

**Planning and Zoning Commission
Old Firehouse, Center Street
Monday, October 17, 2005**

Minutes

Public Hearing

The Public Hearing reconvened at 7:00pm

- Reconvene the application of Mike Dion, M. Dion Development LLC, Lot 24-1 Long Hill Road for a 2-lot subdivision of property and an application for a Special Permit to create a rear lot.
--Mike Dion described the project as Parcel A 5.9 acres "T" shaped with the front lot being 1.1 acres and the rear lot 4.8 acres and that the issue from the previous meeting was the Town Engineer wanted the storm water flow to Long Hill Road addressed and revisions made to the plan. Mr. Dion stated that the revisions were made to the plan showing the drainage. He stated that the reason he was asking for a rear lot was because there was no other access to that portion of the site. Stuart Popper read the town engineers comments and it stated that he was satisfied with the plan and that the curb cuts and road drainage must be done in conjunction with the town road foreman. Erich Siismets questioned the grade of the lot being steep to the front lot. Mike Dion stated that the grades were more mild in that area and that changes were made along the driveway of the rear lot to catch the flow from going to the front lot. There were no further comments. The Public Hearing was closed at 7:12pm.

- Reconvene the application of Ronald and Julia Haverl, Lot 1 Woodland Chase Subdivision Shadblow Lane for a 3-lot re subdivision.
--Mike Dion spoke on behalf of the applicants and stated that the application was for a re subdivision of Lot 1 of the Woodland Chase subdivision to allow it to have 3 lots and that the original lot was 5+ acres and property was added to it and is now 8.6 acres, all the lots have frontage on Shadblow Lane and the Lot 1A will share a driveway now with an abutting property that was granted a crossing of the conservation easement under the Karen Keevers name about a year ago and that the town attorney has now given the opinion that the wetlands commission has the authority, for this easement, to grant the crossing. Julia Haverl stated that the town attorney's opinion was based on the definition of "utility" that was listed as an exception in the easement. Stuart Popper stated that the wetlands commission had not yet acted on the application and therefore the commission had to wait to act and that they could close the hearing. He also addressed the property owner of Lot 2 that had a concern over visibility of the Lot 1C house. Stuart stated that the driveway was already cut out for the site and that only 1 tree of size was remaining and that the driveway was about 5 feet from their property line and did not see that there would be any further disturbance. Erich Siismets questioned why the driveway was so close to the property line. Stuart Popper responded that there were no regulations to prevent it. Mike Dion responded that the driveway was placed there to be farther away from the wetlands. There were no further comments.

The Public Hearing was closed at 7:40pm.

Regular Meeting

1. The Regular Meeting was called to order at 7:40 pm. Members present were Chairman, Robert Burbank, Susan England, Erich Siismets, Leigh-Ann Hutchinson, Ann Rhineland and alternate James Hallisey. Zoning Enforcement Officer, Stuart Popper was present and Board of Selectmen Liaison, Jay Linddy was present.
2. Seating of Alternates:
There was no alternate seated.
3. Additions to the Agenda:
Executive session will be held to discuss pending legal action.
4. Public Participation:
There was no public participation.
5. **Old Business:**
 - Application of Mike Dion, M. Dion Development LLC, Lot 24-1 Long Hill Road for a 2-lot subdivision of property and an application for a Special Permit to create a rear lot. **Susan England made a motion to approve the application of Mike Dion, M. Dion Development LLC, Lot 24-1 Long Hill Road for a 2-lot subdivision of property and approve the application for a Special Permit to create a rear lot with the condition that the notes provided by the Town Engineer be incorporated. Leigh-Ann Hutchinson seconded. Ann Rhineland was not in favor of the motion. The motion carried (4-1-0).**
 - Application of Ronald and Julia Haverl, Lot 1 Woodland Chase Subdivision Shadblow Lane for a 3-lot re-subdivision.
--Action will be taken after the Inland Wetlands Commission takes action.
6. **New Business:**
 - 6a) Informal review of proposed re-subdivision by CES Engineering, owner Voncille Wright, 92 Shoddy Mill Road.
--Mrs. Wright was present and asked the commission for guidance in a future application. She stated that the property consists of 2 lots and that she would want to move the approved property lines and that there was currently one home on the site and she would like to build on the second lot but that the perc tests show that she would need to add fill to meet the requirements but she did not want to go to that expense if the commission could not waive the buildable square requirement of 30,000sf to allow 104sf short of that. Robert Burbank stated that the commission could not approve the waiver until a formal application was presented but he did not see a problem with 104sf. Stuart Popper stated that he would like to speak with the new Town Sanitarian that is starting next week to make certain that she agrees with the perc test requirements of the previous sanitarian. Mrs. Wright will apply to the commission next month.

- 6b) Site Plan Review application for Janet Prophet, 151 Wales Road to operate an antique shop in a business zone.
--The applicant was present and described the project as an existing barn and driveway access from Route 6 and that a septic and well would be added and that she does not see a large increase in traffic and that the business would have a separate access from Route 6 and her house is accessed from Wales Road. Stuart Popper stated that the zoning regulations allow for a plan review and that a public hearing was not required. He stated that he would like information about the driveway slope on the plan and that he is concerned that the new use must meet the ADA (Americans with Disabilities Act) requirements by keeping the grades to a minimum and that the plan show a handicap paved parking area and a ramp at the entrance and that he would like to confirm the requirements with the building official but that the use fits the character of the neighborhood. The location of a sign is shown on the plan and Stuart Popper will work with the applicant to meet the sign requirements. James Hallisey questioned the lighting of the area. The applicant responded that there would be a light at the door and one on the barn roof to light the parking area. Stuart stated that the light must be shielded down light.

Susan England made a motion to approve the site plan review application of Janet Prophet, 151 Wales Road to operate an antique shop in a business zone with the condition that the plan be revised to show handicap access and paved parking area to meet ADA requirements and that the lighting to be used is to be downcast shielded type. Erich Siismets seconded. Leigh-Ann Hutchinson abstained. The motion carried (4-0-1).

- 6c) Removal of Section 6—R-40 Residence & Agricultural District of the Andover Zoning Regulations.
6d) Amendments to the zoning map
6e) Amendment to the Subdivision Regulations to add a definition “Street”
6f) New Zoning/Subdivision Regulations Section 4.16 Open Space Conservation and Conventional Subdivisions.
6g) Amendment to Zoning Regulations to reinstate moratorium Section 25.3
--Stuart Popper advised members that to reinstate the moratorium, the process would have to start all over again with notices to CRCOG and a public hearing and that it would be faster to get the new regulations in place. Members agreed.
Susan England made a motion to set a public hearing for November 21, 2005 for items 6c, 6d, 6e and 6f as long as all the requirements have been met in time by CRCOG. Erich Siismets seconded. All were in favor. The motion carried unanimously (5-0-0).

7. Inland Wetland Watercourse Commission Liaison Report:
Robert Burbank advised members that action had not been taken yet on the re subdivision of Lot 1 of Woodland Chase.
8. Approval of Minutes—September 19, 2005
Page 1 correct the driveway slopes from feet to percentage.
Susan England made a motion to approve the minutes as corrected of the Regular Meeting of September 19, 2005. Erich Siismets seconded. Leigh-Ann Hutchinson abstained. The motion carried (4-0-1).

9. Miscellaneous:

--Ann Rhinelanders distributed a survey from CRCOG to members and would like it added to the next month's agenda.

--Jeanne Gagnon advised members that she is working on the calendar of meetings for 2006 and members agreed with all the current conditions of time, place and alternate holiday meeting days. The calendar will be on the next month's agenda.

10. Administrative Report:

--Stuart Popper advised members that Andover Pizza had changed the use of the business to include a bar/pub and did not obtain the proper licensing from the State liquor commission or from the town and that they currently have a permit to have a service bar for the restaurant only and to obtain the proper permits would require them to go before the Planning and Zoning Commission and Zoning Board of Appeals. He stated that the Town sanitarian had advised them that a sink was required in the bar area and that until it was installed they could not operate the bar. Stuart Popper further stated that the bar could not operate beyond the restaurant hours.

--Stuart advised members that he is working with CRCOG to correct the open space maps for the Plan of Development to complete that portion and should have them for the next meeting.

The Secretary was asked to leave the meeting for the executive session and adjournment.

11. Executive Session: motions submitted by others

12. Adjournment: motion submitted by others

Respectfully submitted by:

Jeanne Gagnon
Commission Secretary

These minutes are submitted as required by the Connecticut General Statutes and are not official until formally approved by the commission/board.