hallisey stated that \$3700 was spent this fiscal year (2019-2020).

A. Crème MOVED to accept the budget as presented. L. Hutchinson SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

7. Approval of Minutes – November 16, 2020 Regular Meeting

The November 16, 2020 Regular Meeting Minutes were amended as follows:

Item 9b. Administrative Report from Zoning Agent: J. Hallisey wanted to clarify that the information regarding turtles that he provided was communicated to him by the Town's Conservation Consultant, Hank Gruner.

Item 9a. Administrative Report from Zoning Agent:
Zoning violation complaint update – Property of Jason Salisbury, 44 Wales Road
~~There is an accessory apartment being marketed for sale but it is not permitted. J. Hallisey is going to send a letter and potentially file a notice in the land records.~~ **The Zoning Agent is going to send a letter and look into possibly filing a notice in the land records.**

Add to Item 9b.: **There is an accessory apartment being marketed for sale at 151 Wales Road but it is not permitted.**

S. England MOVED to approve the Regular Meeting Minutes of November 16, 2020 as amended. L. Hutchinson SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

8. Correspondence: None.

9. Administrative Report from Zoning Agent

a) Zoning Violations Update – Property of Jason Salisbury, 44 Wales Road

J. Hallisey issued a cease and desist order to Jason Salisbury, there is a copy on the website.

The letter went out last week and the owner was given 30 days to comply – specifically regarding the trailer on property. If he does not comply it will be turned over to the Town Attorney.

b) Other:

J. Hallisey anticipates a special permit application for a stand-alone accessory apartment on Hebron Road to be submitted. IWWC approved it last their last meeting.

IWWC accepted an application for a 2-lot open space subdivision with frontage on Pine Ridge Drive. J. Hallisey expects that application to be submitted in a few months once it goes through wetlands.

The realtor with 151 Wales Road is looking into subdividing the property. J. Hallisey will work with him in regards to getting in compliance. He has not gotten a letter yet. L. Hutchinson asked if they were under the impression that it was a legal accessory apartment. J. Hallisey said he is not sure but he is going to contact the property owner to make sure they are aware of it.

10. Commission Discussion: None.

11. Public Comment: No one wished to speak.

12. Adjournment:

A. Crème MOVED to adjourn the regular meeting at 08:44 p.m. L. Hutchinson SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

Respectfully submitted by Mindy Gosselin,

Mindy Gosselin

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