

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

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 Regular Meeting in Council Chambers of the Town Hall at 2155 Main Street, Glastonbury, Connecticut.

**ROLL CALL**

**Commission Members Present**

Ms. Sharon Purtill, Chairman  
Mr. Keith S. Shaw, Vice Chairman  
Mr. Michael Botelho, Secretary  
Mr. Christopher Griffin  
Mr. Raymond Hassett  
Mr. Robert Zanolungo, Jr.  
Mr. Scott Miller, Alternate  
Mr. Matthew Saunig, Alternate  
Ms. Alice Sexton, Alternate

**Commission Members Absent**

None

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

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**PUBLIC HEARINGS**

- 1. Applications of CAR WASH SERVICES M.D. LLC for a Section 12 Special Permit with Design Review & a Section 20 Groundwater Protection Special Permit - construction of 5,167± square foot car wash together with associated site improvements - 70 Oak Street & westerly portion of 27 Kreiger Lane - Planned Commerce Zone & Groundwater Protection Zone 1 (Richard Breen, Thomas Breen, Francis M. Breen, James Breen, Catherine B. Crohan & Gamer Development Company, Owners)**

Attorney Hope presented the application on behalf of her client, whose proposal is to develop a car wash. She noted that they attended 11 different meetings of various committees before tonight's meeting. Attorney Hope explained that there is an existing separate driveway, located off of their property, that will not be touched. She noted that the site is located in the Planned Commerce Zone, but because of the use, regulations require additional requirements:

- They need to have enough storage room for vehicles (a minimum of 3,000 square feet) on-site for cars to queue up.
- Vacuums cannot be closer than 25 feet from the side yard setback.
- Any portion of the building that is for washing cars cannot be closer than 75 feet from a residential use, which, in this case, applies to the rear yard setback. Attorney Hope noted that their rear yard setback is 76 feet away from the residential use.

- They cannot be closer than 125 feet from the street on which the use fronts. Attorney Hope stated that they received a variance from the Zoning Board of Appeals to be no closer than 75 feet from Oak Street, but they were able to locate the building 87 feet away from the street.
- Evergreen plantings were chosen as a screening method. Attorney Hope explained that they worked with the Beautification Committee to select the specific evergreens. The minimum height will be 6 feet at the time of planting.

Matthew Brown from Anchor Engineering discussed the proposed design and additional details regarding the existing site. He noted that the existing parcel is 1.24 acres, combined with a small portion of land from the adjacent parcel (which is under contract to be purchased by the applicant). The site currently has a single-family residence and a barn structure, but both will be removed. Mr. Brown explained that, in general, the site slopes from the northeast corner of the property down toward the intersection of Oak Street and Kreiger Lane. The proposal is to construct a single structure of approximately 5,000 square feet. There will be two access points. The existing residential driveway is located to the east of the proposed access point.

Mr. Brown went through the circulation plan which showed vehicles going through the car wash. He explained that they have two bailout points in the circulation. Grading activities have been minimized to the extent possible; approximately 6,700 cubic yards of material will be removed from the site as a result of construction activities. Mr. Brown then stated that the applicant presented the landscape plan to the Beautification Committee, who requested a mix of coniferous and deciduous trees and evergreen trees for screening. The lighting will include 12-foot poles, with are dark-sky compliant LED lights. The site will include a dumpster pad enclosure and utilities will be served by public water, sewer, and gas.

The wash water will be directed to a reclaim system, where water will pass through and it will progressively clean the wash water, which will then be reused during future washes at the site. The water that cannot be reused will pass through an oil/water separator and ultimately be discharged to the sanitary sewer. All products will be stored in the storage room. The stormwater will be managed via an infiltration basin. Mr. Brown noted that there is an extensive use of concrete surfaces. In total, 28.5% of the impervious surfaces on site will be done by concrete. The nitrogen loading is approximately 25% of the maximum allowed and the groundwater recharge proposed at the site is approximately five times the required amount of recharge.

Attorney Hope then discussed the architecture of the site, noting that they attended three Plans Review Subcommittee meetings to address this issue. She explained that on the west elevation facing Oak Street, they are using white PVC rake trim with white PVC shingle molding, and they are using tan-colored vinyl siding on the peak sections of the building. On the south elevation facing Kreiger Lane, they are using peaked sections again, with the same siding. She explained that the materials used on the east and north elevations are the same. In the back, vending machines will be placed with opened doors during business hours. The monument signage off of Oak Street will be a double-sided sign, interior-illuminated with LED lights. Attorney Hope also included information on the car wash's technology and environmental sustainability (e.g. recycled water, biodegradable chemicals, high efficiency, and low noise drying system).

Chairman Purtill stated that the vacuum system appears different in the presentation than in the pictures provided. She also expressed confusion about the 12-foot height of the light poles, noting that the vacuum system itself is 11 feet high and extends out 14 feet with LED lights. She stated that if each of these vacuums are lit up, it will look like a circus. She inquired about the color of the vacuum systems and how long the lights will be on. The Chairman expressed that this is a lot more than what they were shown at subcommittee.

Attorney Hope replied that the vacuums will be dark grey, and that the car wash is not a 24/7 facility, so the vacuums will be available only when business is open. The LED lights on the vacuum systems will shut down when business closes. Attorney Hope also noted that there are 25 parking spaces, and 22 of them have vacuum access.

Chairman Purtill expressed concern with the design, stating that the vacuum systems will look like little stalls. Mark DiTomasso, the owner of the proposed car wash, explained that the purpose of the vacuum system design is to make it convenient for the customer, noting that it drops the hose right by the car door. He remarked that it is the latest technology, and their customers at other locations love them. He also reiterated that the lights are only on when it is dark out and they turn off when they close the business for the day. Secretary Botelho stated that the Commission would like renderings of each of the units on the slide. Commissioner Miller asked if it is possible to rig it so that the lights only go on when it is in use. Mr. DiTomasso said he does not know.

Chairman Purtill asked about the screening on Kreiger Lane. Attorney Hope explained that they are typical shrubs, with a height of about 3-4 feet. The existing trees will remain and there is existing screening off-site. She clarified that the trees on their site are coming out but not the ones off-site. Commissioner Griffin asked where the actual vacuuming unit will be placed. Attorney Hope stated that the central vacuum unit will be in the back corner of the property.

Commissioner Miller noted that none of the renderings have the dumpster pad and asked if there was any consideration in putting that in the back of the property or somewhere less visible. Mr. DiTomasso stated that they would not have been able to get a truck back there.

Chairman Purtill asked what materials will be used to construct the enclosure. Attorney Hope stated that the enclosure will consist of a 6-foot tall, solid, white, vinyl fence. Mr. Brown said that they are excavating 10 feet. Chairman Purtill asked if the elevation of their neighbor, the daycare, is still higher than the applicant's. Attorney Hope stated that their finished floor elevation is 94.5; the daycare's is 102.8.

Vice Chairman Shaw asked if an employee will be on-site to assist customers using the unmanned kiosk machine. Mr. DiTomasso said yes. Vice Chairman Shaw asked if there is any concern that people will not follow the on-site traffic pattern and just turn to use the vacuums. Mr. DiTomasso stated no, there will be one-way signs and pavement markings to prevent that.

Chairman Purtill opened the floor for public comment.

**Mr. Alain Rocamora of 718 Griswold Street**, is in favor of this application. He said that he stumbled upon a beautiful car wash in Cromwell that Mr. DiTomasso's company owns, then another one in New Britain that he liked as well. Mr. Rocamora thinks that this is an asset for beautification and the Town in general. He noted that the daycare came in roughly the same time and they will probably be ready around springtime. He asked the Commission to approve this application right away.

**Mr. Gerry Gallo of 2711 Main Street**, is also in favor of this application. He is building a car wash in Vernon and he believes that this is a nice asset. He stated that the people in town deserve this service.

Commissioner Zanolungo thanked the applicant for coming to subcommittee on three separate occasions and taking their concerns into consideration. He stated that this car wash will be an asset for the town, and he will support this application.

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

**Motion by:** Secretary Botelho

**Seconded by:** Commissioner Zanolungo

MOVED, that the Town Plan and Zoning Commission approve the application of Car Wash Services M.D. LLC for a Special Permit with Design Review & a Section 20 Groundwater Protection Special Permit—construction of 5,167 ± square foot car wash together with associated site improvements—70 Oak Street & westerly portion of 27 Kreiger Lane—Planned Commerce Zone & Groundwater Protection Zone 1—in accordance with the following plans:

“EXISTING CONDITIONS PLAN BOUNDARY/TOPOGRAPHIC SURVEY PREPARED FOR CAR WASH SERVICES MD, LLC 70 OAK STREET GLASTONBURY, CT ANCHOR ENGINEERING SERVICES, INC. 41 SEQUIN DRIVE GLASTONBURY, CT 06033 PHONE: (860) 633-8770 FAX: (860) 633-5971 WWW.ANCHORENGR.COM PROJ. ENGINEER ASF PROJ. MANAGER WEW OFFICE REVIEW: WEW REVISIONS 10/08/19 SCALE 1” = 20’ PROJECT 1427-01 DATE: 07/22/19 SHEET 2 OF 11”

“BOUNDARY LINE AGREEMENT BETWEEN RICHARD BREEN ET AL & GAMER DEVELOPMENT COMPANY INC. 70 OAK STREET/27 KREIGER LANE GLASTONBURY, CT ANCHOR ENGINEERING SERVICES, INC. 41 SEQUIN DRIVE GLASTONBURY, CT 06033 PHONE: (860) 633-8770 FAX: (860) 633-5971 WWW.ANCHORENGR.COM PROJ. ENGINEER ASF PROJ. MANAGER WEW OFFICE REVIEW: WEW REVISIONS 10/08/19 SCALE 1” = 20’ PROJECT 1427-01 DATE: 07/31/19 SHEET 3 OF 11”

“SPECIAL PERMIT PLANS PREPARED FOR CAR WASH SERVICES MD, LLC LAYOUT PLAN 70 OAK STREET GLASTONBURY, CT ANCHOR ENGINEERING SERVICES, INC. 41 SEQUIN DRIVE GLASTONBURY, CT 06033 PHONE: (860) 633-8770 FAX: (860) 633-5971 WWW.ANCHORENGR.COM PROJ. ENGINEER DPL PROJ. MANAGER MNB OFFICE REVIEW: MNB REVISIONS 08/07/19 10/08/19 10/25/19 SCALE 1” = 20’ PROJECT 1427-01 DATE: 07/22/19 SHEET 5 OF 11”

“SPECIAL PERMIT PLANS PREPARED FOR CAR WASH SERVICES MD, LLC GRADING/E&S PLAN 70 OAK STREET GLASTONBURY, CT ANCHOR ENGINEERING SERVICES, INC. 41 SEQUIN DRIVE GLASTONBURY, CT 06033 PHONE: (860) 633-8770 FAX: (860) 633-5971 WWW.ANCHORENGR.COM PROJ. ENGINEER DPL PROJ. MANAGER MNB OFFICE REVIEW: MNB REVISIONS 10/08/19 10/25/19 SCALE 1” = 20’ PROJECT 1427-01 DATE: 07/22/19 SHEET 7 OF 11”

“SPECIAL PERMIT PLANS PREPARED FOR CAR WASH SERVICES MD, LLC DRAINAGE & UTILITY PLAN 70 OAK STREET GLASTONBURY, CT ANCHOR ENGINEERING SERVICES, INC. 41 SEQUIN DRIVE GLASTONBURY, CT 06033 PHONE: (860) 633-8770 FAX: (860) 633-5971 WWW.ANCHORENGR.COM PROJ. ENGINEER DPL PROJ. MANAGER MNB OFFICE REVIEW: MNB REVISIONS 10/08/19 10/25/19 SCALE 1” = 20’ PROJECT 1427-01 DATE: 07/22/19 SHEET 8 OF 11”

“SPECIAL PERMIT PLANS PREPARED FOR CAR WASH SERVICES MD, LLC LANDSCAPING PLAN 70 OAK STREET GLASTONBURY, CT ANCHOR ENGINEERING SERVICES, INC. 41 SEQUIN DRIVE GLASTONBURY, CT 06033 PHONE: (860) 633-8770 FAX: (860) 633-5971 WWW.ANCHORENGR.COM PROJ. ENGINEER DPL PROJ. MANAGER MNB OFFICE REVIEW: MNB REVISIONS 08/28/19 10/08/19 10/25/19 SCALE 1” = 20’ PROJECT 1427-01 DATE: 07/22/19 SHEET 9 OF 11”

“SPECIAL PERMIT PLANS PREPARED FOR CAR WASH SERVICES MD, LLC DETAILS 1 70 OAK STREET GLASTONBURY, CT ANCHOR ENGINEERING SERVICES, INC. 41 SEQUIN DRIVE GLASTONBURY, CT 06033 PHONE: (860) 633-8770 FAX: (860) 633-5971 WWW.ANCHORENGR.COM PROJ. ENGINEER DPL PROJ. MANAGER MNB OFFICE REVIEW: MNB REVISIONS 10/08/19 10/25/19 SCALE AS SHOWN PROJECT 1427-01 DATE: 07/22/19 SHEET 10 OF 11”

1. And in Compliance with:
  - a. The conditions set forth by the Conservation Commission in their recommendation for approval to the Town Plan and Zoning Commission at their Regular Meeting of October 24, 2019.
  - b. Standards contained in a report from the Fire Marshal, File #19-033, plans reviewed 11-04-19.
2. In Adherence to:
  - a. The Health Department Director’s memorandum dated November 13, 2019.
  - b. The Town Engineer’s memorandum dated November 15, 2019.
  - c. The Police Chief’s memorandum dated November 8, 2019.

**Disc:** Ms. Dodds suggested the Commission add a condition that the architectural detail for the vacuum unit shall be added to the plans. Chairman Purtill agreed that that can be added via a friendly amendment.

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

**Motion by:** Secretary Botelho

**Seconded by:** Vice Chairman Shaw

MOVED, that the Town Plan and Zoning Commission add the following items to the aforementioned motion:

- 3. The architectural detail for the vacuum unit shall be added to the plans.**
- 4. The LED lighting system for the vacuum units shall operate only during regular business hours.**

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

**2. Application of William M. Dufford for final subdivision approval for the 6-lot River Road Subdivision, Phase 3 involving an easterly extension of Dufford's Landing - Assessor's Lots S-4 Dug Road & S-3A Dufford's Landing- Rural Residence Zone & Groundwater Protection Zone 1 (William and Suzanne Dufford, Owners)**

Before opening the public hearing, Chairman Purtill stated that, today, the Commission received two communications regarding this application. She read aloud the contents of both communications. The first was a letter, dated November 18, 2019, signed by three neighbors on Dug Road who oppose the application because of the unsafe truck traffic associated with the subdivision. They are asking the commission to investigate the safety of this application. The second communication was an email addressed to Mr. Mullen and Ms. Dodds from Ms. Virginia Blair of 65 Dufford's Landing, dated November 19, 2019. Ms. Blair stated that she is opposed to this application because of concerns about the neighborhood impact of the excavation equipment and trucks. She explained that trees were cut on the property that they did not know about, and the impact this subdivision will have on their neighborhood should be considered by the Commission.

Chairman Purtill opened the public hearing.

Peter Alter of Alter & Pearson, LLC presented on behalf of the applicant, Bill Dufford. He noted that this is a conventional 6-lot subdivision with an extension of the existing Dufford's Landing to a new temporary cul-de-sac with about 500 feet of new roadway. When completed, the property will be developed to 37 lots in total: 8 lots have already been constructed, 6 lots are proposed now, and an additional 23 lots will follow when the roadway is completed. Attorney Alter noted that each of the proposed 6 lots meet all of the subdivision requirements.

A total of 95,000 cubic yards will be excavated. Public improvements would continue to develop from east to west. The applicant would like to begin the public improvements while securing building permits on the relevant lots as he moves from east to west, in order to complete all of the grading at once. It is a significant expense for the applicant, but it is a unified way to manage the development of the 6 lots. Attorney Alter noted that the last two lots are larger because all of the excavation that has to be completed in this phase. There will be no more excavation needed to complete the subdivision development.

Attorney Alter explained that this is an application for final subdivision approval. In seeking final approval, Mr. Dufford is required to post a bond with the Town to ensure that the roadway will be completed. Attorney Alter passed around an estimate of the bond to the Commission. He noted that the total bond amount established through this process is \$1,218,300.

Attorney Alter went through various Town subdivision regulations that are applicable to this application and discussed how they are satisfied. He noted that the Conservation Commission gave the application a positive recommendation and went through the few minor comments from the Town Engineer's memorandum. The main concern from the Town Engineer was that the new roadway is built with a grade of 8.5%. The regulation allows for 10%, but typically, the Town prefers a lesser grade (usually 7%); 8.5% was recommended because it reduces the amount to excavate. Attorney Alter also noted that the temporary cul-de-sac would be removed, and the roadway would be extended to a new temporary cul-de-sac. They were granted a waiver for capped sewers from the Water Pollution Control Authority, and there could be an opportunity to install solar panels on the site in the future.

Attorney Alter also brought up comparisons with previous applications that he thought were similar in nature. He mentioned that the Great Pond application was also developed this way, as were Heritage Drive and Stanley Drive, and the prior two Dufford's Landing subdivisions. He noted that this is a tried and true methodology of excavating to create subdivisions in Glastonbury and it allows developers to complete a subdivision in a timely way. Attorney Alter emphasized that this is not an excavation permit.

Jon Sczurek, P.E. of Megson, Heagle, and Friend walked through the technical aspects of the subdivision. He reiterated that the proposed roadway will be constructed at an 8.5% maximum grade. Mr. Sczurek explained that a potential 10% road grade had been discussed at the last meeting, however, the Town Engineer stated that 8.5% would be the maximum he would support. Storm drainage will be directed to catch basins in the roadway, and the Town's MS4 requirements for treating first flush of runoff have been fulfilled.

The erosion and sedimentation control plan has three different sheets, showing the phasing of the mass grading operations with temporary sediment basins. After Phase 1 is brought down to its final grade, that area will be vegetated before moving on to the next development phase. Mr. Sczurek noted that they performed soil testing with test pits and percolation tests, and they found suitable septic areas. They also performed nitrogen loading calculations and are in accordance with groundwater standards. The Health Department memorandum recommended approval of the application.

Chairman Purtill inquired about Item 3 of the Health Department memorandum, which details the two feet of fill in the designated primary leaching area. Mr. Sczurek stated that, in lot 36, there was two feet of fill material so they need to ensure that the septic system is designed deep enough so that it is in the original material and not the soil filled above it. He also explained that they extended the lot lines of lots 11 and 35 so that all areas being graded in this phase would be on building lots with building permits. He clarified that these 6 lots are approvable as is but if they move forward with the other 23 lots, the fill may render lots 12 and 35 unsuitable for septic. Mr. Sczurek stated that future lot 12, in fact, is an issue regardless because they would be filling a portion of that lot in order to keep some of the material on-site.

Chairman Purtill asked how many trucks are needed to remove the 95,000 cubic yards of excavation. Attorney Alter answered, at 18 cubic yards per truck = 5,277 loads = 10,556 trips in and out. He noted that this proposal reduces the original load by 55%, and they must have all public improvements completed within 5 years; otherwise, the Commission reserves the right to

revoke the application, but it can also grant an extension to the applicant. Ms. Dodds clarified that the Commission can choose to do that, or to grant an extension in one-year increments, for no more than an additional 5 years.

Commissioner Zanolungo asked how much material was removed for current homes on Dufford's Landing. Attorney Alter said about 80,000 cubic yards. Chairman Purtill asked to describe what the plan is for the truck traffic, in terms of the excavation. Mr. Alter stated that it will be standard hours of operation and traffic directions, as listed in the Police Chief's memorandum. They indicated that the trucks must leave to the west and to the north on Tryon Street. Attorney Alter also noted that the Fire Marshal's Office may be requesting an emergency cistern in the future, so that the Fire Department has immediate access to a water supply. Commissioner Miller asked where the material they are excavating will go. Attorney Alter stated that the material will go wherever it is sold, in the sand and gravel market.

Chairman Purtill opened up the floor for public comment.

**Attorney Carl Landolina of 487 Spring Street of Windsor Locks**, representing three families on Dug Road, explained that the applicant will need a special permit to remove the materials off-site because this property does not comply with the exemptions listed in the zoning regulations.

Attorney Landolina made the following points:

- Section 6.2.4a of the Glastonbury Zoning Regulations is very clear: in an approved subdivision plan, material may be removed within the street limits itself, not beyond the street limits or the 50-foot right-of-way that is being proposed.
- Section 6.2.4b: Attorney Alter stated that this was one of the reasons why they are pursuing a final approval as opposed to a conditional approval. Mr. Landolina asked if Mr. Alter meant to say that his client will attain 6 building permits for bona fide construction activities, in order to do all 6 lots at once? Mr. Landolina explained that this is a waiver or exemption that is applied by the building official, so it is beyond this Commission's scope of approval.
- Section 3.1 of the subdivision regulations on public safety: Mr. Landolina stated that this property does not qualify under that section because it poses a threat to public safety. Unless the layout of Dug Road is entirely changed, it will be a danger to any excavation activity. He concluded that some areas of land are just not suitable for subdivision.

**Kenneth R. Slater, Jr. of Halloran & Sage**, representing Michael Blair and his neighbors on the Dufford's Landing side, agreed with Attorney Landolina that a special exemption is required. He stated that the applicant should wait until the excavation activity is complete and the property is ready to be developed, before moving ahead with the subdivision. Mr. Slater stated that this is an application to dramatically change the land to something that it is not and approving it would create a tremendously bad precedent for this commission. He noted that subdivisions and excavations are two different things and excavations should be done before any building permits are given on the lot. This commission has the discretion that it should be able to exercise under its special permit regulations.

**Mr. Michael Blair of 65 Dufford's Landing**, stated that this is his fifth time appearing in front of the commission to discuss the same topic. His neighborhood is not suitable for an excavation



operation. He noted that this application is similar to the previous excavation permit, which this commission denied for a 3-lot subdivision. Mr. Blair referenced comments from this commission in the past expressing concerns about previous applications. Mr. Blair stated that the applicant created a lot of undue stress due to his bad foresight on how to develop his property at the time, and consequently, his neighbors have paid the price. Mr. Blair asked the commission to require the applicant to minimize impact on his neighbors as much as possible.

**Mr. Skip Kamis of 152 Dug Road**, stated that he is here, once again, to appeal to protect his family from the danger of large-scale heavy truck traffic. Dug Road has no sidewalks and its neighborhood has many young growing families. Large scale, hazardous truck traffic is unsuitable for the area and the use of heavy haul trucks is incompatible.

**Dr. Scott Bissell of 156 Dug Road**, explained that he is concerned about the safety, health, and welfare of his family and neighbors. Dug Road is a narrow road and unsuitable for this kind of activity. He showed pictures of Dug Road with the construction trucks, which he pointed out take up nearly the width of the road. Mr. Bissell inquired about the traffic pattern, asking how many trucks will enter and from where.

**Mr. Mike Stepnowski of 52 Dufford's Landing**, expressed a great deal of respect for Mr. Dufford. He stated that he is disappointed with the way his community has treated this proposal over the last three years or so. He also noted that he owns a building on Kreiger Lane. Mr. Stepnowski stated that the car wash application that preceded this hearing proposed "removing" 6,500 cubic yards, whereas this proposal of 95,000 is called an "excavation". He inquired as to why the language is different between these two applications, if they are doing the same thing. He also stated that, in July, they referenced only 1,000 truckloads; now, they just heard that it is closer to 10,000 truckloads coming out of that area. Mr. Stepnowski urged the Commission to do the right thing and follow the regulations. He then thanked them for their efforts.

Attorney Alter returned to respond to some of the points expressed during the public comment session. He stated that he and Mr. Landolina are in agreement that the Commission should strictly construe its regulations; they just disagree as to what that is. In regard to the question Mr. Landolina proposed: will the applicant seek all 6 building permits at once? Mr. Alter stated that they intend to work from east to west, and the building permits would be sought for the related lots, so no, they do not seek all 6 building permits at once. Chairman Purtill asked how a building permit can be issued to build a house when there is no road. Attorney Alter explained that the final subdivision approval indicates that this can be done, provided it is properly bonded. The road is projected to be finished, and all issued building permits and activities must commence within 180 days of issuance. Commissioner Griffin stated that the Commission cannot authorize excavation outside of these exceptions, which are pursuant to the building permit, not the subdivision plan. Mr. Alter replied that the two authorities intersect. Once the Commission approves the configuration of this lot, then the applicant would go to the building official to issue the building permit.

Attorney Alter stated that, as per sections 6.2.4a and 6.2.4b of the Glastonbury Zoning Regulations, they meet all of the regulations. In regard to Mr. Slater's comments, he explained that the Commission is not dealing with a special permit or special exception with this application; it is a subdivision. Attorney Alter then reviewed two prior cases on subdivision

approval in Connecticut. The first case was in South Windsor, which had tremendous neighborhood opposition, and the application was denied because the Commission acted in an administrative capacity not a legislative capacity. The second case was the Cambodian Buddhist Society of Connecticut, Inc. v. the Newtown Planning and Zoning Commission, which concluded that the inadequacy of local roads was not a proper basis for denying the application for subdivision.

Attorney Alter explained that, with a subdivision application, this Commission has very limited discretion. He also pointed out the traffic study, which did not find a safety problem on Dug Road. There have been no reports of any accidents over all the time that Mr. Dufford has excavated on Dufford's Landing. In regard to Mr. Bissell's question about the traffic pattern, Mr. Alter explained that when the second phase (the western phase of development of the roadway) is completed, all of the traffic will go through Dufford's Landing, and there will be no more traffic through Dug Road.

In regard to Attorney Slater's point on the cul-de-sacs, Mr. Alter explained that this temporary cul-de-sac is 1,400 feet from Tryon Street, so even if they proposed it to be a permanent cul-de-sac, it is well within the limit of 1,500 feet. In regard to Mr. Stepnowski's point about the trucks, Mr. Sczurek clarified that it will be roughly 5,000 trucks. If it takes the full five years, it would be 1,000 trucks per year, not 1,000 trucks spread out over five years. He also noted that, in Phase 1, the trucks will enter the site through Main Street and leave west of Dug Road to Tryon Street.

Attorney Slater mentioned that the applicant did not conduct test borings, so the buildings may not even be suitable. Mr. Sczurek addressed this point, explaining that they did not do borings over the entire site, but they looked at all of the well logs and saw that the well casings went down about 60-80 feet before they hit bedrock. They are nowhere near the groundwater and the bedrock was very deep. Mr. Sczurek stated that they also looked at the NRCS geological maps to determine that the bedrock was 80-100 feet, so they did not see any indication that they would encounter bedrock in the excavation plan.

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

Vice Chairman Shaw asked if there are any guidelines to the "excavation operations," as listed in section 6.2.4b of the Glastonbury Zoning Regulations. Ms. Dodds explained that, in order for the applicant to get a building permit, they would have to submit an application and a plot plan. Any excavation that would need to be done would fall under the guidance and supervision of the building official. Chairman Purtill inquired whether the Commission should seek the opinion of the Town Attorney because it is very unusual for them to have this much material removed. Commissioner Hassett stated that some of the statements made in the Planning Zone analysis by staff are legal opinions. He concurs with the suggestion to seek guidance from the Town Attorney. Secretary Botelho agreed, stating that the Commission needs the Town Attorney to consider whether they should look at excavation regulations in the context of subdivisions.

The Commission agreed to continue the public hearing at a later date and consult the Town Attorney about the following points:

- Does the Commission need to consider excavation regulations in this application?

- Does the applicant need to attain an excavation permit with this subdivision application?
- To ascertain whether or not the fact pattern as presented would fall under section 6.4.2a (roadway) and/or 6.4.2b. (lot grading) of the Glastonbury Building-Zone Regulations.

**Motion by:** Commissioner Zanolungo **Seconded by:** Commissioner Griffin  
 MOVED, that the Town Plan and Zoning Commission continue the public hearing of the application of William M. Dufford for final subdivision approval for the 6-lot River Road Subdivision, Phase 3 involving an easterly extension of Dufford’s Landing.

**Result:** Motion passed 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 August 20, 2019 Regular Meeting**

**Motion by:** Secretary Botelho **Seconded:** Commissioner Hassett  
**Result:** The minutes were accepted as presented (4-0-2). Commissioners Shaw and Purtill were not present at the meeting, so they abstained from voting.

**3. Acceptance of Minutes of the October 15, 2019 Regular Meeting**

**Motion by:** Secretary Botelho **Seconded:** Commissioner Hassett  
**Result:** The minutes were accepted as presented (5-0-1). Chairman Purtill was not present at the meeting, so she abstained from voting.

**4. Referral from Zoning Board of Appeals - Request of Eastern Ave Holdings LLG for a use variance from Section 4.14.2 & 2.36 of the Glastonbury Building-Zone Regulations to allow installation of a parking lot within the Planned Employment Zone at 233 Eastern Boulevard**

Attorney Alter, representing the applicant, explained that his client purchased the property and turned it into a rock-climbing facility, but the site does not have enough parking. Ed Hardy, who owns five of these facilities, would like to add additional parking to the site, so he reached out to the owner of the empty lot next door, and entered into a 10-year lease with her, with the option to either purchase the lot at the end or to renew the lease for another 10 years. Attorney Alter explained that the regulations do not allow a parking lot on a property with no principal use, so they need a variance to allow use on the parking lot. He explained that this request would go to the Zoning Board of Appeals for consideration, and also the Conservation Commission because they have a wetland area on the site, then return before this Commission to seek the special permit.

Secretary Botelho noted that the applicant has an agreement, but once that ends, it could change the use of the property. Attorney Alter explained that the access to the parking lot is through the principal property of Eastern Boulevard Holdings, so it is a private property owned by his client. He noted that Mr. Hardy hopes that he will eventually buy this lot, merge the two lots, and expand his property. Commissioner Zanolungo inquired about the paving. Attorney Alter stated that the parking lot will be paved with an impervious surface.

**Motion by:** Secretary Botelho

**Seconded by:** Commissioner Zanolungo

MOVED, that the Town Plan and Zoning Commission provides a favorable referral to the Zoning Board of Appeals regarding the request of Eastern Ave Holdings LLC for a variance from section 4.12.2—Permitted Accessory Uses in the Planned Employment Zone, to allow a private parking area to be a principal use; and variance from section 2.36—Definition of a private parking area to allow a private parking area to be located on a different lot than the associated use at 233 Eastern Boulevard, subject to the following condition:

1. The applicant shall submit an application for a Special Permit with Design Review for the proposed project.

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

## **5. Planned Business and Development Overlay Zone text amendments - set public hearing date**

Chairman Purtill noted that this request came from the Town Council. She suggested postponing to a future meeting.

## **6. CONSENT CALENDAR**

- a. Scheduling of Public Hearings for Regular Meeting of December 10, 2019: to be determined

Ms. Dodds stated that the next meeting is scheduled for December 10, 2019. She noted that this may be a long meeting. Mr. Mullen added that there will be an application to register the Bulky Waste Facility, which will have to be conducted as a separate hearing. The Commission asked to move that application/hearing to another meeting. Ms. Dodds and Mr. Mullen stated that they will look into doing so.

## **7. Chairman's Report** *None*

## **8. Report from Community Development Staff** *None*

There being no further business to discuss, Chairman Purtill adjourned the meeting at 10:31 P.M.

Respectfully Submitted,

**Lilly Torosyan**  
Lilly Torosyan  
Recording Clerk