

**COVENTRY ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, APRIL 21, 2020**

CALL TO ORDER:

By: Rossignol

Time: 7:11 p.m.

Place: Virtual

ROLL CALL:

		PRESENT	ABSENT
REGULAR MEMBERS:	Elizabeth Bauer, Secretary	X	
	Monika Debowska	X	
	Frank Infante	X	
	Courtney Rossignol, Vice Chairperson	X	
	Claire Twerdy	X	
ALTERNATE MEMBERS:	Thomas Boudreau	X	
	Mike Gerrity	X	
	Valdis Vinkels		X
STAFF:	Mark Landolina, ZEO	X	

Staff stated the procedures that will be followed for conducting this virtual meeting:

"This is a web-based call, so we are operating under the following procedures:

- *This session is being audio-recorded.*
- *Please be advised that today, we are also recording the video of the proceedings.*
- *To ensure sound quality, the default rule for this meeting is that everyone will remain on mute.*
- *Commissioners and staff will generally remain on mute except when speaking or voting, and will generally be keeping video of themselves on throughout the meeting.*
- *Applicants and members of the public should feel free to leave their video on or off. However, they will be asked to turn on their video when speaking. A picture tells a thousand words and can be useful in conveying your meaning. If video is not available for you, you will not be precluded from speaking or providing public testimony.*
- *During public hearings, all of the normal rules, including stating and now spelling your name, still apply. We will read the public hearing rules at the start of the first public hearing of the meeting. Please use the chat feature or the "raise your hand" feature for [OUR ADMIN NAME] to know that you've raised your hand to speak.*
- *If you are speaking at this meeting and have an exhibit to submit to the commission, which was not distributed in advance of the meeting with the rest of the materials, please indicate that you wish to submit an ex-*

hibit. You will need to hold it up to the camera so that the commission and all members of the public may review it. In addition, you will be required to email the exhibit, or take a photograph of it and email it, to [OUR ADMIN EMAIL], who will include it in the permanent records of the commission.

- *Members of the public may only speak during a public hearing. If a member of the public speaks outside of a public hearing or creates an audio or video disruption, they may be manually ejected from the meeting upon recommendation of staff or the chair."*

READING OF LEGAL NOTICE(S):

Bauer, Secretary, read the legal notices into the record.

Staff added an executive order from the Governor allows for public hearing postings on a Town's website during this pandemic rather than having to be published in a newspaper.

EXPLANATION OF PROCEDURES

1. Explanation of canceled public hearing on March 17, 2020 & March 23, 2020.

Twerdy, Vice-Chairperson, explained the procedures to the public.

PUBLIC HEARINGS:

1. **#20-01Z – Continued Public Hearing from the February 18, 2020 regular meeting – Application of property owner Lynn M. Lynch and legal representative Stephen T. Penny, requesting a variance of Section 4.03.03 (b). Rear Lot Standards and Criteria to eliminate the need to demonstrate that the “driveway could be feasibly designed and constructed in the access way” for a proposed re-subdivision at 152 Cheney Lane, Coventry, CT 06238 (Assessor’s Map J, Block 35, Lot 23) GR-40 Zone.**

Staff stated this application would have passed the statutory time limits; the applicant has granted an extension to hear this matter. The applicant is requesting a variance to the regulation that a rear lot be required to show a driveway can be designed and constructed. Cheney Lane is a private road for the lot. Staff shared a site plan on the screen.

Lynn Lynch was present along with Stephen Penny, her attorney, and Andrew Bushnell, Bushnell Associates.

Bauer commented on a point of order. This is a continuance of a hearing opened in February. Do we have to confirm/clarify who was seated at the meeting to be seated for this meeting? Those seated this evening are Rossignol, Bauer, Twerdy, Infante, and Debowska. Since Boudreau was seated in February does he need to be a seated Member this evening? Staff, Twerdy, and Rossignol felt Boudreau does not have to be seated as there was no discussion on the matter at the previous meeting although the public hearing was opened. Attorney Penny agreed with that assessment.

Penny has collected the abutter's notices and proof of receipt. He will mail these to the ZEO. This is a property of 16.4 acres in the GR-40 zone. There is a septic system and well serving the property. There are wetlands and a watercourse on the lot with two structures – one a house constructed in 1999 and a summer cottage built in 1928. Cheney Lane is owned and maintained by the applicant although the Town plows the road. The use being proposed is to subdivide the property into two rear lots. Lynch wants to sell the house and retain the cottage for summer enjoyment on the lake.

Andrew Bushnell gave an overview of the property from an engineering/surveying perspective. The general flow of water is east to west towards the lake. There is good seasonal flow in the wetlands in the middle. To the south is a lineal season watercourse that crossing under the driveway and road in culverts. Part of this subdivision will be to improve the road for larger vehicles being able to traverse it easier. This will include a turn-around so trucks do not have to back in or out of the road. Regulations state when rear lots are proposed a feasible and prudent plan be shown to construct a driveway to serve each lot. Ninety-nine percent of the time these conceptual driveways are not constructed; rather the lots are serviced by a common driveway. The conceptual driveway was shown in green on the maps.

The Town Engineer/Wetlands Agent and part-time Wetlands Agent gave their opinion that the feasible and prudent alternative exists as Cheney Lane. The IWA supported these opinions. This project will not be creating a new residence; traffic volume on Cheney Lane will not increase, there will be no changes affecting the neighborhood or the surroundings. The improvements to the lane will be geometry, width, and storm water improvements. No other construction will take place.

Lot 1 will be the house lot the owner will sell; she will retain lot 2. Thirteen homes on Cheney Lane share the driveway before Mrs. Lynch's property that abuts the lake. Cheney Lane has a good base; it is a typical gravel road. The turnaround will be constructed just north of Lynch's property. The variance for not having to show a possible driveway for lot 1 is to avoid a future owner saying they want to have their own driveway rather than share one with lot 2.

Penny added the underlying reason for the variance is to avoid the unnecessary expense to establish a driveway through these extensive wetlands. There is a feasible and prudent alternative existing – Cheney Lane.

Infante is concerned about the gravel road. Bushnell stated the thirteen residents do not have any complaints about it. He is of the opinion paving the road would not hold up over time. Millings might be the best option. The Town Engineer and head of DPW have been in conversations about the improvements to Cheney Lane. They want to see it widened out with a turnaround point established. The road will be improved but not paved. Some of the thirteen homes on Cheney Lane are seasonal. Penny added those homes do not contribute to the maintenance of the road.

Twerdy stated all of her questions have been answered and understands the plan and what is being asked of the ZBA.

Audience of Citizens:

Lonnie Dors, 98 Cheney Lane – Is in support of Mrs. Lynch; she is a great neighbor and there are a lot of them on Cheney Lane. His concern is for hoping the town can work in harmony with the residents and Mrs. Lynch to make the road better. The road is no adequate. Improving the road would be a win-win for the good neighbors and Mrs. Lynch. He hopes the town works towards improving the road as proposed or better.

Infante asked if it is possible to get some plan to what is going to be done with the road before approval is given? He would like some idea of how the road will look and how adequate it will be. This is his big concern. Staff commented the PZC will be presented with the subdivision plan including the road improvements. The road improvements are not the purview of the ZBA.

The hearing is closed.

Motion: I move the Coventry Zoning Board of Appeals grant the variance requesting of application #20-01Z –property owner Lynn M. Lynch and legal representative Stephen T. Penny, requesting a variance of Section 4.03.03 (b). Rear Lot Standards and Criteria to eliminate the need to demonstrate that the “driveway could be feasibly designed and constructed in the access way” for a proposed re-subdivision at 152 Cheney Lane, Coventry, CT 06238 (Assessor’s Map J, Block 35, Lot 23) GR-40 Zone. The hardship being the property is unique and to strictly adhere to zoning would create an unusual hardship.

By: Twerdy

Seconded: Bauer

Discussion: Twerdy did not fully understand what was being requested. However, the explanations by Penny and Bushnell cleared that up for her. Also, she is taking into consideration the opinions of the Town Engineer and Wetlands Agents stating the use of Cheney Lane is the feasible alternative. Twerdy feels very comfortable with this application. She will be voting in favor.

For: Bauer, Infante, Twerdy, Debowska, Rossignol

Against: None

Abstain: None

The motion passes.

- #20-02Z – Application of David J. Senna, requesting a variance of Table 4.04A Dimensional Requirements and Section 5.07.04 Extension or Enlargement of Nonconforming Structures to construct a deck and an entryway to the non-conforming house at 190 Trowbridge Road, Coventry, CT 06238 (Assessor’s Map 10, Block 16, Lot 7) GR-40 Zone.**

Bauer is recusing herself. There is a family connection here. Boudreau was seated.

Dave Senna was present. He owns the home; his in-laws live there, he does not. The plan is to add a deck at the slider and enclose the entryway to the house. This property has two front yards, those being on Trowbridge Road and Main Street. Therefore, he is dealing with two front yard setbacks. He is requesting a variance on the front yard setback and an extension or enlargement of a non-conforming structure. The existing house is built outside of the building envelope so he has to appear before the ZBA. Senna is trying to add safety to the home. There will be a hard rail support for the entry enclosure.

Twerdy noticed the house was built within the 50' setback. The records indicate it was built in 2013. Staff indicated the original house was at that location and rebuilt in 2013 in the same footprint after a fire. Although the lot is 1.9 acres the building envelope is in this location because of the extensive wetlands on the property. The applicant intends to keep the large tree between Main Street and the home. The deck will be somewhat closer to the tree. The deck is notched to stay away from the wellhead. The entrance on the north side of the house will be enclosed. The driveway is off of Trowbridge and is horseshoe shaped.

Senna stated he sent out the certified mail and has the receipts. He will get these to Staff.

Audience of Citizens:

None

The hearing is closed.

Motion: I move the Coventry Zoning Board of Appeals approve application #20-02Z of David J. Senna, requesting a variance of Table 4.04A Dimensional Requirements and Section 5.07.04 Extension or Enlargement of Nonconforming Structures to construct a deck and an entryway to the non-conforming house at 190 Trowbridge Road, Coventry, CT 06238 (Assessor's Map 10, Block 16, Lot 7) GR-40 Zone. The hardship being this is a non-conforming lot and the owner wants to build a safe deck for his in-laws and enclose the rear steps.

By: Infante

Seconded: Boudreau

For: Twerdy, Infante, Debowska, Boudreau, Rossignol

Against: None

Abstain: None

The motion passes.

- #20-03Z – Application of David and Rosanna Hierl, requesting a variance of Table 4.04A Dimensional Requirements to construct a home addition within the sideline setback at 100 Eric Drive, Coventry, CT 06238 (Assessor's Map A, Block 28, Lot 71) GR-80 Zone.**

Boudreau was unseated; Bauer returned.

Twerdy is recusing herself. Gerrity was seated for Twerdy.

4. #20-04Z – Application of Kim Fletcher and property owners Ruth & Walter Borst, requesting a variance of Table 4.04A Dimensional Requirements to rebuild a new home with a partial side yard setback encroachment at 51 Woodland Road, Coventry, CT 06238 (Assessor’s Map L, Block O, Lot 7) LR Zone.

Gerrity was unseated; Twerdy was reseated.

Walt & Ruth Borst were present along with Kim Fletcher.

Mr. Borst mentioned they have been looking for a place on the lake to use it as a seasonal cottage. This inexpensive property is in rougher shape than initially thought. It has been determined it would be more expensive to fix it up than to tear it down and rebuild. Now they are thinking they will create a retirement home. Their daughter, Kim Fletcher, is an engineer and has been working with her parents on a plan.

Staff commented the variance would be for the setback and that is Section 4.04A which was the published reference.

Fletcher went over the plan. The proposed structure is to be built as much as possible where the existing deck and dwelling are. At the closest point the side yard would be 6.53’. The plan improves upon some of the other non-conformity. The lot is 46’ wide which determined the house orientation. The right-hand side of the house will be an area to park cars. In addition, there is 50’ of grade change in 185’ from the waterline and a 27% slope to the road. This is the best location to remain conforming and not produce worse conditions for erosion. Mr. Borst emailed the plans to the abutters to the east and west with an offer to address any questions the abutters might have. Those residents are supportive of the current site plan. Picture submitted with the application show the severe slope on the property. The property deed contains a right-of-way easement to use a portion of the abutting property to get to their property. No construction will occur at the retaining wall at the lake high water mark of 515’. A new foundation will be used that will be very close to the previous one. The property is on the sewer line and will have a private well. Mr. Borst indicated the location of the well has been reviewed with Glenn. A 28’ x 10’ deck will be over the previous deck. These are new measurements but it meets all zoning requirements. The new deck does not need a variance because it is going to be on the same footprint even as a vertical expansion. As long as it is 30’ distant from the next home. The deck will be facing the lake.

Audience of Citizens:

None

The hearing is closed.

Motion: I move the Coventry Board of Appeals approve #20-04Z – Application of Kim Fletcher and property owners Ruth & Walter Borst, requesting a variance of Table 4.04A Dimensional Requirements to rebuild a new home with a partial side yard setback encroachment of 3.65’ at 51 Woodland Road, Coventry, CT 06238 (Assessor’s Map L, Block O, Lot 7) LR Zone as referred to on site development plan titled – 51 Woodland Road; prepared for Walter & Ruth Borst; project 470-204; dated 04/07/20; prepared by project engineer KBF (Kim Fletcher). The hardship being the property predates the zoning regulations; it was built in 1920 per records.

Discussion: Borst asked if it should be noted the encroachment is less than the existing situation? Staff replied the variance is a maximum of 3.65’ based off of this map. It could be stated the existing size of the deck is to remain. Bauer commented that has nothing to do with the variance being requested; it unnecessarily complicates the matter.

By: Twerdy

Seconded: Infante

For: Bauer, Infante, Twerdy, Debowska, Rossignol

Against: None

Abstain: None

The motion passes.

NEW BUSINESS/DISCUSSION

1. Re-election of Chairperson for 2020-2021 Term

Nomination for Chair – Monica second by Beth for Courtney.

Courtney will accept.

Motion: I move to nominate Rossignol as Chairperson for the Coventry Zoning Board of Appeals.

By: Twerdy

Seconded: Bauer

Discussion: Rossignol will accept the nomination.

For: Twerdy, Infante, Bauer, Debowska, Rossignol

Against: None

Abstain: None

Nomination for Vice Chair – Frank nominated Clair, Monica seconds.

Motion: I move to nominate Twerdy as Vice- Chairperson for the Coventry Zoning Board of Appeals.

By: Infante

Seconded: Debowska

Discussion: Twerdy is concerned that for the duration these video meetings are held she will have difficulty in connecting to the meeting as she had this evening. She will accept the position, if elected, with the understanding Rossignol can chair the meetings for the duration of holding virtual meetings. Should Rossignol not be available there could be an issue with Twerdy's ability to connect to the meeting allowing her to chair in Rossignol's absence.

For: Infante, Bauer, Debowska, Rossignol, Twerdy

Against: None

Abstain: None

2. Approval of Minutes – February 18, 2020 Regular Meeting Minutes

Motion: Move the Coventry Zoning Board of Appeals approve the minutes of the February 18, 2020 Regular Meeting minutes.

By: Twerdy

Seconded: Bauer

For: Twerdy, Infante, Bauer

Against: None

Abstain: Debowska, Rossignol

ADJOURNMENT:

Motion: Move to adjourn at 9:32 p.m.

By: Twerdy

Seconded: Debowska

For: Bauer, Twerdy, Infante, Debowska, Rossignol

Against: None

Abstain: None

Respectfully Submitted,

Yvonne B. Filip

Yvonne B. Filip, ZBA Clerk

PLEASE NOTE: These minutes are not official until approved by the Zoning Board of Appeals at the next Board meeting. Please see the next Board meeting minutes for approval or changes to these minutes.