

Timothy M. Herbst

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SENT VIA EMAIL: (jroberson@coventry-ct.gov)

Jana B. Roberson, AICP
Director of Planning & Development
Town of Coventry
1712 Main Street, Coventry, CT 06238

April 11, 2025

**Re: Proposed Modification Town of Coventry Zoning Map to Village Gateway Zone
2.05 Acre Parcel, Located at 1409 Main Street, Coventry, Connecticut**

Dear Ms. Roberson:

This office represents A1Z7, LLC (the "Applicant"), the record owner of property located at 1409 Main Street, Coventry, Connecticut (the "Property"). As you know, there is a pending application before the Coventry Planning and Zoning Commission (the "Commission") concerning the Applicant's proposal to modify the Town of Coventry Zoning Map (the "Application") to allow for the Property's entire 2.05 acres to be zoned exclusively in the Village Gateway Zone ("VGZ"). We are in receipt of your staff report provided to the Commission, along with the agenda for Monday's Commission meeting.

Based upon the Plan of Conservation and Development ("POCD"), we are pleased that the staff report to the Commission provides support for changing the zoning designation of the Property to VGZ. The purpose of this correspondence is to address the issues and concerns raised at the last meeting relating to the narrow portion of the Property that has access to Woodland Road.

Since the last meeting, I have had the occasion to confer with my Client, who provided me with the enclosed documents. We request that this letter, along with its enclosures, are made available to the Commission prior to its meeting Monday evening and also that these documents are made part of the administrative record.

At the previous meeting, there were public comments that voiced concerns about access to Woodland Road. It should be noted that a previous Commission approved another application for a large two-story office building with access onto Woodland Road in 2005. In 2018, my Client's attorney, David Weiss, sent correspondence to Mariana Properties, LLC and its principal,

Leonidha Papas. This correspondence advised Mr. Pappas of my Client's deeded right of way through his approved development. We think this information is highly relevant and probative to the Commission's consideration of the requested zone change. As it relates to the Application, the mere *speculation* about a possible access point from the Property to Woodland Road is de minimus when considering the fact that a previous Commission *approved* a large-scale office development with direct access onto Woodland Road.

Given the prior approvals by the Commission in years past as they relate to development in and around Woodland Road, it should be noted that the common law of the State of Connecticut supports the proposition that a Commission can consider actions taken by predecessor Commissions that acted upon zone changes and associated applications impacting adjacent properties immediately near the Property at issue.

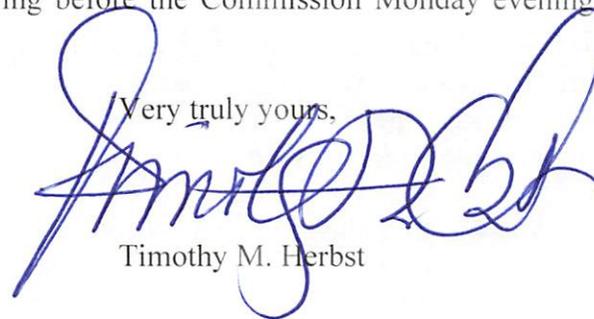
As noted in the staff report provided to the Commission, in this instance, the Commission is acting in a legislative capacity when making zone changes, which grants them wide and liberal discretion to amend regulations and boundaries whenever time, experience, and responsible planning for contemporary or future conditions reasonably indicate the need for a change. Dutko v. Planning and Zoning Bd. of City of Milford, 110 Conn. App. 228 (2008). This legislative discretion allows the commission to consider various factors, including the history of zoning changes in the area.

Additionally, zoning regulations must be made in accordance with a comprehensive plan and in consideration of the plan of conservation and development (C.G.S.A. § 8-2). This implies that previous zoning changes and their impact on the comprehensive plan can be relevant considerations for current decisions.

Case law also supports the idea that zoning commissions can consider past actions and changes, because the Commission's decision must be reasonably supported by the record and in accordance with the comprehensive plan Metropolitan Homes, Inc. v. Town Plan and Zoning Commission of Town of Farmington, 152 Conn. 7 (1964). This means that the Commission can consider previous zoning changes and zoning applications and their concomitant impact on the current zoning scheme and comprehensive plan.

We look forward to appearing before the Commission Monday evening to discuss the proposal further.

Very truly yours,



Timothy M. Herbst

Enclosures

LAW OFFICES OF DAVID L. WEISS
1300 BOSTON POST ROAD, #8
GUILFORD, CONNECTICUT 06437
TELEPHONE NO. (203) 533-7178
FAX NO. (203) 689-5496
E-MAIL: dlweiss426@gmail.com

November 30, 2018

Mr. Leonidha Papas
Mariana Properties, LLC
30 Grant Hill Road
Coventry, CT 06238

Mr. Peter Walsh
Lyman Real Estate
1160 Boston Post Road
Westbrook, CT 06498

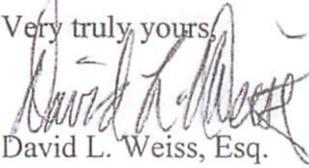
RE: 1409 Main Street, Coventry, CT-Recorded Right of Way

Dear Sirs:

This office represents A1Z7, LLC as owner of the property located at 1409 Main Street, Coventry, Connecticut (which is adjacent to the property owned by Mariana Properties, LLC) pursuant to a tax sale conducted by the Town of Coventry. It has recently come to my client's attention that Mariana Properties, LLC obtained an approval to redevelop its property which will impede a recorded right of way in favor of my client's property over the property owned by Mariana Properties, LLC. Although this recorded right of way is reflected on the survey map submitted by Mariana Properties, LLC to the Town of Coventry as part of its redevelopment approval application, it appears that the redevelopment proposal ignores the impact of same upon my client's recorded right of way. Any future redevelopment of your property in accordance with the current approval or any future approval will clearly negatively impact my client's recorded right of way. Therefore, my client has authorized this office to provide you with notice

that my client will seek to enforce its recorded right of way if any such negative impact is sustained. In the event that you wish to discuss my client's relinquishment of its recorded right of way and the payment of consideration for same, my client is open to such discussions. Of course, any attempted redevelopment of your property which negatively impacts my client's recorded right of way without my client's consent will be met with an application for injunctive relief. My client hopes that an amicable resolution of this matter can be achieved. Please contact me with any questions or to discuss this matter further.

Very truly yours,

A handwritten signature in black ink, appearing to read "David L. Weiss". The signature is fluid and cursive, with a large initial "D" and "W".

David L. Weiss, Esq.

cc: Mr. Harin Jalli, Manager

TEST PIT RESULTS

OBSERVED BY JWP & BRIAN PALMER,
EASTERN HIGHLANDS HEALTH DISTRICT
DATE OBSERVED: AUGUST 27, 2003

TEST PIT "A"

0-46" LOAMY FILL W/ ROCKS, TRASH & DEBRIS (LOGS, PIPES, ETC.) THROUGHOUT
46-54" BURIED ORGANIC LAYER (TOPSOIL)
54-68" GRAY-TAN MOTTLED SILTY LOAM UNSUITABLE FILLED SOIL
NO LEDGE
MOTTLING @ 54"
NO SEEPAGE @ 54"
MOST ROOTS @ 54"

TEST PIT "B"

0-51" ROCKS, DEBRIS, W/TRASH & SOIL FILL
UNUSABLE

TEST PIT "C"

0-53" ROCKS, SOIL & DEBRIS FILLED
53-64" BLACK MOTTLED BURIED TOPSOIL/ORGANICS
64-81" LIGHT GRAY MOTTLED SILTY TILL
NO LEDGE
NO MOTTLING
NO SEEPAGE
NO ROOTS

TEST PIT "D"

0-36" LOAMY FILL W/STONES
36-45" BURIED ORGANICS
45-72" ORANGE/BROWN SANDY LOAM W/ STONES

LEDGE @ 72"

NO MOTTLING
NO SEEPAGE
NO ROOTS

TEST PIT "E"

0-15" LOAMY FILL MIXED W/STONES & TOPSOIL
15-30" YELLOW SANDY FILL
30-53" MIXED LOAM & TOPSOIL FILLED/DISTURBED
53-62" BURIED ORGANICS
62-81" ORANGE-BROWN FINE SANDY LOAM

LEDGE @ 81"

NO MOTTLING @ 79"
NO SEEPAGE
NO ROOTS

TEST PIT "F"

0-8/15" TOPSOIL (VARIES)
8-38" ORANGE/TAN FINE SANDY LOAM W/STONES
38-93" GRAY SANDY TILL W/ LARGE STONES

LEDGE @ 38" (SPOTTY)

NO SEEPAGE
ROOTS @ 45"

TEST PIT "G"

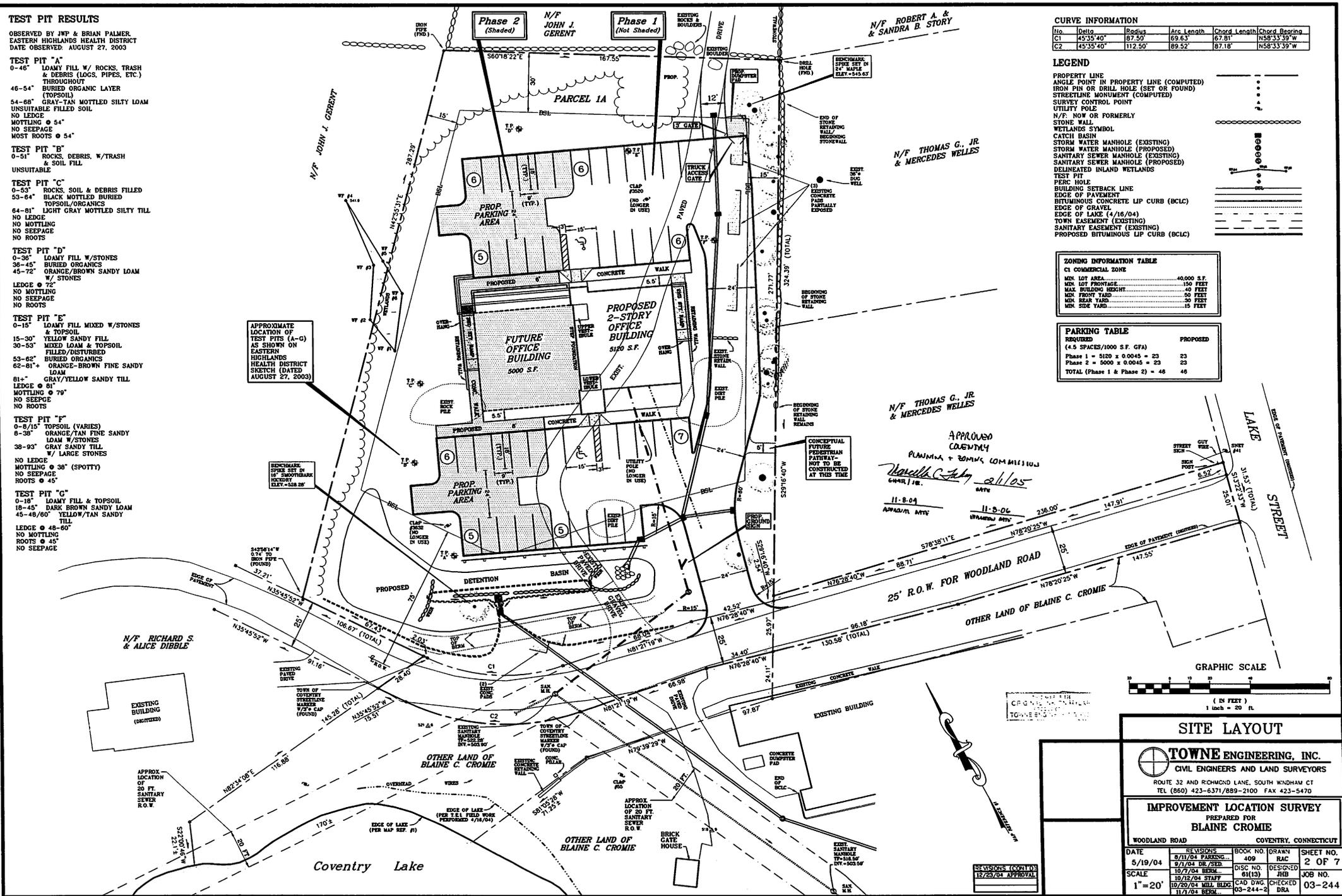
0-18" LOAMY FILL & TOPSOIL
18-45" DARK BROWN SANDY LOAM
45-48/60" YELLOW/TAN SANDY TILL

LEDGE @ 48-60"

NO MOTTLING
ROOTS @ 45"
NO SEEPAGE

APPROXIMATE LOCATION OF TEST PITS (A-G) AS SHOWN ON EASTERN HIGHLANDS HEALTH DISTRICT SKETCH (DATED AUGUST 27, 2003)

BENCHMARK SPICE SET IN 1" BROADLEAF TICKET ELEV = 528.28'



CURVE INFORMATION

No.	Delta	Radius	Arc Length	Chord Length	Chord Bearing
C1	45°35'40"	87.50'	69.63'	67.81'	N58°33'39"W
C2	45°35'40"	112.50'	89.52'	87.18'	N58°33'39"W

LEGEND

- PROPERTY LINE
- ANGLE POINT IN PROPERTY LINE (COMPUTED)
- IRON PIN OR DRILL HOLE (SET OR FOUND)
- STREETLINE MONUMENT (COMPUTED)
- SURVEY CONTROL POINT
- UTILITY POLE
- N/F: NOW OR FORMERLY
- STONE WALL
- WETLANDS SYMBOL
- CATCH BASIN
- STORM WATER MANHOLE (EXISTING)
- STORM WATER MANHOLE (PROPOSED)
- SANITARY SEWER MANHOLE (EXISTING)
- SANITARY SEWER MANHOLE (PROPOSED)
- DELINEATED INLAND WETLANDS
- TEST PIT
- PERC HOLE
- BUILDING SETBACK LINE
- EDGE OF PAVEMENT
- BITUMINOUS CONCRETE LIP CURB (BCLC)
- EDGE OF GRAVEL
- EDGE OF LAKE (4/16/04)
- TOWN EASEMENT (EXISTING)
- SANITARY EASEMENT (EXISTING)
- PROPOSED BITUMINOUS LIP CURB (BCLC)

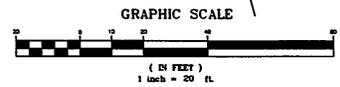
ZONING INFORMATION TABLE

REQUIRED	PROPOSED
MIN. LOT AREA	40,000 S.F.
MIN. LOT FRONTAGE	150 FEET
MIN. BUILDING HEIGHT	40 FEET
MIN. FRONT YARD	50 FEET
MIN. REAR YARD	50 FEET
MIN. SIDE YARD	15 FEET

PARKING TABLE

REQUIRED (4.5 SPACES/1000 S.F. GFA)	PROPOSED
Phase 1 = 5120 x 0.0045 = 23	23
Phase 2 = 5000 x 0.0045 = 23	23
TOTAL (Phase 1 & Phase 2) = 46	46

APPROVED
COVENTRY
PLANNING & ZONING COMMISSION
Blaine C. Cromie
DATE: 11-8-04
DRAWN DATE: 11-5-04



SITE LAYOUT

TOWNE ENGINEERING, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
ROUTE 32 AND RICHMOND LANE, SOUTH WINDHAM CT
TEL (860) 423-6371/889-2100 FAX 423-5470

IMPROVEMENT LOCATION SURVEY
PREPARED FOR
BLAINE CROMIE

DATE	REVISIONS	BOOK NO.	DRAWN	SHEET NO.
5/19/04	9/17/04 PARKING	409	RAC	2 OF 7
	9/17/04 DR./SEW.			
	10/7/04 BEWM			
	10/15/04 STAFF			
	10/20/04 WLL BLDG			
	11/17/04 BEWM			

Received Feb 2, 2005 at 4:10pm - using City Town Clerk map # 3181

DRAWING NUMBER

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3181

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