



## GRANBY PLANNING BOARD

10 West State Street

Granby, MA 01033

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Website: [www.granby-ma.gov](http://www.granby-ma.gov)

Members: Jim Trompke, Chair  
Robert Sheehan, Jr., Vice Chair  
Rob Chauvin, Treasurer  
Lillian Camus, Secretary, PVPC Rep  
Jason Smigiel, Member

Others: Ken Comia, Pioneer Valley Planning Commission

Absent:

Meeting: Monday, March 22, 2021

Location: Via Go-To-Meeting and at 1 Library Lane, Old Carnegie Building, Granby, MA

### Minutes

**CALL TO ORDER:** Jim Trompke called the meeting to order at 5 p.m.

### Administrative Items

#### Approval of March 8, 2021 Minutes

Jim Trompke asked if there were any changes to the March 8, 2021 minutes. Robert Sheehan, Jr. had two corrections. Page 2 fourth sentence from the bottom. Lam should be Lamoureux. Page 4, Seventh paragraph from the bottom. Mr. Amex should be Mr. Ames.

Motion was made by Robert Sheehan, Jr. and seconded by Jason Smigiel to approve the Planning Board minutes of Monday, March 8, 2021 minutes as written and amended.  
Motion carried 5 in favor, 0 opposed, 0 abstained.

#### Approve Bills

None to approve.

5:14 p.m. Motion made by Robert Sheehan, Jr. and seconded by Jason Smigiel to close the regular meeting and open the public hearing for 107-R Carver Street and the meeting will reconvene after the Public hearing. Motion carried 5 in favor, 0 opposed, 0 abstained

## **New Business**

### 5:15 p.m. - Public Hearing – John Placzek 107R Carver Street

Jim Trompke read the public hearing notice.

In accordance with MGL Ch. 40A, Sec. 9, the Granby Planning Board will hold a virtual public hearing using GoToMeeting on February 22, 2021, at 5:15 PM. The nature of the hearing is to consider the petition of John Placzek, Applicant and Owner, seeking Site Plan Approval under Section 6.3 of the Granby Zoning Bylaws and applicable of Section III – Regulations, 3.7.5 – Accessory Uses, regarding a private garage or stables exceeding Twelve Hundred (1200) square feet in area for a detached garage for hobby storage at 107R Carver Street, Granby, MA.

Mr. Placzek, nor a representative, was at the meeting.

On March 4, 2021 Mr. Placzek requested a continuation of the Public Hearing to March 22, 2021 as he is meeting with the Conservation Commission on March 9, 2021. The Board received an e-mail stating the Conservation Commission is not meeting until April 13, 2021.

Jim Trompke suggested continuing the public hearing to April 26, 2021.

Motion made by Robert Sheehan, Jr. and seconded by Jason Smigiel to continue the 107R Carver Street public hearing to Monday, April 26, 2021 at 5:15 p.m. Motion carried 5 in favor, 0 opposed, 0 abstained.

5:19 p.m. – regular Planning Board meeting continued.

### Bylaw Amendments and Zoning

The Board discussed the Proposed Zoning Bylaw Amendments dated February 22, 2021 and a Public Hearing Notice created by Ken Comia.

Lillian Camus noted a change to the Use Regulations Table in section 3.5.21 Large Scale Ground Mounted Solar Photovoltaic Installation (LSGMSPI) on top of canopy constructed over a parking lot. Under GB it should say “Y” instead of SPA/PB. In keeping with Green Community Requirements, the solar canopy must be allowed “by right” as one of our locations in town where large ground-mounted solar is allowed “by right”.

Ken Comia responded the change is not needed as the Board is allowed to require Site Plan Approval as Criterion 1 of the Green Communities Designation & Grant Program states in part,

“As-of-Right Siting” provides for the allowed use without unreasonable regulation. More specifically, as-of-right siting means that development may proceed without the need for a special permit, variance, amendment, or other discretionary approval. As-of-right development may be subject to non-discretionary site plan review to determine conformance with local zoning bylaws as well as state and federal law. As-of-right development projects that are consistent with zoning bylaws and with state and federal law cannot be prohibited.

As-of-right zoning bylaws can apply appropriate standards that protect public health and safety and provide for non-discretionary site plan review. Reasonable environmental performance standards per the developed bylaw may be incorporated into the Site Plan Review (SPR) process (e.g. height, setback, etc.), but cannot be so stringent as to make the use infeasible. The key is that SPR must be truly non-discretionary – i.e., if the standards and zoning requirements are met, the project can be built. This is distinct from the Special Permit (SP), in that the SP may be denied if the Planning Board or other permit granting authority is not satisfied with the project.

After discussion,

Motion made by Robert Sheehan, Jr. and seconded by Jason Smigiel to forward to Cathy Leonard the public hearing notice for the Bylaw amendments as such. Motion carried 5 in favor, 0 opposed, 0 abstained.

Lillian Camus noted we are going on the assumption there will be a May Annual Meeting. Jim Trompke will confirm with Chris Martin if there will be a May Annual Meeting. Jim noted if the meeting will be pushed way out, we can address the other items in a second public hearing.

Lillian Camus reported the adjusted timeline is as follows:

- 8/27 - Attorney General has 95 days to review Zoning Bylaw changes passed at Annual Town Meeting
- 5/24 – Kathy Kelly-Regan Sends Zoning Bylaw Changes to AG (Gives Kathy 14 days to incorporate any changes from Annual Town Meeting to get final Zoning Bylaw changes to AG)
- 5/10 – Annual Town Meeting
- 4/19 – Zoning Bylaw Changes to Cathy Leonard (gives 3 weeks to incorporate any suggestions from public hearing and get final docs to Cathy for Annual Town Meeting)
- 4/12 - Date of Public Hearing
- 4/02– Second Public Hearing Notice Sent
- 3/26– First Public Hearing Notice Sent

## **Old Business**

### Matt Harris - Bicycle Shop – 52C West State Street

Jim Trompke discussed Greg Briggs comments in an e-mail dated March 10, 2021 on the building at 52C West State Street which Lamoureux Landscaping is occupying.

The Board discussed the Site Plan Review from 2006 which included six conditions that apply to specifically to Lamoureux Landscaping and how and if they would apply to the new tenant (Matt Harris).

Ken Comia noted the easiest and cleanest way is to go through a new Site Plan Review which would clarify restrictions and negate the previous Site Plan Review.

Lillian Camus asked if a new Site Plan Review would negate the 2006 Site Plan Review. Ken Comia responded it would.

Robert Sheehan, Jr. summarized the discussion: the applicant would put together an amended drawing showing parking, possible removal of the four storage bins, how he may want to answer Greg Briggs letter.

Ken Comia noted our Bylaws prescribe that Site Plan Reviews follow the same process as a Special Permit.

Robert Sheehan, Jr. asked if it was the business owner's responsibility to apply for this or the property owner's responsibility. Ken Comia responded in the past the Board would review this based on the understanding that there may be a different owner than the applicant.

Jim Trompke noted the Planning Board has the authority to waive whatever it chooses in respect to this type of matter. Jim recommended the Board vote to waive a formal Site Plan Review, remove the conditions that apply specifically to the landscaping of storing bulk material. Then Greg has the ability to say the Planning Board is OK with this, it is approved for three parking spaces, you can operate a Bike Shop there and he can give him a Certificate of Occupancy.

Lillian Camus stated it would be clearer if we did a quick Site Plan Review. It needs to be cut off cleanly or it will be totally confusing at that property and even worse later on.

Jim Trompke noted the Board did not have an application before them for this property.

Robert Sheehan, Jr. noted the Site Plan restrictions should follow the applicant and not the property.

Lillian Camus noted that if you follow that logic, it's a whole new business that's moving in, so we don't have to do anything. The Site Plan Review goes away.

Ken Comia responded if our logic is that the Site Plan Review is specific to that applicant rather than to the property, 52C West Street, then how would you interact with a new use for that parcel. How would you go about approving that new use and whatever conditions come with that new use?

Lillian Camus responded the Board would not need to review the application as it would be up to Greg Briggs to decide. Ken Comia noted the Zoning Enforcement Officer would determine if the applicant would need to come before the Planning Board for a certain use or Site Plan Review.

Lillian Camus noted that in Greg Briggs e-mail he said, "Generally, it seems to me the planning board should ask what changes the new tenant proposes, if none so be it." Maybe we just need to get Matt back in to a meeting and ask him what changes, if any, he will be making to the building. If there isn't any then fine, we don't need to talk to him any further. It is an approved use in that Zone. The Board doesn't need to get involved.

Jim Trompke recommend we send Greg Briggs e send a letter stating, "the following conditions were specific to the Lamoureux operation at this particular site. With the new business occupying that site as a bike shop it's allowed in that Zone by way of right."

Jim noted if a year from now, the Bike Shop moves out and Lamoureux moves back in, the two years haven't expired and the original Site Plan Review still applies. If it's three years from now, he will have come before us for a Site Plan Review or a Special Permit for something that's now allowed in that Zone.

Motion made by Lillian Camus and seconded by Robert Sheehan, Jr. a letter be sent to Greg Briggs stating “The following conditions (list conditions) were specific to the Lamoureux operation at this particular site. With the new business occupying that site as a Bike Shop it is allowed in that Zone by way of right.” Motion carried 5 in favor, 0 opposed, 0 abstained

#### 17 New Ludlow Road – Review Application

Lillian Camus will ask Cathy Leonard to have Greg Briggs send a letter to the Planning Board stating his review of the proposed 52’ Superstructure. If Mr. Briggs denies a permit the Board would need to know specifically why and copy Mr. Ames on the letter.

#### Mass DOT Rt. 202 Resurfacing and Related Work

Lillian Camus asked if everyone had a chance to review the e-mail Cathy Leonard forwarded from Jennifer Cohen, VP of Real Estate Development at MassDevelopment in Boston. All in attendance had received and read the e-mail and the attached document from Susan McArthur.

The Board reviewed the detailed plans Lillian Camus was able to secure from Susan McArthur. Ms. McArthur noted the plans are only 25% complete and are subject to many changes before the final project.

After discussion, Lillian Camus volunteered to send an e-mail to Susan McArthur stating the Planning Board has no comments at this time.

Motion made by Lillian Camus and seconded by Robert Sheehan, Jr. for Lillian to send Susan McArthur an e-mail stating that the Planning Board has no comments on the Mass DOT project from Kendall Street to School Street at this time. Motion carried 5 in favor, 0 opposed, 0 abstained.

### **Any Other Business**

None

#### Agenda Items for the April 12, 2021 meeting –meeting starts at 5 p.m.

- Administrative
- 5:15 p.m. Public Hearing on Proposed Zoning Bylaw Changes
- Anything else that comes up.

### **Review of Action Items**

The Board reviewed the open action items.

#### *Open/New Action Items*

<b>Item</b>	<b>Responsible Party</b>	<b>Due Date</b>
Send approved Proposed Zoning Bylaw Changes Public Hearing Notice to Cathy Leonard for publishing	Lillian Camus	March 22, 2021
Create letter to Greg Briggs for Jim Trompke to sign Re Matt’s Bicycle Shop	Lillian Camus / Jim Trompke	March 22, 2021
Ask Cathy Leonard to ask Greg Briggs to provide the Planning Board with his review of the 17 New Ludlow Road application	Lillian Camus	March 23, 2021

<i>Open/New Action Items</i>	<i>Open/New Action Items</i>	<i>Open/New Action Items</i>
Create a spreadsheet for PVPC charges	Lillian Camus	Ongoing
Keep track of items to submit for town annual report	Lillian Camus	Ongoing

#### *Completed Action Items*

<b>Item</b>	<b>Responsible Party</b>	<b>Due Date</b>
Obtain detailed plans of the proposed Mass DOT work on Rt. 202 from Kendall St. to School St.	Lillian Camus	Complete

#### **Next Meetings**

The next regular Planning Board meeting will be Monday, April 12, 2021 at 5 p.m.

The Public Hearing for the Proposed Zoning Bylaw Changes will be Monday, April 12, 2021 at 5:15 p.m.

#### **Adjournment**

Motion was made by Robert Sheehan, Jr. and seconded by Jason Smigiel to adjourn at 6:11 p.m. Motion carried 5 approved, 0 opposed, 0 abstained.

I, Lillian Camus, certify that these minutes are true and accurate minutes of the March 22, 2021 Planning Board meeting.

Respectfully submitted,

Lillian Camus. Secretary

#### **Documents Reviewed at this Meeting:**

- Minutes of the March 8, 2021 Meeting
- Documents related to Public Hearing for John Placzek – 107R Carver Street
- Review of Application for 17 New Ludlow Road
- Proposed Zoning and Bylaw Amendments
- Matt Harris – Bicycle Shop – any new documents?
- Letter from BSC Group dated January 19, 2021 RE Mass DOT Resurfacing & Related Work on Route 202