

**TOWN OF GRANBY  
PLANNING AND ZONING COMMISSION  
APRIL 23, 2013  
MINUTES**

**Present:** Paula Johnson, Chairman, Margaret Chapple, Charles Kraiza, Paul Lambert, James Sansone, and Linda Spevacek. Also present were Francis Armentano, Director of Community Development and Kevin Clark, Town Engineer.

The meeting opened at 7:02 p.m.

**Public session:** Robert Levandowski, Kingston, NY, spoke regarding his efforts to obtain drawings and other materials from the Office of Community Development. He said that such materials were not readily available, nor provided when requested. He suggested that all such materials be kept in the Town Clerk's office.

Mr. Armentano responded that he and his office staff have complied with every request from the Levandowskis in a prompt and professional manner.

**ON A MOTION** by Margaret Chapple, seconded by Linda Spevacek, the Commission voted unanimously (6-0-0) to approve the minutes of April 9, 2013 as presented.

**Public hearing:**

The continuation of the public hearing for an application seeking approval of a Special Permit under Section 9.0 of the Zoning Regulations to excavate and remove sand, gravel, stone, loam, dirt and/or other earth products for property located at 329 Granville Road, with the proposed access to the site located on Peck Orchard Road, File Z-5-13, opened at 7:09 p.m. Attorney Glenn Knierim, Jr., who represents Peck Orchard Knoll LLC, appeared on their behalf. He presented a map, which outlined alternative grading at the northern and southern ends of the property. (map sheet 7, revised to 4-18-13) The alternative includes the installation of a row of trees to help shield the work area from the abutting property owner to the north. Attorney Knierim provided copies of a report dated 4-23-13, from Mr. Michael Klein of Environmental Planning Services. Mr. Klein's report provided minor recommendations to improve the proposal and concluded that the proposal will not have a significant adverse environmental impact. Attorney Knierim said that he submitted a copy of the report to Attorney Slater, referencing the Notice of Intervention. He went on to say that he and his clients met with the Marshalls and Levandowskis recently in an attempt to address their concerns. The applicant provided a list of nine "Possible Additional Conditions" and a recommended grass seed mixture. Mr. Knierim reviewed the town's Plan of Conservation and Development and stated this application is in compliance with this document. Robert Hiltbrand, of RR Hiltbrand Engineers & Surveyors, LLC, stated he too met with the Marshalls and Levandowskis. He explained the grading changes that they discussed and as shown on a map revised to 4-18-13. He addressed the grading and clearing near the Marshall's property line. In regards to the excavation near the Levandowski's property he spoke of a natural buffer created by the slope of the land. He offered to modify the grading and to add plantings along the view line to shield sight of machinery, help with sound and to

help hide the operation. He showed areas where conservation easements could be established. This would assure that no future excavation would take place and would protect the vegetation along the slopes. Linda Spevacek asked about the phasing of the work and if during the summer months the work in the back portion of the property could be done, so as to minimize the noise. She also asked about limiting the work to the winter months. Mike Girard spoke at this point, further explaining what areas would be cleared and in what phases. He stated that minimizing the noise, dirt, and dust has been taken into consideration when setting up their proposed work schedule. He said that if work were limited to the winter months, the job could not be completed in two years and the winter time frame was contrary to the time frame when the material was most needed.

Public comment: Several people spoke in regards to this application, expressing a wide variety of comments and concerns, an example of which follows: Attorney Ken Slater, representing Doug and Linda Marshall, commented that the goal is to allow only reasonable excavation. Concern was expressed for the length of time and the amount of material to be removed. Specific limitations, which included no more than two building lots, a conservation area around the property perimeter, and an easement with a covenant to restrict future activity to protect the neighbors was mentioned. A two-year limitation for work to be done without the possibility of an extension was also discussed. Peck Orchard Knoll, LLC responded that they needed two years to complete the sand and gravel removal. Other comments expressed concern for the many people in the area that will be affected by the work done there, not just the three families that are closest to this property. The application was labeled as really nothing more than a sand and gravel excavation business. Comments identified this proposal as a commercial mining business. A resident expressed concern for her safety as her driveway, which is already hard to enter and exit, will be twice as hard, with the thought of trucks traveling along her street. The concern about the impact of air bourn dirt and dust was expressed. Concerns were expressed regarding property values and the impact that the operation might have on area home sales. A concern was voiced in regards to the storm water dry wells off the access road and the storm drains along the road during rainstorms. Anna Sogliuzzo, of the Granby Conservation Commission, reported that members of the Commission had recently walked the site. She provided a letter to the Commission with their comments regarding the removal of the earth materials. She stated it appears there is a need for an independent environment impact study. A comment was made in regards to the Ridgeline. Comments questioned the benefit that pine tree plantings, that were shown earlier on the plans, will have on cutting the noise or in keeping down the dust towards the adjacent house. The accuracy of the TR55 computer program, which deals with storm water modeling, was questioned. The public hearing closed of 9:08 p.m.

#### **Old Business:**

The application for the Safe Haven Wildlife Rehabilitation Center was discussed. The Commission was in agreement with the concept, while noting various concerns.

**ON A MOTION** by Paul Lambert, seconded by Linda Spevacek, the Commission voted (5-0-1), with M. Chapple abstaining, to approve an application for a Special Permit for a non-profit use, Safe Haven Wildlife Rehabilitation Center, located at 26 Loomis Street, File Z-3-13, with the following conditions:

1. The Special Permit shall terminate on April 23<sup>rd</sup> 2015, unless it is re-approved by the Commission.
2. The Special Permit use shall operate in conformance with the proposal as outlined in the applicant's letter dated February 25, 2013
3. The Special Permit shall operate in conformance with a letter dated April 19, 2013 from, Laurie Fortin, Wildlife Biologist of the Connecticut Department of Energy and Environmental Protection.
4. All outdoor cages shall be reconstructed in accordance with the above referenced DEEP letter.
5. All trash, rubbish and other discarded materials shall be placed in enclosed, appropriate containers and disposed of properly.
6. The barn window shall be properly shaded during the night hours.

Following the vote the Commission noted their concern for the number of feral cats that appear to be living on the property. The Commission recommends that the property owner address this situation as discussed during the public hearing process.

**Receive applications:**

The Commission received the following applications and set then for public hearing on May 14, 2013:

Application seeking a special permit to construct a barn/garage in excess of 1,000 square feet for property located at 96 Notch Road. File Z-7-13

An application seeking approval of a special permit to convert the property and existing buildings located at 156, 160, and 162 Granville Road to church, religious buildings, and associated uses by a non-profit religious organization, Valley Brook Community Church. File Z-8-13

The Commission commented on the need for site plan information, particularly related to parking.

The Commission members began a discussion of the Peck Orchard Knoll matter. Chairman Johnson expressed her desire to proceed slowly in making a decision. She suggested that the Commission members digest all the information from this meeting and the one prior and review the paperwork available. Town Engineer, Kevin Clark was asked about the storm water drainage. He discussed the proposal and reviewed the TR55 method used to calculate storm runoff and drainage. The slope of driveways and

other matters were briefly discussed. Conditions that could be placed on the proposal were also discussed.

The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Susan Christian  
Acting Recording Secretary