

**Planning and Zoning Commission
Old Firehouse, Center Street
Monday, November 21, 2005**

Minutes

Public Hearing

The public hearing convened at 7:04pm

Robert Burbank read the public hearing notice into the record.

Members present for the hearing were: Chairman, Robert Burbank, Erich Siismets, Ann Rhineland, Leigh-Ann Hutchinson and alternates James Hallisey and Robert Russell.

- Zoning Changes

- Removal of Section 6—R-40 Residence & Agricultural District of the Andover Zoning Regulations.

- Amendments to the zoning map

- Amendment to the Subdivision Regulations to add a definition “Street”

These items were discussed together. Stuart Popper read the information submitted to members regarding the changes and definition. Members agreed that the term “privately owned” should be added to the definition portion of the changes. Members discussed adding regulations regarding sidewalks because they are now allowing smaller roads in the new open space subdivisions. Stuart Popper will provide the language and standards for the sidewalks. The removal of the R40 zone and rezoning to R80 needs to include another section to address the existing R40 lots of record and they should include a date to avoid all the existing lots that were zoned R40 to require variances under the new zone.

The public hearing will reconvene at the December meeting.

- New Zoning/Subdivision Regulations Section 4.16 Open Space Conservation and Conventional Subdivisions.

- Stuart Popper read the proposed regulations in full. He stated that the purpose of the new regulations were to dedicate more open space and to allow flexibility of the developer to build on smaller areas and that the concept of the regulations for parcels in excess of 10 acres to be developed as open space subdivisions was to reduce lot to R40 size with shorter road and less clearing of the sites and to have the remaining property dedicated as open space and that most towns with this type of regulation do not have the open space held in private ownership but more often by the state, town or a private trust. Stuart Popper stated that language should be added to the beginning of this section to explain/preface the conservation subdivision and that the percentage of open space should be discussed further. The intent of the regulations would be to allow flexibility for the developer to yield the same number of homes on smaller areas. Members discussed different open space subdivisions that worked and didn't work. Comments from CRCOG and WINCOG were received and will need to be read into the record at the next public hearing.

The public hearing will reconvene at the December meeting

- Application of Sokol Koni owner of Andover Pizza and Pasta, 144 Route 6 for a modification to a Special Permit to allow for the establishment of a bar in an existing restaurant.

- Stuart Popper advised members that the business had a Special Permit and then was modified in October 2000 to allow for the sale of liquor with the meals and that

now a modification was requested to allow for a consumer bar which is a separate bar location within the restaurant. He stated that a variance had been granted already by the ZBA to allow the sale of liquor within 500 feet of a package store and a residential zone. The applicant stated that his current hours of operation were from 11am-11pm weekdays and 11am-midnight on weekends and that he would like to increase the weekend hours to 1am. He stated that the bar area was in a separate section of the restaurant and that food was also served in that area. Members questioned the seating capacity. He stated that the capacity is 75 people for the entire restaurant and that he has 16 seats in the bar area and that the total capacity has not changed and that the capacity was set by the Fire Marshal. Members questioned if a liquor permit was issued for this type of business. Stuart Popper stated that the restaurant has a liquor permit but will need to have a modification from the state but that the state will only issue it after the town Fire Marshal and Zoning officer have signed off on it. Jay Lindy stated that the bar area was tastefully done and that it is separate, but open, from the restaurant area where they may be families having dinner. There was no further public comment. The public hearing was closed.

The public hearing adjourned at 8:50pm.

Regular Meeting

1. The Regular Meeting was called to order at 8:50pm. Members present were: Chairman, Robert Burbank, Erich Siismets, Ann Rhineland, Leigh-Ann Hutchinson and alternates James Hallisey and Robert Russell. Zoning Enforcement Officer, Stuart Popper was present. Board of Selectmen Liaison, Jay Lindy was present.
2. Seating of Alternates:
Robert Russell was seated for Susan England.
James Hallisey was seated for Ann Rhineland for the approval of the Minutes of September 21, 2005 only.
3. Additions to the Agenda:
There were no additions to the agenda.
4. Public Participation:
There was no public comment.
5. **Old Business:**
 - Application of Ronald and Julia Haverl, Lot 1 Woodland Chase Subdivision Shadblow Lane for a 3-lot re-subdivision.
Stuart Popper advised members that the application was approved by the wetlands commission with a shared driveway from an adjacent property to access Lot 1A and a shared driveway from Shadblow Lane for lots 1B & 1C.
Leigh-Ann Hutchinson advised members that she left early from the September 19th meeting has listened to the public hearing tape from that meeting.
Erich Siismets made a motion to approve the application of Ronald and Julia Haverl, Lot 1 Woodland Chase Subdivision Shadblow Lane for a 3-lot re-subdivision. Leigh-Ann Hutchinson seconded. Ann Rhineland opposed the motion. The motion carried (4-1-0).

- Application of Sokol Koni owner of Andover Pizza and Pasta, 144 Route 6 for a modification to a Special Permit to allow for the establishment of a bar in an existing restaurant.
Erich Siismets made a motion to approve the application Sokol Koni owner of Andover Pizza and Pasta, 144 Route 6 for a modification to a Special Permit to allow for the establishment of a bar in an existing restaurant with the hours of operation to be 11:00am to 11:00pm with the exception of Friday and Saturday 11:00am to 1:00am. Robert Russell seconded. Leigh-Ann Hutchinson was opposed to the motion. Ann Rhinelanders abstained. The motion carried (3-1-1).
6. **New Business:** There was no new business.
 7. Inland Wetland Watercourse Commission Liaison Report:
 Robert Burbank advised members that the Haverl application was approved.
 8. Approval of Minutes—Special Meeting of September 21, 2005 and October 17, 2005
Erich Siismets made a motion to approve the minutes of the September 21, 2005 special meeting as submitted. Robert Russell seconded. Leigh-Ann Hutchinson abstained. The motion carried (4-0-1).
Erich Siismets made a motion to approve the minutes of the October 17, 2005 meeting as submitted. Robert Russell seconded. All were in favor. The motion carried unanimously (5-0-0).
 9. Miscellaneous:
 - 9a) 2006 Meeting Calendar
Robert Russell made a motion to approve the 2006 meeting calendar as submitted. Erich Siismets seconded. All were in favor. The motion carried unanimously (5-0-0).
 - 9b) CRCOG questionnaire on affordable housing
 Members returned the questionnaire to Ann Rhinelanders.
 10. Administrative Report:
 Stuart Popper advised members that because John Valente had retired as the wetlands agent, that he will be taking on the wetlands agent position as well.
 11. Executive Session:
 There was no executive session.
 12. Adjournment:
Erich Siismets made a motion to adjourn the Regular Meeting at 9:40pm. Leigh-Ann Hutchinson seconded. All were in favor. The motion carried unanimously (5-0-0).

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.