

**Town of Andover Connecticut**  
**Zoning Board of Appeals**  
**Community Room, 17 School Road, Andover**

**July 19, 2017**  
**Regular Meeting**  
**7:00 PM**  
**MINUTES**

1. **Call to Order:** Evelyn Russell calls the Meeting to order at 7:09PM

2. **Roll Call/Seating of Alternates**

Members Present: Evelyn Russell, Caren Osborne, Dorothy Yeomans, Walter Weir

Members Absent: David Hewett

Alternates Present: Wayne Thrope (seated for Dave Hewitt)

Alternates Absent: Donald Keener

Public Present: Attachment #1

Staff Present: John Valente, Zoning Official, Sandra Nichols, Board Clerk

3. **Additions/Changes to the Agenda**

None

**Evelyn Russell** asks about elections and John Valente states that it can be done at the next meeting

4. **Public Participation**

None

5. **Open the Public Hearing regarding the:**

Application of Karen Linden, subject property is 37 Lake Road. The applicant is seeking a variance for relief in section 11-2 "Space Requirements" (AL District) by requesting a variance to demolish and replace an existing residential cottage to year round, which has existing lot of 10,00 square feet with 40,000 square feet required and existing frontage of 50 square feet with 200 square feet required. (application available in the Andover Building Department)

**Evelyn Russell** notes that the Wetlands has not approve the application yet therefore no action can be taken at this meeting on it. The Board will however be allowed to hear the application and ask questions and allow the Public to speak. The Public Hearing will remain open until the next meeting. The next meeting date since many Members will not be available for the regular meeting it is decided that the meeting will be on August 23<sup>rd</sup>. She discusses the process that the application must go through and asks Mr. Dion, the Linden's representative if he has any questions, he does not.

### **Evelyn Russell Opens the Public Hearing at 7:15PM**

**Michael Dion**, licensed professional engineer and agent for the applicant talks about the application and the IWWC application which is mainly in regards to the septic and drainage. The meeting tonight is to approve the side variances. He states that the west side is 12ft (regs require 20ft) and that they have improved the east side since submitting the application from 10ft to 12ft with a total of 24ft on the side yards. The Town regulations require a total of 50ft for side yards however this is a non conforming lot which is the hardship. He submits a revised plan to the Board and explains the preliminary architectural concept. (attachment #1). He states that the structure is conforming it is just pushed back 15ft from the road.

**John Valente** presents an evaluation from Gerry Hardisty a private consultant hired by Mr. Westenberg. (attachment #2) He states that Gerry is the Town Engineer but was hired privately by the Westenbergs .

**Michael Dion** states that the property has been surveyed using the Westenberg's property line as a tie, there is almost 2ft of grade from the road to the rear and the plan defines a swail at 1.75% front to back which is sufficient. He

addresses the two concerns listed in Mr. Hardisty's evaluation that the Westenbergs had done. He is not concerned about the drainage as it is addressed on the site plan handed out this evening they are improving the site and the structure. He review it with the Board and the Westenbergs. Mr. Dion also talks about the second concern, the proximity of the house to the eastern property line. He also states that excavation will be minimal.

**John Valente** asks a few question that would relate to IWWC and not ZBA on the septic. He discusses the proposed plan for the property and the structure with Michael Dion.

### ***Discussion between Mr. Dion and John and the Board on the property and the structure including lot coverage and side yards***

**Dorothy Yeomans** asks John Valente about what the IWWC will address

**John Valente** explains what will be discussed (drainage) and discusses it with the Board and Mr. Dion. He states that this is a wetlands issue and Mr. Dion will submit a plan to that Commission.

**Evelyn Russell** states is that this Boards concern is the new plan to move the structure back and the side yard variances

**Dorothy Yeomans** would like the drainage issue put on record

**Michael Dion** explains the drainage on the property, the septic system and states that it is not part of the hardship.

**Walter Weir** asks about the retaining wall

**Michael Dion** explains what the CT State Public Health Code states regarding septic and the the retaining wall

**Evelyn Russell** asks John Valente about the septic tanks and he discusses the septic systems with the Board and what the requirements are. He also asks Mr. Dion about the fill and the wall. Mr. Dion states that it is required per the Health Code.

***Discussion among the Board Members and Mr. Dion on the septic and moving the house back.***

**John Valente** discusses the application, Mr. Hardisty's report, the side yards and the non conforming lot with the Board and why the applicant is looking for a variance. He also discusses the septic system.

**Michael Dion** talks about the hardships of the non-conforming lot

**Evelyn Russell** asks if anyone in the public would like to speak for or against the application?

**Alan Westenberg**, 373 Lake Road (on the east side of the property being discussed) believes that this is a solid plan and a good idea to upgrade the structure/property. He also states that he has given his permission for the applicants to grade the swail on his property. Mr. Westenberg talks about the proposal and the reason he retained Mr. Hardisty to do an evaluation (his concerns about drainage, East property line). He had objections with initial proposal however he is not objecting with this new one with the exception of the East side setback.

**Lorraine Westenberg** talks about the survey that they had done and the setbacks.

***Discussion on the side setbacks , the property lines, the old structure (including the chimney) and the proposed new structure***

**Alan Westenberg** talks about the survey that was completed and the property lines.

***Discussion on the Westenbergs survey***

**Michael Dion** explains what process he would use to stake the house, pin the footings, pour concrete forms and call in a survey crew to verify the distance to the property lines. A Boundary Survey is very expensive. There would be no new construction until this is done.

**Evelyn Russell** states that the Public Hearing will remain open until the next Meeting August 23, 2017 at 7PM, place TBD and closes it at this meeting at 8:09PM

**6. Old Business** - act on application of Katherine Linden, subject Property 377 Lake Road.

No Action

**7. Miscellaneous:** None

**8. Public Comment:**

None

**9. Adjournment**

**Dorothy Yeomans** Motions to Adjourn at 8:11PM

**Caren Osborne** Seconded

**Motion Passed/Unanimous 5/0/0**

\*Respectfully submitted by Sandra Nichols, Board Clerk