

**TOWN OF GRANBY
PLANNING AND ZONING COMMISSION
SEPTEMBER 25, 2012
MINUTES**

Present: Paula Johnson, Chairwoman, Margaret Chapple, Charles Kraiza, Paul Lambert, Eric Lukingbeal, James Sansone and Linda Spevacek. Francis Armentano, Director of Community Development was also in attendance.

The meeting opened at 7:04 p.m.

Public session: There was no public comment.

ON A MOTION by Paul Lambert, seconded by Margaret Chapple, the Commission voted to approve the minutes of September 11, 2012. Charles Kraiza and Linda Spevacek abstained.

Public hearings:

The continuation of an application for a Special Permit and subdivision for a rear lot for property located at 189 Broad Hill Road, File Z-6-12 resumed at 7:05 p.m. Frank Borawski Engineer, PDS Engineering and Construction, Inc., presented the application for owner Judith Maulucci. He proposes to create 2 lots from the existing 10- acre parcel. One is a rear lot and one is a front lot. The access to the proposed front lot would be off of Broad Hill Road. The proposed driveway is located within 50 feet of Cone Mountain Road. The driveway that serves the existing home does not meet the standard for a private road. The FVHD has approved the site for septic and well. The applicant is seeking a waiver of the non-useable open space. The applicant wishes to pay a fee in lieu of the useable open space. The Town Assessor has established the land value at \$110,000. Therefore the required fee based on 6% is \$6,600. Jim Sansone asked if Lost Acres Fire Department has looked at the grade of the driveway for emergency vehicles. Fran answered that they have not, but the driveway is in conformance with the Subdivision Regulations. Joe Lombardo, 179 Broad Hill Road, commented that he would like to see all the driveways come together in one spot, though he'd prefer that the existing driveway be reconstructed to a private road standard with the new lot having access to the reconstructed private road. While this arrangement may be preferable, it could not be accomplished without agreements by all parties involved, particularly the owner of the right of way. Gary Maulucci noted he is the owner of the ROW and that no one asked him about this matter. The public hearing closed at 7:17 p.m.

The public hearing for a Special Permit for a home occupation in an accessory building for property located at 62 Notch Road, File Z-10-12 opened at 7:18 p.m. Mr. Perlotto, applicant, stated he gives private softball pitching lessons in an accessory building that is attached to his home. The lessons are given to one student at a time and typically for 1 hour. More than one pitcher is not allowed at any time. There was no public comment. The public hearing closed at 7:24 p.m.

The public hearing for a Special Permit for a non-profit use for property located at 16R Enders Road, File Z-13-12 opened at 7:25 p.m. Liz Bennett, Bandit's Place, stated she recently purchased this property for her home and for the non-profit use which involves the holding, care and the outside placement of pets, primarily dogs. The property contains 5.6 acres in Granby. The lot is partially located in Barkhamsted and road access to the property is through Barkhamsted. She submitted a sketch of the proposed 16 foot x 30 foot kennel with heat, inside/outside runs, radiant heated floors, sprinkler system and a generator that is 350 feet from the roadway. The nearest Granby neighbor is approximately 4,000 feet away and the nearest Barkhamsted neighbor is approximately 1,400 feet away. Ms. Bennett noted yard lights/motion sensor lighting would be used. She has Inland/Wetland Watercourse Commission approval. There was no public comment. The public hearing closed at 7:35p.m.

The public hearing for a Special Permit for a freestanding sign for property located at 500 Salmon Brook Street, File Z-14-12 opened at 7:36 p.m. Paul LaFreniere, representing Brian Guarco, owner, stated the 27 square foot sign would be approximately 30 feet from Route 10 and will not be illuminated. The location of the sign was previously approved by the Commission. The Commission discussed other signs located throughout the Town for comparative purposes. Jim Sansone suggested that the Community Development Director have final approval of the specific design of the sign so that the Commission can be assured that it is designed in accordance with the presentation. There was no public comment. The public hearing closed at 7:41 p.m.

The public hearing for a Special Permit seeking an accessory apartment for property located at 20 Duncaster Wood, File Z-15-12 opened at 7:42 p.m. Terry Grayson, owner, proposes to add a 2nd kitchen to the home to create an apartment for his daughter. There will be no changes to the exterior of the home. The building Official has viewed the home and finds no obvious concerns for this proposal. There was no public comment. The public hearing closed at 7:44 p.m.

Old Business:

The Commission discussed an application seeking a Special Permit to establish a cemetery in the Center Commons Zone under Section 3.12.2 for property located at 298 Salmon Brook Street, File Z-8-12. At the Commission's request, Fran projected onto the meeting room screen, area views of the area from the Town's GIS system.

ON A MOTION by Eric Lukingbeal, seconded by Paul Lambert, the Commission voted to deny the application. The motion to deny was approved 4-2 with Paul Lambert, Eric Lukingbeal, James Sansone and Linda Spevacek voting to approved the motion and Paula Johnson and Margaret Chapple voting in opposition to the motion. Charles Kraiza abstained.

The Commission found that the cemetery use was contrary to the goals and purposes of the Center Zone.

The Commission held a discussion concerning an application seeking a change of zone from Economic Development to Planned Development Multifamily for property located at 24 Mill Pond Drive, File Z-11-12.

ON A MOTION by Paul Lambert, seconded by Margaret Chapple, the Commission voted to approve a change of zone from Economic Development (ED) to Planned Development Multifamily (PDM) for property located at 24 Mill Pond Drive, File Z-11-12. Paula Johnson, Margaret Chapple, Paul Lambert, James Sansone, Linda Spevacek voted to approve. Eric Lukingbeal opposed. Charles Kraiza abstained.

The Commission found that the proposal was consistent with The Plan of Conservation and Development and compatible with surrounding area land use.

The Commission held a discussion concerning an application seeking to amend the Zoning Regulations by permitting accessory apartments within the Center Commons and Center Edge Zones, File Z-12-12.

ON A MOTION by Margaret Chapple, seconded Eric Lukingbeal, the Commission voted to amend the Zoning Regulations by permitting accessory apartments within the Center Commons and Center Edge Zones, File Z-12-12. The wording was modified from the original proposal and is attached to the end of these minutes. All approved. Charles Kraiza abstained.

The Commission found that the amendment was consistent with the Zoning Regulation

New Business:

Fran noted that new cross walk had been painted across Route 189 in the vicinity of 18 Hartford Avenue. The crosswalk will help to unite the center area and assist pedestrians.

Receive applications: The Commission received the following applications:

1. An application for a Special Permit for a non-profit use, Safe Haven Wildlife Rehabilitation Center, located at 26 Loomis Road. File Z-16-12.
2. An application for a Special Permit Earth Excavation for property located at 329 Granville Road, with its primary access on Peck Orchard Road. File Z-17-12.

ON A MOTION by Eric Lukingbeal, seconded by James Sansone, the Commission voted to approve an application for a Special Permit and subdivision for a rear lot for property located at 189 Broad Hill Road, File Z-6-12 with the following conditions:

- The existing driveway location shall be surveyed and shown on the final mylar.
- The applicant shall pay a fee in lieu of open space as outlined within Section 3.1.3, as proposed. Prior to the filing of the final mylars the applicant shall either submit the fee in lieu of open space to the Town or file a document, suitable to the Commission, that requires the payment of the fee in lieu of open space at such time as the lots are sold. The fee in lieu of open space is \$6,600. A note which references the required fee in lieu of open space shall be added to the mylar.

The Commission agreed to waive the portion of the open space requirement of Section 3.1.3.5.

The Commission approved the intersection location finding under Section 4.13.3 of the Subdivision Regulations that conditions make any alternative access impossible or unsafe.

All approved. Charles Kraiza abstained.

ON A MOTION by Margaret Chapple, seconded by Charles Kraiza, the Commission voted to approve a Special Permit for a home occupation in an accessory building for property located at 62 Notch Road, File-10-12. All approved.

ON A MOTION by James Sansone, seconded by Eric Lukingbeal, the Commission voted to approve a Special Permit for a non-profit use for property located at 16R Enders Road, File Z-13-12 as presented. All approved.

ON A MOTION by Eric Lukingbeal, seconded by Charles Kraiza, the Commission voted to approve Special Permit for a freestanding sign for property located at 500 Salmon Brook Street, File Z-14-12 with following condition:

- The Director of Community Development shall review the specific design plans and shall provide approval if such plans are consistent with the design as presented.

All approved.

The approval was based on the relationship of the sign to the building; the location and height of the sign; the visibility of the sign and the fact that the sign will not be illuminated.

ON A MOTION by Linda Spevacek, seconded by Paul Lambert, the Commission voted to approve a Special Permit seeking an accessory apartment for property located at 20 Duncaster Wood, File Z-15-12 with the following conditions:

1. The applicant agrees to allow the ZEO to inspect the apartment on an annual basis, upon request.
2. The applicant agrees to eliminate the additional unit prior to any future sale of the property. This may be accomplished by adding interior and eliminating exterior access, following the issuance of a building permit. The permit may be transferred to a new owner upon approval of the Commission.
3. The property shall be considered a single-family use for all municipal purposes.
4. The entire structure shall be metered by one common electrical service.

All approved.

The meeting adjourned at 8:48 p.m.

Respectfully submitted,

Dorcus S. Forsyth
Recording Secretary

Approved: 9-25-12
Effective: October 1, 2012

The following amendments are proposed to permit Accessory Apartments by Special Permit, within the Center Commons and Center Edge Zones. The amendments also modify the criteria for Accessory Apartments as outlined in Section 8.5.

Proposed Amendment to Section 3.12.2 Center Commons Zone and Section 3.12.3 Center Edge Zone.

In both zones add:

Accessory Apartment subject to Section 8.5, under Special Permit uses.

Amendments to Section 8.5.

Modify the wording of Section 8.5.1 to read:

The Commission may grant a special permit for the construction and occupation of one (1) accessory apartment in an existing single family dwelling provided:

Modify the wording of Section 8.5.1.1 to read:

The owner of the property subject to the permit shall reside on the premises in the residential structure subject to this permit throughout the duration of the permit. The permit shall become null and void and the apartment eliminated at such time that the owner ceases to live on the premises as required.

Modify the wording of Section 8.5.1.2 to read:

The Building Official shall make a determination as to whether or not the accessory apartment can be reasonably constructed in compliance with the building code and may require that the applicant make any necessary modifications to the primary structure to assure that the building and unit are safe for the inhabitants.

Modify the wording of Section 8.5.1.7 to read:

The entire structure shall continue to be metered by one (1) common electrical service.