

**Town of Granby**  
**Zoning Code Review Committee**  
Meeting Notes – September 16, 2020

A meeting was held via “ZOOM” remote meetings on Wednesday September 16, 2020 at 5:00 pm with the following members and professionals present:

John Snow Jr.  
David Crockford  
Tina Sawyer - absent  
Loretta Waldron - absent  
Lisa Somers - absent  
Lynn Lyons - absent  
Christine Bassett  
Jamie Lynn Sutphen - attorney  
Howard Brodsky - planner  
Doug Miller – engineer

Also Present: no one.

**Correction:** The meeting notes of 9/16/20 makes an impression that the home occupation is by the homeowner only, this is incorrect. Howard Brodsky explained that it can also be a tenant of the property - a year-round resident, the regulation is permissive.

**HOME OCCUPATIONS**

The professionals had supplied the members with a detailed agenda, excerpts of the Zoning Ordinance that deals with home occupations, a draft (draft date: 8/17/20) of the proposed regulations inclusive of changes prompted by the August meeting discussion, and a clean version. Howard Brodsky pointed out that the proposed regulation will begin integrating with the Zoning Ordinance as references are tied in such as the new Definition (Section XI) to replace existing text on pages 42 and 44. The regulation, which is five pages long, will replace the current paragraph on page 13 (Section V(A)(1): Supplementary Regulations).

- The R-1 and CIT districts need further discussion, at a later time, to determine the role home occupations will play in these districts. The R-1 has stricter guidelines to preserve the neighborhood quality and the CIT doesn't allow residences but currently contains more residential structures than businesses. The Committee needs to define what these districts represent and what activity is allowed in order to reflect the same within these regulations.

Home Occupations are recognized in three levels where only two of the levels receive a Board Review and approval. In response to questions by some members, Mr. Brodsky spoke to why a basic level is included with parameters but doesn't involve a permit. Town Code Enforcement Offices are mainly driven by complaints and the basic level provides a baseline of activity for home occupations with no external evidence. This should provide a starting point for a dialogue with a resident that has activity on his property that may be unusual for a residential area and has attracted the attention of neighboring property owners – its purpose is to aid the enforcement process. The conversation included the idea of adding a 4<sup>th</sup> level that would involve an administrative review and zoning permit, which could be the basic level if the Committee is in favor of that. Comments were made that a 4<sup>th</sup> level would be too much. David Crockford stated that adding a review and permit to the basic level could be perceived by residents as too controlling, besides the prevalence of small home businesses occurs everywhere in the Town. Attorney Sutphen agreed that non-compliance numbers would be so large that it would create an administrative paperwork nightmare. She added that Granby has a “live and let live” philosophy which we began this process stating that we didn't want to change – referencing the intentions

the group initially formulated in that “the Town has little/no interest in activities within people’s homes”. Christine Bassett replied that she feels that the levels as they are, are adequate because they supply guidance and establish parameters for both residents and the enforcement office. Attorney Sutphen stated that getting the code online would be helpful to all by providing easy access to the information.

#### Review of Regulations and Selected Text/Changes:

Mr. Brodsky reminded everyone that the red print are values that can be changed, and the blue text are changes made from the previous meeting prompting some of tonight’s discussion.

- 1.) Fruit stands – A sentence was added to the basic level to handle fruit stands with a 30-day limit for site grown or produced agricultural products. Members commented that the time frame is too small, consecutive days doesn’t work for seasonal products, and the current code addresses the issue. David Crockford found and read aloud references from the Use Chart and Definitions relating to this topic, as follows:
  - a. Use chart (page 8) -Road side stand permitted as right in all districts; and Vendor permit is reviewed by CEO.
  - b. Definitions – page 48 for Roadside stand, and page 50 for Vendor permit.The introduction of these elements was in the recent past and quite controversial, directly affecting two permanent stands – by Walmart and on St Rt 48 north. Members decided to eliminate new text and revisit at a later date.

*As an aside: John Snow provided an update to the Group that the Town’s ZBA has been very active lately and has a new Chairman. An application for a property in Wilobob got the attention of many neighbors who want their covenants enforced in order to maintain the serene neighborhood that planned development created. Engineer Doug Miller agreed and commented that there is a definite distinction between the two or three developments south of Fulton and the ruralness of the rest of the Town.*

- 2.) Sale of animals, dog breeding, etc. – Tabled the discussion. John Snow will check the Town’s current dog law which contains provisions for sales and breeding.
- 3.) Change of text – Section 1.a.2) and 3) – added ‘any one or all of’ after exceeds for the thresholds to clarify that non-compliance with any of the criteria means the project moves up to the next classification.
- 4.) On-site size (proposed d,1-3) – Referring to interior space. David Crockford asked if we would be defining how the area is measured, exterior building dimensions or interior? Howard Brodsky replied that the current code defines that process on page 46 within the Definitions Section for Floor Area. He emphasized that we are building on what is already in the code, this provides a tie-in from the new to the old.
- 5.) Parking (proposed j, 2&3) – Additional text for clarification, the key is to protect the residential character. Needs to be strict because it’s a home occupation and not just a business.
- 6.) Signs (proposed l) – Nothing allowed for basic, 4 sf for minor, and 16 sf for major. Discussion ensued that sizing may be too small and should more than one sign be allowed. Attorney Sutphen reminded all that it is a home and not a business. Christine Bassett stated that a sign doesn’t smell, make noise, or move around – all agreed that sizing was adequate, but maybe add restriction for non-illuminating.

David Crockford pointed to a conflict with the existing code (page 13) which allows home occupations to have a 2x2 sign, something not allowed in the new basic level criterion. Attorney Sutphen replied that the whole framework for the regulation, and one of the guiding principles, is that basic has no external evidence. The conflict won’t exist in the text because the proposed regulations will replace the current Section V(A)(1) that was referenced.

- 7.) Location (proposed m) – Basic and minor home occupations are allowed within any district, and majors are not allowed in the R-1. David Crockford commented that the

current non-conforming section has limitations that does not allow you to expand a non-conforming use and would seem to conflict with this criterion in regards to the CIT district. Attorney Sutphen and Howard Brodsky agree that although the intention is to allow residences to have home occupations it could be interpreted as an expansion of a non-conformity, which is not allowed. The Use Chart on page 8 designates that all of the residential uses listed in the chart are not permitted in the CIT District, but we know that there are several residences within that district (identified as pre-existing and non-conforming dwellings) so the Attorney proposes that a change to the text of the Non-Conformities Section detailing an exception would clarify that issue. Group agreed.

- 8.) Location (proposed m. 3) – The location for major home occupations has a definitive provision that requires access to be on either a State or County road. Howard Brodsky utilized a map generated by the Committee and County Planning that locates all the roadways in the Town by their classification as a local, county or state road. He explained that this is a tool that can effectively regulate the location and size of home occupations, and is applied to only the major level. He surmised that the local roads are residences and farms, and in need of the protections basic and minor levels provide for exterior activity, whereas the major level involves thresholds that may have impacts by the # of vehicles, # of people, outdoor storage and so on. The County and State roads are built to withstand traffic and loading that can destroy local roads that are built without subbase and are determined by use, sometimes starting as a farmer's access road. Doug Miller interjected that there is a difference between the local roads that are dedicated (built to specifications with ROW's) which could accommodate the heavier impacts and those roads that are determined to be a road by use with no ownership. Howard replied that the problem is that there is no information to substantiate those differences and support mapping. John Snow and David Crockford could think of only two current businesses (Lakeshore Supply & Waldron's Furniture) that would be considered major home occupations which are located on local roads – this provision wouldn't impact current locations. Howard Brodsky stated that this tool eliminates the cumbersome approach of counting vehicles, truck trips, determining axles and their weights, and creates a provision that is reasonable and easy to monitor. The Town has concern for damage to the local roads because it happens quickly from oversized commercial hauling and delivery trucks, and also because it is very expensive to repair and creates hazards and complaints from the residents.

Although the provision seems to have little impact to what is currently in the Town, David Crockford stated that it has the potential to severely limit who can have a home occupation and he's not in favor of that. Both Christine and Doug agreed and suggested adding additional text for road concerns to the special permit review of the planning board. Mr. Brodsky again favors a black and weight requirement over the cumbersome listing which special permits already review. David Crockford still was uncomfortable with the provision, stating that only major level can use accessory structures – seems unfair that local roads with minor occupations are limited so much.

Howard Brodsky answered that they could change the proposed d. criterion for on-site placement to include accessory structures as it already does for major. The members were reticent to say they were comfortable with the provisions at this point, so the professionals decided that maybe it was time to seek outside input.

**PAUSE...** The committee has been working thus far on issues that have been non-controversial for the most part, but this particular land use has experienced the most debate and begs for outside input in order to move forward. The work has created a framework with criteria that targets issues representative of problems the Town has experienced and also pinpointed concerns of the members. The Committee agrees that the Town constituents need to add input to the process to determine whether the regulations are too lenient or too strict. The red print numerical values are debatable, they are current values that are common in the comparable

Towns that the committee reviewed initially. It was decided that David Crockford, with Engineer Doug Miller, would present the draft regulations to the Planning Board at their upcoming October 6<sup>th</sup> meeting. John Snow would also like input from the CEO's on the thresholds and the Town's ability to process and enforce them. The intention is to provoke discussion to determine where tightening or loosening of the constraints, and where, is required in order to determine the needs of the Town. Doug Miller stated that the tone or intention of the regulations, especially because of the recent past spent dealing with Covid, shouldn't be restricting in nature but rather promoting the potential of home occupation while placing conditions that minimize the impacts. The regulations reflect the ability for everyone to have a home occupation, but also accounts for increased controls parallel to increased exterior activity. Keep in mind that these provisions are for home occupations, not businesses, and that they apply to residences and neighborhoods.

#### **SITE PLAN REVIEW & SPECIAL PERMIT**

Howard Brodsky stated that he would like to begin work on the processes of Site Plan Review and Special Permit - non-policy projects that will have great impact on the implementation of the Regulations. Currently the Zoning Ordinance provides very little guidance for the Planning Board to perform these functions, which has contributed to some of the problems the Town has been dealing with. He asked the Committee members if they were in agreement to proceed in this direction. David Crockford, a Planning Board Member, stated that it's a necessary project that he would like to see completed. John Snow added that although it won't tackle any land use issues, it is important because it allows for the proper implementation of the legislation we are creating as well as the Ordinance. Christine Bassett commented that she would agree with the group that it's an important element, she also hopes to tackle mining issues after that. John Snow added that the issues with mining may go quickly because the Mining Task Force had already completed its research and have some suggestions for the changes needed.

The next meeting is scheduled via remote "ZOOM" meetings for **Wednesday, October 21, 2020** between **5:00 & 7:00 pm.** Howard Brodsky to send link information for ZOOM meeting.

#### **Consultants Tasks:**

- Home Occupations – pause work on draft proposal.
- Site Plan & SUP's – draft procedures and policies.

#### **Members Tasks:**

- Discussion items still unresolved:
  1. Hours of operation
  2. Road classification for location of Major Home Occupations
  3. Non-conforming dwellings
- All number values in RED can be changed – please review to confirm as final values at next meeting.
- David Crockford and Doug Miller to present draft Home Occupation regulations to Planning Board on October 6<sup>th</sup> at 7 pm, for input on numerical values, road designation for major classification, as well as determination on whether too strict or too lenient – input to wrap up the text.

*\*\*\* Provide feedback of Board to professionals for inclusion in next meeting's draft.*

Meeting ended at 7:00 pm.

Respectfully submitted,

Lisa Somers, Zoning Code Review Committee Clerk