

**COVENTRY ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, MAY 17, 2022
TOWN HALL ANNEX BUILDING OR VIRTUAL**

CALL TO ORDER:

By: Twerdy

Time: 7:00 p.m.

Place: Hybrid

ROLL CALL:

		PRESENT	ABSENT
REGULAR MEMBERS:	Elizabeth Bauer – Secretary	X	
	Thomas Delucco		X
	Michael Gerrity		X
	Cheryl Ann Resha – Vice Chair	X	
	Claire Twerdy - Chairperson	X	
ALTERNATE MEMBERS:	Patricia Hodge	X	
	Patricia Schneider - remote	X <small>arrived after roll call</small>	
	Bill Zenko	X	
STAFF:	Alexa Gorlick, ZEO	X	

Twerdy seated Hodge for Delucco and Zenko for Garrity.

READING OF LEGAL NOTICE:

Bauer, Secretary, read the legal notice for the record.

EXPLANATION OF PROCEDURES

Twerdy, Chairperson, explained the procedures for the public.

PUBLIC HEARING:

1. **#ZBA-22-4 – Application of Stephen Penny, requesting a variance of Section 4.04.04 Buildable Land Requirements to create a buildable lot (25,000 sq. feet required, 22,000 sq. feet proposed) at 0 Riley Mountain Road (Assessor’s ID R05450) GR80 Zone**

Stephen Penny, attorney for the applicant, Andrew Bushnell, Professional Engineer and Land Surveyor, and Lincoln LeFebvre, the applicant were present.

Penny: The owner wants to build a four bedroom single-family residence on a four acre. The property is located on the north side of Riley Mountain. The property is in GR80 zone along with all other properties nearby.

Andrew Bushnell: Has been working on this property for some time. Riley Mountain Road ends where the town abandoned it going down the hill to Route 44. A boundary survey was shown. Numerous test holes were dug on the property. The general theme is that there is ledge. We were able to find an area for a four bedroom septic system. The perc test results were sufficient. There will be a three car garage. As this is right at the top of Riley Mountain drainage is going in all directions. The remainder of the twenty-two acres is owned by the LeFevre family. Lincoln LeFevre would like to have his home on its own lot to preserve the rest of the property for the family. The lot is larger than necessary because of the substandard road. Bushnell does not see any other development potential of the larger parcel because of the slopes, access, and frontage. There is no potential to create another lot due to the conditions, the shallow ledge, and the wetlands.

Penny: Focused on the regulations and how the regulatory standards are being met.

Hodge: The third parcel is the one on Boston Turnpike? Bushnell: Yes.

Resha: The variance requested is solely based on the ledge issue? Bushnell: Yes.

Bauer: Will a landlocked parcel be created with the remaining parcel? Bushnell: The remaining portion will be merged to 214 Boston Turnpike owned by the LeFevre family. They don't want to create a lot period. That process will be handled as a staff matter through Eric Trott.

Resha: How is the rest of the parcel not deemed that buildable? Bushnell: The slope, the ledge, all the items that brought us here. It will be merged with an existing building lot off of Boston Turnpike. He does not see way for it to be developed.

Bauer: There are no plans for newly altered lot? Bushnell: They don't have any other plans right now for the 22 acres. Penny: It is likely to stay in a natural state.

Twerdy: Why is combining 214 Boston Turnpike with remaining 22 acre piece being considered? Penny: So as not to leave it landlocked. Not to get into a subdivision. There is no reason to go down that road. Twerdy: The buildable land requirement is 25,000 sq. feet. Asking for variance to have that as 5,200 sq. feet. Bushnell: Because of ledge. Twerdy: Public Notice says 22,000 instead of 5,200. Legal notice is incorrect. Staff: This has

happened before. We put the statement in that you approve the correct amount. Penny: The corrected language would look like changing the 22,000 sq. feet to 5,200 sq. feet of buildable area. Twerdy: Instead of 25,000 sq. feet you want to go down to 5,200 sq. feet. Where is the 5,200 sq. feet with respect to the house? Bushnell: It is around the septic area. The house and septic have to be in the buildable area. The house does not have to be if it is because of ledge. The well and the driveway do not have to be in the buildable area.

Resha: The lot size was increased because? Bushnell: Because of the substandard road.

Zenko: The hardship variance is because of the topography and presence of ledge?

Bushnell: Yes.

Audience:

Yvonne Filip, 435 Riley Mountain Road: Is the reserve septic area in the buildable area?

Bushnell: Yes, it is.

The hearing is closed.

Motion: I move that the Coventry Zoning Board of Appeals grant a variance #ZBA-22-4 – Application of Stephen Penny, requesting a variance of Section 4.04.04 Buildable Land Requirements to create a buildable lot (25,000 sq. feet required, 5,200 sq. feet proposed) at 0 Riley Mountain Road (Assessor’s ID R05450) GR80 Zone

The hardship being: Based on the topography and the presence of ledge.

By: Zenko

Seconded: Resha

For: Zenko, Resha, Hodge, Twerdy, Bauer

Against: None

Abstain: None

The motion passes.

2. #ZBA-22-5 – Application of Rebecca Kittfield, appealing a decision made by the zoning enforcement officer in interpreting Section 6.03.01a.3. Generally Permitted Uses for the keeping of mini pigs at 42 Squirrel Trail (Assessor’s ID # R05110) LR Zone

Twerdy: ZBA is interpreting the regulation if in fact it has been interpreted correctly by the ZEO.

Rebecca Kittfield and Nicky Nye were present.

Kittfield: Was issued a Cease & Comply notice on December 8, 2021 to get rid of their mini pigs. The ordinance cited in the Cease & Comply puts them into a livestock category instead of pets. The pigs outside enclosure is away from the property side yard per regulations. They lay around and sun themselves most of the day. They are as smart as a toddler. They are very

sensitive and therapy pets for many. Our second option is to present a petition with signatures stating why they are not considered livestock but a domesticated animal. Right now we have over 1,100 signatures. The pigs are incredibly smart. At 140 -160 pounds they have a dense stature. They are about the size of a beagle but a bit longer. Our pigs are potty trained to go outside or to use a a litter box for the winter. They occupy themselves.

Nye: They go on walks like dogs. The yard is fenced in. They sleep inside at night.

Staff: Back in January 2020 Officer John Chipman noted there were chickens on the property. We were being a little lenient at that time because of COVID. Staff did a drive-by inspection first and she did see chickens and two pigs. An introductory letter was sent to the owner. Then a notice of violation. She heard from Kittfield via email including information from a vet that the pigs are house pets. She and her supervisor determined they are still considered livestock per the regulations. A Cease & comply order was given with two options. To appeal the decision or go to Planning & Zoning Commission to change the regulation. Staff indicated to the owner that she thought going to PZC would be the best route.

Zenko: He understands where the owner is coming from with this appeal. Of the two choices given Kittfield may have chosen the wrong option. ZBA can only decide if the ZEO's interpretation of the current regulations was correct or not. Kittfield: These are domesticated pets.

Resha: The owner provided good documentation. Many pigs are capable of being domesticated. Help you to have ordinance that needs to have for domesticated pigs. PZC could help you with regulation change versus appealing a decision based on the regulations as they currently exists. Kittfield: We started here because they are domesticated pets. There are no current ordinances for the number of dogs. They have same eating and bathroom habits as dogs.

Zenko: Domesticated pets are not in the regulation. The PZC can write regulations, the ZBA cannot.

Hodge: One of the letters Kittfield presented as documentation for her appeal recommends going to change the law in the town.

Kittfield: One of her pets is registered as an emotional support animal.

Bauer: In reading the section it refers to common domesticated pets. The livestock definition refers to swine and pigs are swine. She cannot find fault with what the ZEO decided.

Zenko: The bottom line is that the ZBA cannot rewrite the zoning regulations.

Hodge: In the past 15 years there was a pig that got lose. It took days for them to find that pig.

Resha: Going to the PZC would be advantageous. There would regulations such as those with dogs, i.e., vaccine license, being on a leash.

Schneider: Understands Kittfield's dilemma. The town needs to define what a domestic pig is. That is the avenue you have to go through.

Audience of Citizens:

Jeanne Palliardi, 1011 Main Street – Once you domesticate an animal you cannot slaughter that animal for food; the meat tastes different. There are some people who have trash or cars outside their homes, they live a filthy live style. Mini pigs are used for service or mental health. They are flown on vacation. PZC needs to change the zoning laws. People are domesticating all sorts of animals now.

Brianna Keene, 3351 Main Street – Who's saying that a pig is not a common domesticated animal? Our family have 5 pigs in Tolland. That is a common domesticated animal.

Kittfield: She will certainly move on to the PZC. The lack of regulation is something that can directly result in a ton of hardship. It is unfortunate this is not the end for us. We will look to zoning next.

The hearing is closed.

Twerdy: We step into the shoes of the ZEO by interpreting the regulation and applying it to the facts of the case.

Motion: I move that the Coventry Zoning Board of Appeals to find that Rebecca Kittfield at 42 Squirrel Trail is in violation of Section 6.03.01a.3 with respect to the keeping of mini pigs on a parcel less than 2 acres as swine are not permitted under the regulation.

By: Twerdy

Seconded: Bauer

Discussion: Twerdy: Agrees with comments ZBA members stated - we are interpreting the regulation we have to live with. With respect to the situation of these pigs - there is not anything that sets them apart from pigs raised for slaughter in the regulation. The regulation It exempts common domesticated household pets; under the definition of domesticated pets swine are not listed. She suggests that Kittfield go to the PZC to try to get the regulations changed. Gather your support to have people understand what you are dealing with.

For: Resha, Twerdy, Hodge, Zenko, Bauer

Against: None

Abstain: None

The motion passes.

NEW BUSINESS/DISCUSSION:

a. Approval of April 19, 2022, Regular Meeting Minutes

Motion: I move that the Coventry Zoning Board of Appeals approve the April 19, 2022, Regular Meeting Minutes.

With the following corrections:

- Page 1, paragraph after Roll Call table – remove the third and fourth sentences. Insert after the second sentence "Twerdy will seat alternates alphabetically so that alternates serve equally or as nearly equal a number of times as possible."
- Page 2, Public Hearing item 1, description – change (I) to (i).

By: Bauer

Seconded: Resha

For: Twerdy, Bauer, Hodge, Resha, Zenko

Against: None

Abstain: None

ADJOURNMENT:

Motion: I move to adjourn the meeting at 8:31p.m.

By: Resha

Seconded: Zenko

For: Twerdy, Bauer, Zenko, Resha, Hodge

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.