

**COVENTRY ZONING BOARD OF APPEALS  
MINUTES  
REGULAR MEETING OF TUESDAY, APRIL 19, 2022  
TOWN HALL ANNEX BUILDING OR VIRTUAL**

**CALL TO ORDER:**

By: Twerdy

Time: 7:00 p.m.

Place: Hybrid

**ROLL CALL:**

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

Twerdy seated Schneider for Delucco. Twerdy stated for the record per State law the appointment of Alternate members for Regular members is alphabetically or a Regular member can ask for which Alternate to be seated in his/her absence. Twerdy prefers to seat alternates in a rotating manner so alternates serve equally. She will use this procedure unless it becomes too cumbersome, then she will go alphabetically.

**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-22-2 – Application of Caroline Johnson, requesting a variance of Section 6.03.01 (3) ‘Generally Permitted Uses’ for the keeping of livestock on a property under two acres (I) and fails to meet the setback distances for the livestock shelter and waste storage(ii) (iii) at 776 Babcock Hill Road (Assessor’s ID # R06057 & R05798 ) GR80 Zone.**

Caroline Johnson was present. She bought this house eight years ago and recently realized there is an extra acre at the end of the long, narrow property. Johnson has been involved with rescue puppies coming from the south and at Tara Farm. She wishes this acre to be a home for animals. The hardship is the configuration of the lot does not allow for the setbacks for manure stockpile and shelters. Both neighbors on either side are in support of this plan. The regulations state she needs two acres for livestock and she does not have this. This acres area will be manageable for such animals as a such goat or a pot-bellied pig. She works at the farm down the street. She knows what the challenges will be; she is going into this with very realistic view.

Schneider: The 24 x 24 structure is an open sided shelter? The neighbors are set further back – are their wells back there? Johnson: Yes, she included three different options for storage including a detached garage. She does not know where the wells are but letters from them have been submitted stating their full support.

Bauer: Has concerns about the application for the variance because it carries with the property. She read the letters from the neighbors and they speak well of you but if you are not there anymore the variance will still go forward. That might be problematic for the next owner. There is reference to best management practices of livestock - where is that defined? Staff: Coventry does not regulate the number of animals people can have. The animals well-being are what is in mind for best practices. That term is from the State; we do not regulate that in town. Bauer: The section in the regulations talk about how we would be issuing a special permit. Twerdy: That is in Section 6.03.01a. Staff: The special permit relates to PZC approval she believes. She will check with Eric Trott. Bauer: There is mention of putting manure in the back of the lot. The lot is extremely narrow. What is the access to the back of the lot? Johnson: The lot is open enough that a vehicle can easily get back there around the left side of the site plan is flat. She might stockpile manure right onto a trailer so it is easily removable.

Resha: If this variance is granted it would be the same thing with best practices on a two acre parcel? Who determines what is allowed?

Gerrity: This is a residential neighborhood. He would propose we limit this to smaller animals – not donkeys or horses. Johnson: There are a number of properties in the area with horses on them. Gerrity: How would that be humane? He would limit the request to smaller animals. Schneider: Do we have the capability of limiting the use? Twerdy: Staff made it clear we do not regulate the number of animals. How can we make a condition if the town cannot regulate that?

Resha: How would the manure be moved and stored properly? How will runoff of manure to neighbor's property be managed? Johnson: Would use the wheelbarrow to move manure from the yard to the pile. The 24 x 24 structure is a shelter not the manure pile. Page 3 of her narrative gives the details of the options and the space from the neighbors. Pigs cannot be closer than 100' which is almost the width of the property. This a very long narrow lot.

Gerrity: The variance is forever. This is a very strict section. Looks like pigs would not be allowed on this property. The manure storage situation would be 170' from the Peter home. He is concerned about the manure situation with flies and possible runoff. He would propose some sort of barrier if the variance is granted.

Twerdy: Agrees with the questions and concerns expressed. The structure to the rear is an open sided shelter. What is the structure for the proposed garage. Johnson: Included a picture of this. It is similar to a lean-to but will have doors on it. These are for storage and to give animals shelter. Twerdy: Should the special permit application for having animals on less than 2 acres been requested first? With this variance request does that include not requiring an application for a special permit? Gerrity: His interpretation of the section is that a special permit can be granted by the Planning and Zoning Commission for having animals on less than two acres. Gorlick: This order is not incorrect. ZBA is the first stop. She will find out of a special permit application or mention of it must be on the variance request.

Resha: We would be looking at the setbacks not being met. Twerdy: Because of the regulation we are dealing with and the reference to the required distance how does that affect the sidelines and setbacks? The shed structure to the back encroaches to the rear set back. Gorlick: If the structure is 13' or under it can be as close as 5' from the rear and side setbacks. Johnson: Does not know the height but does not see it would not be over 13' high. Twerdy: we need the exact height. Johnson: Can I amend the application by saying the structures will be under 13'? Twerdy: There are houses on either side of her property. The houses cannot be seen from the back of her property. Is there a house on the back wooded area? Johnson: There are lots for sale but those are on the opposite side of the driveway. The Ranch house is the Farr's property. Eric Trott believes, and is checking, that the property behind hers is not buildable.

Schneider: What is the plan to contain the animals? Have the neighbors lived next to horses and goats? Johnson: Ethan was talking about the plants he is going to plant. On the right side will be a fence. The left side is wooded unused land. She is hoping to fence the entire lot; the animals will be contained.

Twerdy: Option A to compost the manure for use on property. Manure really stinks. Johnson: She will be composting by turning the pile over to make it more usable. Some people will come and take the pile away. Depending on type of animal the amount of manure will be different. If she has horse or donkey manure she investigate services that take the manure off the property in the storage trailer.

#### Audience of Citizens:

Kathryn Smith, 347 Root Road – She is commenting from the perspective of learning what it is like to be an abutting neighbor in a similar situation. Her property is 3.25 acres

that is long and narrow. When she bought the house she was not concerned about being close to the neighboring property. A neighboring sixteen acre property with an Eversource easement prevents building near her because of the power lines. People built a house 1200' back into the property. Fifteen years ago they began to keep sheep adjacent to her back yard. She asked them to refrain from keeping the sheep at the back of her property line and near her home. Other neighbors have asked to not have the guard dogs bark all night long. When discussed with Eric Trott there is a permit for agricultural use in the GR40 zone and adherence to setbacks for feeding and sheltering of animals. Smith had to file a formal complaint to the ZEO which resulted in much time and effort spent causing stress and bad feelings. The PZC amended the regulations in 2015 to allow shelters closer to property lines probably because of the right-to-farm ordinance. Others having livestock in an existing residential neighborhood can preclude the neighbors from having the enjoyment of their own property. As do neighboring towns Coventry does not regulate the number of livestock owned. Dilapidated or unused structures are generally protected under the right-to-farm ordinance, otherwise the blight ordinance could be used. The fencing does not need to have setbacks. There are no fencing requirements for sheep, horses, or goats. The abutting property owner can fence them 20' - 25' from a neighbor's back door or house. These are all agricultural accommodations in Coventry while it has become less and less agricultural and more residential. Keeping livestock does not stop at the property line. There is the running of ATVs at all hours going directly past her house to bring food and water to the livestock. The noise of ewes that are separating from the lambs does not stop at the property line. Abutting neighbors can become livestock keepers because of issues with fencing or animals in distress. Nothing contains animals as someone intends. The changes have impact on everyone. This is a difficult road that she has experienced. Johnson seems she would be very responsible but there could be no control when she may move on and the variance remains with the property.

Twerdy: Twerdy read the two letters from the abutting neighbors (included in the packet) into the record.

Gorlick: Trott said she would not need to go to the PZC for the special permit. This is just a ZBA decision. The ZBA does have every right to put conditions on a permit. This/these have to be justified and stated why the conditions are being placed. The stricter the ZBA conditions are, the more difficult it is for enforcement down the line.

Johnson: Are other properties that don't have the proper setbacks but keep animals grandfathered in? Does that also go with the property like her variance would go with the property? Twerdy: Variances go forward, they don't go back.

Twerdy: Is there interest by the Members in continuing the hearing for the applicant to provide additional information or is the ZBA ready to vote? Gerrity: He is going to vote no. The property does not meet the regulations other than for the keeping of household pets and we cannot specify the type or number of livestock. Johnson: Yes, she does not need a permit for fostering household pets. Resha: Does not need further information.

Open storage and pigs cannot be within 100' of a property line. It is hard to say which animals can and cannot be kept. She is not 100% clear what the hardship is.

The hearing is closed.

**Motion:** I move that the Coventry Zoning Board of Appeals grant the application #ZBA-22-2 – Application of Caroline Johnson, requesting a variance of Section 6.03.01 (3) ‘Generally Permitted Uses’ for the keeping of livestock on a property under two acres (i) and fails to meet the setback distances for the livestock shelter and waste storage(ii) (iii) at 776 Babcock Hill Road (Assessor’s ID # R06057 & R05798 ) GR80 Zone.

The hardship being: Configuration of the lot and that the lot acreage is less than the 2 acres that is required.

By: Twerdy

Seconded: Resha

Discussion:

Resha: Has concerns the configuration of the lot does not allow for some of the setbacks that are really necessary and there is no way to regulate for the types of animals. She also does not think the lot configuration is a legal hardship. Although she appreciates what the applicant is doing.

Bauer: Those would be her comments as well. She does not have the ability to judge which animals would be okay or not. She is not interested in imposing restrictions on the variance. She echoes Resha’s comment about appreciating what Johnson wants to do on the property. She has reservations about granting a variance.

Schneider: Echoes what the other members have said.

Twerdy: Her concerns are what have been expressed. She has difficulty with the hardship with respect to this property with the configuration of the lot given the requirements and in terms of animals, the odors, the manure, the mitigation of agricultural contaminants. Even with 2 acres that is minimal when there is no way to control how many animals can be kept. Johnson comes across as a wonderful person but because the variance runs with the land forever she has misgivings.

For: None

Against: Resha, Twerdy, Schneider, Gerrity, Bauer

Abstain: None

The motion fails.

**2. #ZBA-22-3 – Application of Dana Markie, requesting a variance of Table 4.04 A. Dimensional Requirements for 9’(Front Yard Setback, 20’ required – 11’ proposed), to construct a 14’ by 28’ square foot detached garage at 276 Woodland Road (Assessor’s ID # R02497 ) LR Zone**

Dana Markie was present. He has a small 528 sq. foot house on a non-conforming lot. The side yard has a right-of-way. The only flat area is right at the bottom of the driveway. He keeps

equipment under the stairs now. He wants to bring in a Kloter Farms garage for equipment storage and a small boat. The garage will be inside the large stone wall. The hardship is the lack of space/storage. The yard is sloped down from Spring road. The house is non-conforming. There is ledge is in front also.

Twerdy: The subdivision is from 1929 and the house was built in 1940s. This property predates zoning and there is ledge on the property.

Gerrity: The garage will not be used for a car? Markie: No. There is one door to be facing the west side of the property. Windows will be on both sides for aesthetics. It will be shingled to match the house with a wood ramp at the front of the garage. There will be a bed of stone underneath the structure. He may pave the ramp but that will go towards lot coverage calculations.

Resha: She is quite happy that Markie is keeping the stonewall.

Audience of Citizens:

No one wished to speak.

Gerrity: What is the right-of-way for? Markie: Does not know who owns it. The building can be placed without damaging the stonewall.

The hearing is closed.

**Motion:** I move that the Coventry Zoning Board of Appeals approve the application #ZBA-22-3 – Application of Dana Markie, requesting a variance of Table 4.04 A. Dimensional Requirements for 9’(Front Yard Setback, 20’ required – 11’ proposed), to construct a 14’ by 28’ square foot detached garage at 276 Woodland Road (Assessor’s ID # R02497 ) LR Zone.

The hardship being: The non-conforming lot with steep slopeage.

By: Resha

Seconded: Gerrity

For: Resha, Twerdy, Schneider, Gerrity, Bauer

Against: None

Abstain: None

The motion passes.

**NEW BUSINESS/DISCUSSION:**

**a. Approval of March 29, 2022, Special Meeting Minutes**

**Motion:** I move that the Coventry Zoning Board of Appeals approve the March 29, 2022, Special Meeting Minutes.

With the following corrections:

Page 2, Audience of Citizens, first sentence – add “, 158 Beebe Farms Road” after “Weston”; add a “.” after “15%”; capitalize “he”.

Page 2, Motion – add a “:” after “Seconded”.

Page 2, Paragraph after Motion, third sentence – change “Supports” to “supports”.

By: Resha

Seconded: Gerrity

For: Twerdy, Bauer, Gerrity, Resha

Against: None

Abstain: Schneider

### **ADJOURNMENT:**

**Motion:** I move to adjourn the meeting at 8:41 p.m.

By: Gerrity

Seconded: Schneider

For: Twerdy, Bauer, Gerrity, Resha, Schneider

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.