

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

**MINUTES
July 12, 2022**

A meeting of the East Granby Planning & Zoning Commission was held on Tuesday, July 12, 2022. Members present when Chairman Thomas Derlinga called the meeting to order at 7:03 PM were Charlie Allen and John Welsh and alternate members Jay Tran and Todd Zessin.

DISCUSSION WITH APPLICANT AND/OR PUBLIC

None.

MINUTES

A motion was made by John Welsh and seconded by Jay Tran to approve the minutes of the May 10, 2022 meeting as submitted. The votes in favor were unanimous. Motion carried.

COMMUNICATIONS

The Commission received:

- Farmington River Watershed Association Summer 2022 newsletter
- IWC Minutes - June 1, 2022
- Cannabis Survey Results
- Memo from Robin Newton, Town Planner, regarding PA 21-29 Accessory Dwelling Unit Opt Out Provisions
- Zoning Enforcement Report - January-June 2022
- EDC RFP For Master Concept Plan for Village Center Zone

OLD BUSINESS

A. Zoning Enforcement Report

Thomas Derlinga reviewed the Zoning Enforcement Report for January to July 2022 provided to the Commission by Mark Goderre, Zoning Enforcement Officer.

B. Planner Report - Administrative Site Plan Approvals

Robin Newton, Town Planner, clarified that “Administrative Site Plan Approvals” as listed on the agenda should more accurately be titled “Administrative Site Plan Modification Approvals.”

C. CRCOG Regional Meeting Report

No report.

NEW BUSINESS

A. Public Act No. 21-29

Robin Newton discussed her memorandum to the Commission which compares the accessory apartment requirements in Public Act No. 21-29 with East Granby's current zoning regulations. The act has a dual opt-out provision which must be accepted by both the Planning and Zoning Commission and the Board of Selectmen with a supermajority vote of two-thirds of the boards. Ms. Newton's recommendation would be to hold a joint special meeting/public hearing for both boards to vote on an opt-out. Ms. Newton requested feedback from Commission members as to their thoughts about opting out.

Charlie Allen questioned whether anything had been drafted prior to Ms. Newton's employment as Town Planner for either accessory apartments and/or an affordable housing plan. Ms. Newton answered that nothing had been prepared for either component of the act. She noted that the deadline for grants to fund a consultant for assistance with the affordable housing plan has already passed and that the June 1, 2022 deadline to submit an affordable housing plan has also passed. At this time, however, she has three quarters of the plan written for the Town of East Granby. Once it is in final draft form, Ms. Newton will bring it to the Commission for their comments, most likely at the August Planning and Zoning Commission meeting, and it ultimately will go to the Board of Selectmen for approval. Once submitted to the State, the Town will be removed from OPM's non-compliance list.

The opt-out deadline for accessory dwelling units is January 1, 2023. Robin Newton identified some differences between East Granby's current accessory apartment regulations and those of P.A. 21-29, including attached versus detached units, character, occupancy limits, off-street parking, owner occupancy, and the special permit requirement.

Ms. Newton indicated that by next month the Commission should determine how they would like to proceed, either opting out or adopting the new accessory apartment regulations. A public hearing will be necessary and if the opt-out is selected, the State requires written documentation of the reasons why the opt-out was chosen for the Town.

B. Cannabis Workshop Survey

Thomas Derlinga noted that the majority of respondents to the cannabis survey conducted at the Cannabis Workshop and submitted by the public after it was held are not opposed to cannabis production facilities and/or dispensaries in town. Most respondents prefer them to be located in the Commerce Park B and Commerce Park A zones. A total of 32 completed surveys were received. Todd Zessin reviewed his summary of the responses.

John Welsh commented that to move forward, the Commission will need to draft a new application for these uses. He noted that there are thousands of applicants for the 12 retailer licenses available, six social equity and six general, that will be awarded by lottery. At that point, those selected applicants will be required to submit another, more substantial application with greater fees, a business plan, municipal approval, etc. He expressed that it is doubtful that East Granby will end up with a cannabis business in town because of this process.

Charlie Allen reported that the cap limiting the number of cannabis facilities to one per 25,000 residents has been eliminated. Robin Newton commented that she has been advised by a land use attorney that a municipality cannot place a cap on the number of facilities in their own regulations, either. An implementer bill has increased the number of licenses to be awarded by lottery, each awarded to a specific location.

Robin Newton stated she agrees that the likelihood of getting a dispensary in East Granby is low. However, a grower might be interested in a parcel with enough acreage for indoor growing. Outdoor growing is not allowed. Ms. Newton noted that there is a smell associated with indoor growing facilities, as evidenced by Curaleaf in Simsbury. An odor management plan is fairly common practice for cannabis growing facilities.

Robin Newton requested feedback from the Commission as to whether they want to allow dispensaries, microcultivation facilities, and/or cultivation facilities in town. There is no square footage cap for the size of cultivation facilities. John Welsh pointed out that based on the expense of fees, microcultivation facilities will probably not be profitable.

Ms. Newton suggested that the Commission keep in mind that the State Department of Public Health is probably not going to allow cultivation facilities in communities with septic systems and wells due to their high water usage and the resulting pollutants from the cultivation. When determining the zones in which to allow them, it would be reasonable to select those with public water and sewer.

Ms. Newton will begin drafting regulations once Commission guidance has been received. Jay Tran reiterated that based on the survey result received, most residents do support cannabis facilities in town. Charlie Allen suggested using the previously drafted regulations for medical marijuana facilities as a starting point. John Welsh commented that he supports retail in Commerce Park B as these establishments do not require public water and sewer and it is a relatively discreet area; however, he feels that to allow cultivation or production in the Commerce Park A, Commerce Park Transitional, or any other zones in town is not sensible as it would detract from the type of development the Town is hoping to secure for those business and retail areas. Jan Tran agreed with John Welsh's remarks. Robin Newton will review the medical regulation previously approved.

More discussion followed regarding cultivation in Commerce Park B and retail in Commerce Park B and select areas of A. However, individual parcels cannot be specified within a zone although distances from other zones can be required. Robin Newton will share the regulation adopted by the Town of Durham with the Commission. John Welsh recommended keeping the retail and cultivation uses as two separate applications. The draft from Robin Newton will be completed within a month and the public hearing will most likely be held in October.

C. EDC Village Center Concept Plan RFP

Paul Thulen, Chairman of the East Granby Economic Development Commission, was in attendance to request feedback from the Planning and Zoning Commission on the EDC's RFP for their Village Center Concept Plan. He also requested the participation of a Commission member to assist with the development of this plan.

Mr. Thulen explained that East Granby's Plan of Conservation and Development called for the development of a master concept plan to guide the development of the Town's village center and transition zone. A subcommittee of the Economic Development Commission was formed to develop an RFP for a consultant to develop the plan through public workshops, etc. The RFP has been reviewed by First Selectwoman Eden Wimpfheimer, Robin Newton, and the Town Attorney. Mr. Thulen commented that the involvement of the Planning and Zoning Commission may be helpful as the Commission will be working on an update to the Plan of Conservation and Development in the next few years and having a Village Center Concept Plan will provide the Commission with guidance as applications for development are received.

Mr. Thulen explained that the designated participant from the Planning and Zoning Commission will be a part of the committee to select a consultant and will continue throughout the process with assistance with workshops and keeping track of the project's progress. Jay Tran volunteered for this role.

Thomas Derlinga asked Commission members to review and provide their comments on the RFP to the EDC. Charlie Allen recommended notifying absent members about the request for feedback. John Welsh questioned whether the consultant selected for the Village Center Concept Plan could possibly be the same one used to develop the upcoming revised Plan of Conservation and Development. Robin Newton stated that it is most likely that two different types of consultants will be used for these projects, but that the development of the Village Center Concept Plan will result in deliverables that can be incorporated into the Plan of Conservation and Development.

Mr. Thulen requested that the Commission's feedback be submitted within the next week via his e-mail address or phone number provided at the end of the RFP document.

ADJOURNMENT

A motion was made by John Welsh and seconded by Charlie Allen to adjourn the meeting at 8:17 PM. The votes in favor were unanimous. Motion carried.

Respectfully submitted,

Laura Hall
Land Use Administrative Assistant