

COVENTRY PLANNING AND ZONING COMMISSION

MEETING MINUTES

REGULAR MEETING OF MONDAY, MARCH 10, 2025

1. CALL TO ORDER

By: Jobbagy

Time: 7:07 p.m.

Place: Conference Room B & Zoom

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

2. ROLL CALL/SEATING OF ALTERNATES

Also in attendance, Mark Byam of All American Tree Care

3. AUDIENCE OF CITIZENS - None

4. PUBLIC HEARINGS - None

5. OLD BUSINESS

- a. **PZC-25-1** –Proposal to modify the language of Section 5.15.05 of the Coventry Zoning Regulations concerning Accessory Dwelling Units (ADU’s). ***Set effective date***

Roberson explained to Jobbagy that we took action on this at our last meeting, but did not set an effective date at that time and will need to set one now.

MOTION: Move to set an effective date of 15 days after the publication of the legal notice.

Motion by: Pollansky

Seconded by: Polsky

Discussion: None

Voting:

For: Thomas, Murray, Pollansky, Polsky, Jobbagy

Against: None

Abstain: None

Motion unanimously approved.

- 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. ***Awaiting public hearing 3-24-25***
- c. **PZC-25-3** – Special Permit application for a new Single-Family Dwelling (tear down/rebuild) on an undersized/non-conforming lot at 90 Avery Shores in the LR Zone; Applicant/Owner: David Blakely. ***Awaiting public hearing 3-24-25***

d. **8-24 Referral** - Capital Improvement Program Proposed Budget FY 25-26 –
review draft comments

Roberson stated that the staff guidance included our prioritized list from last year as a starting point.

Jobbagy mentioned we have to put together a note to the Town Council with our recommendations, so he put together a few paragraphs:

As you may recall last year we were required to comment to the town on the manager's capital improvement plan. May I suggest we put together a short memo to the town management and town council including the following:

The Coventry Planning and Zoning Commission has reviewed the capital improvement plan and recommends the following items receive high priority. They are consistent with the fact they are important to respectful land use and consistent with the Plan of Conservation and Development.

After discussion from the commission the following order was determined:

1. Projects to update and improve existing water and sewer infrastructure including, in order of priority: 1) the sewage treatment plant, 2) the water tank, and 3) the Bolton sewer extension
2. Road Improvement Programs/Small Bridges and Culverts
3. Open Space
4. Lake Water Quality
5. Patriots Park/Miller-Richardson Park Improvements
6. Quality of Public Data, I.E GIS tax maps

The discussions that lead to this decision are as follows:

Pollansky suggested the sewers and water issue for the infrastructure as number one priority for Economic Development. Jobbagy responded it would certainly be for Economic Development but

right now we're doing it for Planning and Zoning, so he looked at it from a land use standpoint.

Polsky likes the idea of sewer and water issue as number one since we have been talking about it for years. Thomas asked for clarification if we talked about the existing sewer plant expansion or rebuild, or are we talking about the route 44 connector to Bolton. Polsky responded we are referring to the sewer plant expansion or rebuild. Thomas would like to make sure this is specified and agrees with the treatment plant issue being the top priority. Jobbagy also agrees.

Pollansky suggested number two would be the road improvement programs and small bridges and culverts, which can be combined on the list.

Pollansky went on to suggest number three can be Open Space. Roberson asked if there's anything in the capital improvement plan about open space. Pollansky responded there is open space stewardship for \$5,000. Thomas explained in the full 5 year CIP there is more money added to post for open space in successive years but the town manager this year is planning a small number. There was a discussion at the last meeting about what open space budgeting are we are talking about, and it seemed a little fuzzy. It can be better articulated later on. Polsky mentioned the town manager talked about something different with the \$5,000 for open space. Roberson asked about the \$5,000 under number six, LOCIP Open Space Stewardship, is that buying trail things or is that open space fund to buy land? Polsky responded it was more of buying trail things. Thomas stated hypothetically the thought was using open space fund in support of acquisition of additional open space areas either from fee simple or helping with surveying, which is different from LOCIP money which is State grant money that we have had we can take it to do things management and stewardship on existing open space properties, we can't use it for acquisition, they are asking for Town funds for acquisition. For \$5,000 we won't get anything in the next year, but it could support for instance the current proposal in front of us and council for donated property, they're asking the town to help support the closing costs and some of that money is appropriate. Polsky responded it wasn't for land per say. Roberson responded if you'd like to make that statement that money is missing from the CIP is money to support the permanent protection of open space. Roberson stated when she had a chance she suggested to put in \$1 per capita into the open space fund, not stewardship, but it didn't fly. Jobbagy responded we would just indicate what's a high priority, we're not here to tell them how to spend the money, just to tell them what's important. Thomas stated referencing the plan of conservation developments portion of the open space discussion about where we prioritize permanent protection of natural resources sensitive areas we don't have to fill in that language it is something they can reference the priorities if they were an open space should align with the POCD document. Roberson responded as per our last meeting we are discussing ideas and there's going to be a draft at the next meeting. Roberson asked Jobbagy she knows he talked about using the memo as is but would like his input on once we have our prioritized list including some references to the planning document and our memo. Jobbagy doesn't want to get too detailed

about this as the town council in the past has not looked at this memo, it gets on the agenda and then it gets glossed over. Polsky stated they have never gotten feedback from the council. Jobaggy stated the most important thing is that we mention consistency with land use, and consistency with POCD, and also we specifically state the items that are high priority.

Pollansky stated item number four is Lake Water Quality, Number five is Patriots Park/Miller-Richardson Park Improvements.

Jobaggy mentioned water supply is important from a land use standpoint. Roberson pointed out that on the list from last year we put three items onto one line. Pollansky suggested in order of priority: 1) the sewage treatment plant, 2) the water tank, and 3) the Bolton sewer extension.

Thomas brought up that last year one of the items we looked at was the use Quality of Public Data, I.E GIS tax maps. Have we been somewhat successful in moving that forward this year? Roberson responded no, there have been more problems with it that haven't been able to be fixed yet. It does impact the work of the department. GIS data layers could still use a lot of improvement. Pollansky suggested we add this to number six, Thomas is in agreement.

6. NEW BUSINESS

a. Discussion with Mark Byam of All American Tree Care

Mr. Byam is interested in purchasing property at 33 Cedar Swamp Rd. Extension. It is zoned as commercial/agricultural right now and would like to know what he can do with it. He would like to put up a building and Christmas tree farm in. His office is currently at his home residence. He has an office he rents in Bolton right now for his business.

Roberson suggested Byam speak to the commission in an informal capacity for feedback. Roberson explained Mark is a licensed arborist, he does some landscaping and site work. He is interested in a Christmas tree farm and firewood processing. When a tree is cut down or trimmed, there is wood left over and it can be used for firewood and it needs a place to be processed. The name of his business now is All American Tree Care. There are some commercial vehicles as part of the business. Roberson stated this seems close to what the zone allows, but the only thing zoning permits is agriculture which would be the tree farm. There is another zone in town that mentions wood products processing, which is our rural development

zone. The rural development zone also mentions uses related to what he's doing. Nowhere does the term "arborist" occur in our zoning regulations. Roberson is wondering how appropriate the commission thought it would be in this location and whether or not they are interested in looking at it.

Roberson read the commercial/agricultural zone regulations as well as a list of specially permitted uses, most of which involves either something to do with agriculture, a fairground, or retail. He is none of those things, the only thing would be agriculture for a tree farm that would be ancillary to the main business which is arborist, and arborist doesn't meet the definition of agriculture.

Pollansky mentioned wood processing should fall into that since it is a forestry issue and if you do over 50 cords/year you have to get a license through DEEP. Roberson responded it would have to come from that property. You can harvest lumber, but you cannot bring in that lumber to process. Some things mentioned in our rural development zone are as follows, "manufacturing and processing of foods, textiles, knitted goods, apparel and other fabric products, and lumber and wood products including furniture." It also says "yards for outdoor storage of lumber, stone, building materials, and fuel." Roberson is looking for feedback, what are the commissions thoughts of an arborist with the uses listed; primarily an arborist with some landscaping, site work, firewood processing, and a tree farm in the commercial/agricultural zone.

Polsky asked if the commercial vehicles would be a problem. Byam mentioned that since it is zoned commercial, wouldn't that be allowed. The discussion continued to discuss the home occupation/commercial parts. Pollansky asked how it would work with the house that is on the property. Roberson stated the house on the property is grandfathered. The residential use of the house cannot be extinguished by zoning unless he tore it down. Pollansky asked about the home occupation part of it, does that help to get the rest of it taken care of that isn't stated in our regulations? Roberson reviewed home occupations and it states, "the use must be clearly incidental and secondary to the use of the principal building as the residence of one or more persons conducting the use". This is a matter that can be examined. It looks like the language in the regulations can use a refresh and it can be put on the list. The commission agrees.

Byam stated his main focus is to put up a building, and would like to rebuild the greenhouse and put some plant material in there. Jobbagy asked what he'd do with the residence. Mark is unsure what he'd do, he would either let one of his kids live there or rent it out if that is a possibility.

Thomas clarified access to the property, is the driveway the extension off of 44. Byam stated no, it is on its own road. Roberson showed it is a small frontage area.

Byam wants to see if it is even possible to put a building for his storage and vehicles. If that isn't a possibility then it is not worth pursuing.

Roberson pointed out some wetlands on the northern part. Pollansky asked if the wetland area is uphill, as whether it were upgrade or downgrade would be an impact issue. If it were down slope it would be of more concern, if it were up slope it would be less concern. Your water and runoff won't go uphill.

Pollansky stated it is a favorable business and the commission agrees. Roberson mentioned it would probably be a special permit, and a public hearing is required. The main thing is a site plan is needed, which costs money, Byam would have to hire a surveyor and an engineer to lay out the lot the way he wants it to be that complies with our regulations. Additionally, the commission would need a statement of use that talks about scale of traffic, listing vehicles, and inventory of equipment, and number of employees. Byam stated there are only two employees and four trucks, so there is minimal traffic. Pollansky asked if Byam has a log truck, he responded no he does not. Byam mentioned it looks like he can do what he is proposing. Roberson responded that a building can be put up but the use has to be approved and knowing where the building would go and the dimensions. Except for the tree farm, you are not producing an agricultural commodity. The commercial uses talk about selling agricultural products and retail.

Jobbagy stated it sounds like this is a marginal issue because the location is fine. He is not worried about neighbors, and it seems like it makes a lot of sense. Maybe we should make some wording changes. It may be as simple as adding the word arborist and a few other terms. Murray agrees with Jobbagy, a wording change is good to save some of his work on his end.

Roberson mentioned that either way a site plan is required. If we ended up changing the commercial agricultural zone to add "arborist", we would need to pick either site plan review or special permit category for that. We've established you can apply for a special permit now under the home occupation regulation.

Byam asked if the home can be rented out. Roberson responded it states "the use must be clearly incidental and secondary to the use of the principal building as the residence of one or more persons conducting the use." Thomas reiterated it means the employee must be living there.

Pollansky mentioned that either way the site plan issue and the permit, it is whether or not we're going to amend the regulations in the agricultural/commercial. Byam said that is what he'd like to do because it will be supplemental income so he can buy the property and build the building he would like to build. Polsky and Pollansky stated it would go under commercial/agricultural and not home occupation since Byam would not be living there.

Roberson mentioned in other towns it would be fine with them if the business was conducted by the owner of the property, but that is not what the Coventry regulations say. Pollansky responded we would need to revisit that and see if that's something we want to maintain, we are not sure what the intent is there. Polsky responded with the thought that the home and property would be more taken care of when it is owner occupied. Thomas agreed that could be

a potential issue.

Thomas asked if the commission was going to look at a potential word change in the regulation, what is the timeline for that? Roberson responded there is another applicant similar who has recently purchased land, so there is a dual reason for looking at the language and making it more clear. If Roberson proposes something at the next meeting, we could have a public hearing April 28, 2025. The commercial/agricultural zone goes up to the Bolton town line so we have to notify Bolton and CROG regarding timing requirements. Pollansky mentioned whether we change the home occupation language or any zoning regulation changes the minimum timing requirement is 30 days.

Roberson let Byam know that we cannot make changes quickly and there are no assurances, but there is good feedback.

Pollansky asked if regarding other applicant we should address him if we're going to be addressing things. Roberson said yes that she will contact him when she is drafting something.

Pollansky asked if agriculture as it is defined is our own definition or if it is from the State. The definition is ours. Roberson responded the State definition of agriculture is 25 lines long in the statute and is very comprehensive.

Pollansky suggested we can get a copy of the CT State definition of agriculture to see if it is an option to say redefine agriculture as per the CT statute.

Roberson stated that if he is bringing in wood from other sites, then it does not meet the State's definition of agriculture. You could have a forest lot and remove the trees from it and do processing there, but you can't bring the trees in and call it agriculture. Thomas had a thought that UCONN enhanced their arborist certification program, and is hoping there is still a significant push. Maybe staff or faculty there could give us guidance. If there are certified arborists who are trying to do work, and may be looking for ways to establish themselves into places that have traditional regulatory languages, if it is legitimate, maybe they can help us. Jobbagy suggested we could call it professional services in some places.

b. Discussion re: Methods of land protection: easements and deed restrictions

Roberson stated that Thomas supplied us with clarifying language from the land trust alliance and CT conservation council that explains the difference between a conservation easement and a deed restriction. Easements are generally accorded greater deference by courts in the event of a dispute. There is also more statutory language about easements as opposed to deed restrictions. Pollansky said someone mentioned the deed restrictions are not as clear as easement language. Thomas stated he shared this after we had a recent discussion about the Kings Road 3-lot subdivision. During that conversation towards the end we were looking to

clarify about the proposed conservation easement and what the instrument would be, how it would be delivered. In our commission discussion someone brought up a deed restriction even though the applicant already brought up the easement. We had some mixed discussions about what was the value one way or another. Some of the challenges you might run into down the road as a town say if you apply a deed restriction to a sensitive natural resource and how the town may or may not be able to enforce or follow up what the idea was behind it. A conservation easement is more clear and understood by the court so if you have a legal aspect to pursue you have something to stand with, whereas a deed restriction is more challenging. Pollansky stated another aspect is maintenance, management ability is needed which is better, deed restriction or easement. Thomas responded some people put an easement on a property for conservation value and want to lock it in for whatever they're growing. Some easement agreements may be very restrictive. There may be reasons to have more active management. Over time if we get other proposals in front of us, we should state why we're in support of an easement and make sure the instrument is either flexible or clearly states that if we want something to change over time or want it to be very rigid. Roberson is a stickler for getting things in writing and legally documented. You can write a deed restriction to give you all the same powers a conservation easement would do. The town felt if it wasn't going to be public access like a park or preserve, they felt the private deed restriction was more of the way to go. It is compelling the conservation easement would be looked upon more favorably in court. Still think the deed restriction is a tool in the tool box you use if it is appropriate. Roberson commented the sheet Thomas found is very helpful in explaining the difference. If you look at the back side, the blue column has definitions on it/conservation terms.

Thomas mentioned with conservation easements depending on how they're written it is possible that working with landowners who are interested in looking at an easement as a tool for their property, sometimes if they consult with tax attorneys they may be able to get a tax benefit for having a conservation easement on their property. That is something that is outside of our role here, however, we do outreach with landowners and we should let them know that if they're talking about the value and it is important for them, and there's a financial aspect of their toolbox review that an easement versus a deed restriction could have some supporting tax implications for them but they need to work with a tax accountant. That is something a deed restriction does not allow. In the Land use office we've had a guide book to contact appropriate experts. Leech has not seen the document before, she also mentioned the land use handbook is on the land use home page, it could use an update but it is there.

c. Discussion re: Affordable Housing and Conservation

Roberson mentioned Thomas shared a great website and a short video from Litchfield hills.

Thomas stated the NW corner of the State the green print program and the NW Hills

has affordable housing coalition amongst at least 4 towns. They recently accomplished some projects and started promoting them with some videos. Essentially, they are a coalition of affordable housing advocates and proponents, as well as members from the land and water conservation community, housing trust and conservation trust working together to promote mutual goals. There is a link on the website.

Roberson stated there was a conference at the Lyceum about five years ago that was the conservationists and the affordable housing people together and they had mutual goals. Conservation doesn't want to see unfragmented land get developed and affordable housing people have incentive to provide for multi housing and also provide housing in greater densities and areas where people have access to utilities, transit infrastructure, or maybe a walkable community. We can conserve land for the future and have affordable housing development. It is really allowing for density in certain areas, and conserving in other areas. Concept is to put houses on much smaller lots and the difference into open space. Most of the easiest land to develop is developed. It is good for us to be flexible and for us to respond to needs coming in.

7. ADOPTION OF MINUTES

a. February 24, 2025

Roberson and Yeschick will work on edits together so Yeschick can understand the style and tweak what is needed.

We will come back with updated minutes to adopt for January 27, 2025 and February 24, 2025.

8. COMMUNICATIONS – Zoning referrals, etc.

Roberson mentioned there is a referral from Bolton, they are doing a comprehensive reorganization of their subdivision regulations. Zoning regulation changes are adding a definition of lot coverage area and lot coverage. Section 45322 is the procedures for determining whether changes to a site plan need to go back to the commission or can be handled by staff, they were adding some clarifying language. It is nice to have guidelines when you're considering calling something major or minor that's very subjective until you have some qualifiers attached. Pollansky asked if there's anything on our regulations. Roberson responded we have language to that effect. Pollansky confirmed it is for the minor modifications part. Roberson responded yes. Pollansky stated while Roberson is going through this if there's anything we might want to touch on while we open up regs to be changed. Roberson stated their language is going to be more spelled out and we might refer to this in the future.

Roberson stated they are adding language that says "a legally existing building or structure that is non-conforming as to the front/side and/or rear side setback, rear setback requirements or minimum lot size requirements may be expanded, extended, or enlarged provided that a zoning permit has been issued and is no closer to the property line than the existing building or

structure on the non-conforming side, also does not create a public safety problem or health hazard including but not limited to site lines and is in conformity with all requirements in these regulations.” This one is really common and we don’t have any language like it. Leech has seen variances for upward expansion where this might apply. Roberson mentioned this is something a lot of towns have adapted and we might want to think about it. Roberson said, lastly they have a rural mixed use zone, a gateway mixed use industrial zone and they are taking out a requirement that they have to have multi-family residential on second and upper stories.

Thomas stated the chairperson mentioned this before they made that change, people would come in to try to do this but didn’t want to put in multifamily housing and it was a requirement they had to, so they weren’t getting applications in, and they removed the “required” part of it.

Roberson was on a call with Don Poland who is a CT planner and had a presentation on market realities with planning and zoning. He said don’t zone for something that will never come. You have to know the market reality and must be able to respond to market issues when you are developing your zoning regulations. He makes a lot of good points, and the point is well taken that good planners should strive to understand our communities and the market realities that are driving what happens. Some of the points he was making is you shouldn’t make everything a special permit. Are you introducing unnecessary hurdles to the kind of development you want to see? Thomas also added a point: Are you understanding the demographics of your community? The number of people living in households and how they do or don't travel are things have changed dramatically in the last 20 years.

Roberson mentioned that seniors are the biggest cohort of the population. At the housing conference, a representative from AARP spoke on how many single householders have three or four bedrooms. Polsky wondered how to capture future trends in the POCD. Pollansky responded each community is going to be different. Our POCD narrative reflects long-term goals. There are some specifics, but there is also a vagueness in a sense more of a story of what you pictured the town to be. Each town has to take their own position on how they write that.

Roberson responded to be flexible. Flexibility and the uniformity clause have to be balanced.

Polsky mentioned what happened with red lining and housing. Roberson responded that some people would say zoning has perpetuated that. Zoning is one of the major factors as to why we’re having an affordable housing crisis right now.

Roberson mentioned we will distribute the Don Poland video that talks about market realities.

Pollansky let Jobbagy know that at the last meeting we talked about adding a section to the agenda so we don’t have to add a motion to add an agenda item. Through discussion it was determined we will use “Reports,” but clarify it to say “Member & Staff Reports.”

9. MEMBER & STAFF REPORTS

Pollansky inquired of the status of the Home Shooting Range Committee. Murray responded that the Vice Chair dropped out. They have gone through all the police reports and issues. They have looked at other town ordinances in detail. They have also started to prepare a draft ordinance, but there is no formal recommendation at this time.

Town Council will appoint a replacement to the Home Shooting Range Committee.

Roberson has convinced them not to do a zoning regulation. If an ordinance is recommended, that would go to Town Council.

Polasky asked if there were any surprises. Murray responded that a lot of the complaints are around noise, not so much around shooting. This has been driven from one incident at one home. There has been some disturbance but has not been excessive. Chief Peterson has asked for an enforcement tool if someone is doing something unreasonable. If it is in zoning it is not something that would be enforced 24/7 like it would be with the police department. Polsky asked if the police are a member of the committee. Murray responded that Chief Peterson is a staff member of the committee. He is not a voting member. He is simply there for guidance and information. Town Council is working on replacing the missing member. We want to make sure the public has representation.

10. ENFORCEMENT - None

11. ACKNOWLEDGMENTS - None

12. ADJOURNMENT

Adjourned at 9:22 by Jobbagy.

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.