

**PLANNING & ZONING COMMISSION
EAST GRANBY, CONNECTICUT**

MINUTES
August 9, 2022

A meeting of the East Granby Planning & Zoning Commission was held on Tuesday, August 9, 2022. Members present when Chairman Thomas Derlinga called the meeting to order at 7:04 PM were David Brassard, Charlie Allen, John Welsh and alternate members Jay Tran and Todd Zessin. Voting in place of an additional absent regular member was alternate Jay Tran.

Chairman Tom Derlinga read a memorandum provided by East Granby Town Attorney Scott Lingenfelter concerning Connecticut General Statutes (C.G.S. § 8-3) for site plan modifications. Attorney Lingenfelter's memo confirmed that the review of a site plan application or modification is an administrative function of the Planning and Zoning Commission, a public hearing is not required, and such an application or modification can only be denied if it fails to comply with the requirements of the Town of East Granby zoning regulations.

DISCUSSION WITH APPLICANT AND/OR PUBLIC

None.

MINUTES

A motion was made by Charlie Allen and seconded by David Brassard to approve the minutes of the July 12, 2022 meeting as submitted. The votes in favor were unanimous. Motion carried. John Welsh abstained.

COMMUNICATIONS

The Commission received:

- Application #22-05 by Timothy Brignole for Site Plan Modification at 103, 113-115 Hartford Avenue
- IWC Minutes - August 3, 2022
- Draft Cannabis Regulation
- Town of East Granby Affordable Housing Plan 2022-2027
- Staff Report for Application 22-05, Site Plan Modification, Brignole Vineyard
- Zoning Enforcement Report - July 2022
- Summary of Changes from 08/07/2020 Plan Set and 07/06/2022 Plan Set for Application #22-05

OLD BUSINESS

- A. Zoning Enforcement Report** – No discussion.
- B. Planner Report - Administrative Site Plan Approvals** – None.

C. CRCOG Regional Meeting Report – None.

D. Accessory Dwelling Unit Opt Out

After a brief review of the staff memo previously provided by Robin Newton that compared the State standards of PA 21-29 to the current East Granby accessory dwelling unit regulations, the Commission decided that the best course of action is to opt out of PA 21-29 and modify East Granby's existing ADU regulations so that they are mostly in line with PA 21-29, but with some exceptions. Robin Newton will arrange for the public hearing and a dual meeting of the Planning and Zoning Commission/Board of Selectmen required for an opt out.

NEW BUSINESS

A. Timothy Brignole – Site Plan Modification (#22-05)

103, 113-115 Hartford Avenue

(rec'd 08/09/2022)

John Welsh commented that there have been no applications received from Timothy Brignole to modify any special permits at 113-115 Hartford Avenue. He cautioned, therefore, that in accordance with the comments received in the Town Attorney's memorandum, all that can be considered at this evening's meeting are modifications to the site plan originally approved by the Commission.

Robin Newton explained that the applicant at this time is not seeking a change of the uses that were approved by special permit and that what is being considered at this evening's meeting is a site plan modification to the site plan previously approved. She clarified that, for example, the temporary lawn parking which comes under a special use permit is a use that was already approved by the Commission and that the applicant is asking for a modification to the number of parking spaces. She also noted that site plan modifications can be received and acted on at the same meeting.

Attorney Carl Landolina, representing the applicant Timothy Brignole, stated that there are currently four pieces of litigation against the Town of East Granby against his client. In seeking a resolution of most of these cases and in discussion with the Town Attorney it was decided that the best approach would be to modify the site plan to include those items that are currently in litigation and also update the plan with items that have been added to the site since the plan's original approval by the Commission.

John Welsh questioned whether all buildings shown on the revised site plan were permitted, inspected, and issued a certificate of occupancy and asked if RV camping was a permitted use in East Granby. Carl Landolina was not aware of any new buildings that have been constructed since the 2020 site plan. He indicated there is some gravel that was not shown on that plan but is being included now. Robin Newton and Timothy Brignole also confirmed that there are no new structures being shown as constructed and not proposed on the submitted site plan modification. Ms. Newton stated that the camping complaints that have been received are an enforcement issue and not part of the application for the site plan modification.

Guy Hesketh, licensed professional engineer with F. A. Hesketh & Associates, reviewed the modifications to the site plan provided on a list to the Commission, which include: areas for temporary parking to be used as needed; one additional area for food vendor/truck/trailer temporary staging; a pavilion, outdoor fireplace, and outdoor paver pad; gravel drives in a temporary parking area; hedge plantings fronting Hartford Avenue; a 70'x160' farm building southwest of the pond with an adjacent grass equipment parking area; and a pergola structure in the triangular grass area. As stated by Attorney Carl Landolina, the outdoor entertainment area that appears on the modified plan should not be there and will be removed.

Robin Newton commented that all of the proposed structures, including the farm building, pergola, pavilion, outdoor fireplace, and all of the parking areas meet the minimum requirements and standards of the regulations. She listed her proposed conditions for approval that were provided in her staff report for the application, eliminating a condition pertaining to the outdoor entertainment area that is to be removed from the plan.

A motion was made by Charlie Allen and seconded by Jay Tran to approve Application #22-5 for site plan modifications for the property located at 103, 113-115 Hartford Avenue provided the following conditions are met: all structures require the submission of administrative zoning and building permits; that the applicant should coordinate placement of "Additional Parking" signs with Town staff to ensure compliance with regulations in visibility from the public way; that overflow parking located adjacent to Salmon Brook shall only be used when all other depicted temporary parking is full and occupied; that a site plan approval block shall be added to the plans and a special permit approval block removed; that plans should be filed on the land records and a copy in the Planning Department; that all E&S measures should be in place and inspected prior to the start of construction on the proposed farm building; and that the outdoor entertainment area be removed from the site plan.

Discussion of the motion included a comment by John Welsh suggesting that the site plan should include a statement that overnight parking is not permitted at the facility. Further discussion indicated that doing so would preclude the applicant from parking their own business truck at the site, prevent patrons from taking an alternative ride home if needed after consuming alcohol, and forbid residents of the houses on the property from parking overnight at their homes. Robin Newton reiterated that RV camping on the site is an enforcement issue that is being dealt with separately.

Votes in favor were unanimous. Motion carried. John Welsh and Todd Zessin abstained.

B. Draft Cannabis Regulations

Robin Newton commented on the draft cannabis regulation which was built upon the Commission's previous draft medical regulation. Some additional standards were added, including those that follow State statute such as location of dispensaries in relation to churches and schools, hours of operation, and prohibition of consumption on the premises. Application requirements for both dispensaries and growing facilities were also added, including a provisional license and an operation plan which includes odor management.

Discussion followed as to the inclusion of both cultivators and micro cultivators and the appropriate location for cannabis facilities in town. Per a change in State statute, the number of dispensaries cannot be limited but State statute does include separating distances between dispensaries. It was decided that Commerce Park B would be the best location for this type of facility in town and that the regulation should include both cultivators and micro cultivators as drafted. A formal application will be submitted and referred to the regional planning agency for comment. After a 35-day review period, a public hearing will be set. John Welsh suggested that at the public hearing, the Commission should be aware of how surrounding towns have approached cannabis regulation in their communities.

C. Affordable Housing Plan

Robin Newton asked for feedback regarding the final draft of the Town of East Granby's Affordable Housing Plan that she shared with the Commission. She confirmed that the plan is not a regulatory plan and is simply advisory in nature. It is required to be adopted every five years by the Board of Selectmen. The Commission was comfortable with the plan as drafted.

ADJOURNMENT

A motion was made by John Welsh and seconded by Thomas Derlinga to adjourn the meeting at 8:30 PM. The votes in favor were unanimous. Motion carried.

Respectfully submitted,

Laura Hall
Land Use Administrative Assistant