

**COVENTRY PLANNING AND ZONING COMMISSION
MINUTES
REGULAR MEETING MONDAY, MAY 9, 2016**

CALL TO ORDER

By: Giglio

Time: 6:58 p.m.

Place: Town Hall Annex

ROLL CALL:

		PRESENT	ABSENT
REGULAR MEMBERS:	Ray Giglio, Chairman	X	
	Bill Jobbagy, Vice Chairman	X	
	Christine Pattee, Secretary	X	
	Darby Pollansky	X	
	Ed Marek	X	
ALTERNATE MEMBERS:	Bob Burrington	X	
	Steven Hall		X
	Brent Genovese	X arrived at 6:59	
OTHER:	Eric Trott, Town Planner	X	

AUDIENCE OF CITIZENS:

None

ADOPTION OF MINUTES:

Motion: Move to approve the minutes of the April 25, 2016 meeting.

By: Pollansky

Seconded: Pattee

With the following correction:

- On page 3 of 5, last sentence under Item 2: change “pound” to “park”.

Motion carried with the following vote:

For: Giglio, Pollansky, Jobbagy, Marek, Pattee

Against: None
Abstain: None

COMMUNICATIONS:

- 1. Town of Andover Zoning Referral – CNG Global LLC, natural gas infusion station proposal.**

Detailed information about the proposal was included in the Member's packet.

- 2. Town of Mansfield Zoning Referral – Zoning Regulation Amendment Proposal.**

Staff did a cursory review and has no comments.

STAFF REPORT:

- 1. Land Use Office –staff/office activities**

None

ENFORCEMENT:

None

ACKNOWLEDGEMENTS:

- 1. #16-05S – Special Permit of Marylou Breen to create a new rear lot via a free split of an existing lot; property located at 696 Flanders Road (Assessor Map 28, Block 54, Lot 16) GR40 Zone.**

Pattee will be recusing herself from the vote, but will participate in the discussion. The owner is a friend of hers. She has not spoken to the owner nor will she about this matter. By the same token, the owner will not speak to Pattee about the matter. She feels she can view this matter in an impartial and fair manner.

Pollansky added that as the Members live in town they are going to know many people who come before the PZC. There is a difference in knowing someone in passing and knowing someone closely. It is difficult to draw a clear line of what constitutes a perception of a conflict of interest. Should conversations of a matter occur outside of a meeting, a synopsis of that conversation should be put on record during the meeting.

PUBLIC HEARINGS:

1. #16-04S – Special Permit application of Daniel Lagosh to construct a single family residence on a nonconforming lot; property located at 66 Beaver Trail (Assessor Map Q, Block F1, Lot 11) LR Zone.

Mark Reynolds, Professional Engineer, was present; the owners were in the audience.

This is a conceptual 34' x 24' 2-bedroom house with a 22' x 24' attached garage. The lot has been cleared; it is mildly sloping and does not have any wetlands. The lot coverage is at 14.7%. Storm water runoff will go into infiltrators. The gravel driveway on the adjacent lot will be moved slightly so an easement is not needed. Overhead utilities are proposed. The neighboring wells were the constraints for situating the sewer system on the lot. WPCA criteria prevents connecting to the sewer system.

The WPCA was in the process of revising the regulations when the owners approached the agency in January. It was suggested the owners check back with WPCA to see if regulations changed to allow for connection to the sewer system for a 2-bedroom house. The owners' preference is to connect to the sewer system. Had the owners left the old cottage standing, they could connect to the system having a dwelling on the property.

Pattee would like to see a recommendation made from the PZC to WPCA that a sewer connection be approved for this lot or at least consideration given to the matter.

The green cards and affidavit were turned in.

Audience of Citizens:

Arlene Stetson, lives in the farm house at the rotary - stated that this house will have a garage, which neighboring houses do not. The Waterfront Park Association is in the process of selling Weston Avenue (a paper road) to the owners. She and her husband would like to be assured that the PZC condition an approval that access to this lot be from Beaver Trail and not Weston Avenue.

Staff replied that the current proposal is for access from the improved road of Beaver Trail. The PZC cannot disallow use of Weston Avenue.

Burrington noted that if this house has sewer connection, the number of bedrooms is not limited. Some change in house size is possible within the 15% lot coverage regulation.

The hearing is closed.

SITE PLAN REVIEWS:

None

OLD BUSINESS:

1. Barn side advertising – EDC response.

EDC suggested this item be included in a business survey that is planned for distribution and see if there is any interest from that community. The survey is intended to give the EDC an understanding of business community needs.

NEW BUSINESS:

1. Special Permit commencement extension request of Andrew Ladyga for motor vehicle sales and repair operation at 2812 Boston Turnpike.

Andrew and Alicia Ladyga were present.

Staff recounted some points on this matter: The current time frame extension expires at the end of June. The towns of Coventry and Bolton are in the process of formulating an agreement for the extension of the sewers from Bolton into Coventry up Route 44 to approximately the funeral home. A sewer connection would allow for a larger array of uses on this property. Staff suggested that the decision on the sewer extension may be available in one year. The PZC has to consider that if an extension is granted, it would be supporting a use that is no longer allowed (motor vehicle sales) in the commercial zone. There were numerous concerns raised by the neighbors during the public hearing. If the owner shrinks the size of the approved plan, it may be viewed as a minor modification. However, a larger sized project would have to be reviewed as a new matter. The applicant would be able to appeal the decision if the PZC decides against an extension.

Staff continued that when the sewers come in, the property could be used for many other things than car sales, but that would require a new permit unless it was a minor modification. The PZC can look at the current approved use seven years after the approval to determine if it no longer conforms to the fabric of the area. With a sewer connection there is the possibility for more intensive uses. By extending the special permit commencement, the PZC would be validating an incongruity to planning and zoning regulations.

Genovese noted that the applicant has not acted on the permit for over six years. There is a process with a timeframe for the project to commence. This could be the time to say enough is enough with this matter. He is hearing nothing new from the applicant that what was heard in February 2016. The applicant was aware the zoning change was pending when he applied for the permit. The owner was granted the permit, but has not done any work on the project. What is going to change in the next two years? Genovese does not understand the value of extending the permit again. He asked why the extension should be granted if the sewer extension does not impact the current permit. The permit was granted with no change needed to the existing septic system. There is no septic use required for what he is permitted, therefore, the sewer extension plays no part in the permitted project.

Marek's initial thought was to not grant an extension. What is the harm in extending the permit commencement? Marek would reluctantly give a year's extension.

Barrington stated that the harm is in setting precedent. It was said that precedent would not be set in that the use is no longer allowed. Barrington also mentioned that the owner could file for another use if the permit is not extended.

Ladyga replied that motor vehicles sales are the main point for this property. If the permit is voided, he could only do car repairs. This purpose is utilizing under an acre of his 8.5-acre property.

Pattee suggests granting a one-year extension. If the sewer agreement is still under discussion, it could be extended again. If the sewers were not a possibility she would not be in favor of extending.

2. Mylar filing extension request of Charles Brown for Windy Hill Resubdivision.

DECISIONS:

Motion: The Coventry Planning and Zoning Commission approves application #16-04S – Special Permit application of Daniel Lagosh to construct a single family residence on a nonconforming lot; property located at 66 Beaver Trail (Assessor May Q, Block F1, Lot 11) LR Zone.

With the following condition:

Applicant shall comply with the Town Engineer's comments.

Reason for the decision:

The application complies with the applicable criteria.

By: Pattee

Seconded: Pollansky

Motion carried with the following vote:

For: Jobbagy, Marek, Pattee, Pollansky, Giglio

Against: None

Abstain: None

Motion: The Coventry Planning and Zoning Commission approves the special permit commencement extension request of Andrew Ladgya for a motor vehicle repair and sales operation at 2812 Boston Turnpike for a period of one year.

By: Pattee

Seconded: Marek

Motion carried with the following vote:

For: Marek, Pattee, Giglio, Pollansky

Against: Jobbagy

Abstain: None

Motion: The Coventry Planning and Zoning Commission approves the mylar filing extension request of Charles Brown for the Windy Hill Resubdivision for a period of 90 days.

By: Pollansky

Seconded: Pattee

Motion carried with the following vote:

For: Marek, Pattee, Giglio, Pollansky, Jobbagy

Against: None

Abstain: None

ADJOURNMENT:

The meeting was adjourned by Giglio at 8:36 p.m.

Respectfully Submitted,

Yvonne B. Filip

Yvonne B. Filip, PZC Recording Secretary

PLEASE NOTE: These motions 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 to these motions.