

**PLANNING & ZONING COMMISSION
EAST GRANBY, CONNECTICUT
MINUTES
September 11, 2018**

A meeting of the East Granby Planning & Zoning Commission was held on Tuesday, September 11, 2018. Members present when Chairman John Welsh called the meeting to order at 7:03 p.m. were David McNally, Amanda Thompson, Thomas Derlinga, David Brassard, Robert Ravens-Seger and with alternate members Mark Ricketts and Daniel Velcofsky.

PUBLIC HEARING

- A. Timothy Brignole/Zoning Regulation Change/ Wineries (#18-05)
(rec'd 7/10/18 (h/d 8/14/18 **cont'd to 9/11/18**) (d/d 11/13/18)

Mr. Brignole said he had reviewed the Town's recommendations for revisions to his proposal. He was fine with the changes but had a few questions. The first was in regards to the limit of 50 people in the wine tasting room. Mr. Haynes explained that number was in the old regulations and did not change. Mr. Brignole also requested that the outside public events (which is proposed at 4 per year with 2 events allowed to be 2 days in length) be revised to 4 per year, with 2 events allowed to be 3 days in length. He never holds these events on the weekend when it is busier. Mr. Haynes noted that the use of food trucks is currently not allowed even though they have been in use. Mr. Brignole explained that the private outdoor events have been eliminated with this proposal. The event use has primarily been for indoor private events on the second floor.

Mr. Haynes explained the confusion with the previous regulations for public events. The definition has been redefined as outside events limited to four. He saw no issue with Mr. Brignole's revision to the multiple day events.

In response to a question on complaints, Mr. Brignole stated that there have been few and he addressed them immediately including the addition of no vineyard parking signs installed on the street. With keeping the events to private indoor, it is easier for them to control and it's the least intrusive to the surrounding area.

There was discussion on the limit of 50 persons in the tasting room. It was suggested that the limit be set by the Fire Marshal. The Fire Marshal normally sets a room capacity based on standing only, seating only and seated at tables. Mr. Brignole requested the hearing remain open to receive information and recommendations from the Fire Marshal. An extension in writing from Mr. Brignole would be necessary.

Mr. Haynes reviewed the proposed regulation changes line by line, explaining what was eliminated and what was new or revised. The new proposal was clearer, simpler and easier to enforce.

No one spoke in favor or in opposition. Under general comments, many of the abutting neighbors were pleased with the elimination of the outdoor private events. But still had some concerns with parking, the number of people “spilling out” onto the deck and patio area, noise/activity and recommended leaving the tasting room limit to 50 people.

Mr. Miller commented that it was a beautiful place and activities have not been as bad as he originally thought it would be. The business was supposed to be there to support a farm but it seems the opposite, the farm is supporting a business. He noted some problems with the outdoor lighting. Mr. Brignole explained many of the changes that were initiated early on after complaints had been received including the timing and shutting off of the lights. This has been fixed for over a year.

Karen Tobin noted that it was difficult to have a true count of the number of people because many wander the property. She was concerned with her loss of privacy. Mr. Brignole stated that the Tobin house is ¼ mile away from the building and thick vegetation is in place for privacy along the property line.

Mr. Welsh noted that many of the comments stated should be addressed under the site plan application.

The public hearing for this application was continued to the next meeting.

B. Karen Gaston – Marijuana Dispensary Regulation Change (#18-06)
(rec’d 7/10/18) (h/d 8/14/18 **cont’d to 9/11/18**) (d/d 11/13/18)

Attorney Carl Landolina, representing the applicant, stated that he wanted to address several items from the last meeting. As to the “retail use” question, he had stated that in a way it is retail but it’s not like other retail. Not just anyone can walk in. It’s very limited to specific consumers. As to the comments quoted from the POCD, the wording was from the 2004 plan. It was changed in the 2014 plan which he read into the record. So with its limited retail nature, it is compatible. He also noted that the POCD is just a guide to the Commission. As to the comment about this proposal going to town meeting, he stated that this is under the jurisdiction of the Planning & Zoning Commission.

Though he had not seen a written comment from the Town Attorney, he was told he made verbal comments that he deemed the time limit as “not appropriate”. Mr. Lally stated that he had pooled several surrounding Towns and spoke with their Town Planners. He submitted a list of those Towns he had called. He gave examples of permits that were filed within those towns with time limits. Attorney Landolina noted that neither the Town Attorney nor staff had objections to the regulations in substance except that they violate federal law. Thirty states have adopted marijuana laws. There is no liability to the Town and no risk to the community.

As the vote needs the majority of the full board, Attorney Landolina asked about who may be voting if it is taken this evening. All members were present. The two members who were absent had familiarized themselves with the application by listening to the recording. As all full members were present, no alternates would be voting.

In favor, Mr. Brignole said the use would be compatible as there is retail in the Commerce Park B zone – Marks’ Auto Parts sells parts and the Auto Auction sells cars. It would be amongst other unusual retail. John Talbot said that the Commission should give them a chance to start a new business.

In opposition, Ed Zawistowski restated that he doesn’t like it personally. He restated his concerns about where the money comes from to fund this business as banks do not back, and what happens if recreational use is approved by the State Legislature. There was minimal tax benefit and it was not good for the community.

There was discussion on the time limit and Attorney Landolina stated that as the applicant was willing and was recommending it be added, it would be easier to enforce. Attorney Landolina drafted a new item “e” to be added to the proposal which he read into the record.

The public hearing closed on this application. The public hearing portion of the meeting closed at 8:58 p.m.

DISCUSSION WITH APPLICANT AND/OR PUBLIC

A. Kirk MacNaughton – Black Bear Run

Mr. MacNaughton was present for feedback on a future application. He distributed information on the waivers to the Subdivision Regulations that he would need in order to apply. It included information on existing streets and their lengths.

He displayed several maps, giving a brief history of the property he owns off Rolling Green. He wants to add five additional lots to his approved plan. He wants to change the proposed shared 4 lot driveway to a private road with nine lots. He stated that he never fully explored seeking the waivers with the previous application. He went into detail as to how he met the waiver requirements and that the Commission had varied the length of cul-de-sacs beyond the 1200 feet on other streets. The waivers he was seeking were to allow a private road off a private road (rather than intersect with a Town road) and to allow for a dead end cul-de-sac to exceed 1200 feet.

He stated he was hampered by the fact that the only access to his property was from the Town of Granby. Granby will not allow anything more than a shared driveway off Petersen Road. He currently has an approved subdivision with 2 lots sharing a driveway off Petersen Road and a 4 lot shared driveway off a private Road – Rolling Green.

Mr. Welsh stated that the Town has worked with him and he thought the current subdivision maximizes the potential of the property. Mr. Haynes noted that Mr. MacNaughton had come before the Commission before to request waivers but was denied. The Town approved a previous application more lots with a private road off Petersen Road, but Granby denied the access. Approval was granted in 2014 for the current subdivision.

He also noted that many of the streets on Mr. MacNaughton's list are not cul-de-sacs but loop roads and others are Town roads with the potential to be extended with future development of adjacent properties. All intersect with a Town road.

Mr. Welsh stated that the Commission needed time to review the history and with the lateness of the hour, he offered Mr. MacNaughton the opportunity to come back to the October meeting for further discussion.

OLD BUSINESS

**D. Timothy Brignole/Revised Site Plan/103 Hartford Avenue (#18-04)
(rec'd 7/10/18) (d/d 9/11/18) (discussion postponed to 9/11/18)**

Both Mr. Brignole and Mr. Haynes reviewed the changes to the site plan. It included the addition of 34 gravel parking spaces for overflow, adding a detached 20 ft. main sign, an overflow parking directional sign, and a pizza oven/roisserie area by the patio. Mr. Haynes noted from his 9/11/18 report that outdoor seating needs to be added as well as the food truck locations. Mr. McNally was concerned that the food trucks currently were either parked in or blocked the handicapped parking spaces. This will be corrected. Additional no parking signs would be added on the street. Screening shall be added along Hartford Avenue along the new overflow parking area.

A motion was made by David McNally and seconded by Thomas Derlinga to approve Application #18-04 by Timothy Brignole for a revised site plan for 103 Hartford Avenue subject to the conditions as set forth by staff. Votes in favor were unanimous. Motion carried. (Alternates were not needed to vote.)

**E. Timothy Brignole/Zoning Regulation Change/ Wineries (#18-05)
(rec'd 7/10/18 (h/d 8/14/18 cont'd to 9/11/18) (d/d 11/13/18)**

No action taken. Hearing was continued to the next meeting.

**F. Karen Gaston – Medical Marijuana Dispensary Regulation Change (#18-06)
(rec'd 7/10/18) (h/d 8/14/18 cont'd to 9/11/18) (d/d 11/13/18)**

A motion was made by David McNally and seconded by Thomas Derlinga to approve Application #18-06 by Karen Gaston for a zoning regulation change to allow for medical marijuana dispensaries as amended to add the five (5) year time limit to Section IX.K.5.e.

Mr. Welsh and Mr. Ravens-Seger stated that they had voiced their opinions during the last hearing and they have not changed. Mr. McNally noted that he had struggled with this but in the end he saw this as an asset to the community. Mr. Derlinga shared with other members that he had visited a few MMD locations in the State. They were discreet, nothing in the area was threatening, and there was excellent security so he had no issues with what he he'd seen.

Votes in favor were four (4) (McNally, Brassard, Derlinga, Ravens-Seger). Opposed two (2) (Welsh, Thompson). Motion carried. (Alternates were not needed to vote.)

MINUTES

A motion was made by John Welsh & seconded by David Brassard to approve the minutes of 8/14/18 as amended for the following typos on Page 4:

First paragraph, 5th sentence, change: “This may a start” to “This may start”.

Change the time the hearing closed from “8:356 p.m.” to “8:35 p.m.”

Last paragraph, 2nd sentence, change: “that he proposal” to “that the proposal”.

Votes in favor were unanimous. Motion carried. (Thomas Derlinga and Daniel Velcofsky did not vote as they were not present at the last meeting)

COMMUNICATIONS

The Commission received:

- Farmington River News
- Federal guidelines for marijuana from staff for Application # 18-06
- Staff reports for all items on the agenda for 9/11/18
- Notice from FEMA regarding a discovery meeting schedule.
- Application #18-07 by Charlies Glanovsky for a regulation change for breweries

OLD BUSINESS

A. Zoning Enforcement Report – No report.

B. Planner Report -

- a. Administrative Site Plan Approvals: None
- b. Maintenance Bond Release – Heritage Farm Road – Mr. Haynes reported that the 14 month period had expired. The Public Works inspected and all was good, so the bond was released.

C. CRCOG Regional Meeting Report – No report.

NEW BUSINESS

A. PRD Side yard request – 2 Maize Lane/shed

Because of the busy agenda, Mr. Haynes had told the homeowner that he would make the presentation. The homeowner has an unusual diamond-shaped lot and the septic area is restrictive. The shed is 8’ x 12” for pool supplies. It is inside the pool fence, two feet from the property line. The homeowner will move it to the allowed 6 ft. and a letter with the neighbor’s approval has been include with the request. The issue is that the regulations only allow one shed to be 6 feet from the property line and the homeowner has an existing shed as shown on his plot plan. Mr. Haynes stated that it meets the waiver requirements.

A motion was made by Amanda Thompson and seconded by Robert Ravens-Seger to approve the PRD side yard request for an 8'x 12' shed at 2 Maize Lane as presented and recommended by staff. Votes in favor were unanimous. Motion carried. (Alternates were not needed to vote.)

ADJOURNMENT

Before adjournment the Commission discussed revising the October meeting schedule to accommodate applicants. Almost all members were available for 10/23/18 dated if needed.

A motion was made by Amanda Thompson and seconded by Thomas Derlinga to adjourn the meeting at 10:10 p.m. The votes in favor were unanimous. Motion carried.

Respectfully submitted,

Rosalie McKenney
Land Use Administrative Assistant