

TOWN OF ANDOVER
PLANNING & ZONING COMMISSION
MONDAY, JULY 18, 2022 - 7:00 P.M.
LOCATION: VIRTUAL MEETING VIA ZOOM

PUBLIC HEARING MINUTES

Members Present: Chair Jed Larson, Vice Chair Anne Peterson Cremé, Scott Person, Leigh Ann Hutchinson, Steve Nelson, Susan England (alternate), and Kevin Arnesen (alternate)

Member Absent: Anne Blanchard (alternate)

Others Present: Abbie Winter – Board Clerk, Jim Hallisey – Zoning Agent, Carol Barton, Catherine Magaldi-Lewis, Cathy Palazzi, Chris Bell, Eric Anderson, Jeff Murray, Joanne Hebert, Katherine Hutchinson, Kimberley Ivy, Louise Goodwin, Mike Palazzi

- 1) CALL TO ORDER: Chair J.Larson called the public hearing to order at 7:01 p.m.
- 2) PZC # 22-02 Application of the Town of Andover

Proposed replacement of Section 15 (Signs) of the Andover Zoning Regulations implementing various changes/clarifications. Draft revision is posted on the Town's web-site under the Planning and Zoning Commission section.

J.Larson discussed the Commission's reason for updating the sign regulations. He reviewed the updates in the regulations, and the rationale for the changes.

J.Larson noted that general zoning regulations may not be optimal for every lot in a zone. Therefore the property owner of a lot that needs special considerations with respect to the zoning regulations should go to the Zoning Board of Appeals.

Carol Barton noted her lot in the lake district is sized such that the 15-foot lot line setback requirement in section 15.4.3 isn't feasible and would cause a sign visibility issue. J. Larson suggested property owners in situations like this should do their best to comply, and it is up to Agent Hallisey's discretion whether the attempt to comply is sufficient.

Kimberley Ivy stated homes that are set back such that they have forested road front so the 15-foot lot line setback will not have the same sign visibility as other lots. J.Larson noted that anyone with a site variance can apply to the ZBA, and reiterated Agent Hallisey's discretion.

Close or Recess/Continue Hearing

J.Larson MOVED to close the public hearing on signs. A.Cremé SECONDED. By acclamation, MOTION CARRIED unanimously.

- 3) PZC Application # 22-02 Application of the Town of Andover

Proposed Amendment to the text of Section 17 (Alcohol Establishments)

Applicant is the Planning and Zoning Commission on behalf of the Town of Andover.

Draft changes, upon implementation, amend the locational requirements for the location of establishments which sell alcoholic beverages and establish criteria for the location of the sale of cannabis products. Draft amendment is available on the Town's web-site on the Planning & Zoning Commission page.

J.Larson noted the reasoning behind the Commission's change in this regulation due to the Board of Selectmen's 2021 decision to allow the sale and cultivation of cannabis in Andover. J.Larson summarized the updates and changes to the Alcohol Establishments regulations and how they now apply to cannabis sales.

Close or Recess/Continue Hearing

J.Larson MOVED to close the public hearing on Alcohol and Cannabis regulations. By acclamation, MOTION CARRIED unanimously.

4) Public Act 21-29 State of Connecticut Affordable Housing Initiative

Public Hearing to be held by the Planning and Zoning Commission to solicit input on the "opt out provisions" in Section 3, subsection 3(j) of Public Act 21-29, a legislative initiative to encourage the development of affordable housing throughout the State of Connecticut. The comments and recommendations will be used as a basis for a recommendation put forward by the Planning and Zoning Commission to the Board of Selectman opt out of the affordable housing initiatives set forth in Public Act 21-29 in favor of locally generated initiatives.

J.Larson discussed the accessory dwelling unit item within Public Act 21-29, and its requirement for the town to designate locations or zoning districts in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment. J.Larson noted this requirement is not in the Town's interest, specifically considering the small building lot sizes within the lake district, and the additional strain accessory apartments would pose to the water quality of the lake. Current regulations allow an accessory dwelling within the lake district if it is on a lot greater than 3 acres, with the intent to maintain the water quality of Andover Lake.

J.Larson summarized the process to opt out of the accessory dwelling unit item within Public Act 21-29.

E.Anderson stated that the town already has a set of regulations in place to address the dwelling units. He stated his agreement with J.Larson's logic that the lake district lots are too small to safely include accessory dwelling units. He is in support of opting out of the accessory dwelling unit item within Public Act 21-29, and is in favor of further adjusting the regulations in regards to the accessory dwelling units after opting out of the accessory dwelling unit item within Public Act 21-29.

Close or Recess/Continue Hearing

J.Larson MOVED to close the public hearing on Opting out of Public Act 21-29. S.Nelson SECONDED. By acclamation, MOTION CARRIED unanimously.

5) ADJOURNMENT

REGULAR MEETING MINUTES

Members Present: Chair Jed Larson, Vice Chair Anne Peterson Cremé, Scott Person, Leigh Ann Hutchinson, Steve Nelson, Susan England (alternate), and Kevin Arnesen (alternate)

Member Absent: Anne Blanchard (alternate)

Others Present: Abbie Winter – Board Clerk, Jim Hallisey – Zoning Agent, Catherine Magaldi-Lewis, Cathy Palazzi, Chris Bell, Eric Anderson, Jeff Murray, Joanne Hebert, Katherine Hutchinson, Kimberley Ivy, Louise Goodwin, and Mike Palazzi

- 1) CALL TO ORDER: Chair J. Larson called the regular meeting to order at 7:36 p.m.
- 2) ROLL CALL/SEATING OF ALTERNATES: No alternates were seated.
- 3) ADDITIONS/CHANGES TO THE AGENDA: None.
- 4) PUBLIC SPEAK – Limited to issues and concerns not otherwise on the agenda

L.Goodwin asked if the accessory unit regulations apply to property owners with lots within the watershed that feed into the lake. J.Larson noted the resource map within the Zoning Regulations that outlines the lake district, which does exceed beyond the lots immediately bordering the lake. It however does not include *all* portions of the watershed; the lake district is within the watershed and there are a few properties within the lake’s watershed that are technically located in the Andover Rural Design district.
- 5) NEW BUSINESS
 - a. ACTION - Application # 22-02 Proposed text amendment to Section 15 (Signs) of the Andover Zoning Regulations.

J.Larson MOVED to approve the draft of Section 15 of the Andover Zoning Regulations on Signs. S.Nelson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.
 - b. ACTION - Application # 22-02 Proposed text amendment to Section 17 (Alcohol & Cannabis Establishments).

J.Larson MOVED to approve the Section 17 draft of the Andover Zoning Regulations for Alcohol and Cannabis Establishments. L.Hutchinson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.
 - c. ACTION - 8-24 Referral (Connecticut General Statutes) – Repurpose “Old Firehouse” located at 15 Center Street for use as parking for the town’s senior transportation vehicles and ancillary storage.

On behalf of the town, Town Administrator Eric Anderson was present.

E.Anderson reviewed his memorandum and provided background on the property and the existing structure at 15 Center Street, the Town’s former fire station. In 2018 the Town surveyed the property and determined to cease use as a senior center due to the high mold count. The suite of problems and age of the building determined the structure to not be worth remediation.

The Board of Selectmen authorized E.Anderson to apply for a STEAP grant to demolish the building and build a new 4-bay vehicle storage structure at 15 Center Street.

Since this project is considered a significant improvement, the PZC needs to approve that the plan is consistent with the Town’s Plan of Conservation and Development (POCD).

The site plan also needs ZBA approval for two variances, since the current building does not meet the required front and side yard setbacks, and the site plan is non-compliant for use. The proposed building is 36 ft deep and 60 ft wide, while the current structure is 49 ft by 71 ft.

The site has 3-phase electricity, and therefore DC fast charging capability is possible for electric busses.

E.Anderson discussed the plan in relation to the POCD and noted the increased need for senior transportation based on the Town’s aging population. The Town has little business and

industrially zoned land, and it is primarily residentially zoned. Any spot that could house senior transportation is likely going to be in a residentially zoned area.

E.Anderson showed the drafted schematic and design of the new building.

A.Cremé voiced support for the plan and expressed enthusiasm for the potential for a playground on the upper area of the 15 Center Street property.

S.Nelson asked what other locations the town considered for this project. E.Anderson stated he and the Public Works foremen surveyed and walked multiple properties, specifically looking at the area behind public works which they determined to be unfavorable due to the 500-year floodplain and the proximity to neighbors. They also considered the area around the Doris Chamberlain Nature Pond, which they determined to be unfavorable since it would eliminate the parking lot for the pond, and would have potential negative impacts on the wetland there. They additionally considered the area around Town Hall, except the development costs needed for this area are beyond the town's funding.

J.Larson asked about the ZBA variance request for the use of the facility in the rural district.

J.Hallisey stated that it did not make it into the legal notice.

J.Larson MOVED to approve the 8-24 Referral for the reuse of the old fire station into a parking garage for the senior transportation vehicles. S.Person SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

- d. ACTION – Recommendation from the Planning and Zoning Commission to the Board of Selectman regarding opting out of public act 21-29 Accessory Dwelling Unit requirements.

J.Larson MOVED to opt out of public act 21-29 Accessory Dwelling Unit requirements because the specified right to put an accessory dwelling unit on every building lot is detrimental to the water quality of Andover Lake. S.Nelson SECONDED.

A.Cremé asked for clarification on what specific parts of the regulations will be opting out effect. J.Larson noted that the Town's current regulations in respect to accessory dwelling units will continue to be in effect. Attorney Mark Branse and the Town's Affordable Housing Plan both recommending opting out, and it has no other impact on the other portions of the Affordable Housing Plan.

S.Nelson stated that opting out also disallows other small lots in town from building accessory dwelling units. J.Larson stated the current regulations require a 60,000 square ft minimum of any lot outside the lake district. The commission can *later* discuss reducing this number to allow more accessory dwelling units, conforming with the recommendation of the State. Currently the rationale for opting out is to protect the quality of the lake.

By roll call vote, MOTION CARRIED 5:0:0.

- e. DISCUSSION/POSSIBLE ACTION – Current applications before the Zoning Board of Appeals.

6) Old Business

- a. Application of William Genovese, 517 Route 6 (Gravel Operation)

DISCUSSION/ACTION - Review proposed restoration plan for the ongoing gravel operation at 517 Route 6 **and** set a site walk prior to acting upon the proposed remediation plan.

On behalf of the applicant, Chris Bell was present.

C.Bell presented the restoration plan including the existing grades. He showed the unexcavated area which will be used to grade the rest of the property. The area that is 95-ft from the vernal pool is already graded and seeded.

C.Bell demonstrated the plan's ultimate grades and elevations, with the intention to have a high point to allow water flow to the left and right of the property.

C.Bell noted he met with the contractor who stated the amount of gravel and fill left is substantial enough to grade the site. The plan is to grade the site in August, and plant the areas for the turtle nesting area in September and October when junipers will grow better.

They will leave the level spreader and the truck turnout area in place which vegetation will grow over, and they will backfill the storm detention pond to grade to the former elevations. The plants in the turtle nesting area and along the street will be planted at the end of the grading process.

C.Bell stated the topsoil application will not occur without the Commission's approval of the grading.

C.Bell stated the gravel basin anti-track pad will remain, which will overgrow with vegetation.

J.Larson asked what the level spreader is. C.Bell noted it is 6" of round and crushed stone sourced from onsite to prevent erosion at the basin's pipe outlet.

L.Hutchinson asked about the waterflow from the midline highpoint, and J.Larson asked about the changes in the grading plan, and why the planned grade will no longer slope away from Katherine Hutchinson's abutting property as previously discussed. C.Bell stated that was the plan, however he has since realized the water should follow the flood pattern that existed prior to the excavation project. J.Larson noted the benefits of *not* directly routing the water into the wetlands, and instead routing the waterflow through a detention ridge which would recharge the groundwater. C.Bell voiced that the plan will follow whatever the Commission deems best for grading and water flow.

S.Person noted the plan's note about the planting in the turtle nesting area needs to be updated to read fall 2022.

J.Hallisey stated that Hank Gruner would like to be present for the site walk.

S.Person asked about the new curb cut and the access road that were put on site due to site distance requirements. C.Bell stated there are no plans to move the new road since it can be used as access point as the site is developed.

S.Person MOVED to schedule a site walk for August 3rd at 6 pm. L.Hutchinson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

7) DISCUSSION AMONG COMMISSIONERS

J.Larson stated the activity at 580 Lake Road, and noted that he did not yet sign the mylars. This Wednesday night the applicants are asking for a variance at the ZBA for a common driveway. J.Larson stated that J.Hallisey suggested writing a motion to give to the ZBA to *not* issue the variance.

L.Hutchinson asked what the applicant's alternative to the shared driveway is. J.Larson reported that they want to put the driveway exactly where they previously briefed the PZC on.

J.Larson showed the draft motion to the ZBA, citing Section 23.4D.

S.Nelson voiced support for Jed's draft motion as written, and suggested to include the detail that a combined driveway was a condition of approval for a future site plan by the PZC.

J.Hallisey will discuss with the ZBA Chair to prep them with the regulations and a copy of the site plan.

J.Larson MOVED to provide to the ZBA with the PZC's information that they included a condition for approval for the 580 Lake Road site plan which stated a common driveway should be pursued in the future if the Ben Franklin owners ever submitted a site plan modification, and the Commission could *not* have approved the site plan if this condition was not included.

A.Cremé SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

L.Hutchinson asked what the property owner claimed their hardship is, and J.Larson summarized that they claimed that their hardship is that the combined driveway is challenging.

8) APPROVAL OF MINUTES

J.Larson MOVED to approve the minutes from the regular meeting with the following corrections. S.Person SECONDED.

Members Present: Chair Jed Larson, Vice Chair Anne Peterson Cremé, ~~Susan England (alternate)~~ **Scott Person**, Steve Nelson, Susan England (alternate), Anne Blanchard (alternate), and Leigh Ann Hutchinson (joined at 7:11pm)

~~"STEEP STEAP"~~ (Small Town Economic Assistance Program) grant

By roll call vote, MOTION CARRIED 5:0:0.

9) CORRESPONDENCE

J.Hallisey noted that a telecommunications provider notified the Town that they are switching out some equipment at the tower behind Bunker Hill Road.

J.Larson reported a notice from the Town Administrator regarding a potential bridge replacement on Bunker Hill Road Bridge over the Hop River with a plan to begin design in fall 2022 and construction likely in 2025 or 2026.

10) ADMINISTRATIVE REPORTS/ENFORCEMENT ACTIONS

a. Zoning Agent

J.Hallisey noted he is working with Steve Barnett on Route 6 to clean up the property. He intends to follow up on formal citations.

J.Hallisey noted that Bill Phillips on Hendee Road – there was an issue with the measurement of the width of the lot relating to a floodplain issue. Therefore the owner is no longer pursuing the idea to develop a second home on the second lot and combining the 2 parcels into a single parcel.

J.Hallisey stated the appraisal for the Laudano Property is moving forward. He reported an appraisal company was selected, they quoted the appraisal for \$4k, and they will start working on it next week so that hopefully it will be done in 4 weeks. He added that the Conservation Commission still needs to get a review appraisal – which is standard for a government acquisition to review that the appraisal is done in conformance with standard appraisal guidelines.

L.Hutchinson asked about how to extend the 40 mph speed limit zone near 580 Lake Road. J.Hallisey stated that E.Anderson suggested that the Commission make a request to the Board of Selectmen that they direct an inquiry to the appropriate party within the Department of Transportation or state traffic commission.

J.Larson suggested the Commission first reviews the traffic study to see if this request is located in the DOT comments on the traffic study prior to asking the Board of Selectmen, just to be sure the PZC does their due diligence.

b. Inland Wetlands & Watercourse Liaison

J.Larson updated that there is nothing to report from the Inland/Wetlands Commission that affects PZC.

11) Public Speak – Limited to issues/activities not listed on this agenda.

12) Next Regularly Scheduled Meeting – August 15, 2022 7:00 p.m.

Site walk August 3rd at 6:00 p.m.

13) ADJOURNMENT

J.Larson MOVED to adjourn the meeting at 9:18 p.m. L.Hutchinson SECONDED. MOTION CARRIED unanimously.

Respectfully submitted by Abbie Winter,

Abbie Winter

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