

Town of Andover Planning and Zoning Commission  
Regular Meeting  
Monday, April 20, 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 (7:04 p.m.)  
Scott Person, Susan England (Alternate)

Others Present: Zoning Official Jim Hallisey, Vincent Grimaldi, Patricia Grimaldi, William Devine, Casey Devine, George Correia, Marti Correia, Andrew Hoagland, Ed Lokiec, Liz Lokiec, Gerry Hardisty, Roger Bristol, Sus Bristol, Melissa Loteczka, Bonnie Dixon, 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:**

Chair J. Larson noted the language “continue public hearing” after agenda item 5 should read “continue the regular meeting.”

**4. Public Speak:** No public speak.

Chair J. Larson suspended the regular meeting at 7:06 p.m.

**5. Open Public Hearing:**

**A.** Application - #20-01 - Vincent Grimaldi (applicant), 353 Lake Road, Assessor’s Map 32/Block 41/ Lot16 for a special permit for two (2) rear lots served by a common drive in accordance with Section 4.9 of the Town of Andover’s Zoning Regulations:

J. Hallisey stated the dimensions meet the rear lot criteria, but it is still a rear lot with a common drive and requires a special permit and action prior to a subdivision application. He explained this is an open space application and the owner is prepared to deed over a conservation easement on part of the property. The applicants’ engineer will address minor details not in compliance with the regulations.

J. Larson commented he thought the Grimaldi’s lot had sufficient frontage to make two regular lots and questioned if there is enough frontage on the road to make two regular lots, why is this application for rear lots needed.

Engineer G. Hardisty explained the original application was for a conventional subdivision but the property did not have the required 200' of frontage so the owners applied for rear lot status, which allows the reduction in frontage to 40' for each lot .

G. Hardisty said he then looked at alternatives. The Andover Rural Design (ARD) open space frontage requirements, under which, if you comply with the open space design, the frontage requirement is only 40'. The applicants have more than enough frontage, so this complies with the frontage of an open space subdivision and is no longer a rear lot situation.

J. Larson said he looked at the chart in Section 11.2, Space Requirements, showing an Andover Lake open space subdivision lot with a required minimum frontage of 50' and open space rear lot with a minimum requirement of 25'. He said he does not think a rear lot needs to be specified in this application.

G. Hardisty confirmed the lots have a combined frontage total 230' (99' & 131').

J. Hallisey said a special application was still needed, fees were the same and it was just the difference between the requirement for both a common drive and rear lots.

J. Larson referred to Section 4.9.2 of the zoning regulations and quoted the definition of a Rear Lot as "a lot in one of the aforesaid zones with less than the required lot width on an accepted town road." His conclusion was, with the frontage that the property has, the commission is not discussing a rear lot tonight. The requirements for a special permit for the driveway for a rear lot have been met and this is a moot point.

J. Larson opened the floor to public comment on the special permit application for two (2) rear lots served by a common drive.

Sue Bristol said she and her husband Roger have been following the progress of the project and feel the applicants have environmentally been meeting all of the asks for the project and are acting responsibly.

Liz Lokiec commented that she and her husband Ed, as abutting neighbors of the Grimaldi's lot, support this and the Grimaldi's have gone above and beyond what has been asked of them and think this should be approved.

Andrew Hoagland asked to see site plan. A. Gibson noted all supporting documents relating to the application are on the Planning and Zoning Commission page on the Town's website, [www.andoverct.org](http://www.andoverct.org).

Chair J. Larson closed discussion on application #20-01 - Vincent Grimaldi (applicant), 353 Lake Road, Assessor's Map 32/Block 41/ Lot16 for a special permit for two (2) rear lots served by a common drive in accordance with Section 4.9 of the Town of Andover's Zoning Regulations.

**B.** Application - #20-01 - Vincent Grimaldi (applicant), 353 Lake Road, Andover, aka Assessor's Map 32/Block.41/Lot 16 for a two (2) lot subdivision in accordance with the Andover Subdivision Regulations and Section 5.5 of the Andover Zoning Regulations:

J. Hallisey explained this is a two-lot subdivision of approximately 23 acres. The application originally came in as a conventional subdivision and, after discussion with the applicants and their engineer, decided to go with the open space/cluster provisions in Section 5.5 of the regulations.

G. Hardisty displayed and presented the site plan details to the commission. He said the 22-acre property is located on Andover Lake on the hillside sloping to the lake. The applicants wish to build a house north of the existing house. There is additional property with the existing house they do not wish to sell with the house, so a strip of land runs behind the house to keep that land contiguous with the parcel to be subdivided, making it one parcel.

The existing house sits on 4.07 acres with the remaining land approximately 14 acres. After meeting with staff and exploring options, the applicants realized it was better to go with an open space subdivision. The only difference from a conventional subdivision is the Grimaldi's will place a conservation easement on about 9 acres of the property. Per the regulations, forty percent of the land has to go to open space and that space cannot have more than thirty percent of wetlands. This proposal has less than two acres of wetlands and no slopes in excess of twenty percent, so it meets the open space criteria.

J. Larson inquired what made the applicants propose an open space instead of a conventional subdivision, as he does not see it to be advantageous for the property owners having to turn over forty percent of the land to open space.

G. Hardisty explained the applicants would have to present open space or pay a fee in lieu of, no matter what. The Grimaldi's have no intent or desire to develop that piece of land anyway, so it made more sense to go with the open space option.

J. Larson commented it also avoids the issue of having to go with a rear lot application.

S. Person inquired on the decision to locate the boundary of the subdivision dividing near the monument boundary with the Town of Columbia.

G. Hardisty responded it was easy to define the line using the monument and a pin at the other end of the boundary and fits the requirement that at least 8.8 acres be open space. He said the monument is 100' from the boundary line. Putting the line right at the monument would make the parcel not meet the open space requirement of 8.8 acres.

G. Hardisty reviewed the plans for the septic system design and house layout. Test pits were done under EHHD presence and all test pits were pretty consistent. He said he tried to make the area of disturbance as small as possible, away from the wetlands by more than 50' , which is the health code requirement. The main part of the driveway over the wetlands has already been accomplished. The driveway up to the house will be done at time of construction. He reviewed the erosion control plan including sequence of construction, time, dates, responsible person for the maintenance of the plan, proposed topsoil stockpile, settling pool design, and silt fence which is already in. He believes the erosion and sediment control plan complies with the subdivision regulations.

All other supporting documents were made available on the screen for viewing by the meeting participants, including the applicants' statement of intent, letter from the Fire Marshal, letter of support from Christine & Christopher St. Jean, and the Eastern Highlands Health District (EHHD) letter of approval for the well and septic system.

While reviewing the document for the 2019 IWWC Summary Ruling approval with conditions, J. Larson noted a typo in paragraph 4. "Permit is for five (2) years". G. Hardisty said the standard approval length is five years. J. Larson said the approval is for installation of an 18" culvert and filling of approximately 1960 square feet of wetlands and disturbance (grading and filling) of .45 acres of upland review area. House and well are inside the upland review area.

Patricia Grimaldi said she just wants to get this moving and expressed frustration with the long process. She commented the year long process to get this done has just been extended due to banks not processing construction loans during the COVID-19 pandemic. She thanked the abutters for their support. Vincent Grimaldi said their family has experienced financial hardships due to the lengthy application process.

J. Larson entertained questions from the public.

Liz Lokiec said this project is good for the town, creating additional tax revenue for the town and not to mention all the other issues the Grimaldi's have had to go through.

J. Larson entertained questions from the commission members.

S. Person asked if the septic requirements are the same for the ARD and subdivisions.

G. Hardisty responded there are no mention of septic requirements in the ARD. The distance to wetlands is 50' per state health code.

J. Larson said he had a point of concern that in the sanitary authorization section of the subdivision regulations it talks about doing test pits between the months of February and May. The map for this proposal shows the pits were done in August. He said he wanted to

make sure the commission received the approval letter from EHHD as this is their area of purview.

S. Person apologized for everything that went on but said there are reasons for the long process and the commission is trying to get this done.

J. Larson asked if any clearing was done in the wetlands to clear the location of the site of the new house. He noted the applicants were given approval from the Wetlands Agent to clear 5.4 acres in the upland review area. He wants to clarify that no clearing was done in the wetlands themselves.

G. Hardisty responded that the wetlands that were cleared were what was proposed and approved by IWWC.

Vincent Grimaldi said wetlands are clearly delineated on the plans. The only disturbance was when the driveway was put through the wetlands and this was approved in July 2019.

J. Larson said he is interested where G. Hardisty stands with the draft open space conveyance instrument required to be submitted as part of the application.

G. Hardisty responded he would like to have the open space conveyance instrument be a condition of approval to allow the applicants to work on that afterwards.

J. Hallisey said in a 2010 subdivision off Long Hill Road that involved a conservation easement there was a condition of approval that the document language of the deed restrictions be approved prior to issuance of a certificate of occupancy, which did allow the developer to move forward.

For the record, J. Larson asked Mr. and Mrs. Grimaldi if it is their intention that the open space will be left in pristine condition that it is today. Mr. Grimaldi responded "Yes, it is."

Chair J. Larson closed the public hearing on application - #20-01 - Vincent Grimaldi (applicant), 353 Lake Road, Andover, aka Assessor's Map 32/Block.41/Lot 16 for a two (2) lot subdivision in accordance with the Andover Subdivision Regulations and Section 5.5 of the Andover Zoning Regulations at 7:55 p.m.

**Continue the regular meeting:** The regular meeting resumed at 7:56 p.m.

## **6. New Business:**

**A. Discuss and Act Upon:** Application - #20-01 - Vincent Grimaldi (applicant), 353 Lake Road, Assessor's Map 32/Block 41/ Lot16 for special permit for two (2) rear lots served by a common drive in accordance with Section 4.9 of the Town of Andover's Zoning Regulations:

J. Larson said the requirement for a rear lot did not exist, therefore action on this application is not necessary.

S. Person MOVED that the Special Permit to allow for two (2) rear lots served by a common drive in accordance with Section 4.9 of the Andover Zoning Regulations as shown on a plan entitled "Open Space Subdivision Plan, Grimaldi Subdivision, 353 Lake Road, Andover, CT" prepared by Civil Engineering Services, LLC, dated 1.17.2020, is not required. A. Crème SECONDED. Discussion followed on the interpretation of and need for granting a special permit for a common drive in the motion.

S. Person MOVED to modify the motion to add the application is not required because the property met the requirement of the zoning regulations for adequate frontage. A. Crème SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

S. Person MOVED that the Special Permit to allow for two (2) rear lots served by a common drive in accordance with Section 4.9 of the Andover Zoning Regulations as shown on a plan entitled "Open Space Subdivision Plan, Grimaldi Subdivision, 353 Lake Road, Andover, CT" prepared by Civil Engineering Services, LLC, dated 1.17.2020, is not required because the property met the requirement of the zoning regulations for sufficient frontage. A. Crème SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

**B. Discuss and Act Upon:** Application - #20-01 - Vincent Grimaldi (applicant), 353 Lake Road, Andover, aka Assessor's Map 32/Block 41/Lot 16 a two (2) lot subdivision in accordance with the Andover Subdivision Regulations and Section 5.5 of the Andover Zoning Regulations:

S. Person MOVED to approve the Application of Vincent Grimaldi, 353 Lake Road, Andover, CT for a two (2) lot Open Space/Cluster Subdivision in accordance with Section 5.5 of the Andover Zoning Regulations and the Andover Subdivision Regulations in their entirety, as shown on a plan entitled "Open Space Subdivision Plan, Grimaldi Subdivision, 353 Lake Road, Andover, CT" prepared by Civil Engineering Services, LLC dated S. Person 1.17.2020 with the following conditions:

- 1) Open Space Covenants: The Applicant shall provide the Planning and Zoning Commission with a document detailing the proposed open space covenants subject to approval by the Town Attorney and the Planning and Zoning Commission prior to the issuance of any Certificate(s) of Occupancy;
- 2) Driveway Easement: The Applicant shall provide the Town with a documents detailing the proposed language for the requisite driveway easement and shall be subject to review and approval by the Town Attorney;
- 3) Monumentation: All monumentation depicted on the plans installed prior to the issuance of a Certificate of Occupancy;
- 4) Signing of Mylars: The mylar plans shall be endorsed by the Chairman of the Planning and Zoning Commission prior to filing and;
- 5) Filing Costs: It is expressly understood that all costs associated with the aforementioned filing requirements shall be borne by the Applicant.

L. Hutchinson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

**C. Discussion** – Mr. George & Marti Correia, 26 Old Farms Road 1. Subdivision Pre-Application Review for 26 Old Farms Road:

George Correia explained his family wishes to purchase this piece of land to divide into two lots. He presented a site plan depicting the 9.48 parcel. The property has road frontage on Pine Ridge Drive, but actually accessed thru 26 Old Farms Road through a shared driveway. There is an approved buildable area already on the property. G. Correia said his proposal is to divide the property to add a second buildable area. He added there are two options to enter the lot. One is having a 3-way shared driveway from Old Farms Road and the second is to keep the two-way shared driveway on Old Farms Road and have a separate driveway from Pine Ridge Drive.

J. Hallisey commented on issues that arose when examining the proposal. He said there is an intermittent stream on the property and that is why Pinewood Drive was not used for access to the property. The number of driveways on a shared driveway is limited to two, subject to a waiver. There would be too many homes on that street if the proposed house was served off Pine Ridge Drive as the regulations limit the number of homes in a cul-de-sac-

J. Larson emphasized the commission would need a complete application before going to public hearing and the project will require IWWC review prior to coming to the PZC.

G. Correia said he is looking for feedback from the commission if this project is feasible before going ahead in purchasing the land. Chair J. Larson recommended he go before the Inland Wetlands and Watercourses Commission (IWWC) with this presentation and was curious as to why the developer did not put two houses on the lot during the original subdivision. J. Larson asked J. Hallisey to research the history of the original subdivision and walk the applicants through the site plan and application checklist.

**D. Discussion** – Property of Mr. William Devine, 84 Bear Swamp – Discussion of potential application for an Accessory Apartment and waiver request for same:

Bill 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 asked J. Hallisey to review the application checklist with the applicant to determine what is not applicable in the zoning regulations. J. Larson also asked J. Hallisey to go through Section 4.11 and the special permitting site plan process with the applicant and assess if the application would have to go to IWWC. J. Hallisey asked for more specific guidance on discussing zoning regulation waivers before an application has been submitted to the commission.

**7. Approval of Meeting Minutes of March 26, 2020:** The following amendments were made to the March 26, 2020 special meeting minutes:

Item 2: Roll Call: Members Present: ~~Chair~~ Jed Larson (**took over as Chair after being nominated to the position in item 5.a)**)

Item 2: Roll Call: Alternate Member Present: Gerry Hardisty (**was seated for commission vacancy**)

Item 6.a: Administrative Report from Zoning Agent: language amended as follows: "The gravel operation **at the Xtra Mart** has been currently dormant. **J. Hallisey reported the first phase of the project, the first 100' from the river, has been completed, making it easier to turn construction vehicles around on the property. He said the property owner will look at redefining the drainage along the adjoining property now that the first phase has been completed and it is easier to move around to look into pitching the grade back closer to the Xtra Mart.**"

L. Hutchinson MOVED to approve the March 26, 2020 special meeting minutes as amended. S. Person SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

**8. Zoning Agent Report:** J. Hallisey reported things are moving along as well as can be. Expanding on his prior comments regarding the gravel operation at the Xtra Mart, J. Hallisey reported, right now, when entering the property, alongside the right-side part of the property, there is a berm which was installed in lieu of a carving of a road and pitching back toward Xtra Mart. The berm was installed because trucks going over that area were eliminating any pitch that was there and would not hold up. The pitch on the south side of the lot could not be maintained due to truck traffic. Now that the first phase of the project has been completed and there is more room to move equipment around, the property owner will revisit regrading that area into the site.

J. Larson thanked J. Hallisey for his hard work getting applications ready for the meeting.

**9. Miscellaneous Items:** None.

**10. Public Speak:** No public speak.

**11. Commission Open Discussion:** L. Hutchinson recognized G. Hardisty's resignation from the Commission. J. Larson said he appreciated A. Gibson's support during the meeting. The members expressed thanks to J. Larson for his work in preparing for and conducting the virtual meeting.

**12. Adjournment:** S. England MOVED to adjourn the regular meeting at 9:31 p.m. A. Creme 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 May 18, 2020.

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