

**TOWN OF GRANBY
PLANNING AND ZONING COMMISSION
MEETING MINUTES
SEPTEMBER 10, 2013**

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

The meeting of the Planning and Zoning Commission was called to order by Chairwoman Johnson at 7:00 p.m.

PUBLIC

No public input received.

ACTION ON MINUTES

The Commission reviewed the meeting minutes of July 9, 2013.

ON A MOTION by James Sansone, seconded by Charles Kraiza, the Commission voted 5-0-2 to approve the meeting minutes of July 9, 2013 as presented. Linda Spevacek and Mark Lockwood abstained.

ACKNOWLEDGE RESSIGNATION OF PAUL LAMBERT

Chairman Johnson commented that the Commission said their good byes to Paul Lambert at the last meeting. The Commission expressed their appreciation of his service he gave and his volunteerism on sub-committees during his term.

WELCOME NEW MEMBER MARK LOCKWOOD

The Commission welcomed Mark Lockwood. Chairman Johnson stated that Mr. Lockwood will be serving the remaining term from Mr. Lambert. He will be running for this position in November 2013.

Mark Lockwood gave background of himself. He moved to Granby in 2000 from New Jersey and works at Alstom Power, Windsor, CT. He is married with two children, 14 and 11.

RECEIVE AND DISCUSS THE RECREATIONAL VEHICLES SUBCOMMITTEE REPORT, DATED AUGUST 30, 2013

It was noted Robert Smith and Joseph O'Brien, members of the subcommittee, were present in the audience, along with Linda Spevacek and Margaret Chapple, Co-chairpersons of the subcommittee.

Linda Spevacek commented that the subcommittee had active participation. A large amount of research was done and meetings conducted were over nine months. Margaret Chapple stated the recommendation of the subcommittee was that the Planning and Zoning Commission encourage the Granby Board of Selectmen to adopt a comprehensive Noise Ordinance, enforceable by the Granby Police Department.

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The Commission read the report (copy attached) prior to the meeting and made several comments. Highlights are:

1. Consideration will be given to changing the Zoning Regulations, if appropriate, to go along with a Noise Ordinance, if adopted.
2. Parents want to have their children learn to operate these vehicles.
3. One envision of the ordinance is to set a standard for noise.
4. A suggestion was made to not limit the recommendation of encouraging an adoption of a Noise Ordinance and allow other mechanisms to address this issue, like the Nuisance Ordinance.
5. In surrounding towns, only East Granby has a Noise Ordinance.
6. State statutes regarding noise must be involved with the Noise Ordinance. Exemptions such as during emergencies should be part of the ordinance. An example would be the noise from generators.
7. Enforcement of the regulation or ordinance was discussed. A regulation would be handled by the zoning official who works M thru F from 8 a.m. to 4 p.m. The ordinance would be enforced by the Police Department 24/7.
8. The technical equipment used for such an ordinance needs more research in what is needed and the cost.
9. The Police Department's input should be included in the development of the ordinance.
10. Lastly, neighbors should always be encouraged to work issues out.

On a technical issue of the report, it was noted that the zoning officer's work week hours as 40 and it is 35 hours.

Robert Smith, subcommittee member, commented that if the Planning and Zoning Commission would like to add to the recommendation, then the subcommittee would have a chance to support the change or not.

Joe O'Brien, subcommittee member, commented his experience at the demonstration of the dirt bikes was that he was dismayed by the noise.

ON A MOTION, Eric Lukingbeal, seconded by James Sansone, the Commission voted unanimously (7-0-0) to endorse the end report made by the subcommittee and send to the Board of Selectmen for their next steps.

PUBLIC HEARING

None scheduled.

RECEIVE APPLICATIONS

Fran Armentano stated that an application was received from Mary's Kitty Korner. An addition is being requested for Mary's Kitty Korner at 281 Salmon Brook Street. A Public Hearing will be scheduled for the next meeting.

STAFF REPORTS AND CORRESPONDENCE

Fran Armentano, Director of Community Development, reported the following:

INSERT FRAN'S NOTES ON THE FOLLOWING – DOUBLE CHECK ON THIS WORDING FRAN.

- Evonsion Farm – Clean up continues, following DEEP regulations.
- Holcolmb Farm – The town has been awarded a \$500,000 STEAP grant which will be used to make improvements at Holcomb Farm and overseen by the Office of Policy and Management. The town already paved a parking lot.
- Generators and FEMA Grant – An application grant was applied for the middle school generator.
- Connecticut Natural Gas – An analysis was made, finding that the town may save up to \$210,000 for natural gas heat versus oil based on last year's pricing. The Board of Education and Board of Selectmen approved moving forward to connect gas lines to the school and town buildings.
- Valley Brook Church is modifying the parking space for their recently acquired property. Fran Armentano indicated that Ed Lally is reviewing the plans and if extensive modifications are requested it will come to the Planning and Zoning Commission for their review.
- Housing Rehabilitation – This program has funds available for residents who qualify and wish to make improvements to their homes.
- Construction: 17 permits received, mostly for new additions, very little for new housing.
- Trees cut down on Route 10 near the Stop & Shop Plaza – Fran Armentano believes it is a homeowner cutting the trees but he will check into this.

COMMISSION DISCUSSION OF ITEMS OF INTEREST OR CONCERN

Chairwoman Johnson stated that she would like to put together a subcommittee to review the town's excavation regulations. Eric Lukingbeal indicated he would be interested in participating on this subcommittee. It was also noted that the Conservation Commission would also like to participate with this subcommittee.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Patricia I. Chieski
Recording Secretary

RECREATIONAL VEHICLES SUBCOMMITTEE REPORT

August 30, 2013

The following is a report from the Recreational Vehicles Subcommittee.

The members of the subcommittee included:

Margaret Chapple, co-chairperson

Linda Spevacek, co-chairperson

Jeff Bolton; Brian Colton; Wayne Cahoon; Evan Geusic; Peter Jackson; Tom Meyers;

Joseph Obrien; Steve Pestretto; Bob Smith; Russ St John; and Gerald Weis.

Francis Armentano, Director of Community Development assisted the subcommittee.

RECOMMENDATION:

That the Planning and Zoning Commission encourage the Granby Board of Selectmen to adopt a comprehensive NOISE ORDINANCE, enforceable by the Granby Police Department.

Background:

The Recreational Vehicles Subcommittee was created by the Granby Planning and Zoning Commission to address the issue of RV use in the Town of Granby. The subcommittee was created in response to the use of RVs in residential zones and the complaints from neighbors about such use. The specific objective of the group was left open to the subcommittee’s interpretation and the subcommittee defined their mission and the definition of Recreational Vehicles as follows:

MISSION: To learn about the use and impact of recreational vehicles in an effort to determine if the use of such vehicles is appropriate in Granby and to provide the findings to the Planning and Zoning Commission. The finding may include any information, suggestions, thoughts or comments related to the use of recreational vehicles.

DEFINITION: Recreational vehicles include any self-propelled motor vehicle, commonly used over unimproved terrain, if used for recreation or pleasure off a public way.

Process:

The members met regularly over nine months from October, 2012 through June, 2013. The scope of the project was extensive, including consideration of:

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| Property Rights | Neighborhood complaints | Public/private tracks |
| Property Values | Noise “science” | Types of regulation options |
| Property Damage | Dust concerns | Monitoring/Enforcement |
| Resident Agreements | Safety concerns | Exceptions (emergencies, etc.) |
| Environmental Impact | Fumes | “Grandfathering” |
| Utility vs. Recreational Use | Unsightly tracks/jumps | Other town regulations |
| Occasional vs. regular use | Available muffling options | CT Noise standards |
| Large groups of riders | Alternatives available to riders | Live demonstration |

The subcommittee members began with an overview of recreational vehicles in an effort to understand how and where RVs were being used and the nature of objections that had been raised by townspeople. The subcommittee heard from residents who discussed their concerns about RV use and who cited the negative experiences that they faced when their neighbors used RVs. The subcommittee also heard from RV users.

Very early on, it became clear to the members that the primary problem with RV use in residential areas is noise and ideas to reduce the noise impact were discussed at every meeting. Secondary concerns about everything else which impacts a neighborhood (dust, fumes, property damage, personal safety, unsightly tracks and jumps, and property values) remain important, but the noise impact clearly trumps all else.

Potential Outcomes/Solutions Explored:

Outright ban on recreational vehicles in town/in residential zones

Establishment of a public riding site

Land use regulations

Ordinance regulations

Throughout the process there was regular disagreement among the members on the need for regulation with some members feeling that such vehicles could be used without regulation and others feeling that the use of such vehicles was totally inappropriate and that such use should not be permitted under any circumstance. On the other hand, an outright ban on RV use was not supported by a majority (at least in the first few months while information was still being gathered). The establishment of a public riding site was researched and debated, but was deemed impractical for the town. The majority of the members agreed to proceed toward a basic goal of attempting to define parameters that would allow the use of RVs under defined conditions.

While concentrating on the possible regulation of RVs, the members also discussed whether any such regulation should be in the form of a Town ordinance, enforceable by the Granby Police Department, or a Zoning Regulation enforced by the ZEO. Both options were deemed acceptable, provided the enforcement could have “teeth” (fines, etc.). It was noted however that the police are available 24 hours a day, 7 days a week, while the ZEO works 40 hours per week, Monday through Friday.

Limitations that were initially seen as appropriate in the development of a regulation on RV use included restrictions such as:

- Limiting the Zoning District(s) where a RVs could be used;
- Establishment of a minimum size of the property where such vehicles could be used;
- Establishment of a minimum distance between a neighboring residential property and the area where recreational vehicles could be used;
- Limiting the type/size of RVs that could be used: and
- Limiting the hours when such vehicles could be used.

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However, primarily because of the significant variation in the way noise travels, there was no agreement on even the most basic regulation. After spending hours discussing such regulations the subcommittee could not come up with a design that would permit the use of RVs while safeguarding the area residents from the negative impacts associated with such use.

As the subcommittee was unable to establish a specific set of RV regulations, the members contemplated the development of a special use permit, whereby a homeowner could seek special permission from the Planning and Zoning Commission for RV use. In this way, each request would be site specific and the PZC could establish specific conditions for such use. However, there was no agreement on what types of conditions would be appropriate and it was agreed that the enforcement of such conditions would be difficult if not impossible. Additionally, applications for such special use permits often create hostilities between neighbors, which are then voiced during the public hearing process. This situation can bring about excessive and long lasting neighborhood conflict. Finally, approvals and denials of such special use permits can be appealed, resulting in further conflict and placing a financial hardship on the Town and those involved in the appeal.

Live Demonstration Results:

On June 18, 2013 the subcommittee met for a scheduled live RV demonstration at 18 Candlewood Lane, which is a 7-acre property at the end of a cul-de-sac within a residential neighborhood. There were 3 dirt bikes of different sizes demonstrated one at a time. Members watched and listened from the field behind the house and witnessed how the noise would rise and fall as the bikes were used and as they travelled among the trees and behind earth berms. The members then walked around the Candlewood Lane cul-de-sac and considered how the noise would affect the adjacent property owners. The members noted that even when they were standing on Candlewood Lane, the noise was loud and annoying. Most were surprised at the level of noise even quite a distance from the RV activity. (Informally and unofficially, various members held noise meters that registered upwards of 70 to 90 decibels even at this distance.) All of the members who were there agreed that they would not want to live next to this type of activity.

When discussing the demonstration at the following subcommittee meeting, the overwhelming issue was clearly the noise. The demonstration had caused a number of the members to reconsider whether RV activity should be allowed within residential zones at all, unless the noise could be effectively muffled or so distant that it would not disturb neighboring property owners. The demonstration cemented the group's opinion that the way noise travels could not be properly evaluated, predicted and judged through a special use permit process or regulated through zoning regulations.

Conclusion and Recommendation:

The subcommittee members agreed that noise in general is a significant concern within the community and they recommend that the most suitable way to address the issue, including noise

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from RV use, is with a comprehensive Noise Ordinance, enforceable by the Police Department.
The subcommittee

expressed its desire that the Board of Selectmen appoint a committee to prepare a comprehensive noise ordinance. A number of the members stated that they would be willing to serve on a committee appointed to prepare a noise ordinance.

The adoption of a comprehensive noise ordinance will not eliminate future zoning enforcement action related to land use, nor change the interpretation of customary accessory residential uses. However, a Noise Ordinance will certainly be instrumental in the future application of the Zoning Regulations, as when residents seek to use their private property for their individual RV use, in accordance with such noise ordinance.

Upon a unanimous vote of the subcommittee, the members ask that the Planning and Zoning Commission support the adoption of a Noise Ordinance and draft a letter to the Board of Selectmen asking them to adopt a comprehensive Noise Ordinance that can be enforced by the Granby Police Department.