

**GLASTONBURY TOWN PLAN AND ZONING COMMISSION  
SPECIAL MEETING MINUTES OF TUESDAY, FEBRUARY 6, 2018**

The Glastonbury Town Plan and Zoning Commission with Khara Dodds, AICP, Director of Planning and Land Use Services, and Jonathan Mullen, AICP, Planner, in attendance held a Special Meeting in Council Chambers of the Town Hall at 2155 Main Street, Glastonbury, Connecticut.

**ROLL CALL**

**Commission Members Present**

Mrs. Sharon H. Purtill, Chairman  
Mr. Michael Botelho, Secretary  
Mr. Raymond Hassett  
Mr. Jacob McChesney  
Mr. Keith Shaw  
Mr. Scott Miller, Alternate  
Mr. Christopher Griffin, Alternate  
Mr. Matthew Saunig, Alternate

Chairman Purtill called the meeting to order at 7:00 P.M. and paid tribute to Patricia Low, long-standing member and Vice Chairman of the Town Plan and Zoning Commission. Mrs. Low passed away on January 26, 2018. Chairman Purtill noted that Mrs. Low always wanted the best for Glastonbury and her passion for her beloved town was evident. She commented that Mrs. Low will be greatly missed, and offered condolences to her family.

Chairman Purtill seated Commissioner Miller as a voting member for tonight's meeting, and welcomed Mr. McChesney, Mr. Griffin and Mr. Saunig to the Commission.

**ELECTION OF OFFICERS—POSTPONED**

**PUBLIC HEARING**

**Application of William Dufford for a Section 6.2 Excavation Special Permit and a Section 20.11 Groundwater Protection Permit – Dug Road and Dufford’s Landing Excavation – removal of 210,000 cubic yards of earth products on approximately 10.3 acres located between Dug Road and Dufford’s Landing –Assessor’s Lot S-4 Dug Road and Assessor’s Lot S-3A Dufford’s Landing – Rural Residence Zone and Groundwater Protection Zone 1 (William and Suzanne Dufford, Owners)**

Attorney Meghan Hope, representing the applicant, appeared before the Commission to present the application for an excavation special permit and a groundwater protection permit. The proposal includes excavation of approximately 210,000 cubic yards of earth products on 10.3 acres, screening of material, stockpiling, and hauling the material out of the site. Attorney Hope

explained that this is the second part of a two-part excavation project; the first part is adjacent to this site to the east and has been in operation since 2008 (a final excavation special permit was granted in 2017). She presented slides showing aerial maps of the development from 1990 through 2017 and described the history of the excavation over the years, and noted that 5,000 cubic yards of earth products are remaining. Ultimately, the land in both parts of the excavation will be part of a subdivision proposal that would extend from the end of Dufford's Landing east to Dug Road. Attorney Hope noted that the proposal has been reviewed by the Plans Review Subcommittee, and the Conservation Commission has provided favorable recommendations to the Town Plan and Zoning Commission for the application.

Attorney Hope explained that, following review of several options for truck access to the site, the Chief of Police, Traffic Unit Supervisor and Town Engineer recommended having trucks enter the site from Dug Road (via Main Street) and exit the site onto Dufford's Landing, turning north on Tryon Street, in an effort to equitably spread the traffic. With regard to Attorney Mark Branse's memorandum to the Town Plan & Zoning Commission dated 2/2/18, Attorney Hope responded that the plans were prepared to reflect the Town's recommended truck access route but the applicant would comply with the Commission's opinion on the matter if they are in agreement with Attorney Branse's statement that the existing access route or another access route should be used instead.

Regarding Attorney Branse's statement that the application is not in compliance with the buffer requirement of the regulation, Attorney Hope said she disagrees with his opinion on the matter and stated that a 50-foot setback will be maintained around the entire excavation area. She reviewed five other approved excavation special permits that all included access roads that did not have 50 feet on each side, and said she found no evidence that the Commission has ever interpreted the requirement as Attorney Branse is arguing they should for this application.

Attorney Hope noted that the proposed hours of operation comply with the regulations, and the applicant would prefer to not push back the allowed start time to 8:00 A.M. or later, as the proposed earlier time is consistent with the hours of those receiving the earth products.

Jonathan Sczurek, P.E., Megson, Heagle & Friend, C.E. & L.S., LLC, reviewed the site's topography and described the phases of the proposed excavation activities, noting that six inches of topsoil will be used to restore the land once the excavation is complete. He explained that an aboveground fuel tank would be located at the site for refueling the excavation equipment; the tank and its containment vault meet the requirements of the Groundwater Protection Regulations and have been approved by the Fire Marshal. Mr. Sczurek noted that the application of water or nontoxic alternatives, such as tree resins, would be used as dust/wind erosion control measures and said he will work with the Environmental Planner on determining their appropriateness and monitoring their effectiveness if implemented. He estimates that hauling the 210,000 cubic yards of earth materials off the site would involve ~5,675 truckloads and could last anywhere from 8 to 9 years depending on the market. Attorney Hope reviewed the quantity of truckloads associated with the excavation activities over the years, noting that the number of loads varies monthly as well as annually depending on demand.

Bethanne Couture, for the applicant, stated that approximately two acres of the first part of the excavation have already been converted to farmland, and said she spoke to many neighbors in January about the application.

Chairman Purtill called for public comment.

**Attorney Mark Branse, Halloran & Sage, LLC, representing Michael and Virginia Blair of 65 Dufford's Landing**, summarized the major points contained in his memorandum to the Town Plan and Zoning Commission dated 2/2/18:

- All of the lots on Dufford's Landing were sold to the current residents (or their predecessors) by the applicant who was aware that excavation would eventually be occurring east of the subdivision. Since 2008, access to the excavation has been from Dug Road and, if a change in access was being considered, the lots on Dufford's Landing should not have been sold until the excavation was complete.
- The proposed access route is 70% longer than the current route, passes in front of 26% more homes down residential streets, and directs truck traffic past two blind curves on Tryon Street, including one that is posted as a 'hidden driveway'. Tryon Street is only 15 feet wide in the area of these blind curves.
- The excavation operation includes the hauling road, which is not set back 50 feet from some of the neighbors' property lines, and the Commission cannot waive this regulation.
- The applicant owns land located to the south of the proposed haul route and could create a new access road through that property which would comply with the 50-foot setback. The existing haul road to Dug Road could also be relocated to protect the Kamis, Bissell and DeMaio properties, who have repeatedly protested the excavation operations occurring directly adjacent to their properties.
- Attorney Hope did not adequately establish any precedent with the five examples of approved excavation special permits she provided, as the records don't indicate if the Commission waived the buffer requirement or if the issue was simply overlooked. In addition, the current application is very different from those five examples.
- After ten years of consistent Town staff recommendations to use the existing haul route, it is not clear why they are now recommending a different route through a residential common driveway which would not meet several criteria of the zoning regulations.
- The character of the area has changed, and part of the change is the creation by the applicant of his subdivision. Though the applicant may have the right to excavate his property, the application as proposed should not be approved and more consideration should be given to the neighbors concerns.

**Scott Bissell, 156 Dug Road**, commented that he lives adjacent to the subject site and is opposed to the proposal as it is not appropriate in a residential zone. He noted that he and his wife, Kristin; Paul and Jane DeMaio (148 Dug Road); and Skip and Julie Kamis (152 Dug Road) have voiced their concerns over this application and the previous excavation permit on numerous occasions, both in person and in writing, for the past 8+ years. They remain opposed to the scale and scope of the existing and proposed operations which have resulted in noise, dust, dangerous truck traffic, deteriorated road conditions and decreased property values in the neighborhood.

Mr. Bissell asked the Commission to investigate safer truck routes that would divert the traffic to more appropriate two-lane roads and improve the safety of children, pedestrians and vehicles on Dug Road. He also asked the Commission to facilitate a reasonable timeframe for the proposed operation, as he and many others believed that the excavation was almost done and it has already impacted their lives for many years.

**Paul DeMaio, 148 Dug Road**, seconded Mr. Bissell's comments.

**Greg Bonaiuto, 223 Dug Road**, agreed with his neighbors and said he is very concerned that a truck accident involving a pedestrian or vehicle will eventually happen on their road.

**Mark Zacherl, 439 Tryon Street**, commented that the road is not in an appropriate condition for such large trucks and he is concerned for the safety of pedestrians and bicyclists.

**Sean Mcgrail, 64 Dufford's Landing**, said he would not have purchased his property had he known about the extent of the excavation operations, and he urged the Commission to strongly consider other truck routes, such as having Mr. Dufford provide access through his property to the south, or deny the application entirely.

**Joseph Sala, 46 Dufford's Landing**, stated that he would not have bought a lot on Dufford's Landing had he known about the truck route. He also discussed the liability aspect of trucks on the common driveway and feels that it places an undue burden on the easement owners.

**Virginia Blair, 65 Dufford's Landing**, commented that this is a residential area where children play and the proposal is ludicrous.

**Roxanne and Michael Stepnowski, 52 Dufford's Landing**, spoke about the dangerous conditions due to the trucks associated with the operation and displayed photos showing the scale of the trucks next to their children and the proximity to their driveway. They explained that they would not have purchased their lot had they been aware of the scope of the excavation as they feel it has negatively impacted their property value and created an unsafe environment for them, their children, and others using the road.

**Michael Blair, 65 Dufford's Landing**, also voiced concern over the scope of the project and proposed truck route and asked the Commission to consider a route that would minimize risk to the public. He noted that the proposed route is longer than the current route and Tryon Street is very narrow with many speeding cars.

Chairman Purtill asked Attorney Hope to confirm the approximate number of truckloads that would be generated by this proposal and she responded that Mr. Sczurek previously misspoke, and hauling 210,000 cubic yards of material would result in ~12,000 truck loads (18 cubic yards per load). Secretary Botelho asked about liability of the common driveway and Attorney Hope explained that the easement owners are not liable.

Chairman Purtill asked for Town staff comment on the road conditions. Dan Pennington, Town Engineer/Manager of Physical Services, responded that neither access road meets current engineering design standards, just as many roads don't, but it doesn't mean they are unsafe. Per the Police Department, there is no history of accidents with trucks on these roads.

Chairman Purtill asked for clarification regarding why the truck route being proposed is different than the current project's approved route. Mr. Pennington replied that the decision was somewhat based on the discontent of the residents of Dug Road. Jeffrey Hodder, Traffic Sergeant, confirmed that they discussed how the Dug Road residents had borne the brunt of the truck traffic so far, so they thought it might be best to split it up this time to lessen the impact to Dug Road. He said there is no evidence regarding which route is better and confirmed that the current route has been working.

Commissioner Hassett inquired if an alternate route of egress or ingress/egress through Mr. Dufford's property could work, and Mr. Pennington responded that he has not reviewed those options but would be happy to look into them. Commissioner Miller asked if the applicant would consider routing the trucks through his property, and Attorney Hope said she would speak to her client about this possibility; the commissioners agreed that it is important to look into this alternative and determine its viability.

Secretary Botelho commented on the importance of discussing the operation's start time, as many neighbors have voiced safety concerns. There are a lot more children in the area now than when the first excavation was approved, and it would make sense to avoid having trucks and school buses share the roads in the mornings.

**Motion By:** Secretary Botelho

**Seconded:** Commissioner Shaw

MOVED, that the Town Plan and Zoning Commission will continue the public hearing on the application of William Dufford for a Section 6.2 Excavation Special Permit and a Section 20.11 Groundwater Protection Permit – Dug Road and Dufford's Landing Excavation – removal of 210,000 cubic yards of earth products on approximately 10.3 acres located between Dug Road and Dufford's Landing – Assessor's Lot S-4 Dug Road and Assessor's Lot S-3A Dufford's Landing – Rural Residence Zone and Groundwater Protection Zone 1 (William and Suzanne Dufford, Owners).

**Result:** Motion passes unanimously. (6-0-0)

## **REGULAR MEETING**

### **1. Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non-agenda items**

No citizens came forward to speak.

### **2. Acceptance of Minutes of the November 14, 2017 Special Meeting**



## 5. CONSENT CALENDAR

- a. Scheduling of Public Hearings for Regular Meeting of February 20, 2018: **to be determined**
- b. Request of John Alan Sakon for a one-year extension to commence construction pursuant to Section 12.7 of the Building-Zone Regulations – Special Permit with Design Review for The Shoppes at Avalon Phases I and II – easterly side of Main Street, northerly of Griswold Street – Planned Travel Zone

**Result:** Motion passes unanimously. (6-0-0)

## 6. CRCOG Regional Planning Commission representative and alternate appointments

Mrs. Dodds notified the commissioners that CRCOG is seeking representative and alternate members for the Regional Planning Commission, and asked them to consider volunteering for an appointment.

## 7. Chairman's Report—NONE

## 8. Report from Community Development Staff

Mrs. Dodds provided an update on the draft Plan of Conservation and Development process.

**Motion By:** Secretary Botelho                      **Seconded:** Commissioner Hassett  
MOVED, that the Town Plan and Zoning Commission adjourns their Special Meeting of February 6, 2018 at 10:20 P.M.

**Result:** Motion passes unanimously. (6-0-0)

Respectfully Submitted,  
**Amy M. Pallotti**  
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Recording Clerk