

**COVENTRY PLANNING AND ZONING COMMISSION
MEETING MINUTES
REGULAR MEETING OF MONDAY, APRIL 12, 2021**

CALL TO ORDER:

By: Jobbagy **Time:** 7:03 p.m. **Place:** via Zoom internet conferencing

ROLL CALL:

		PRESENT	ABSENT
REGULAR MEMBERS:	Bill Jobbagy, Chairman	X	
	Christine Pattee, Vice Chairman	X	
	Steven Hall, Secretary	X	
	Darby Pollansky	X	
	Ed Marek (joined 7:18)	X	
ALTERNATE MEMBERS:	Carol Polsky	X	
	Bob Burrington	X	
	Arianna Mouradjian	X	
OTHER:	Eric Trott, Town Planner	X	

Jobbagy seating Bob Burrington for Ed Marek.

AUDIENCE OF CITIZENS:

No guests asked to speak. They were there to listen to the Anaerobic Digester Presentation.

PUBLIC HEARINGS:

1. **#21-03**—Special Permit application of William Younge to demolish an existing residence and build a new one, property located at 263 Woodland Road (Assessor ID #R05105)LR Zone

Engineer Andrew Bushnell of Bushnell Associate (563 Woodbridge St, Manchester) and Applicant William (Paige) Younge were present to discuss the application. Bushnell explained the application. The property, 263 Woodland Road, is located on the lake-side. The owner, Paige Younge, owns 261 and 263 Woodland Road. 263 is to be demolished and rebuilt. 261 Woodland Road has road frontage but no lake frontage and 263 has lake frontage but no road frontage on Woodland Road. A lot line modification between the two properties would be done to make both lots more conforming giving lake frontage to 261 and road frontage to 263. Bushnell said that these lots were divided up prior to Zoning Regulations. They went to ZBA last month and

were approved for a variance. 263 Woodland only has 21 feet of frontage. Pattee asked if the properties could be sold separately. Bushnell said yes, they can and were to Mr. Younge. He said they have no plans to combine the properties. Sewer and drainage easements exist to the south side of the property.

Bushnell explained that the proposed activity is to tear down the existing house at 263 Woodland Rd and build a 32 x 25 single-story ranch-style home with a drive-under garage. It will be nonconforming to the sideline. The current house is 2-feet from the property line. The new house will be 7-feet from the property line. They are considering drilling a new well but right now there is a shared well serving the property. Pattee asked if 261 Woodland would be staying as-is. Bushnell said for now but that 261, like the current house at 263, is a former seasonal cottage that was modified to be year-round. He said they are both in a state of disrepair and need to be torn down and rebuilt.

Jobbagy asked if the existing house has a basement. It does not. Jobbagy asked if the driveway will be paved and Bushnell said no, it would be replaced with impervious pavers. Bushnell said the current lot coverage is 10.8%. He said, after picking up the extra land with the boundary swap, the new lot coverage would be exactly 15%. Jobbagy asked about runoff. Bushnell said they will install infiltrators to mitigate stormwater down to the 10%. Bushnell said that they would utilize standard erosion control methods. He also said that the work is outside of the Regulated Area for Wetlands. He said the variance was granted for the sideline as he previously said.

(Ed Marek joined the meeting at 7:18)

Burrington asked if the current house has a lake view and if the new one will. Bushnell said the current house has a deck with some lake view and the new one will have a large deck with a lake view.

Hall asked why the applicant needs to get a lot line agreement with 257 Woodland Rd. Bushnell said these old lake lots have very old, questionable lot line records and to make them work sometimes this type of agreement is what has to be done.

Eric Trott, Town Planner (Staff) provided some additional information. He said that a variance of Section 4.01, Relief of Conformity to Regulations, was also granted. He said that since infiltrators are being installed soil testing will need to be done prior to construction.

Trott asked Mr. Younge if he received the Public Hearing Sign Affidavit. Mr. Younge said yes, that the sign was posted on 3/29/21 and that he would take it down after the meeting and send in the Sign Affidavit.

Trott mentioned a Common Driveway Easement document will need to be filed in the Land Records to formally recognize the shared driveway. Bushnell said another property also has legal interest in the right of way. Trott also mentioned the need for soil testing in the area where the infiltrators will be installed.

Mr. Younge asked if the driveway agreement would be included in the deed for the lot line modification. Trott said that a reference should be included in the new deed but it is a separate legal instrument.

The Public Hearing was closed at 7:30.

Jobbagy unseated Burrington and seated Marek at 7:31.

OLD BUSINESS: NONE

NEW BUSINESS:

1: Preliminary discussion with Hytone Farm – Boston Turnpike – for a proposed Anaerobic Digester Project.

Greg Peracchio the owner of Hytone Farm at 2047 Boston Tpk was present to share information about the proposed project. Peracchio said he's the 4th generation in his family to farm the property. He said his family has been on the property for almost 80 years. He explained that the anaerobic digester process takes manure waste and mixes it with food waste to generate energy. He said the finished product is more stable and less odorous. He said they currently farm 1,000 acres – 775 is cropland. Their farms are in 5 other towns. He thinks people will be happy if there is less odor coming from the farms.

He explained that the large tank in the anaerobic digester acts like a cow's stomach. You take manure, add food waste (from grocery stores and restaurant oils/fats, expired food, leftover bread, etc.) into the digester with a large number of bugs (microbes) which produces gas. It then gets cleaned through a scrubber then back to a stove to generate energy. That energy is then used to power the farm and the excess will be sold. He is currently working with a partner who recently did one in Thompson and two in Massachusetts.

At the Route 44 farm site, it will be unobtrusive with a concrete storage tank (lagoon) in the ground and the engine and equipment will be enclosed in containers. There will be a flare in order to burn off excess gasses rather than release it into the atmosphere.

Marek asked where on the property it will be. Peracchio said it will be right behind the barns directly south partially hidden from view from the street.

Jobbagy asked if it is basically underground. Peracchio said the ground slopes away from Route 44 and that the berms around the tank will be 3-4 feet aboveground though the tank will be in the ground. He said the digester will have a bubble top that will inflate to about 20 feet high similar to a greenhouse.

Pattee asked, when one drives toward the farm from the east, there is a huge pile under plastic with tires on top of it. What is that? Peracchio said that is silage to feed the cows. They buy their feed once a year and store it on site. He said they don't make their hay into bales. They chop it up into ¾-inch pieces, pile it up, remove the air and cover it with plastic. This storage method is used instead of a silo.

Marek asked what the number of trucks coming onto the property to unload waste or take out end product would be. Peracchio said they are working with the state to determine this but he believes it will be about 3 trucks per day.

Marek asked if there would be increased noise from the trucks. Peracchio said he's not sure exactly but currently the trucks that go in and out of the farm would be comparable in size. He said they are currently working with the Department of Agriculture on this.

Trott said that an increase of 3 additional trucks is a very low volume increase.

Jobbagy asked if the digester, etc., require maintenance. For example annual maintenance. Peracchio said that if the level of solids goes above a certain level the heat tubes need cleaning. There are 3-4 mixers in the tank to keep the bugs active. The poly cover has a 10-year life expectancy. The whole idea is to have less waste and to use the byproducts so there is really no waste.

Jobbagy asked if there would be any adverse impacts to the soil/air/water. Peracchio said the short answer is no but they are working closely with DEEP and other agencies on this proposal.

Marek asked if there would be increased noise from the engines. Is it a 24-hour operation? Peracchio said that the trucks would only be operating during the day but the generator/engine motors run 24/7. He said the operation is relatively quiet. The closest house to the farm is their farmhouse. He has visited other sites and when the machinery is closed in there is no real noise. This is being looked at as part of the Air Permitting process with the State.

Pattee said she appreciates this project – sustainability with a capital S. Coventry again is setting a great example for the State. Peracchio said he hopes it will carry them through. The dairy industry has been struggling. This process will allow them to purchase less commercial fertilizer and sell the excess electricity.

Pollansky said, on the struggling of farms, it is on a daily basis and a project like this that allows the space to stay open/agricultural is great. Any support we can give, we should be prioritizing.

Peracchio said they have a verbal commitment with the City of New Britain to offtake the electricity they produce. The big problem is they are only allowed 10 meters to offload to so they need to choose larger municipalities. As they push the electricity onto the grid they can virtually sell what they produce to a large municipality. They are only allowed 10 meters so that may limit the size of projects in the future. They expect to produce 4.5 to 5 million KWh/year.

Pattee asked how much of the energy they produce will be used on their farm. Peracchio said about 10%.

Pattee asked if down the road is it reasonable to consider expanding. What's the State's reasoning for the 10-meter limit? Peracchio said he doesn't think it's the State as much as large lobbying groups. At current proposed level they have 6 meters.

Burrington asked what the life expectancy on the machinery is. Peracchio said 10 years in theory, with periodic maintenance on maintenance points, but gas has a lot of sulfur/sulfuric acid.

Trott asked if Mr. Peracchio wanted to touch on the permitting process. Peracchio said that permits have either been granted or initiated for an Air Permit, Water Permit, and Wetlands Permitting (NRCS has mapped wetlands). Trott said that for the Coventry Inland Wetlands Agency (IWA), any work within the 75-foot Upland Review Area of a wetland or watercourse would require Agent or Agency review and approval. General Permitting is also required for Stormwater, Solid Waste and CAFO. They were hoping for May/June 2021 construction but they are waiting on grant funding from NRCS so it may be more like late June. If they start this summer they would probably be online this time next year (April 2022).

Hall asked how many gallons are stored in the lagoon. Peracchio said 5-1/2 million gallons plus 1-1/2 million gallons of freeboard like rainfall.

Hall asked if there's a 100-year storm, is that planned for? Is there a way to control the levels? Peracchio said he believes the design is for a 50-year storm that is planned for. Peracchio said there are pumps. If it gets too high they can pump it out and spread it on the crops. It's usually done in the spring. Also, after harvest a rye crop is planted as a cover crop to hold onto nutrients. This also holds soil in place to avoid erosion.

Jobbyagy thanked Mr. Peracchio for what sounds to be a wonderful project. PZC will work on the changes necessary for approval. PZC thinks this looks to be a really nice project.

Trott explained that there are two steps that will be required. The first is to create a provision in the Zoning Regulations for allowable use. Trott will work with the Town Attorney on wording. Trott suggests that Mr. Peracchio be the one to apply for the Reg Change as it is faster than Reg Changes initiated by PZC. The process requires notification of CRCOG and abutting Towns. Step two would be for the Mr. Peracchio to apply under the new regulation. Trott said we would need to get going as soon as possible to honor the proposed timeline.

2: Request of Andrew and Elicia Ladyga to extend the timeframe to complete construction of a motor vehicle dealer and repairer business at 2812 Boston Tpk.

Andrew Ladyga was present to discuss his request. He explained that he is requesting an extension of the timeframe to allow for additional prep and to recuperate from what we've been through in 2020. He said they had planned to complete construction in Spring/Summer 2020 but the pandemic hit in his peak time for business having a huge financial impact. They had to look at the overall model and readjust to keep what they have, not expand. They are still being impacted.

Jobbyagy asked if there were plans to start in the near future. Ladyga said that in the next week or two he will be talking to banks to secure financing. He said banks will be looking at 2020's numbers to determine financing. He said they had to use their safety net/cushion money to cover expenses. One of his employees had COVID and still hasn't been able to return to work. Others went out on unemployment. People didn't want to work because they were making so much collecting unemployment and staying home. He couldn't find help. Since him and his wife both own/work for their business they didn't qualify for supplemental money so they had to live off of their savings.

Pattee thanked Eric Trott for the summary of the timeline of the Special Permit. Pattee said Bill Jobbyagy and she were both members of the 2010 POCD Committee and she recalls Mr. Ladyga and Phil Blazawski getting in just under the wire before the POCD change eliminated car dealerships. As sympathetic as she is to Mr. Ladyga's situation, she's not seen much effort to do anything. She doesn't believe a dealership will ever be built there. She says it's a very valuable piece of property so it won't hurt Mr. Ladyga's business. She is not inclined to grant an extension.

Trott touched on the timeline. He said the Connecticut General Statute timelines are tricky to understand. To summarize, the CGS allows up to 14 years to complete a special permit. Since Mr. Ladyga's Special Permit was approved on June 28, 2010, the drop dead completion date is June 2024. There was a question as to whether construction actually started at the site but the PZC determined in 2017 that it had. Once work on a special permit commences it must be completed within 5 years. Then Mr. Ladyga could apply for a 5-year extension based on project-specific situations. The bottom line is that Mr. Ladyga still has 5 months of the timeline left before the 5-year expiration. Then they can consider an extension. PZC can reassess by June of 2022 efforts to commence and complete closer to the deadline. Trott suggests waiting to see where the project is in 2022. That doesn't take anything away from what Mr. Ladyga currently has.

Jobby says that he thinks that makes sense to him – no one is under the gun right now. He would like to give Mr. Ladyga a chance to get financing and work on the project in good faith. Burrington agrees.

Polsky says she is a former banker and while banks will look at what's occurred, she thinks getting financing will be difficult. Ladyga said he works with financing/bankers all the time. His business was forced to shut down, forced to be closed as nonessential. His business is 80% sales of cars and 20% repair. Less people driving equals less cars to repair. Many similar businesses shut down permanently. They need to have a proper debt ratio. You are only as good as your last two years. 2020 was their worst year ever. They are at the mercy of the bankers. This was forced upon them. Mr. Ladyga said he just wanted to state his case and give an update on the status. It took them 8-9 years in the previous location to save up funds to do a new location then they were forced to spend that savings.

Pattee says she really appreciates Eric Trott's objective Staff work. She said she would lean to Option 3, not to approve an extension. She's sorry but 9 years and all he did was fix some drainage. Pattee reminds the PZC that after the 2010 POCD auto dealerships were no longer allowed. The Townspeople and Commission agreed to this. She thinks this is parallel to the Stewart Property – given extension after extension knowing in their hearts it wouldn't work.

Trott interjected that the 2010 POCD was an opportunity to reflect on uses allowed and trends, etc. It removed Car Dealerships from the Regs due to non-diversification in the Bolton Gateway Node. Phil Blazawski and Andrew Ladyga got permitting before the POCD update. So used car sellers are no longer allowed but repairers are. In the past extension requests always have been for allowable uses. Trott cautioned against taking action to deny the request 15 months before the expiration date as it may taint any future action. He said the PZC has three options – 1) Ask the applicant to withdraw his request for extension, 2) Approve the request for extension or 3) Deny the request for extension. Between April of 2021 and June 2022, there is time to make real progress.

Pattee says she will abstain from voting.

Pollansky said she is in favor of Option 1. She thinks it's the safest and fairest option to the applicant. This provides the applicant a chance to do everything he can do to save his business.

DECISIONS:

MOTION: The Coventry Planning and Zoning Commission approves special permit application #21-03 of William Younge to demolish an existing residence and build a new one, property located at 263 Woodland Road (Assessor's ID # R05105) LR Zone.

Conditions of Approval:

1. Prior to installation soil testing shall be done in the vicinity of the proposed infiltrator location to confirm that the soils are amenable to receive the stormwater.
2. A common driveway maintenance agreement shall be recorded for the two lots owned by the applicant and for any other interested party involved. The Town's standard agreement shall be used.

Reason for Decision: The application complies with the applicable criteria.

By: Pattee

Seconded: Pollansky

Motion carried with the following vote:

For: Jobbagy, Pollansky, Pattee, Hall, Burrington

Against: None

Abstain: None

MOTION: The Commission recommends that the applicant withdraw the request for the extension of time to complete the special permit #10-02 to conduct a motor vehicle dealer and repairer use at 2812 Boston Turnpike and submit it at a time where it is closer to the current expiration, which is June 28, 2022.

Reason for Decision:

There is 15 months of time remaining to complete the project in accordance with the current approval timeline.

By: Pollansky

Seconded: Jobbagy

Motion carried with the following vote:

For: Jobbagy, Marek, Pollansky, Hall

Against: None

Abstain: Pattee

ADOPTION OF MINUTES:

MOTION: Move to approve the minutes of the March 8, 2021 meeting.

By: Pollansky

Seconded: Pattee

With the following correction:

- Page 1, Arianna's last name is spelled Mouradjian, not Mouradijan

Motion carried with the following vote:

For: Jobbagy, Marek, Pollansky, Pattee, Hall

Against: None

Abstain: None

COMMUNICATIONS: None

STAFF REPORTS: None

Polsky mentioned that she is seeing a lot of press about affordability in towns. She asked if training would only be required for Elected Officials or would PZC members require training.

Eric Trott said there is a lot of legislation in motion. Training for Commission Members is one element of proposed legislation. The Senior Housing Study is currently ongoing. By Spring of 2022 an Affordable Housing Plan will be required by the State. Trott said it's not just the Regs, it's infrastructure, density, etc. They are looking at Private/Public partnerships. Phil Chester from Lebanon is going to the next Senior Housing Committee meeting. Lebanon has a good example of this. The SHASC members also did a visit to Willington to see their affordable Senior Housing. They are trying to get a good sample. In the past an Incentive Housing Zone was proposed but wasn't adopted because it made PZC uncomfortable. Zoning is getting a lot of blame/attention in this. We don't want to do this in a vacuum.

Pattee said of Senate Bill 1024/Desegregate CT, she's very proud of Coventry being ahead of the herd on these matters. The unintended result of Zoning for larger lots, open space, etc. is that it makes community development, multiunit apartments and condos difficult. Senior Housing, if you don't specifically plan for it, it isn't there. Pattee appreciates Trott as one of the more enlightened planners she's ever met.

ENFORCEMENT: None

ADJOURNMENT:

Jobbygy adjourned the meeting at 8:36 p.m.

Respectfully Submitted,

Heidi A. Leech

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Substitute Recording Clerk