

**TOWN OF GRANBY
PLANNING AND ZONING COMMISSION
MAY 12, 2015
MINUTES**

Present: Paula Johnson, Chairwoman, Margaret Chapple, Christine Chinni, Mark Lockwood, Eric Lukingbeal, James Sansone and Linda Spevacek. Also present was Francis Armentano, Director of Community Development.

The meeting opened at 7:00 p.m.

Public session: There was no public comment.

Minutes: The minutes of April 28, 2015 were reviewed.

ON A MOTION by Margaret Chapple, seconded by Eric Lukingbeal, the Commission voted to (6-0-1) to approve the minutes of April 28, 2015 as presented. Mark Lockwood abstained.

Receipt and discussion of a Report by the Center Review Study Subcommittee:

Margaret Chapple, Chairwoman, presented the report and gave a brief review of the Center Review Study Subcommittee meetings. She discussed the process and noted that 3 meetings were held and that each was well attended by the members. The majority of the members favored increasing opportunities for new business within the Town Center and favored the preservation of the historic buildings, particularly the facades of such buildings. Fran commented on the report, noting that Zoning is exclusionary, meaning if something is not allowed it is prohibited. The subcommittee discussed this and saw that by adding wording that prohibited uses, the regulation became unclear. The subcommittee voted 11-2 to support the adoption by the Planning and Zoning Commission of a Zoning amendment that eliminated the prohibitory wording of Section 3.12.5 which reads that “retail uses, restaurants and commercial services are not appropriate and shall not be approved for any property located within the Granby Center Historic Overlay District”. Peggy Lareau, a member of the Subcommittee, expressed her opposition to the report and presented the Commission with a report titled **A Minority View**. Chairwoman Johnson thanked Peggy Chapple for chairing the subcommittee and recognized and thanked the Subcommittee members that were in attendance and all members for their participation. Fran will show the Commission a power point presentation at the next meeting in regards to the Center Zone and the report of the Subcommittee.

ON A MOTION by Mark Lockwood, seconded by Linda Spevacek, the Commission voted unanimously (7-0) to accept the Center Review Study Subcommittee report. The report is attached and made a part of these minutes.

Discussion of Tree Cutting as suggested by Ellen Nichols:

The Commission held a discussion with Ellen Nichols, 29 Byron Drive, who had asked about establishing an ordinance which requires a permit for the cutting of trees and the notification of neighbors.

Ms. Nichols presented her thoughts and concerns to the Commission. She noted that neighbors had recently cut down the forest in their back yard and felt that this is a growing trend in her neighborhood. She expressed concern for the environment, wildlife, air purification, erosion and flood control, shade and corridors. She suggested the Commission consider a town ordinance that requires a permit for the cutting of trees and notification of neighbors. The Commission members understood her concerns, but did not agree that new government restrictions regarding tree cutting on private property were necessary. Eric Lukingbeal suggested that if there were wetland concerns, the Inland Wetlands and Water Courses Commission should be notified.

Receive Application:

The Commission received an application seeking a Special Permit for an Accessory Apartment, Section 8.5 for property located at 2 Apple Tree Lane, File Z-4-15. The public hearing is scheduled for the May 26, 2015 meeting.

Consideration of an application seeking a Special Permit, which proposes to modify the existing Special Permit, issued by the Planning and Zoning Commission on 12-09-2008, for property located at 80 Lost Acres Road and known as the Lost Acres Vineyard, File Z-1-15.

The Commission continued their discussion of this application. They had previously commented on a possible approval with conditions. The members agreed on the farm store hours and concentrated on the conditions of approval. Of primary concern was the level of activity that could occur in relation to the agricultural use. The playing of music, the closing time and the need for a future review of the application were discussed in the greatest detail. The members continued to express concern on a fixed closing time. Public comment showed that on a very few occasions, events might extend to 10:30 pm, due to the nature of the activity. The members did not support 10:30 pm as a regular closing time but agreed that 10:30 pm would be the absolute closing time when all guests must leave the wine barn. They noted that wine sales for on-premise consumption must stop at 9:00 pm and that music can't continue past 9:30 pm, so people leaving after 9:30 pm should be unusual. The members agreed that Zoning Enforcement Officer could take action if the number, types or hours of the activities that occur exceed that which is customary and incidental to the agricultural use. The members agreed to limit outside music to a maximum of 6 days per year and to add restrictions to inside music. They discussed the regulation of outside events through the regulation of tents. The members discussed the need for a future hearing or time limit on the approval. They agreed that they could always ask the Zoning Enforcement Officer to review any concerns and prepare a report on the vineyard and that the Commission could suggest that the ZEO take any necessary action in regards to the report.

ON A MOTION by James Sansone, seconded by Christine Chinni, the Commission voted (7-0) to approve the application for a Special Permit, for property located at 80 Lost Acres Road, the Lost Acres Vineyard, File Z-1-15 as follows:

The Farm Store may be open year round.

The Farm Store may be open Monday through Sunday.

The Farm store may be open from 10:00 am to 7:00 pm

Conditions of Approval:

1. The Farm Store will close to the general public no later than 7:00 pm, except for Special Events. A Special Event is any activity where the general public or a group of invitees are scheduled for a purpose in addition to the sale or promotion of wine or farm products.
2. The Commission anticipates that Special Events are a less frequent activity than the regular activities of the wine store. While the Commission has not established a maximum number of such events, it is noted that the applicant/owners identified a maximum of 60 events per year where more than 50 guests are in attendance.
3. Wine sales for on-premise consumption must cease by 9:00 pm and all vineyard guests must leave the wine-barn by 10:30 pm.
4. If Amplified Music is used on the premises, it must not start before 10:00 am and it must cease by 9:30 pm. on Fridays and Saturdays and by 9:00 pm Sunday through Thursday.
5. Performances by Musicians/Bands/DJs or others, outside of the existing "Wine Barn" building with amplified music, shall be restricted to a maximum of 6 days per calendar year. The Granby ZEO shall be notified in writing/e-mail prior to any such performance. Such performances that occur on the outside deck or in tents as noted in item #6 below are included under this 6 day restriction.
6. If a temporary outside tent or other such structure will be used on the property, then, such temporary tent or other outside structure shall be limited to 5 building permits per calendar year. No such temporary structure/tent may remain on the property, for more than 4 consecutive days. Each individual tent permit will be for a single event.
7. A sign that reads "Please Do Not Park on Lost Acres Road" shall be placed within 15 feet and north of SNET Pole #370. The sign shall be clearly visible to vehicles entering the property, but shall not be greater than 4 square feet.
8. The Revision to a Site Plan is approved only in regards to the location of the "Split Rail Fence" and in regards to the limits of the "Outdoor Events Area".
9. No outside lighting structures are approved. A future request for outside lighting will be considered upon receipt of a specific proposal and proper application. All lighting shall

conform to the requirements of the Zoning Regulations, including any temporary lighting. Lights with full horizon cut off are required.

10. The parking area as shown on the Revision to a Site Plan is considered to be conceptual only, presenting an example of how vehicles may park on the existing grass/gravel area, on such occasions when such parking is necessary. The Commission expects that this area will not change from the existing gravel/dirt/grass base, as typically used for events in support of agricultural land uses.
11. Nothing within this approval is intended to limit the Granby ZEO from taking any action where such ZEO determines that the number, types or hours of the activities occurring at the subject property exceed that which is customary and incidental to the agricultural use in accordance with the Zoning Regulations.
12. Upon a future request of the Planning and Zoning Commission, the Zoning Enforcement Officer will review the record and prepare and submit to the Planning and Zoning Commission a report on the vineyard. The report may contain the number, the origin and the nature of complaints, compliments, issues and concerns if any, received by the Zoning Office and Police Department concerning the Lost Acres Vineyard.

The Commission finds that the application as approved is consistent with the Zoning Regulations and the Plan of Conservation and Development.

In approving this application, the Commission notes that the Lost Acres Vineyard has, since receiving the Certificate of Occupancy, held events to promote the sale of wine and local farm products. To date, the Zoning Enforcement Officer has not found such events to be in violation of the Zoning Regulations. These regulations state that agricultural use and accessory uses customarily incidental to agricultural uses are a permitted use in residential zones. Additionally, Section 8.15 Agriculture strongly encourages agricultural use and particularly "farms". The Commission reviewed the applicant's "proposed conditions" and based on the testimony and correspondence received in regards to this application, adopted the above 12 conditions which were found to be appropriate for this vineyard and consistent with the conditions offered by the applicant and the public comment.

Staff Reports and Correspondence:

Fran reported on the renovations to the former Old Oak Tavern.
2 Park Place (Avery Property) has been sold and renovations are anticipated

Commission Discussion of items of interest or concern:

Mark Lockwood commented that he appreciated the public participation in regards to the Lost Acres Vineyard.

The meeting adjourned at 8:30 p.m.

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Respectfully submitted,

Dorcus S. Forsyth
Recording Secretary