

**GLASTONBURY TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING MINUTES OF TUESDAY, MARCH 19, 2019**

The Glastonbury Town Plan and Zoning Commission with Khara Dodds, AICP, Director of Planning and Land Use Services in attendance held a Regular 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. Keith S. Shaw, Vice Chairman
Mr. Michael Botelho, Secretary
Mr. Raymond Hassett
Mr. Christopher Griffin
Mr. Robert J. Zanolungo, Jr.
Mr. Matthew Saunig, Alternate
Mr. Scott Miller, Alternate

Chairman Purtill called the meeting to order at 7:00 P.M.

PUBLIC HEARING

1. Application of Walnut Hill Farms, LLC for renewal of a Section 6.2 Excavation Special Permit for vehicular access from Old Maids Lane southerly to a 42-acre excavation site in Portland – Rural & Country Residence Zones – Dan J. D’Amelio, L.S., BGI, representative

Mr. Dan D’Amelio of BGI Group represented the applicant, Walnut Hill Farms, LLC. He noted that the site in question has been in operation since 1987, and the proposal has been renewed every 2 years. Currently, there is no excavation on the site, with stockpiles held and the applicant is not asking for an increase. Chairman Purtill asked how many trucks the excavation represents. Mr. D’Amelio said the applicant’s proposal is for 7 tri-axle trucks to be used on the site, with about 3 to 4 trips per month. He stated that this proposal went before the Plans Review Subcommittee and he submitted their certified mail receipts for abutter notification to Ms. Dodds.

Chairman Purtill called for a public comment. No one came forward.

Chairman Purtill asked if the hours in question, Monday to Friday from 7 A.M. to 5 P.M., conflict with the morning traffic from the school. Ms. Dodds explained that the Subcommittee followed the Police Department’s recommended hours of operation for past excavations, which have historically never posed an issue. Commissioner Miller stated that the street gets cued up from 8:30 A.M. to 8:50 A.M. and from 3:30 P.M. to 3:45 P.M., but he does not foresee any

major issues. Secretary Botelho commented that the applicant may want to avoid using the street during these times, even though it could technically be allowed. Chairman Purtill noted that this renewal is just for 2 years, so this issue may be something to address down the line. Mr. D'Amelio explained that the applicant does not foresee any further excavation going on in the next several years.

Secretary Botelho noted that when this request came to the Plans Review Subcommittee, the Subcommittee inquired about the new 50-foot setback requirement. The Town Attorney said that since the project pre-existed the new requirement, it was considered "grandfathered" and not required to meet that setback. Ms. Dodds added that because the access road is also a pre-existing non-conforming use, it is also grandfathered and not required to meet the new landscaping requirement for access roads within 100 feet of the property line. Vice Chairman Shaw inquired as to how many feet the setback is. Mr. D'Amelio explained that the access road is right on it; the driveway is in the 60-foot strip. Secretary Botelho added that it is vacant land. Ms. Dodds stated that it has been that way since the site first started operating.

With no further comments, Chairman Purtill closed the public hearing.

Motion By: Secretary Botelho

Seconded: Vice Chairman Shaw

MOVED, that the Town Plan and Zoning Commission approve the application of Walnut Hill Farms, LLC for renewal of a Section 6.2 Excavation Special regarding vehicular access from Old Maids Lane southerly to a 42-acre excavation site in Portland – Rural Residence & Country Residence Zones, in accordance with the following plan:

“TOPOGRAPHIC SURVEY SPECIAL PERMIT RENEWAL PLAN PREPARED FOR WALNUT FARM, INC. OLD MAIDS LANE GLASTONBURY & PORTLAND, CONNECTICUT THE BONGIOVANNI GROUP, INC. LAND SURVEYORS 170 PANE ROAD NEWINGTON, CONN. 06111 TEL. (860) 666-0134 FAX (860) 666-3830 DATE: 12-06-10 SCALE: 1"= 40' DRAWN: DJD CHECKED: AB REVISION PER APPROVAL 07-11-11 UPDATE TOPOGRAPHY 01-17-13 APPROVAL LETTER ADDED 02-27-13 UPDATE TOPOGRAPHY 01-04-15 UPDATE TOPOGRAPHY 02-08-17 UPDATE TOPOGRAPHY 02-18-19 SHEET 1 OF 1”

And

1. The operating schedule shall be as follows:
 - a. Monday through Friday 7 a.m. to 5 p.m. and Saturday 8:00 a.m. to 1:00 p.m. exclusive of State holidays (except Columbus & Veteran's Day); and
 - b. Equipment start-up and/or engine idling on or adjacent to the site shall not be permitted prior to the approved hours of operation.
2. In compliance with standards contained in a report from the Fire Marshal, File #19-009, plans reviewed 03-14-19.

3. In adherence to:
 - a. The Assistant Town Engineer's memorandum dated March 8, 2019.
 - b. The Police Department's memorandum dated March 14, 2019.
 - c. The Health Department Director's memorandum dated March 13, 2019.

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** *None*
- 2. Acceptance of Minutes of the March 5, 2019 Regular Meeting**

Chairman Purtill and Commissioner Hassett abstained from voting, since they were absent at the stated meeting.

Motion by: Secretary Botelho

Seconded: Vice Chairman Shaw

Result: Motion passed with two abstentions (4-0-2)

- 3. Application of Alexander Gondek, Jr. for a Section 12.9 Minor Change for Hops on the Hill to allow food trucks for seasonal festivals and acoustic (non-amplified) music – 275 Dug Road – Residence AA & Rural Residence Zones**

Mr. Gondek presented his application before the Commission, which asks to allow food trucks and acoustic music at his farm market during seasonal festivals. Chairman Purtill noted that although there was no one in the audience today, she felt there should be a public notice, in case there was a concern by the neighbors. She asked for clarity on the music, which will all be indoors and non-amplified. Mr. Gondek explained that his application for state license has a series of checkboxes on live entertainment, which does not apply, but they checked off the "acoustics non-amplified" box. He noted that this was not part of the Subcommittee conversation, which is why it was added on.

The applicant also stated that he is not comfortable with the "indoors only" requirement, as it restricts them from providing outdoor music at some point in the future. He also noted that in Glastonbury, acoustic music is considered free speech, which is allowed in private places, so their business should not be exempt. He further explained that working farms make a lot of sounds, such as corn cannons and sonic booms, so allowing those noises but not an acoustic guitar does not make sense. Chairman Purtill stated that if acoustic means non-amplified, then there should be no problem with the applicant's request. Secretary Botelho asked if non-amplified means no use of speakers; Mr. Gondek stated that is correct. Ms. Dodds explained to the applicant that the music does not have to be restricted to indoors.

Vice Chairman Shaw asked about the last sentence of the Fire Marshal's memo. Ms. Dodds stated that they talked to the Fire Marshal, who has a concern about the fast growth of Dug Road, which may soon make it difficult for people to get in and out during an emergency. She continued, saying that the concern is to make sure that events stays a manageable size, which the applicant has already stated will be limited to seasonal family-type events. Vice Chairman Shaw asked approximately how many people the applicant expects to attend these festivals. Mr. Gondek replied that would be hard to judge. Chairman Purtill stated that the approval is conditioned on the standards in the report from the Fire Marshal, which says the applicant ought to consider limits, but none are identified. Commissioner Miller stated that this is a vague requirement that should have been discussed earlier, not in the context of a food truck approval. The only thing within the Commission's realm of discussion is how many food trucks are proposed.

After some discussion about the number of food trucks to be allowed on the site during these events, Chairman Purtill asked the applicant if he would be okay with limiting it to 2 food trucks for now, which he could request to modify next year, should he choose. Vice Chairman Shaw asked if approval of the number of food trucks is under the Commission's jurisdiction. Ms. Dodds explained that currently in Glastonbury, one can only have a food truck in the Planned Industrial Zone, which is a somewhat antiquated regulation. Town staff worked with the applicant to find middle ground.

Mr. Gondek stated that "festival" may be a poor choice of words; perhaps "event" gives a better connotation. The Commission discussed changing the originally-stated "festival" to "seasonal farm events". The applicant also noted that in the Executive Summary, it says "approved hours of operation," but these hours will vary because of daylight hours. Ms. Dodds stated that the approved hours were not put in the motion, but they were a part of the discussion. Commissioner Hassett commented that it should have been in the motion because hours of operation are a big part of any business and many people expressed concerns about that to him. Chairman Purtill asked if the applicant will be floodlighting the parking area. Mr. Gondek stated that that would not have been allowed. Commissioner Zanolungo asked what the ramifications will be if there are still people there at 7:00 P.M. Commissioner Hassett explained that a zoning officer could come in with a cease and desist letter, though that likely would not happen.

Commissioner Hassett commented that the applicant's initial proposal was presented as a tasting room with very limited activity but with this new request, the project has significantly changed. He asked if the Commission is willing to accept these changes, which can substantially increase the activity at the venue. Ms. Dodds clarified that in the original approval, the hours of operation were included in the description of the proposal itself, which made the hours a key component of the application, and therefore it was not necessary to also include the hours within the conditions of approval. Chairman Shaw also noted a concern about the level of alcohol consumption that may rise with the food trucks. Commissioner Saunig countered that the additional food options may dilute some of that concern. Commissioner Hassett said that is fine, but his worry lies with the fact that the original application has changed.

Commissioner Griffin asked if the Commission will define the dates of the harvest festival, and if they should cap the weekends. Mr. Gondek stated that the dates are flexible because they are harvest-based, but ideally, year-round was the original intent. Commissioner Hassett asked to return to the Fire Marshal issue. Chairman Purtill stated that allowing up to 2 food trucks would make the event self-limiting. Commissioner Miller commented that he finds the Fire Marshal's memo inappropriate, since what is listed is technically under the Health Department's jurisdiction. Ms. Dodds replied that the Fire Marshal is looking at all of the recent and proposed activity on Dug Road and that concerns him. Commissioner Griffin acknowledged that it is fair to raise a concern but agreed with Commissioner Miller that it is outside of the Fire Marshal's jurisdiction.

Motion By: Secretary Botelho

Seconded: Commissioner Hassett

MOVED, that the Town Plan and Zoning Commission approve the application of Alexander Gondek, Jr. for a Section 12.9 Minor Change at Hops on the Hill to allow food trucks for seasonal **farm events** and acoustic (non-amplified) music – 275 Dug Road – Residence AA & Rural Residence Zones– in accordance with the plans on file with the Office of Community Development and:

1. In compliance with Standards contained in a report from the Fire Marshal, File #19-010, plans reviewed 03-14-19.
2. Adherence to:
 - a. The Assistant Town Engineer's memorandum dated March 8, 2019.
 - b. The Health Department Director's memorandum dated March 14, 2019.
 - c. The Police Chief's memorandum dated March 14, 2019.
3. No more than two food trucks shall be permitted per seasonal farm event.
4. This is a Section 12.9 Minor Change. If unforeseen conditions are encountered that would cause deviation from the approved plans, the applicant shall consult with the Office of Community Development to determine what further approvals, if any, are required.

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

4. CONSENT CALENDAR

- a. **Scheduling of Public Hearings for Regular Meeting of April 2, 2019:**
 - i. Application of Paul Cavanna for renewal of a Section 6.2 Excavation Special Permit for excavation of earth products, Phase 1 of a 7-acre excavation area – 63 Woodland Street – Rural Residence Zone

- b. Request of Attorney Meghan A. Hope for a one-year extension to commence construction pursuant to Section 12.7 of the Building-Zone Regulations – Special Permit with Design Review for DiStefano Family Dentistry – 49 Sycamore Street – Town Center Zone

Motion by: Secretary Botelho

Seconded: Commissioner Zanolungo

Result: Motion passed unanimously (6-0-0)

5. Chairman’s Report *None*

6. Report from Community Development Staff *None*

There being no further business to discuss, Chairman Purtill adjourned the meeting at 7:53 P.M.

Respectfully Submitted,

Lilly Torosyan
Lilly Torosyan
Recording Clerk