

Town of Andover Planning and Zoning Commission  
Regular Meeting  
Monday, May 18, 2020 at 7:00 P.M.  
VIRTUAL MEETING VIA ZOOM WEBSITE PLATFORM  
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, Kevin Arneson, Administrative Assistant Amanda Gibson, and Board Clerk Linda McDonald

1. Call to Order: Chair J. Larson called the meeting to order at 7:01 p.m.
2. Roll Call / Seating of Alternates: Alternate Susan England was seated for commission vacancy.

3. Additions / Changes to Agenda:

J. Larson MOVED to add agenda item 9.a: Discuss and act upon relinquishing balance in the Legal/Professional PZC account 0803-310.

J. Larson corrected agenda item 8: Approval of Meeting Minutes from April 23, 2020 to April 20, 2020.

4. Public Speak: No public speak.

5. New Business

- a. Receive Application/Set Public Hearing Application for an Accessory Apartment per Section of the Andover Zoning Regulations. Application # P&Z03-20 - property of The Estate of William and Casey Devine, Property location - 84 Bear Swamp Road, aka Assessor's Map34 Block 27 Lot 6:

J. Hallisey said the application was submitted prior to today and looks very thorough. As a point of record, he said the application was submitted under "Estate of William & Casey Devine". J. Hallisey reported he briefly visited the site, and this is a fairly large lot.

W. Devine said the only application approval still outstanding is from the wetlands agent. He said the plan is to restore the older home to have their son closer to him to start a career as an organic farmer. He thanked the commission and J. Hallisey for allowing him to present this application.

At the April meeting, W. Devine explained the property has enough land for a detached accessory (caretaker) 792 square foot cottage with covered porch and separate septic system. The proposal includes using the existing well. B. Devine said, under Section 4.11.3 of the Zoning Regulations, this proposal would require a special permit. He said the plan can meet most of the requirements of the special permit, but he is asking for a waiver of Sections 23.2.4,5,& 6.

J. Larson responded he appreciated the thoroughness of the application.

S. Person expressed concern there are several items needed for approval under Section 23.2.b. that are missing from the special permit application. He explained, as this is the first application before the commission for an Accessory Apartment, he wants to be sure everything is done per the zoning regulations. W. Devine concurred the regulations have several items that have not been addressed in the application but feels what he has provided meets the spirit and letter of the regulations. S. Person said he believes more information is needed.

W. Devine said an as-built has to be done after the foundation is poured and asked if the survey plan could be submitted at the time of the as-built. He said the area is staked out.

S. Person said an engineer could do the as-built now as the site is staked out and add the items the members are looking for (topography, E&S measures) as well to include on one print.

J. Larson said, in reviewing the application and going through the checklist, he thought W. Devine hit most of the high points of what the commission is looking for in the application, but that is only his opinion. He would like the model to be that the commission would go through item by item in the checklist.

J. Larson inquired if there is commission interest to do a site walk to determine what they want included in the final plan.

L. Crème asked to see the documents received by the commission. She noted she had not seen anything for this application by email. J. Larson directed her to the town website Planning & Zoning page where the documents are listed.

J. Larson said the process of getting materials to the members has to be standardized and email problems have to be straightened out. He said he likes the documentation found in one location on the website.

J. Hallisey noted one document missing from the members' packets is a second document specifying the applicant's individual requests for the waivers. J. Larson directed J. Hallisey to sit down with applicant to go over the checklist before coming before the commission. J. Hallisey responded he would work with the applicant on reviewing the checklist and determine what is needed in Section 23.2.b. of the Zoning regulations and report back to the commission.

The members viewed and discussed an old A-2 survey with the location of the proposed caretaker's cottage added.

W. Devine expressed concern with being delayed another month on this application if the commission is not comfortable with setting the public hearing on June 15<sup>th</sup>.

J. Larson commented the wetlands review of this application will be done at the IWWC June 1, 2020 meeting. J. Hallisey will ask IWWC Chair Meghan Lally to review the application before the meeting. A site walk was scheduled for Saturday, May 23, 2020 at 9:00 a.m.

S. England MOVED to accept the special permit application for an Accessory Apartment per Section of the Andover Zoning Regulations. Application # P&Z03-20 - property of The Estate of William and Casey Devine, Property location - 84 Bear Swamp Road, aka Assessor's Map34 Block 27 Lot 6. S. Person SECONDED. By roll call vote, MOTION CARRIED 5:0:0. J. Larson thanked W. Devine for all the information provided for this meeting.

S. Person MOVED to set a public hearing date of Monday, June 15, 2020 at 7:00 p.m. for the special permit application for an Accessory Apartment per Section of the Andover Zoning Regulations. Application # P&Z03-20 - property of The Estate of William and Casey Devine, Property location - 84 Bear Swamp Road, aka Assessor's Map34 Block 27 Lot 6. S. England SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

#### 6. Old Business

6.a. Lake Regulations: J. Larson said he has not had time to reviewing the regulations with J. Hallisey. There was no discussion and no action taken on this agenda item.

#### 7. Administrative Report from Zoning Agent:

J. Hallisey reported the commission will receive a subdivision application for 12 Webster Lane in the near future. He said there is material being sifted and leaving the site of the gravel pit operation on Route 6 and E& S measures are in place.

#### 8. Approval of Meeting Minutes –April 20, 2020:

The April 20, 2020 regular meeting minutes were amended as follows:

- Agenda item C: Discussion: page 7 - "He said there is an intermittent stream on the property and that is why Pinewood Ridge Drive was not used for access to the property.
- Administrative Assistant Amanda Gibson was added to the list of attendees.

L. Crème MOVED to approve the April 20, 2020 regular meeting minutes as amended. A. Hutchinson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

#### 9. Miscellaneous Items:

9.a Discuss and act upon relinquishing balance in the Legal/Professional PZC account 0803-310:

J. Larson read the following email from the Treasurer to the Town Administrator into the record:

"The BOS and BOF have asked that any available unspent funds be reallocated for other purposes. The PZC has a large balance in account 0803-310 Legal/Professional. It would be helpful if they could make a motion to relinquish anything remaining. I will check on any outstanding bills to be paid before actually making a transfer. So, their motion could read "up to current available balance of \$4,375".

S. Person MOVED that the PZC relinquish up to the current balance of \$4,375 from the commission's 0803-310 legal/professional account. S. England SECONDED. The members acknowledged that the

funds would not be used before the end of the current fiscal year. By roll call vote, MOTION CARRIED 5:0:0.

10. Resignation – George Knox: The commission members recognized the resignation of George Knox.

11. Public Speak: Kevin Arneson of 927 East Street inquired if the commission could clarify if the application before the IWWC at 12 Webster Lane for new residential construction in an upland review area was determined to be a subdivision or a free cut.

J. Hallisey responded that the wetlands application indicated it was a free cut, but the engineer indicated it was a subdivision. When plans are submitted, the application will be reviewed in its entirety.

12. Commission Open Discussion: J. Hallisey asked if putting all the information on the website worked for the commission. S. England said she appreciates having the information available before the meeting. L. Hutchinson commented she liked having all the materials in one place. A. Crème supported the prior comments. J. Larson said having the materials available on the website is a big improvement but asked if there could there be a better place to align all the information.

Discussion followed on other ways for commissioners to receive supporting materials for the meetings. J. Larson, S. England, L. Crème, and S. Person requested hard copies of the updated Zoning Regulations.

J. Larson emphasized he would like staff energy to be focused on improving and smoothing the process for handling applications.

J. Larson commented he appreciates the work of A. Gibson and L. McDonald. A. Gibson noted the Town's new website should be up soon .

13. Adjournment: L. Hutchinson MOVED to adjourn the regular meeting at 8:51 p.m. S. Person SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

Respectfully submitted by,

*Linda H. McDonald*

Linda H. McDonald, Board Clerk

The next regular Planning and Zoning Commission is scheduled for June 15, 2020.

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