

AGENDA
Regular Hybrid Meeting
Town of Granby
Planning & Zoning Commission
Tuesday, October 10, 2023 at 7:00 pm
Town Hall Meeting Room

Link: <https://us02web.zoom.us/j/89346494196?pwd=R0pQV2NiTlpjZUF0cWtxQW8zTDZBZz09>

Call-In: 1 929 205 6099
Meeting ID: 893 4649 4196
Passcode: 524286

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 September 26, 2023
6. Action on the minutes of October 3, 2023
7. Public Hearings
 - a. Application seeking a Special Permit under Zoning Regulations Section 3.1.2.4 for the construction of pickleball courts, horseshoe pit, and associated site improvements for property located at 1 Broad Hill Road, R2A Zone: File Z-17-23. (Continued from 9/26/23)
8. Receive applications and schedule public hearings
9. Consideration of applications, where the Commission has concluded the public hearing
10. Informal Discussion: Conservation Commission Presentation of Proposed Changes to the Zoning Regulations Landscaping Requirements, Native and Invasive Plants
11. Commission Discussion: Possible changes to Zoning Regulations regarding non-conforming buildings and uses; day cares; EV charging stations; and recreational vehicles.
12. Staff Report and Correspondence
13. Commissioner Reports and Correspondence
14. Adjourn

MEETING MINUTES
Town of Granby
Planning & Zoning Commission
Tuesday, September 26, 2023 at 7:00 pm

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

Absent: Matthew Peters and Mark Lockwood

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

1. Call to Order

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

2. Pledge of Allegiance

3. Seating of Alternates, if applicable

P. Johnson was seated for M. Peters and R. Lavitt was seated for M. Lockwood.

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

Kate Bogli of 198R Salmon Brook Street spoke in support of roosters and stated that they should be allowed in all residential zones to support agriculture.

5. Action on the minutes of September 12, 2023

ON A MOTION by J. Boardman seconded by P. Johnson, the Commission voted (6-0-1) to approve the September 12, 2023 minutes as presented. B. Sheahan abstained.

6. Public Hearings

- a. **Application seeking a Special Permit under Zoning Regulations Section 3.1.2.4 for the construction of pickleball courts, horseshoe pit, and associated site improvements for property located at 1 Broad Hill Road, R2A Zone: File Z-17-23.**
Applicant Eric Jackson of 7 Farmview Circle and member of the Granby Tennis Club was present to discuss the application. The Granby Tennis Club currently has three clay tennis courts, a clubhouse and a practice court, and they are looking to remove the existing asphalt practice court in order to install two dedicated pickleball courts. The proposed location is relatively flat and roughly 60' x 60' in dimension. There would be no exterior lighting and hours of operation would be 8am to 8pm. The closest residence is roughly 360 feet away and the existing backboard for the practice court will be saved in case noise becomes an issue. In addition, the applicant proposes the construction of two additional gravel parking areas; one 16' x 50' area near the pickleball courts and another 25' x 42' area near the clubhouse, along with a horseshoe pit.

Public Comment

Kathleen Bromage of 15 Simsbury Road expressed concerns with noise, further expansion of the courts, enforcement of the hours of operation, and potential impacts to the quality of life for surrounding residents. She stated no concerns regarding the proposed horseshoe pit or expanded parking area.

Michael Ware of 45 Hungary Road recommended the use of noise-reducing paddles.

E. Jackson stated that the hours of operation can be altered and noise reducing measures could be implemented if noise becomes an issue. The existing backboard for the practice court could be re-installed, sound absorbing mats could be hung and/or sound absorbing paddles could be required. Due to existing site characteristics, there is no room for further expansion in the future due to ledge, topography and the watercourse. The Commission discussed potential requirements for noise suppression and recommended leaving the public hearing open so that the applicant can hold a practice game for the Commission and public to attend. A special meeting for a site visit will be scheduled and the agenda will be posted on the town website.

7. Receive applications and schedule public hearings

- a. **Application seeking a Zone Change from Center Edge (CE) to Commercial Center (COCE) for properties located at 254 & 256 Salmon Brook Street: File Z-18-23.**

The above application has been scheduled for a public hearing on October 24, 2023.

8. Consideration of applications, where the Commission has concluded the public hearing
None

9. Commission Discussion: Possible changes to Zoning Regulations regarding non-conforming buildings and uses; day cares; EV charging stations; recreational vehicles; and roosters.

A. Kenyon provided and discussed with the Commission a memorandum outlining potential zoning regulation amendments. Changes are necessary in order to comply with legislation that has recently been passed on a variety of issues. In addition, staff also thought this would be a good opportunity to propose changes to other sections to clarify and address several issues that have come up recently. Modifications are necessary regarding day cares in accordance with Public Act 23-142 and the language pertaining to non-conforming buildings and uses does not currently comply with Connecticut State Statute Chapter 124 Section 8-2d. Public Act 22-25 requires that any new commercial or multi-family residential building with 30 or more parking spaces, install level two or direct current fast-charging stations for electric vehicles in at least 10% of its parking spaces. Discussion also ensued regarding the parking and/or storage of recreational vehicles, and how it is recommended language is added stating that no RV shall be occupied or used for living, sleeping or other purposes. In regards to current regulations pertaining to roosters, the Commission determined that no changes were necessary.

10. Staff Report and Correspondence

A. Kenyon stated that the Conservation Commission is looking into landscaping requirements and the management of invasive species for new developments. They are hoping to come before the Commission within the next few weeks with proposed language for potential zoning regulation amendments. It was also noted that the Granby Center Advisory Committee kicks off tomorrow evening (9/27/23) at 7pm.

11. Commissioner Reports and Correspondence

None

12. Adjourn

ON A MOTION by C. Chinni seconded by P. Johnson, the Commission voted (7-0-0) to adjourn the meeting at 8:03 p.m.

Respectfully submitted,

Renee Deltenre
Land Use Coordinator

MEETING MINUTES
Town of Granby
Planning & Zoning Commission
Tuesday, October 3, 2023 at 5:00 PM
1 Broad Hill Road, Granby

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

Absent: Matthew Peters and Eric Myers

Also Present: Director of Community Development Abigail Kenyon

1. Call to Order

Chairman Lockwood called the meeting to order at 5:01 p.m.

2. Review/Walk the Site

Eric Jackson, representing the Granby Tennis Club in an application seeking a Special Permit under Zoning Regulations Section 3.1.2.4 for the construction of pickleball courts, horseshoe pit, and associated site improvements for property located at 1 Broad Hill Road, R2A Zone: File Z-17-23, showed Commissioners the location of the proposed horseshoe pit, parking area, and pickleball courts. Four members of the club then played pickleball while the Commissioners observed.

3. Adjourn

ON A MOTION by C. Chinni seconded by J. Boardman, the Commission voted (7-0-0) to adjourn the meeting at 5:15 p.m.

Respectfully submitted,

Abigail Kenyon
Director of Community Development

TOWN OF GRANBY

MEMORANDUM

TO: Planning and Zoning Commission

CC: Eric Jackson

FROM: Abby Kenyon, Director of Community Development

DATE: October 4, 2023

RE: Application seeking a Special Permit under Zoning Regulations Section 3.1.2.4 for the construction of pickleball courts, horseshoe pit, and associated site improvements for property located at 1 Broad Hill Road, R2A Zone: File Z-17-23.

The public hearing for the subject application opened at the Commission's September 26th meeting. As a result of some concerns that were raised regarding noise and the impact on a nearby property during the hearing, it was decided to keep the hearing open so the Commissioners could visit the site.

A special meeting was held on October 3rd at 5 PM. During the meeting, the Commissioners viewed the property and observed a pickleball game. At the Commission's October 10th meeting, Commissioners are asked to discuss their observations so it can be made part of the record.

The Commission is reminded while the tennis club has been operating from this property for quite some time, Zoning Regulations Section 2.2 states, "Any such use that would require the issuance of a special permit if commenced after the adopting of these regulations shall only require a special permit upon application for an addition, expansion or other change in the existing site plan or use." The tennis club is considered a recreational area/use which requires Special Permit approval under Zoning Regulations Section 3.1.2.4. Due to the proposed changes, Special Permit approval from the Planning and Zoning Commission is required.

As this is a Special Permit application, the Commission is to consider the criteria in Zoning Regulations Section 8.2 which includes suitable location for use, suitable structures for use, environmental compatibility, neighborhood compatibility, and adequate parking and access, adequate streets, adequate public utilities, environmental protection and conservation, and consistent with purposes.

TOWN OF GRANBY

MEMORANDUM

TO: Planning and Zoning Commission

CC: Zach Donais, Conservation Commission

FROM: Abby Kenyon, Director of Community Development

DATE: October 4, 2023

RE: Informal Discussion: Conservation Commission Presentation of Proposed Changes to the Zoning Regulations Landscaping Requirements, Native and Invasive Plants

The Conservation Commission contacted staff regarding the landscaping requirements outlined in the Zoning Regulations. Specifically, the Conservation Commission would like to recommend some changes to encourage the planting of native vegetation and prevent the planting of invasive species. Section 4.2.5 Landscape Treatment subsection c, which pertains to landscape requirements for site development applications, states, "...the frontage should include a variety of additional vegetation clusters utilizing local species of vegetation such as azalea, rhododendron and mountain laurel." Aside from that provision, there are no other requirements regarding acceptable plant species.

The following is a memo from the Conservation Commission outlining the proposed changes for the Commission's consideration. A member will be present to explain and answer any questions.

TO: Granby Planning and Zoning Commission (P&Z)

FROM: Granby Conservation Commission

DATE: September 21, 2023

RE: Invasive and Native Plant Regulations

Invasive plants have been on the radar of the Conservation Commission for a long time. One of the commissioners heads up a group that focuses on the manual removal of invasive species from town owned land (mainly around Holcomb Farm). Several months back the Conservation Commission had the opportunity to review the plans for the Cider Mill Heights development due to a requested amendment. Upon review of the plans commissioners noted at least two invasive plants being included in the landscaping plan for the development. The engineer and builder were open to the idea of replacing these invasive plants with native species.

Since the review of the development plans the Conservation Commission has been trying to figure out the best way to prevent the intentional planting of invasive species and encourage the planting of native species in future developments that require a site plan.

Invasive species are so named because they have the ability to spread prolifically and tend to be harmful by outcompeting native species, eventually reducing the biodiversity of the area they invade. Our landscapes and forests are already littered with invasive species like ornamental bittersweet, burning bush, Japanese knotweed and autumn olive just to name a few.

Native species tend to be adapted to the climate, soil conditions found locally. Well adapted plants produce larger roots (reduce erosion), and produce more nectar and pollen to feed our native pollinators. Native plants have evolved with native insects, birds, and animals. Some have evolved to become specialists, where one species requires the other for survival, such as the monarch butterfly, which can not reproduce without milkweed. The lack of native milkweed may be part of the reason why the monarch butterfly has found itself on the endangered species list.

The Conservation Commission is proposing adding a new subsection to the end of section 4 (Site Plans) of the Granby Zoning Regulations.

I. Native and Invasive Plants

- Site plans including invasive plants as identified by the [Connecticut Invasive Plants Council](#) shall not be permitted.
- Site plans shall contain 100% Connecticut native species.
- Cleared areas not being mowed regularly should be seeded with a mix of native grasses and pollinator friendly species.

The Conservation Commission looks forward to working with the Planning and Zoning Commission to reduce the planting of invasive species and increase native species within Granby.

Thank you.

4.2.5 Landscape Treatment

The following shall apply to all developments where a Site Plan approval is required:

- a. Where any commercial, industrial or multi-family use abuts a residential zone, a twenty-five (25) feet wide landscaped buffer strip shall be provided, on the lot used for such commercial, industrial or multifamily-use, extending the length of the property boundary, seeded and properly planted with trees and shrubs to insure a proper break between the two uses. The Commission may waive this requirement where the abutting residential zone does not contain a residential use;

79

SECTION 4 SITE PLANS

- b. The site shall contain a minimum landscaped area in the aggregate 20% of the total Site;
- c. The site shall contain a landscaped area adjacent to the street which is not less than twenty (20) feet wide and extending along the entire linear front footage. This landscaped area shall be free of parking areas and planted with deciduous and coniferous trees located in clusters at a minimum rate of 1 tree per 25 feet of frontage. In addition to the trees, the frontage should include a variety of additional vegetation clusters utilizing local species of vegetation such as azalea, rhododendron and mountain laurel. The Commission may waive this requirement where existing slopes are present or where the developer demonstrates an excellence in building placement and landscape design;
- d. Where any commercial, industrial or multi-family use abuts a residential zone, a twenty-five (25) feet wide landscaped buffer strip shall be provided extending the length of the zone boundary, seeded and properly planted with trees and shrubs to insure a proper break between the two uses. The Commission may waive this requirement where the abutting residential zone does not contain a residential use;
- e. The Commission may require additional landscaping measures under unusual conditions or for noise abatement to prevent the depreciation of adjoining properties which may include fencing, walls, earth berms, mature plantings or a combination of measures;
- f. The Commission may reduce the landscape requirements by not more than 25% for excellence in building or open space design. The Commission shall consider, among other features, the site characteristics, compatibility of proposed structures with surrounding architectural types, quality of building materials and the size and quality of landscape materials;

- g. The Commission shall consider, and may require, a Visual Streetscape Buffer when reviewing applications for Site Plan or Special Permit. The depth of the Streetscape Buffer will vary based on the factors outlined herein, up to a maximum depth of 500 feet. The buffer area shall be preserved in a natural state, between the street line and new interior development, except as necessary to allow access and achieve proper sight line for vehicles exiting and/or entering the development. The street or driveway that will provide access and egress to the developable portion of the property, by crossing the streetscape buffer, shall be landscaped to visually ease the transition from the existing road to the proposed development;

80

SECTION 4 SITE PLANS

- h. The streetscape buffer shall be permanently preserved through the creation of a conservation or similar easement and/or by deeding the fee or easement to an approved entity. In determining the applicability of a Streetscape Buffer the Commission shall consider the following:
- The setback of existing developments with the general area of the proposal;
 - The condition of the streetscape within the area of the proposal;
 - The potential to expand the streetscape buffer upon application of future developments;
 - The impact that a streetscape buffer will have on the general aesthetics of the area;
 - The depth of the property and the effect that such a requirement will have on the overall development potential of the site;
 - The feasibility of developing the rear portion of the site;
 - Factors that limit the developable areas of the site such as soils, wetlands and slopes;
 - The extent of vegetative cover and the landform within the area of the streetscape buffer, before and after development.

New

I. Native and Invasive Plants

- Site plans including invasive plants as identified by the [Connecticut Invasive Plants Council](#) shall not be permitted.
- Site plans shall contain 100% Connecticut native species.
- Cleared areas not being mowed regularly should be seeded with a mix native grasses and pollinator friendly species.

TOWN OF GRANBY

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Abby Kenyon, Director of Community Development

DATE: October 5, 2023

RE: Commission Discussion: Possible changes to Zoning Regulations regarding non-conforming buildings and uses; day cares; EV charging stations; and recreational vehicles.

At the Commission's September 26th meeting, the Commission reviewed several proposed changes to the Zoning Regulations. While there were no comments pertaining to non-conforming buildings and uses; day cares; and EV charging stations (see proposed text below), the Commission decided not to make any changes regarding roosters and asked staff to look into recreational vehicles in more detail.

Recreational Vehicles

During the Commission discussion, it was noted it may be appropriate to include a provision to allow the temporary occupancy of recreational vehicles under certain circumstances. While staff is hesitant to include such a provision, if the Commission is inclined, it is recommended such occupancy be very limited in duration. A survey of surrounding towns (Avon, Canton, East Granby, Simsbury, and Suffield) showed that while most have similar regulations to Granby, some do include provisions that allow exceptions to the regulations. The following is offered for consideration:

Proposed Changes

8.1.5 A maximum of two (2) recreational vehicles may be parked or stored outside on a lot, provided any such vehicle is parked in conformance with Section 8.1.4 and is owned or leased by the owner or permanent resident of the property on which it is to be parked. Recreational vehicles shall be stored in the garage, a barn or the rear yard of the property, provided they are not placed within ten (10) feet of a property line. Recreational vehicles parked or stored on a lot shall not be occupied or used for living, sleeping, or other purposes. Temporary storage (less than 48 hours in one month) is exempt from these regulations.

Day Cares

Proposed Changes

Section 1.4 Definitions: (taken from State Statute)

Group Child Care Home: A child care service which offers or provides a program of supplementary care A) to not less than seven or more than twelve related or unrelated children on

a regular basis, or B) that meets the definition of a family child care home except that it operates in a facility other than a private family home.

Family Child Care Home: A child care service which consists of a private family home providing care A) for i) not more than six children, including the provider's own children not in school full time, without the presence or assistance of an assistant or substitute staff member approved by the Commissioner of Early Childhood, pursuant to section 19a-87b, present and assisting the provider, or (ii) not more than nine children, including the provider's own children, with the presence and assistance of such approved assistant or substitute staff member, and (B) for not less than three or more than twelve hours during a twenty-four-hour period and where care is given on a regularly recurring basis except that care may be provided in excess of twelve hours but not more than seventy-two consecutive hours to accommodate a need for extended care or intermittent short-term overnight care.

3.1.1 Rural Residential R2A Permitted Uses

3.1.1.8 Family Child Care Home or Group Child Care Home, located in a residence and licensed by the Office of Early Childhood

3.1.2 Special Permits

3.1.2.3 Day care centers, other than Family Child Care Home or Group Child Care Home, located in a residence and licensed by the Office of Early Childhood, for six (6) or more people in public, private and institutional buildings with a valid state license;

3.7 Planned Development Multifamily PDM Permitted Uses

3.7.1.3 Family Child Care Home or Group Child Care Home, located in a residence and licensed by the Office of Early Childhood

3.10.1 Neighborhood and Commercial Transition Zone T1 Permitted Uses

3.10.1.4 Family Child Care Home or Group Child Care Home, located in a residence and licensed by the Office of Early Childhood

3.10.2 Neighborhood and Commercial Transition Zone T1 Permitted Uses

3.10.2.1 Commercial educational facilities, including day care centers, other than Family Child Care Home or Group Child Care Home, located in a residence and licensed by the Office of Early Childhood, for six (6) or more people in public, private and institutional buildings with a valid state license;

3.11 Rural Conservation R4A Permitted Uses:

3.11.1.8 Family Child Care Home or Group Child Care Home, located in a residence and licensed by the Office of Early Childhood

3.11.2 Special Permits

3.11.2.3 Day care centers, other than Family Child Care Home or Group Child Care Home, located in a residence and licensed by the Office of Early Childhood, for six (6) or more people in public, private and institutional buildings with a valid state license;

3.12.2 Center Commons Zone Permitted Uses

- Family Child Care Home or Group Child Care Home, located in a residence and licensed by the Office of Early Childhood

3.12.3 Center Edge Zone Permitted Uses

- Family Child Care Home or Group Child Care Home, located in a residence and licensed by the Office of Early Childhood

Non-Conforming Building and Uses

Proposed Changes

2.1.4 Discontinued Non-Conforming Use; ~~Repair of Fire Damage~~

~~No non-conforming use that has been discontinued for a continuous period of six (6) months shall thereafter be resumed and no building containing a non-conforming use shall be rebuilt or restored at the same location and again used for non-conforming use after damage by fire, explosion or other catastrophe exceeding eighty (80) percent of its fair market value immediately prior to damage. An application for a permit to rebuild or restore the damaged portion for the non-conforming use shall be filed within six (6) months of damage.~~

If a nonconforming use of land is abandoned by virtue of an overt act by the property owner, such as a change to a conforming use or by written notification to the Town, any subsequent use of the land shall conform to the requirements specified by these regulations for the underlying zone.

2.1.7 Fire Damage to Non-Conforming Building Used for a Permitted Use

A non-conforming building containing a permitted use which building has been damaged or destroyed by fire or other causes may be rebuilt in its former location only to the size and extent of such building immediately prior to its damage or destruction, or may be rebuilt in conformance with Section 2.1.6, ~~provided in either case a building permit for such work shall have been issued within four (4) months of the occurrence of such damage or destruction.~~

EV Charging Stations

Proposed Changes

Section 1.4 Definitions: (taken from State Statute)

Electric Vehicle Charging Station: an electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.

Level Two Electric Vehicle Charging Station: an electric vehicle charging station that supplies two hundred eight (208) to two hundred forty (240) volt alternating current.

Direct Current Fast Charging Station: an electric vehicle charging station that utilizes direct current electricity providing forty (40) kilowatts or greater.

New Section 7.4.1 Electric Vehicle Charging Stations

Each new commercial and multi-family residential building with 30 or more parking spaces shall include electric vehicle charging stations in a minimum of 10% of the required parking spaces.