

**COVENTRY PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, MAY 12, 2025**

1. CALL TO ORDER

By: Pollansky

Time: 7:00 p.m.

Place: Annex & Zoom

		PRESENT	ABSENT
REGULAR MEMBERS:	Bill Jobbagy, Vice Chairperson		X
	Brian Murray	X	
	Darby Pollansky, Chairperson	X	
	Carol Polsky, Secretary	X	
	Eric Thomas		X
ALTERNATE MEMBERS:	Steve Reviczky	X	
	Mindy Gosselin	X	
	VACANT		
STAFF:	Jana Roberson, AICP, Director of Planning & Development	X	
	Heidi Leech, Land Use Administrative Assistant		X
	Natalia Yeschick, Recording Secretary	X	

2. ROLL CALL/SEATING OF ALTERNATES

Alternate member Steve Reviczky is seated for Bill Jobbagy. Alternate member Mindy Gosselin is seated for Eric Thomas. Also in attendance via Zoom is Attorney Rich Roberts.

3. AUDIENCE OF CITIZENS - None

4. PUBLIC HEARINGS - None

5. OLD BUSINESS

b. PZC-25-2 – Proposed modification of the Zoning Map in the vicinity of 1409 Main Street to reclassify the entire 2.05-acre parcel as Village Gateway Zone

Roberson asked if everyone had the opportunity to watch the recordings and review the record materials and if all feel prepared to vote on the application? Each commission member is well informed and prepared to make a decision.

Pollansky asked Roberson if she has anything to add? Roberson explained she is here to provide guidance on any procedural questions the commission may have and clarification on record materials.

Pollansky asked if anyone needs clarification from Roberts regarding the letter and comments made from Herbst at the last meeting with regards to split zoning? Reviczky thinks it would be beneficial to hear from Roberts and what he can offer and provide guidance on what Herbst provided to the commission.

Roberson mentioned Roberts was not here for those hearings however he should have access to that memo on our website under meeting materials. It was a letter to Roberson from Herbst dated 4/25/25 and it was two pages. It was part of the file record for this application. Roberts has reviewed the letter but he will take a moment to refresh his memory.

Roberts began talking about a regulatory taking known as an inverse condemnation is something that occurs if you have a regulatory action that essentially renders the property useless. Herbst's argument appears to be that by leaving only potentially the access strip as residential property which cannot be used for residential purposes that would render that portion useless. Roberts stated that does seem like it would be the case if there were no potential use of that property either as residential or as adjunct to the rezoned village gateway property. That is something we should keep in mind if you are considering leaving only the tiny portion zoned residential. Another thing that may have been discussed is whether there is a possibility of imposing conditions on some future site plan or permit application. It is hard to speculate what conditions you would put on a hypothetical future application. If it were a special permit application you would have more leeway in terms of what conditions you can reasonably impose on the property. If the property were something that the residential portion of the property remaining hypothetically if either that or the village gateway property were something that could be developed with only a site plan approval your ability to impose conditions on that exists but it would be limited to the extent that any of those conditions or modifications were necessary to allow the proposal to comply with zoning requirements. If the project were an as of right development that was a site plan approval only and did as presented comply with the requirements of the zoning regulations it may be difficult for the commission to impose additional conditions on that application such as restricting the use of the remaining parcel as access. Again it is hypothetical. Roberts also explains the reality is that commissions impose a lot of conditions on approvals that may or may not be either necessary or defensible. As long as an applicant does not successfully appeal any of those conditions or the conditions are found to be severable to the rest of the approval then you can impose the conditions.

The commission does not have any specific questions for Roberts at this time. Roberts is open to any questions that do come up.

Pollansky explained we have three possibilities in front of the commission and asked if there are any comments or is a motion anyone would like to entertain? She goes on to explain that we have the issues that were raised with the main issue being the tail out to Woodland Street. That is not being changed and that is the presentation as is right now and we have the drawings associated with that application.

Murray asked about the 80% lot coverage that Thomas brought up in the last meeting and asked if this tail would be included so would they essentially get 100% coverage on the top?

Murray asked Roberson if the Coventry Village Gateway Zone is 80% lot coverage? Roberson responded yes for the gateway zone but that would not apply to portions not in that zone.

Murray also mentioned the applicant references POCD many times. One thing that is clear is the protection of the lake and the waterways.

MOTION:

Motion to modify and approve the proposal to include a portion of the parcel identified as 1409 Main Street (minus the accessway) in the Village Gateway Zone with the finding that the change as modified is consistent with the Plan of Conservation and Development 2020 and will not be detrimental to the health and the general welfare of the community and neighborhood for the following reasons:

Motion by: Polsky

Seconded by: Reviczky

Discussion:

Pollansky was considering making a motion to deny because she does not feel comfortable modifying and would like to ask for Attorney Roberts' opinion. Pollansky inquired with Roberts re: the ability to modify the application.

Roberts responded that generally the commission has the right to modify a zone change application. You have to keep in mind the issues that were raised such as leaving them with a piece of property they argued was valueless. Any zone change has to be supported by reasons found in the comprehensive plan which is the POCD the Zoning Map and the Zoning Regulations.

Pollansky asked if we were to modify the application to eliminate the tail going out to Woodland Street, is it possible that the owner could then add the accessway to the existing residential lot? Roberts responded he would be reluctant to modify a zone change in such a way that you are forcing the property owner to do something they are not proposing to do. For

example, transferring the piece of property tail from one property to another. If that is your rationale, it may be problematic. Pollansky responded they would not be forced to transfer the tail, they just have the option. Roberts responded that is not within the Commission's control. Pollansky responded it is an option for them and it would rectify their use of the land.

Gosselin asked do we modify to exclude the tail because of lot coverage concerns since it would affect the lake? She asked the square footage of the accessway. Roberson responded that the area of the accessway as 0.32 acres or 13,939 square feet. The entire parcel is 2.05 acres.

Murray asked when the front piece originally became Village Gateway? Pollansky and Roberson responded that it has been Village Gateway for a long time. Pollansky explained it was zoned that way even with the previous owner.

Murray asked if there is something in the POCD that has changed that will drive us to make this change? The free split does not necessarily drive that change. Pollansky explained the free split did not affect it because the zone goes all the way across the front. Roberson explained there is no specific mention of this specific property in the POCD. It is up to you to interpret how modifying or approving or denying the zone change is consistent with the POCD. That is your exclusive right as the Planning and Zoning Commission.

Murray explained his concern is the lakeside protection and is not comfortable with the zone change.

Gosselin is on the fence between modifying and approving it as proposed.

Reviczky explained the proposal is based on a free split of an existing parcel. The configuration that exists was created by the property owner. It ignored the Town's zoning completely and created the frontages on both Main Street and Woodland. We are in a position to respond to the current conditions of this application. While Reviczky is in support of a motion that would keep the zone change for frontage on Woodland he is open to denying the zone change completely based on everything heard and testimony received. Pollansky agrees to deny the motion along with the reason Reviczky just said.

Reviczky asked who owns Woodland Road? Roberson responded that Woodland is a Town road. It is an accepted Town road across the entire frontage of the tail and the remaining part out to Lake Street is an easement with public access rights for the purposes of a highway.

Reviczky asked the width of the road. Roberson responded the width varies. If you look at page three of the correspondence dated April 11, 2025 that is a letter to Roberson from Herbst that includes a site plan for a different property but it does indicate the width of the ROW is shown is 25 feet. The width of the pavement is significantly narrower than that but it will be around 18

feet in that location. Roberson has testified the road has narrowed significantly in that spot down to 17 feet at the narrowest.

Murray asked for clarification on the map where the wetlands are shown. Roberson pulled up the map was submitted by Herbst in his letter dated April 11, 2025 and showed the area that at that time was delineated as a wetlands. Murray asked if that was in the 50 foot tail? Roberson responded yes it was.

Gosselin's reason for modifying for this motion is due to lot coverage concerns with the lake being immediately adjacent and downgradient of the parcel. Looking at the numbers if we were to approve this with the tail and they did not develop anything on the tail that gives them the 13,939 square feet towards their 17,860 square feet they would need to leave pervious. They can almost develop the rest of the chunk minus 4,000 square feet and that is a huge piece of the parcel to leave fully impervious immediately adjacent to the lake.

Pollansky's reason to move to modify is because the free cut was a choice of the applicant not the Town of Coventry's regulations and therefore has created a strip of land that the commission feels is detrimental to the general welfare of the community, the neighborhood, and Lake Wangumbaug due to the exit onto Woodland, steep slopes, excessive ledge and proximity to the Lake which is not consistent with the POCD.

Murray has a lot of concerns being that close to the Lake. Pollansky confirmed with Murray that he has concerns with taking the tail off and remaining all village gateway and what it would allow. Also the lack of us being able to put conditions on any site plan approval unless something came under special permit.

Polsky asked Roberson when the applicant continually gets asked what the plans are Herbst says there are no plans. When there are plans submitted will they only come to us if they need a special permit? Roberson responded the commission will also review site plan reviews. They are two different tiers of your permitting authority. With a special permit you have the ability to modify and approve and you may also condition special permit applications. There has been some back and forth on your ability to condition site plan reviews. Roberson was taught that that was an administrative type of approval. If everything on the plans is permitted by the zoning regulations then you can neither deny nor condition it. Sometimes a lot of conditions are added amicably between both sides but it could go either way.

There is a list of if they were to construct certain things then they wouldn't need a site plan review by the commission and it wouldn't go in front of us. Roberson stated zoning permits are staff approval only- the lowest tier of approval.

Reviczky stated if there is nothing requiring us to approve this zone change he will withdraw his second.

Polsky is withdrawing the motion to modify and approve. The concern Polsky has is the concern Roberts had stated initially about the piece of property and what they applicant wouldn't be able to do with it if we only approved the front part onto Main Street.

**Reviczky withdrew his second.
Polsky withdrew the motion.**

MOTION:

Move to deny the proposal to include the entire 2.05 acre parcel identified as 1409 Main Street in the Village Gateway Zone with the finding that the change is not consistent with the Plan of Conservation and Development 2020 and could be detrimental to the health and the general welfare of the community and the neighborhood for the following reasons:

- 1. Due to proximity to Coventry Lake,**
- 2. Concern about the impact of the allowable lot coverage in the Gateway Zone (80%),
and**
- 3. Concern about extending the impact of the Gateway Zone closer to residential areas.**

Motion by: Murray

Seconded by: Reviczky

Discussion: None

Voting:

For: Murray, Polsky, Gosselin, Pollansky, Reviczky

Against: None

Abstain: None

Motion unanimously approved.

7. NEW BUSINESS

a. Discussion re: 2208 Boston Turnpike (proposed veterinary hospital) with James Aldrich of Aldrich Construction Company, Brittany Banning, DVM, and Elan Armstrong, DVM.

Roberson introduced the attendees.

Aldrich explained the plan is to redo the facade of the building but everything else will be inside. The parking lot will not be changed. The porch in the front will be enclosed. The handicap stall and entrance is on the right side. The architect will be coming up with new drawings for the facade. No changes to the plantings aside from trimming up. There will be no changes outside. When the building was built it was built as retail with a deli which is why there are so many parking stalls. The number of parking stalls is greater than what they need. The septic system is also oversized compared to what we need. There are no changes planned to the rear of the building but they will fix up the siding. All of the porches will be gone. Aldrich explained what is unique to the building is the porch is on a full foundation so to enclose the porch is a simple effort. There is parking in the back which they plan on using. Aldrich explained the main purpose of this visit is to request a waiver to not require a site plan.

Aldrich showed the plans from when the property was originally built along with what their plans are for the inside. The left hand side of the facility is the pharmacy and the surgery areas. On the right side are the exam rooms and the handicap entrance.

Aldrich pointed out there are 41 parking stalls and they only need 19. The septic system is designed for 660 gallons per day which equates to 15 people and 10 dogs. The load of people for the new owners will be at most 12 people and 5 dogs. The biggest projections we have for the septic system are 420 gallons. They have been pursuing this since January. Aldrich's firm got on board in early February. By March 1, 2025 they reached an agreement for a purchase price with a due diligence period which we are in right now. We started in earnest with concept drawings and had to convert those with order magnitude cost so we can go to the banks and make sure the project is affordable to them. They are all in. Everything has proceeded successfully. The architect's first job is to make sure the facade is aesthetically pleasing to the community. They will also come back for signage later on. Aldrich wrote a letter dated April 28, 2025. Aldrich recapped the letter and explained they are doing no modifications on the outside. All aspects will remain as is. They are asking for a site plan waiver to not have a site plan required. Andrew Bushnell has purchased their database but does not have a survey that is accurate enough so they would have to hire him and do the field data and confirm everything is in the exact same place. It will cost between \$5-7k. By the time Bushnell can add them to his schedule and come back it will be two months time. They are hoping to get a waiver per the regulations to avoid having the site plan. Aldrich explained they need to come back for the facade and the special permit. The commercial zone allows by special permit the use of facility for veterinarians. They are trying to finish the architectural design in a couple of months and we are hoping to be through planning and zoning. At that juncture is the perfect time to close and buy the building. If we fail with planning and zoning it will be difficult for them to own a building they cannot use.

Roberson explained this is an informal discussion tonight but they will be requesting a site plan waiver. When you read the language of our zoning regulations that is an authority the planning and zoning commission has. When conditions are met when the proposed activity does not involve the construction, erection, alteration, enlargement, removal or other modification of a principal building or structure. Roberson asked Aldrich specifically to speak to the issue of the waiver because she does feel there is minimal site work potentially for the enclosure. There is an existing foundation on the porch. It can be interpreted either way but Roberson does feel it is a reasonable request to ask for a waiver in this scenario.

Pollansky asked if this is something they have to do before they move forward or is that something simultaneously done with the application? Roberson responded that officially the waiver comes in with the application however they would like to know your receptiveness to the now.

Polsky responded she is good with it and it makes sense.

Pollansky responded they have waived site plan requirements for much more than actual requests and feels they would be consistent with the waiver.

Roberson responded veterinary hospital is a permitted use in the zone by special permit and thinks it will be great for the Town of Coventry.

Pollansky will wait for the permit request and will go from there. Aldrich hopes to be back on June 9, 2025.

Pollansky mentioned that if any questions come up please bring them with your application.

7. ADOPTION OF MINUTES - 4/14/2025, 4/28/25

MOTION: *I move to approve the minutes of the April 14, 2025, meeting.*

Motion by: Murray

Seconded by: Polsky

Discussion: None

Voting:

For: Murray, Pollansky, Polsky, Gosselin

Against: None

Abstain: Reviczky

Motion approved.

4/25/2025 Minutes will be continued to the next meeting.

8. COMMUNICATIONS - None

9. MEMBER AND STAFF REPORTS

Roberson stated we have new volunteer manuals the Town Manager prepared. They will be brought to a meeting and you must sign something stating you received it.

Murray asked if it includes an attendance policy? Roberson said yes there is an attendance policy for those that are no-shows etc. Requested exceptions will not be counted.

Leech is not here because she is at CAZEO training.

Polsky asked if there are any updates on residential or commercial properties that stand out? Gosselin responded she saw a sign outside of Burger Fry Pie. Roberson got a call from a commercial realtor asking about properties and suspects they will be listing it. A car wash was approved there a while ago which Roberson believes has expired at this point but will have to go back and verify dates.

10. ENFORCEMENT

11. ACKNOWLEDGMENTS

12. ADJOURNMENT

Meeting adjourned by Pollansky at 8:26 PM.

Respectfully Submitted,

Natalia Yeschick

Natalia Yeschick, Recording Secretary

PLEASE NOTE: These minutes are not official until approved by the Planning and Zoning Commission at the next Commission meeting. Please see the next Commission meeting minutes for approval or changes.