

MEETING MINUTES
Town of Granby
Planning & Zoning Commission
Tuesday, April 11, 2023 at 7:00 pm

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

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

1. Call to Order

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

2. Pledge of Allegiance

3. Seating of Alternates, if applicable

None

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

None

5. Action on the minutes of March 28, 2023

ON A MOTION by C. Chinni seconded by M. Peters, the Commission voted (6-0-1; J. Boardman abstained) to approve the March 28, 2023 minutes as amended, with the following corrections:

- a. Add public comment from John Morgan regarding the need for interconnectivity between the parcels located in the T1 zone; and
- b. R. Lavitt moved to approve the minutes of March 14, 2023.

6. Commission Discussion: Neighborhood and Commercial Transition Zone (T1) proposed regulation changes

The Commission thanked the public for their comments and discussed the feedback received at the prior meeting. There was a general consensus to table the discussion and revisit at a later date once the Granby Center Study has begun.

7. Public Hearings

- a. **Application seeking a Special Permit modification under Zoning Regulations Section 3.12.5 #15 to allow outdoor storage for a 320 sq. ft. temporary external freezer for an existing restaurant for property located at 4 Park Place, COCE Zone: File Z-6-23.**
A. Kenyon provided a quick overview of the discussion that ensued at the prior meeting and stated that she spoke to the Town Attorney regarding Special Permit time limits, which are permitted. Information was received from the applicant pertaining to the level of noise that the proposed freezer generates, which is no greater than 75 decibels. The freezer cycles eight times over a 24-hour period, and each cycle lasts 10 minutes.

Applicant and owner Mark Sproule stated that a nine-month approval would be sufficient and that he could utilize a smaller freezer; however, it would alter the production schedule.

The Commission expressed concerns over aesthetics and M. Sproule stated he is willing to add vegetation around the freezer once installed. A. Kenyon also indicated that the lawn would need to be re-established once the freezer is removed. There was no public comment and the public hearing closed at 7:21 p.m.

E. Lukingbeal recused himself and R. Lavitt was seated.

b. Application seeking an amendment to Zoning Regulations Section 8.15.17.7.1, to allow farm stores to sell alcoholic beverages that are produced off site: File Z-5-23.

Attorney Carl Landolina of Fahey & Landolina, Attorneys, LLC was present on behalf of his clients, Allen and Rebecca Clark, who own and operate Clark Farms located at 29 Bushy Hill Road. Attorney Landolina provided a brief history of the farm, which also operates as a cidery and vineyard, and just recently obtained a Craft Café License from the Commission in 2022. The Craft Café License was created as part of the state's plan to streamline the liquor control and operation process and allows license holders to sell other Connecticut manufactured products. Although Clark Farms is permitted to sell products from other Connecticut manufacturers under their liquor permit, the current zoning regulations prohibit this; only beer from other farms may be sold.

The applicants are proposing an amendment to the regulations that would allow Craft Café License holders to cross-sell Connecticut made products, which would mirror Connecticut General Statutes (CGS). M. Lockwood stated how the town recently updated the farm store regulations and that most farms are located within residential zones. M. Peters was on the subcommittee for regulation changes and discussed how time was spent focusing on product/retail on and from local farms, not alcohol. R. Lavitt questioned the proposed language and recommended that it be modified to be more specific to the Craft Café License, as outlined in CGS, Section 30-22(d).

Public Comment

Christopher Strapp, 10 Indian Hill Drive, expressed concerns over slow and steady intensification as the farm is located in the middle of a residential neighborhood. He discussed potential issues regarding noise, parking, traffic, events, etc.

Margaret Lareau, 17R Reed Hill Road, stated concerns with incremental changes tied to the expansion of retail offerings on farms, and how alcohol offerings shouldn't be increased.

Attorney Landolina expressed how farming today calls for the diversity of revenue streams, and he is willing to continue the public hearing in order to amend the proposed language. The public hearing closed at 8:10 p.m.

R. Lavitt was unseated and E. Lukingbeal was re-seated.

c. Application seeking a Special Permit under Zoning Regulations Section 8.5.2 to allow two detached accessory apartments for property located at 249 Granville Road, R2A Zone: File Z-7-23.

Applicant and property owner Brian Michaud was present to discuss the application. The property has a house and several outbuildings. When the property was listed for sale, the listing indicated three apartments on-site; one within the main house and two within a detached, outbuilding.

Based on the Assessor Department's property card, the only apartment of record is the one located within the main home; therefore, the detached apartments were constructed in violation of the Zoning Regulations and without Building Permits. It is unknown when the apartments were established, but the existing tenants have resided on the property for 10 and 12 years. B. Michaud stated that he purchased the property in August 2022 with the condition that the existing tenants in the two units in the outbuilding be allowed to remain.

Under Zoning Regulations Section 8.5.2, the Planning and Zoning Commission may approve one detached accessory apartment on a property by Special Permit, but because there are two apartments on site, the applicant sought and received a variance from the Zoning Board of Appeals per the guidance of A. Kenyon. It was noted that the apartment in the main house has been removed. B. Michaud stated that there are two separate septic systems on the property, one for the main house and one for the detached outbuilding. A. Kenyon stated that she attended a site inspection with the Building Official and Assessor on March 24th and ran through the Zoning Board of Appeals' conditions of approval.

In accordance with the variance received, the two tenants may stay on the property as it presently exists; however, if one of the two tenants move out, a new tenant can't move in, and there can only be one tenant in the accessory dwelling unit going forward. J. Boardman stated that such a situation is hard to monitor and the Commission expressed concerns regarding a lengthy duration for such an approval and would like to see the property come into compliance sooner than later. E. Myers questioned the Commission's jurisdiction over the two apartments, as the ZBA granted the variance and it was requested that town staff consult with the Town Attorney. There was no public comment and the public hearing was continued to the next regular meeting.

8. Receive applications and schedule public hearings

None

9. Consideration of applications, where the Commission has concluded the public hearing

a. Application seeking a Special Permit modification under Zoning Regulations Section 3.12.5 #15 to allow outdoor storage for a 320 sq. ft. temporary external freezer for an existing restaurant for property located at 4 Park Place, COCE Zone: File Z-6-23.

The Commission deliberated on the application, as well as conditions of approval. B. Sheahan expressed an interest in having the applicant provide a vegetative screening around the trailer. M. Lockwood stated that this is a unique situation that he doesn't envision occurring at other locations.

ON A MOTION by E. Myers seconded by C. Chinni, the Commission voted (7-0-0) to approve an application seeking a Special Permit modification under Zoning Regulations Section 3.12.5 #15 to allow outdoor storage for a 320 sq. ft. temporary external freezer for an existing restaurant for property located at 4 Park Place, COCE Zone, File Z-6-23, subject to the following conditions:

1. The permit shall expire on December 1, 2023;
2. The external freezer shall be removed prior to the permit expiration date;
3. The external freezer shall be located only in the area designated on the plans submitted with the application;
4. The applicant shall submit a planting/screening plan to the Director of Community Development and shall install the approved screening when the trailer is installed; and,

5. The lawn shall be restored to its original state once the trailer is removed.

E. Lukingbeal recused himself and R. Lavitt was seated.

b. Application seeking an amendment to Zoning Regulations Section 8.15.17.7.1, to allow farm stores to sell alcoholic beverages that are produced off site: File Z-5-23.

The Commission discussed the application. C. Chinni expressed concerns over the proposed language and R. Lavitt suggested modifying the text to state, “in accordance with CT General Statutes Craft Café License, Section 30-22(d)”. B. Sheahan stated that the proposed amendment would not create an increase in traffic or noise, and the Commission reiterated that the outside beverage sales are capped at 20% by state statute. It was requested that A. Kenyon revise the proposed language and present it for consideration at the next meeting.

10. Staff Report and Correspondence

A. Kenyon reported to contacted the owner of the small engine repair facility located at 369-371 North Granby Road and was informed that some equipment/machinery to the rear of the property will be removed. Further expansion of the storage area would require a modification to the existing Special Permit and A. Kenyon will check in with the owner in a few weeks. The Development Commission has been working on draft regulations pertaining to cannabis, which will be provided to the Commission for review at their first meeting in May.

11. Commissioner Reports and Correspondence

None

12. Adjourn

ON A MOTION by J. Boardman seconded by C. Chinni, the Commission voted (7-0-0) to adjourn the meeting at 8:47 p.m.

Respectfully submitted,

Renee Deltenre
Land Use Coordinator