

TOWN OF ANDOVER
PLANNING & ZONING COMMISSION
MONDAY, APRIL 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, Susan England, Leigh Ann Hutchinson, Anne E. Blanchard (alternate)

Member Absent: Kevin Arnesen (alternate)

Others Present: Zoning Agent – Jim Hallisey, Board Clerk – Mindy Gosselin, Megan Phillips, Thomas Fiorentino, Bill Phillips, Andrew Bushnell, Hank, George Correia, Mark Branse, Erik Loteczka, Joseph Mott

- 1) Call to Order: Chair J. Larson called the public hearing to order at 7:03 p.m.
- 2) Application #21-01, Application of **57 Hendee Road**, LLC

Applicant seeking to deposit fill/construct a single-family residence in a Flood Zone in accordance with Section 10.4 of the regulations

M. Phillips, one of the applicants, stated that since the last meeting they have submitted the items that were requested. They submitted a revised site plan with Soil Scientist John Ianni's signature and a driveway turnaround, and made the existing and proposed lot lines clearer. The applicants have also confirmed that the utilities are in the ground and had a site walk with the commission. M. Phillips also stated that last week it was brought to her attention that the commission would be interested in seeing an option of adding 25 feet to the west of the lot and moving the lot width line forward, the engineer worked through that option and provided an alternate plan. That plan had the lot gain 35 feet to the west and straightened out the west line and increased the square footage of the lot from 62,000 sqft. to 69,942 sqft. M. Phillips also explained the lot width lines and the alternate option further.

A. Bushnell, the applicant's engineer, stated that they did widen out lot by 35 feet to gain as much width possible. The limiting factor being the existing well pump shed for 57 Hendee road, it needs to stay inside the 25-foot setback. The existing greenhouse at 57 Hendee Rd would be removed. The plan was based on the geometry of the old road (Old Burbank Rd.).

A. Bushnell then explained the submitted plan, the green line (going from North to South) is the median of the two side lines. He explained the 3 angle points and calculations. The purple line is 50 feet from the center line of Hendee Road. The lot lines were based on the old road, so that is what the calculations are based on. The blue line represents the new proposed property lines which moved over ~35 feet to the west. You can see the existing well pump shed. There are also lines from the original submission. A. Bushnell stated that the plan has gotten approval from the health district for the septic system.

J. Hallisey stated that he walked through the checklist and reviewed the general standards in section 10 for compliance with construction. He stated that all concerns are addressed by either the health code or building code.

S. Person asked about the lot calculations in relation to the road positioning of Old Burbank Road (which is a non-existent road). A. Bushnell said he used the original geometry that came about when it was Old Burbank Rd.

S. Person asked if it was a lot. A. Bushnell stated that it was a piece of property based on the existence of Old Burbank Rd. If it wasn't based on Old Burbank Rd., then the property line would be in a different location. A. Bushnell stated that there was a second lot there. The Phillips stated that they get two tax cards, parcel one and parcel two. S. Person stated that it never was a lot and never was a building lot. A. Bushnell said there is a deed from the mid 80's and survey on the lot.

J. Hallisey stated that there is confusion between the lot and an approved building lot. It was never an approved building lot. The lot was cut off. Two pieces of land were cut off from a large piece of land in 1947.

M. Branse stated that he saw this lot before. There were two lots that were cut off and extensively reconfigured.

A. Bushnell stated that the parcel at 57 Hendee Rd. is 1.03 acres. The land around that is the land that we are dealing with – parcel 2. These lots were configured in 1985. It is a lot on the map and by deed but it was not an approved building lot. However, he has worked to get an approved septic. 57 Hendee Rd is currently an acre and it's proposed to be 4 acres. And the other lot will become 1 acre.

J. Larson stated that the ZBA already decided that a house can be built on the lot.

J. Larson asked A. Bushnell about the location of the definition of the building line. A. Bushnell stated that he is taking it from the center line from the old road (Old Burbank Rd). J. Larson stated that the biggest point is whether not that is consistent with the regulations. J. Larson thought that there was a problem with definition with regulation and width, but there is not. There is an issue with the lot not supporting the definition of width.

A. Crème stated that looking at the old road or new road, there is 200 ft width.

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 from the center of Hendee Rd. but it does not touch the building line. This is where J. Larson is struggling. It is 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.

J. Larson stated that the town owned parcel makes it hard for the parcel to comply. A. Crème stated that she thinks it should be a variance. J. Larson stated that it could be. He also explained another option that would comply although it is not favorable.

M. Branse reviewed where the commission has jurisdiction. He also stated that a discontinued road is not a road. He stated that the key setback question is – when the regulations reference 50 ft. is that at least 50 ft. or exactly 50 feet. There was then further discussion on this section of the regulations and lot width.

J. Larson discussed the exploration of the applicants buying the Town of Andover owned piece between part of the parcel in question and Hendee Rd.

K. Arnesen explained his opinion on the lot width line and what the lot width is trying to differentiate.

M. Phillips explained to the Commission that the approved variance application mentioned the approval to construct a single-family home where there is a concern about frontage and lot width.

J. Larson stated that looking at the ZBA minutes, it looks like they approved building. M. Branse disagreed, if the variance was for 4.1.2a – that was for non-conforming lots. This parcel is not a legal non-conforming lot. It did not exist previously. It is non-conformity was to the flood. Section 11.2 is lot width.

J. Larson stated that the issue of width was not approved by ZBA.

J. Larson asked about the construction of the home in the flood prone zone. S. Person asked about the FEMA map. A. Bushnell explained the different flood zones and flood insurance survey (FIS). J. Larson asked where the house is in relation to the flood zone. A. Bushnell said that the house is in the area of where it would flood theoretically in a 100-year storm. Flood elevation is 323.5 ft, so the house will be raised up to 325 ft.

J. Larson brought up the Town of Andover parcel being stated as a right of way. A. Bushnell stated that he assumes it is a part of the Hendee Road right of way, it is just wider than normal.

T. Fiorentino, the applicant's agent, stated that this matter should be tabled so the applicants can properly consider the alternatives and options brought up today.

3) Close or extend Public Hearing/Adjournment

A Crème MOVED to continue the public hearing to the next regularly scheduled meeting. S. England SECONDED. MOTION CARRIED unanimously.

The public hearing was adjourned at 8:16 p.m.

REGULAR MEETING (Held immediately following the Public Hearing)

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

Member Absent: Kevin Arnesen (alternate)

Others Present: Zoning Agent – Jim Hallisey, Board Clerk – Mindy Gosselin, Megan Phillips, Thomas Fiorentino, Bill Phillips, Andrew Bushnell, Hank, George Correia, Mark Branse, Erik Loteczka, Joseph Mott

1) Call to Order: Chair J. Larson called the regular meeting to order at 8:17 p.m.

2) Roll Call/Seating of Alternates: No alternates seated.

3) Additions/Changes to the Agenda:

Move New Business before Old Business.

Add New Business Item d. “Low Income Housing Plan”

Indicate the acceptance of the new application for 26 Old Farms Rd.

Remove “Andover Planning & Zoning Commission Agenda” from Section 7

J. Larson made the indicated changes above to the agenda.

4) Public Comment: None.

5) New Business

- a) Discussion/possible action, Application of **57 Hendee Road**, LLC
Applicant seeking to deposit fill/construct a single-family residence in a Flood Zone

This application was deferred to next meeting.

- b) Discussion/possible action, Application #21-02 of Joe Mott, **142 Wales Road**
Seeking Site Plan approval for an accessory apartment per Section 4.11 of the Andover Zoning Regulations

J. Mott stated that he is proposing to build a 26’x38’ attached garage with a second floor apartment. J. Hallisey stated that the applicant is looking for a site plan approval instead of a special permit approval. The regulation does not require a special permit unless the Commission requests it. J. Hallisey has reviewed the plans and sent out comments.

J. Mott commented on the 800 sqft maximum. There are a couple options to meet that requirement, there is a closet that is going to be extending into the apartment from the existing house – it could be expanded but the easiest thing would be to take the first two feet of the proposed structure and push it back to meet the 800 ft maximum (shrink the front room a little bit).

J. Larson stated that the applicant asked for an exemption of an A2 survey.

J. Hallisey stated that it would be helpful to see the calculation of the square footage of the lot.

J. Larson stated that there will probably be some construction grading. He was looking for a sediment and erosion control plan and details of stockpiles.

S. Person stated that there needs to be additional parking. J. Mott stated that the additional bedroom added will be accounted for with the garage addition.

J. Larson stated that it is unusual that the driveway only goes to one portion of the garage. J. Mott stated that that was an oversight.

J. Larson stated that the application has been accepted, and if any revised plans with darker lines could be submitted would be ideal. Additionally, on figuring out the square footage of an accessory apartment, J. Larson has not verified the 800 sqft. calculation.

J. Hallisey stated that all of the items with regulation 411 is objective with one exception, letter i – character of the dwelling. He explained this exception more.

The application was accepted and continued to next meeting.

c) Discussion/possible action, Gravel Operation, Route Six, Update and Request for Extension of Existing Permit

Chris Bell, the engineer, was present.

J. Larson stated that section 16.6 of the regulations, specifically regarding permit renewal, were not addressed in C. Bell's submitted letter. J. Hallisey stated that he did not bring that to the applicant's attention.

Per section 16.6.2, grading and excavation plans are needed for this application. C. Bell stated that he can provide a plan before next meeting.

L. Hutchinson asked about the phases. C. Bell explained the grading and that they are in the last full phase – grading back to existing. There are various piles of material that will hopefully be moved by next meeting. Every phase is 100 ft., coming from the road.

J. Larson stated that he thought it was initially decided that this project would be completed in phases and one would be completed before the other started. However, it seems as if there are many phases that are still in progress and none have been completed. C. Bell stated that phases could not be completed without the other beginning. He stated that the phases are now back to front instead of front to back. S. Person asked if the erosion control measures have been fixed. C. Bell stated that they were fixed as of Friday. He also stated that when the stumps are out the grading will then be completed.

J. Larson asked if a 6-month extension would be enough time to wrap it up. C. bell said they plan to be done in early June, so 6 months should be enough time.

L. Hutchinson MOVED to schedule a site visit on this application. S. Person SECONDED.

L. Hutchinson WITHDREW the previous motion. S. Person SECONDED.

This application was continued to next meeting.

d) Low income housing plan

J. Larson stated that every town in CT is required to have a low-income housing plan by end of June 2022 in order to get funding. The town does not currently have one. He has been in discussion with Bill Warner, a certified planner that has worked on the Plan of Conservation and Development (POCD) in the past. He is unsure of the commission's involvement. S. England stated that B. Warner did the POCD for Andover as part of his job when he was the zoning agent. When he was no longer the town's agent and it needed to get done, it was put out to bid and he got selected because of his past experience working on the plan and his price was the best.

J. Larson stated that he talked with E. Anderson and the town views this low-income housing plan as he first step of the POCD. The town has been putting away money for this plan for a while.

This is a very important plan and will be a high priority.

6) Old Business

a) Update/discussion - Sign Regulations

J. Larson stated that Jerry Wright is looking to put a big sign out at Veteran's Park. J. Larson stated that if he wishes to do that he should put it on the other side of Monument Road where there have been Andover historical museum signs in the past. He was also looking to put up a banner. J. Larson told him that banners were signs and if he wants to pursue it further, the ordinance states that signs are prohibitive except those put up by the Town of Andover. If he wanted to approach the beautification committee, that may be the best way to go about it. They may have jurisdiction over that park area – and may be able to post on his behalf.

Dianne Grenier informed J. Larson that there are good sized "Welcome to Andover" signs that are looking to be posted. She does not know where she wants to put the signs yet. She asked J. Larson if PZC gets involved, and he said yes.

b) Update/discussion – Frontage Requirements (Zoning & Subdivision Regulations)

Deferred to next meeting due to previous discussions on the topic earlier today in the public hearing/meeting.

7) Approval of Minutes

a) Regular Meeting of March 15, 2021

L. Hutchinson MOVED to approve the March 15th, 2021 Regular Meeting Minutes. S. England SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

b) Site Walk/Special Meeting Minutes of March 20, 2021

S. England MOVED to approve the March 20th, 2021 Site Walk/Special Meeting Minutes. S. Person SECONDED. By roll call vote, MOTION CARRIED 4:0:1, with L. Hutchinson abstaining.

8) Correspondence: None.

9) Administrative Report

a) Enforcement Action – 44 Wales Road

J. Hallisey stated that there was a cease and desist sent out several months ago for someone living in a trailer. J. Hallisey was informed that they have since moved out. He has driven by and has not seen any activity. They have not removed the trailer because that it is not a violation.

J. Hallisey will follow up with the person who filed the complaint.

b) Other

J. Hallisey stated that there is a lot of spring-related activity. There is a house under construction on Lake Rd. involving the new lake regulations. There are also a few applications pending that will require the new Lake Regulation nutrient allocation plan.

A gentleman that trains dogs (and has a dog daycare) at post farm has inquired about a kennel permit. A permit was issued a number of years ago and it was never built. He is looking to do something on another portion of the farm instead. J. Larson asked if the person has any forms completed on his business. J. Hallisey stated that he is unsure, he will speak to him soon. S. Person asked if he has a permit for dog training. J. Hallisey stated that he does not. J. Hallisey stated that this gentleman has been running this training and dog daycare for 13 years.

Someone has purchased or is looking to purchase a portion of Scott's Tree Farm on Bunker Hill Rd. The person is looking to do creative events there. J. Hallisey informed them to approach the commission on an informal basis and get some feedback.

10) Commission Discussion/Miscellaneous: None.

11) Public Comment: None.

12) Adjournment

S. Person MOVED to adjourn the meeting at 9:25 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.