

AGENDA
Regular Hybrid Meeting
Town of Granby
Planning & Zoning Commission
Tuesday, April 25, 2023 at 7:00 pm
Town Hall Meeting Room

Link: <https://us02web.zoom.us/j/85198387021?pwd=V0Q1RzdsYlFhWEtFNVhidUVSekhadz09>

Call-In: 1 929 205 6099
Meeting ID: 851 9838 7021
Passcode: 869613

1. Call to Order
2. Pledge of Allegiance
3. Seating of Alternates, if applicable
4. Public session, items not on the agenda or subject to a public hearing
5. Action on the minutes of April 11, 2023
6. Public Hearings
 - a. Application seeking a Special Permit under Zoning Regulations Section 8.5.2 to allow two detached accessory apartments for property located at 249 Granville Road, R2A Zone: File Z-7-23. (Continued from 4/11/23)
7. Receive applications and schedule public hearings
 - a. Application seeking a Special permit under Zoning Regulations Section 8.5 for a detached accessory dwelling for property located at 59 Loomis Street, R2A Zone: File Z-8-23.
8. Consideration of applications, where the Commission has concluded the public hearing
 - a. Application seeking an amendment to Zoning Regulations Section 8.15.17.7.1, to allow farm stores to sell alcoholic beverages that are produced off site: File Z-5-23.
9. Commission Discussion: Possible Changes to Zoning Regulations Sections 1.1 Zone Types; 2.11 Residential Fuel Tanks; 2.12 Property Abutting Permanent Watercourses; 3.7.4.5 Multifamily dwellings room areas; 3.12.5 minimum area for residential unit; 4.0 Site Plans Purpose; 4.2.11 Site Plans Waiver Requirements; 6.1 Single-family dwelling living area; 7.4.1 Parking Space Ratio; 8.1 Accessory Buildings and Uses; 8.6.15 Sign Permit Requirements; Section 10.2.1 Building Permits; 10.2.3 Special Permit Applications Fee
10. Staff Report and Correspondence
 - a. Commission ideas for Town Hall Meeting Room changes/upgrades
11. Commissioner Reports and Correspondence
12. Adjourn

MEETING MINUTES
Town of Granby
Planning & Zoning Commission
Tuesday, April 11, 2023 at 7:00 pm

Members Present: Eric Lukingbeal, Matthew Peters, Mark Lockwood, Eric Myers, Brennan Sheahan, Christine Chinni, Jonathan Boardman, Alternate Robert Lavitt, and Alternate Paula Johnson

Also Present: Director of Community Development Abigail Kenyon and Land Use Coordinator Renee Deltenre

1. Call to Order

Chairman Lockwood called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance

3. Seating of Alternates, if applicable

None

4. Public session, items not on the agenda or subject to a public hearing

None

5. Action on the minutes of March 28, 2023

ON A MOTION by C. Chinni seconded by M. Peters, the Commission voted (6-0-1; J. Boardman abstained) to approve the March 28, 2023 minutes as amended, with the following corrections:

- a. Add public comment from John Morgan regarding the need for interconnectivity between the parcels located in the T1 zone; and
- b. R. Lavitt moved to approve the minutes of March 14, 2023.

6. Commission Discussion: Neighborhood and Commercial Transition Zone (T1) proposed regulation changes

The Commission thanked the public for their comments and discussed the feedback received at the prior meeting. There was a general consensus to table the discussion and revisit at a later date once the Granby Center Study has begun.

7. Public Hearings

- a. **Application seeking a Special Permit modification under Zoning Regulations Section 3.12.5 #15 to allow outdoor storage for a 320 sq. ft. temporary external freezer for an existing restaurant for property located at 4 Park Place, COCE Zone: File Z-6-23.**

A. Kenyon provided a quick overview of the discussion that ensued at the prior meeting and stated that she spoke to the Town Attorney regarding Special Permit time limits, which are permitted. Information was received from the applicant pertaining to the level of noise that the proposed freezer generates, which is no greater than 75 decibels. The freezer cycles eight times over a 24-hour period, and each cycle lasts 10 minutes.

Applicant and owner Mark Sproule stated that a nine-month approval would be sufficient and that he could utilize a smaller freezer; however, it would alter the production schedule.

The Commission expressed concerns over aesthetics and M. Sproule stated he is willing to add vegetation around the freezer once installed. A. Kenyon also indicated that the lawn would need to be re-established once the freezer is removed. There was no public comment and the public hearing closed at 7:21 p.m.

E. Lukingbeal recused himself and R. Lavitt was seated.

b. Application seeking an amendment to Zoning Regulations Section 8.15.17.7.1, to allow farm stores to sell alcoholic beverages that are produced off site: File Z-5-23.

Attorney Carl Landolina of Fahey & Landolina, Attorneys, LLC was present on behalf of his clients, Allen and Rebecca Clark, who own and operate Clark Farms located at 29 Bushy Hill Road. Attorney Landolina provided a brief history of the farm, which also operates as a cidery and vineyard, and just recently obtained a Craft Café License from the Commission in 2022. The Craft Café License was created as part of the state's plan to streamline the liquor control and operation process and allows license holders to sell other Connecticut manufactured products. Although Clark Farms is permitted to sell products from other Connecticut manufacturers under their liquor permit, the current zoning regulations prohibit this; only beer from other farms may be sold.

The applicants are proposing an amendment to the regulations that would allow Craft Café License holders to cross-sell Connecticut made products, which would mirror Connecticut General Statutes (CGS). M. Lockwood stated how the town recently updated the farm store regulations and that most farms are located within residential zones. M. Peters was on the subcommittee for regulation changes and discussed how time was spent focusing on product/retail on and from local farms, not alcohol. R. Lavitt questioned the proposed language and recommended that it be modified to be more specific to the Craft Café License, as outlined in CGS, Section 30-22(d).

Public Comment

Christopher Strapp, 10 Indian Hill Drive, expressed concerns over slow and steady intensification as the farm is located in the middle of a residential neighborhood. He discussed potential issues regarding noise, parking, traffic, events, etc.

Margaret Lareau, 17R Reed Hill Road, stated concerns with incremental changes tied to the expansion of retail offerings on farms, and how alcohol offerings shouldn't be increased.

Attorney Landolina expressed how farming today calls for the diversity of revenue streams, and he is willing to continue the public hearing in order to amend the proposed language. The public hearing closed at 8:10 p.m.

R. Lavitt was unseated and E. Lukingbeal was re-seated.

c. Application seeking a Special Permit under Zoning Regulations Section 8.5.2 to allow two detached accessory apartments for property located at 249 Granville Road, R2A Zone: File Z-7-23.

Applicant and property owner Brian Michaud was present to discuss the application. The property has a house and several outbuildings. When the property was listed for sale, the listing indicated three apartments on-site; one within the main house and two within a detached, outbuilding.

Based on the Assessor Department's property card, the only apartment of record is the one located within the main home; therefore, the detached apartments were constructed in violation of the Zoning Regulations and without Building Permits. It is unknown when the apartments were established, but the existing tenants have resided on the property for 10 and 12 years. B. Michaud stated that he purchased the property in August 2022 with the condition that the existing tenants in the two units in the outbuilding be allowed to remain.

Under Zoning Regulations Section 8.5.2, the Planning and Zoning Commission may approve one detached accessory apartment on a property by Special Permit, but because there are two apartments on site, the applicant sought and received a variance from the Zoning Board of Appeals per the guidance of A. Kenyon. It was noted that the apartment in the main house has been removed. B. Michaud stated that there are two separate septic systems on the property, one for the main house and one for the detached outbuilding. A. Kenyon stated that she attended a site inspection with the Building Official and Assessor on March 24th and ran through the Zoning Board of Appeals' conditions of approval.

In accordance with the variance received, the two tenants may stay on the property as it presently exists; however, if one of the two tenants move out, a new tenant can't move in, and there can only be one tenant in the accessory dwelling unit going forward. J. Boardman stated that such a situation is hard to monitor and the Commission expressed concerns regarding a lengthy duration for such an approval and would like to see the property come into compliance sooner than later. E. Myers questioned the Commission's jurisdiction over the two apartments, as the ZBA granted the variance and it was requested that town staff consult with the Town Attorney. There was no public comment and the public hearing was continued to the next regular meeting.

8. Receive applications and schedule public hearings

None

9. Consideration of applications, where the Commission has concluded the public hearing

a. Application seeking a Special Permit modification under Zoning Regulations Section 3.12.5 #15 to allow outdoor storage for a 320 sq. ft. temporary external freezer for an existing restaurant for property located at 4 Park Place, COCE Zone: File Z-6-23.

The Commission deliberated on the application, as well as conditions of approval. B. Sheahan expressed an interest in having the applicant provide a vegetative screening around the trailer. M. Lockwood stated that this is a unique situation that he doesn't envision occurring at other locations.

ON A MOTION by E. Myers seconded by C. Chinni, the Commission voted (7-0-0) to approve an application seeking a Special Permit modification under Zoning Regulations Section 3.12.5 #15 to allow outdoor storage for a 320 sq. ft. temporary external freezer for an existing restaurant for property located at 4 Park Place, COCE Zone, File Z-6-23, subject to the following conditions:

1. The permit shall expire on December 1, 2023;
2. The external freezer shall be removed prior to the permit expiration date;
3. The external freezer shall be located only in the area designated on the plans submitted with the application;
4. The applicant shall submit a planting/screening plan to the Director of Community Development and shall install the approved screening when the trailer is installed; and,

5. The lawn shall be restored to its original state once the trailer is removed.

E. Lukingbeal recused himself and R. Lavitt was seated.

b. Application seeking an amendment to Zoning Regulations Section 8.15.17.7.1, to allow farm stores to sell alcoholic beverages that are produced off site: File Z-5-23.

The Commission discussed the application. C. Chinni expressed concerns over the proposed language and R. Lavitt suggested modifying the text to state, “in accordance with CT General Statutes Craft Café License, Section 30-22(d)”. B. Sheahan stated that the proposed amendment would not create an increase in traffic or noise, and the Commission reiterated that the outside beverage sales are capped at 20% by state statute. It was requested that A. Kenyon revise the proposed language and present it for consideration at the next meeting.

10. Staff Report and Correspondence

A. Kenyon reported to contacted the owner of the small engine repair facility located at 369-371 North Granby Road and was informed that some equipment/machinery to the rear of the property will be removed. Further expansion of the storage area would require a modification to the existing Special Permit and A. Kenyon will check in with the owner in a few weeks. The Development Commission has been working on draft regulations pertaining to cannabis, which will be provided to the Commission for review at their first meeting in May.

11. Commissioner Reports and Correspondence

None

12. Adjourn

ON A MOTION by J. Boardman seconded by C. Chinni, the Commission voted (7-0-0) to adjourn the meeting at 8:47 p.m.

Respectfully submitted,

Renee Deltenre
Land Use Coordinator

TOWN OF GRANBY

MEMORANDUM

TO: Planning and Zoning Commission

CC: Brian Michaud

FROM: Abby Kenyon, Director of Community Development

DATE: April 19, 2023

RE: Application seeking a Special Permit under Zoning Regulations Section 8.5.2 to allow two, detached accessory apartments for property located at 249 Granville Road, R2A Zone: File Z-7-23.

The applicant is applying for Special Permit approval for two accessory apartments in an outbuilding; the zoning regulations allow one detached accessory apartment. The Zoning Board of Appeals (ZBA) approved a variance for two apartments on January 17, 2023. Condition #3 of the ZBA approval states, “The two tenants may stay on the property as it presently exists. If one of the two tenants move out, a new tenant can’t move in, and there can only be one tenant in the accessory dwelling unit going forward after the applicant receives Special Permit approval for the apartment in the detached structure....” With this provision, the ZBA sought to allow the tenants to remain on the property while also attempting to bring the property into compliance with the zoning regulations, which allow one detached apartment.

The public hearing on the subject application opened at the Commission’s April 11th meeting. During the hearing, it was asked if the Planning and Zoning Commission could approve just one apartment, since the ZBA has addressed the second apartment through the variance. Town staff contacted the Town Attorney about this. The Town Attorney confirmed that the Commission may decide to grant approval to just one of the apartments in the detached structure, and to acknowledge that the ZBA has granted a variance to allow for the second apartment under the conditions of the variance. It was suggested that the Commission may want to consider a condition that would require the property owner to report to the Town as to whether the second apartment is still being used.

The Commission is reminded the public hearing must close within 35 days, unless the applicant grants an extension.

TOWN OF GRANBY

MEMORANDUM

TO: Planning and Zoning Commission

CC: Allen and Rebecca Clark, Carl Landolina

FROM: Abby Kenyon, Director of Community Development

DATE: April 19, 2023

RE: Application seeking an amendment to Zoning Regulations Section 8.15.17.7.1 to allow farm stores to sell alcoholic beverages that are produced off site, File Z-5-23.

A craft café permits allows permit holders to sell alcoholic beverages that are produced off site. However, the current farm store regulation limits the sale of such beverages to those that are produced on other farms. The applicant proposes to change the regulation so that it is consistent with the State regulation. Per the application, “The farm store may also sell alcoholic beverages ~~that are produced on other farms~~ as provided under Connecticut Law.”

At the Commission’s April 11th meeting, the public hearing on the subject application was closed. The Commission asked staff to propose modified language to specify the craft café permit, instead of the proposed language, “as provided under Connecticut Law”.

The following are options for the Commission to consider:

- 1) The farm store may also sell alcoholic beverages in accordance with the Connecticut craft café permit per Connecticut General Statutes Section 30-22d.
- 2) The farm store may also sell alcoholic beverages in accordance with the Connecticut craft café permit per Connecticut General Statutes Section 30-22d, provided the sale of alcoholic beverages produced or manufactured off-site does not exceed twenty percent of the gross annual sales of alcoholic beverages by the permit holder.
- 3) The farm store may also sell alcoholic beverages produced or manufactured off-site, provided such sales do not exceed twenty percent of the gross annual sales of alcoholic beverages by the permit holder.

If the Commission is inclined to approve the regulation change, reference to and consistency with the Plan of Conservation and Development should be noted.

TOWN OF GRANBY

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Abby Kenyon, Director of Community Development

DATE: April 20, 2023

RE: Commission Discussion: Possible Changes to Zoning Regulations

Staff reviewed the Zoning Regulations and there are various minor corrections that are recommended (additions are shown underlined and deletions are ~~struck through~~). While some of these changes address oversights or provide clarification, other changes are required to address recent legislation that was passed. Please refer to the following recommended changes. Staff will explain all proposed changes during the meeting.

1.1 ZONE TYPES

For achieving these purposes, the Town of Granby is divided into the following zones:

<u>Rural Conservation</u>	<u>R4A</u>
Rural Residential (2 acres)	R2A
See	
Rural Residential (50,000 sq. ft.)	R50
Residential (30,000 sq. ft.)	R30
Planned Development Multifamily	PDM
Neighborhood Shopping	C1
Business	C2
Office Park	OP
Industrial	I
Planned Economic Development	ED
<u>Granby Center Zone</u>	
<u>Commercial Center</u>	<u>COCE</u>
<u>Center Commons</u>	<u>CC</u>
<u>Center Edge</u>	<u>CE</u>
<u>Granby Center Historic Overlay District</u>	

2.11 RESIDENTIAL FUEL TANKS

The burial of fuel tanks intended for residential fuel oils or other petroleum products, with the exception of propane or other similar compressed gas, is prohibited. Fuel tanks shall be located in basements or in approved structures above ground.

~~2.12 PROPERTY ABUTTING PERMANENT WATERCOURSES~~

~~All property abutting or including a watercourse shall maintain an area of open space land of not less than seventy-five (75) feet in width along the entire frontage of said watercourse. The land area contained in said area shall remain free of all structures.~~

~~3.7.4.5 Multifamily dwellings shall contain the following room areas:~~

Efficiency (no separate bedroom)	450 sq.ft.
One Bedroom	575 sq.ft.
Two Bedroom	700 sq.ft.
For each additional room add	150 sq.ft.

~~In computing the required minimum floor area, only that area inside the perimeter walls of the dwelling devoted to the exclusive occupant for living purposes shall be considered. Public balconies, storage areas, public halls and other public facilities shall not be included in the required floor areas.~~

3.12.5 Comprehensive Granby Center Zone Criteria

The following requirements and guidelines shall apply to all Center Zones:

8. Where mixed use buildings are proposed that will contain both residential and nonresidential uses, the number of residential units may not exceed 15 per acre. Living units shall typically be located above the first floor and shall be serviced by elevators and fire prevention sprinkler systems. ~~The minimum area of a residential unit is 400 square feet.~~ One parking space per unit shall be required. Overall the density of the site will be guided by the site development requirements outlined herein;

SITE PLANS

4.0 PURPOSE

To protect the character, property values and historic and rural nature of the community, and to further the objectives of Section 1.0 of these Regulations, in all Zones except the R4A, R2A, R50, and R30, a site plan shall be approved by the Commission prior to the issuance of a building permit for any new construction or addition or for any change in the footprint of any

existing building. No site plan shall be changed in any manner without the approval of the Commission. Site plans shall be required for all special permit requests, which involve any changes in existing sites including sites within the R4A, R2A, R50 and R30 zones.

4.2.11 Waiver of Requirements

When site plan approval is required as part of a Special Permit application in an R4A, R2A, R50 or R30 zone, the Commission may modify or waive the requirements of Sections 4.1.3, 4.1.5, 4.2.3 and 4.2.5.

6.1 MINIMUM LIVING AREA FOR SINGLE-FAMILY DWELLING

Single Family Dwellings shall contain a ~~minimum of 1,000 square feet of living area that complies with the Connecticut State Building Code and all other applicable codes, 850 square feet of which must be located on the first floor;~~

~~The first floor is that which is located directly above and closest to the basement. For structures without basements the first floor is the floor directly above, in contact with and/or closest to, the ground or slab.~~

7.4.1 Parking Space Ratios

Use	Minimum Requirement (1)	Parking Spaces Per 1,000 sq. ft. Gross Floor Area Footage
Single Family	2 per unit	
Multi-Family	2.5 per unit	
3 bedrooms or more	2 spaces per unit	
2 bedrooms or more	2 spaces per unit	
1 bedroom	1.5 spaces per unit	

8.1 ACCESSORY BUILDINGS AND USES

Accessory buildings and uses shall include a garage or carport and the parking of a commercial vehicle, the parking or storage of a boat, trailer or mobile home, swimming pool, bath house, storage buildings, sheds and fences and similar buildings and uses. All accessory buildings and uses are subject to the following.

8.1.3.2 Garages, sheds, and other accessory buildings, including those allowed in Sections 8.1 and 8.15, over 200 square feet shall be set back from all side and rear property lines a minimum distance equal to one and one-half (1 1/2) times the maximum height of the garage-building; a distance equal to the longest linear dimension of the building garage; or a distance in compliance with Section 5 of these Regulations, whichever is greatest. (For barns see Section 8.15.10).

~~8.1.8 No accessory building other than a garage shall exceed twelve (12) feet in height or 200 square feet in area.~~

8.1.9 Sheds and other accessory buildings, including those allowed in Sections 8.1 and 8.15, 200 square feet and smaller shall be set back 10 feet from all side and rear property lines. No accessory building shall be nearer than ten (10) feet to any rear or sideline and no No accessory building may be located within a required front yard.—Garages must conform to the yard requirement outlined in Section 5.1.

8.6.15 PERMIT REQUIREMENTS

8.6.15.2.6 Permit fee of \$25 per sign. \$16 per \$1,000 of sign value, rounded up to the nearest \$1,000.

10.2.1 BUILDING PERMITS

10.2.1.1 It shall be unlawful to commence, for any purpose, the construction of alteration of any building or excavation for any building or structure or to commence any use of land or buildings until the application and plans thereof shall have been approved by the Building Official and a written permit shall have been issued by the Building Official in conformance with the State of Connecticut ~~Basic~~ Building Code as amended.

10.2.3 Special Permit Applications

10.2.3.3 A fee of \$200 shall accompany all applications for Special Permit, except that the application fee for a multi-family development shall be an additional \$25 per unit ~~and Special Permits for the construction of garages and barns within residential zones shall be \$100.~~