

TOWN OF ANDOVER
PLANNING & ZONING COMMISSION
MONDAY, JUNE 15, 2020
LOCATION: VIRTUAL ZOOM MEETING
7:00 P.M.

PUBLIC HEARING/ REGULAR MEETING MINUTES

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

Others Present: Zoning Official Jim Hallisey, William Devine, Administrative Assistant Amanda Gibson, Jim Ross, Joan Ross, and Board Clerk Linda McDonald

Public Hearing

1. Call to Order: J. Larson called the public hearing to order at 7:02 p.m.
2. Roll Call / Seating of Alternates: Alternate Susan England was seated for commission vacancy.

Public Hearing : Application # 20 – 03; Application of William & Casey Devine Family Trust, 84 Bear Swamp Road, Andover; Application for a Special Permit so as to allow for a Detached Accessory Apartment in accordance with Section 4.11.3 of the Andover Zoning Regulations:

William Devine, representing the William and Casey Devine Family Trust, owner of 84 Bear Swamp Road, stated he was respectfully requesting a special permit to build a separate detached accessory apartment at their 6.96-acre property on Bear Swamp Road. The purpose of the building to be constructed is to provide a spot for their son who they hope will be their caretaker.

Zoning Official Jim Hallisey said this is the first application for a detached accessory apartment to come before the commission. He noted the Devine's are proposing a 792 square foot detached accessory apartment on their property. J. Hallisey reviewed items from a checklist that does address all the issues for this application. He noted the Fire Marshal has not yet responded to a request for comment on the project. A flow test was performed on the existing well that shows it will support both the existing house and proposed detached accessory apartment. J. Hallisey said the applicants have provided a lot of material to comply with the zoning regulations.

J. Larson noted one of the issues that has come up with this application is that the commission has not well-defined the process to get approval or recognition from the Inland Wetlands and Watercourses Commission (IWWC) that the applicant does not need any clearance from the IWWC. J. Larson said he was hoping there would have been a letter to put into the record tonight. He said he spoke with the IWWC Chair over the weekend and she is aware of the application and did not feel it was necessary to have any specific documentation for when somebody had an activity going on outside the 100' from the wetlands regulated area. J. Larson noted he and J. Hallisey, who is the Wetlands Agent, inspected the property during the site walk, looking for signs of any wetlands closer to the area of activity.

J. Larson said he wanted to make it clear for the public record that the commission does not have any statement and the verbal discussion he just had is suitable and acceptable in his mind that the commission has done its due diligence to make sure there was no impact on any of the wetlands.

J. Larson said he will work with the IWWC Chair on how to get clearance in a more formal manner from the IWWC when there is no regulated activity for that commission to act on.

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

Jim and Joan Ross of 81 Bear Swamp Road stated they are very pleased with what the Devine's have going on across the street. They wanted to be on record as being in support of what they are doing and are looking forward to their application going through. Joan Ross said they went through the paperwork on the website and did not see anything that would concern them.

At this time, J. Larson asked for commission comment and questions.

L. Hutchinson asked if the applicant is within the percentage allowed for an accessory building. J. Larson responded the regulations talk about the gross floor area being between 250 and 800 square feet and being less than 33% of the gross floor area of the single-family dwelling. The 33% of the total square footage of this single-family dwelling allows the applicant to build the maximum accessory apartment of 800 square feet. These requirements are referenced in the section of the regulations on attached accessory apartment. This application is for a special permit for a detached accessory apartment and has to meet the regulations and all requirements as if the building were attached to the main house.

J. Larson said the fire marshal is required, per the regulations, to review the site if an applicant has a driveway in excess of 200' in a rear lot design. He said the Devine's may wish for review and recommendations from the fire marshal so he would know how best to facilitate getting a fire truck out there in the event of any emergency even though there is no driveway planned.

W. Devine stated a driveway of approximately 200' to the accessory apartment has been added to the project and is marked and referenced on the latest site plan of May 27, 2020. W. Devine said he would welcome and accommodate a visit from the fire marshal.

Hearing no further comment, J. Larson asked for a motion on continuing or closing the public hearing.

A. Creme MOVED to close the public hearing for application # 20 – 03; Application of William & Casey Devine Trustee, 84 Bear Swamp Road, Andover; Application for a Special Permit so as to allow for a Detached Accessory Apartment in accordance with Section 4.11.3 of the Andover Zoning Regulations S. England SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

The public hearing was closed at 7:28 p.m.

Regular Meeting

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

Others Present: Zoning Official Jim Hallisey, William Devine, Administrative Assistant Amanda Gibson, and Board Clerk Linda McDonald

1. Call to Order: J. Larson called the regular meeting to order at 7:28 p.m.
2. Roll Call / Seating of Alternates: Alternate Susan England was seated for commission vacancy.
3. Additions / Changes to the Agenda: No additions or changes to the agenda.
4. Public Speak: No public speak.
5. New Business

Action Item - Application # 20 – 03: Application of William & Casey Devine Trustee, 84 Bear Swamp Road, Andover: Application for a Special Permit so as to allow for a Detached Accessory Apartment in accordance with Section 4.11.3 of the Andover Zoning Regulations:

Discussion followed on the applicant's waiver requests for this application.

S. England MOVED to WAIVE the 200' extension of the A-2 survey per Section 23.2B4. of the Andover Zoning Regulations (Waiver of "within two hundred (200') feet of the perimeter of the site") for the special permit application of William & Casey Devine family trust, 84 Bear Swamp Road, Andover so as to allow for a detached accessory apartment in accordance with Section 4.11.3 of the Andover Zoning Regulations . L. Hutchinson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

L. Hutchinson MOVED to approve the application (#20-03) of William and Casey Devine family trust for a special permit for the property known as 84 Bear Swamp Road (aka assessor's map 34/block 27/lot 6) to construct a detached accessory apartment in accordance with section 4.11 of the Andover zoning regulations as shown on a plan entitled "Proposed Accessory Unit, William and Casey Devine, 84 Bear Swamp Road, Andover CT" prepared by Civil Engineering Services, LLC, 203 Boston Hill Road Andover, CT 06232 dated May 27, 2020 with the following conditions:

- 1) Applicant shall address any concerns per a letter written by the fire marshal for emergency access.
- 2) Revised plan to show additional stockpiling area and additional E&S controls required.
- 3) Exterior Lighting shall be installed per Section 23 of the Andover Zoning Regulations.
- 4) Applicant shall provide the Town with Sequence of construction prior to the start of any work.

5) Prior to the issuance of a building permit the application shall file a Notice of Special Permit and the above-mentioned plan in the Andover Land Records. Said Notice shall be provided by the Town of Andover and executed by the Chairman of the Planning & Zoning Commission. Filing fees shall be borne by the applicant(s).

6) All erosion and sedimentation control measures shall be installed by the applicant prior to the commencement of work and inspected/approved by the Town's Zoning Agent. The applicant shall notify the Town's agent 48 hours prior to the commencement of work so as to allow for inspection.

7) Upon completion of the foundation the applicant(s) shall provide an as-built drawing prepared to A-2 standards prepared by a licensed engineer/surveyor showing the location of the foundation and well on the parcel.

8) Upon approval by the Eastern Highlands Health District, the applicant shall provide the Building Office of a copy of the Sewage Disposal Permit for their records.

S. England SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

6. Old Business: No old business.

7. Administrative Report: J. Hallisey reported Town Hall will be open to staff only starting June 17, 2020. The Town has resumed posting legal notices in the Rivereast. J. Hallisey said he is working on providing paper copies of the zoning and subdivision regulations to the commissioners. He reported he is expecting a subdivision application for 12 Webster Lane.

J. Hallisey noted there is a wetlands application for 57 Hendee Road for filling in a floodplain and he is sorting out how the zoning regulations apply. He reported he has seen some activity in the past few days at the gravel operation near the Xtra Mart on Route 6. He will visit the site to see if the activity is still in phase one of the operation.

Commissioners and staff discussed the posting of meeting and application materials on the Town's website.

8. Approval of Meeting Minutes:

8.a Regular Meeting of May 18, 2020:

The minutes of May 18, 2020 were amended as follows:

Agenda item 5.a: ~~L. Crème~~ **A. Crème** asked to see the documents received by the commission.

Agenda item 8: ~~L. Crème~~ **A. Crème** MOVED to approve the April 20, 2020 regular meeting minutes as amended. ~~A. Hutchinson~~ **L. Hutchinson** SECONDED.

Agenda item 7: He said there is material being sifted and leaving the site of the gravel pit operation on Route 6, **location at Map 33/Block 36/Lot 23 (property east of abutter at 497 Route 6)** and E&S measures are in place.

Agenda item 12: J. Larson, S. England, ~~L. Crème~~ **A. Crème**, and S. Person requested hard copies of the updated Zoning Regulations.

L. Hutchinson MOVED to approve the regular meeting minutes of May 18, 2020 as amended. S. England SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

8.b Special Meeting/Site Walk of May 23, 2020:

S. England MOVED to approve the Special Meeting/Site Walk minutes of May 23, 2020 as presented. S. Person SECONDED. By roll call vote, MOTION CARRIED 4:0:1 with L. Hutchinson abstaining.

9. Miscellaneous Items: J. Larson reminded the commissioners that election of officers will be done at the July meeting. He said he is working on the annual report for the commission and will have a draft for the commission soon.

J. Larson said something that has always been confusing to him is what is the difference between the rules that apply to a subdivision and the rules that apply to a free cut. He explained if a lot is subdivided into two lots after the subdivision regulations were in effect (1955) you cannot get a free cut and have to go for a subdivision.

J. Larson said one subdivision rule that will be coming up in the Webster Lane application says you cannot put a well or septic system within 100' of wetlands. He said he does not know if the commission has been applying that rule in the past. L. Hutchinson said she would like to have agenda items added at the next meeting to discuss some of the regulations brought up at tonight's meeting.

10. Commission Vacancies: No report.

11. Public Speak: No public speak.

12. Commission Open Discussion: None.

13. Adjournment: A. Creme MOVED to adjourn the regular meeting at 9:23 p.m. L. Hutchinson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

Respectfully submitted by Linda H. McDonald

Linda H. McDonald

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