

**TOWN PLAN AND ZONING COMMISSION
GLASTONBURY, CONNECTICUT**

Tuesday, February 18, 2020
REGULAR MEETING

7:00 P.M.

Council Chambers
2nd Floor – Town Hall
2155 Main Street

Robert J. Zanlungo, Jr., Chairman
Sharon H. Purtill, Vice Chairman
Michael Botelho, Secretary

Christopher Griffin
Raymond Hassett
Keith S. Shaw

ALTERNATES: Alice Sexton; Matthew Saunig; Scott Miller

AGENDA

PUBLIC HEARING

Continued 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 – Alter & Pearson, LLC

REGULAR MEETING

1. Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non-agenda items
2. Acceptance of *Amended* Minutes of the February 4, 2020 Regular Meeting
3. Referral from Zoning Board of Appeals – Request of Asana Organics, LLC for a use variance from Section 4.15.1 of the Glastonbury Building-Zone Regulations to allow a skin and beauty business within the Planned Commerce Zone at 730 Hebron Avenue
4. **CONSENT CALENDAR**
 - a. Scheduling of Public Hearings for Regular Meeting of March 3, 2020: **to be determined**
5. Chairman's Report
6. Report from Community Development Staff

APPLICATION FOR FINAL SUBDIVISION APPROVAL
RIVER ROAD SUBDIVISION PHASE III; ASSESSOR'S LOT S-4 DUG ROAD AND LOT S0003A DUFFORD'S LANDING
MEETING DATE : February 18, 2020
PUBLIC HEARING CONTINUED FROM 2-4-2020; 1- 21-2020; 12-10-2020; & 11- 19-2019

PUBLIC HEARING #1
02-18-2020 AGENDA

To:
Town Plan and Zoning Commission

From:
Office of Community Development Staff

Memo Date:
February 14, 2020

Zoning District:
Rural Residence (RR) and GWP Zone 1

Applicants/Owners:
William M. and Suzanne Dufford

STATUS UPDATE February 14, 2020

- At its February 4, 2020 meeting, the Town Plan and Zoning Commission (TPZ) made a motion to continue the public hearing for this application.
- Attorney Carl Landolina, representing property owners on Dug Rd, will not be present at the February 18th meeting and asked for the letter attached to be placed into the record.
- The Town Attorney, Matt Ranelli, will be present at the meeting to provide responses to the questions asked by Commissioners on February 4th. To summarize the questions asked, please see below:

After listening to the arguments of Atty. Alter, Atty. Slater and Atty. Landolina, does it change Atty. Ranelli's legal opinion on the matter one way or the other?

Does the applicant have to specify which areas of excavation were exempted under Subsection "a" as within the right-of-way and which areas were exempted under Subsection "b"? Or, could the Commission condition the approval to only allow excavation within the right-of-way and delegate the responsibility to determine if any other excavation is exempted under Subsection "b" to the Building Official?

The Commission requested clarification as to whether Subsection "a" limits excavation to only within the right-of-way or if it allows for excavation to go outside of the right-of-way. If Subsection "a" does limit excavation to within the right-of-way only then they would like clarification as to how Subsection "b" would apply to excavation outside of the right-of-way."

Can the Commission condition a subdivision approval on obtaining an excavation special permit?

To re-familiarize yourself, please also see the meeting minutes of the last public hearing, which are enclosed. The staff report of 11-19-19 and previous memorandum from the Town Attorney of 1-17-20 are attached.

Procedural Items:

- In accordance with State Statute, the Commission will have to close the public hearing on the meeting of the 18th. Once the public hearing is closed, the Commission will have up to 65 days to make a decision on the application.

APPLICATION FOR FINAL SUBDIVISION APPROVAL
RIVER ROAD SUBDIVISION PHASE III

ASSESSOR'S LOT S-4 DUG ROAD AND LOT S0003A DUFFORD'S LANDING

MEETING DATE : FEBRUARY 4, 2020 CONTINUED FROM JANUARY 21, 2020, DECEMBER 10 & NOVEMBER 19, 2019

PUBLIC HEARING #1
02-04-2020 AGENDA

To:
Town Plan and Zoning
Commission

From:
Office of Community
Development Staff

Memo Date:
January 31, 2020

Zoning District:
Rural Residence (RR)
and GWP Zone 1

Applicants/Owners:
William M. and
Suzanne Dufford

STATUS UPDATE #2

- At its January 21, 2020 meeting, the Town Plan and Zoning Commission (TPZ) made a motion to continue the public hearing for this application.
- The Town Attorney provided a memorandum addressing the questions raised by the TPZ at the November 19, 2019 meeting and the memorandum submitted by Attorney Kenneth Slater of Halloran Sage dated December 4, 2019.
- **In summary, the Town Attorney concluded:**
 - *The burden is on the applicant to present evidence that the proposed excavation operations are associated with construction activities that fall under the exemptions in Section 6.2.4.a and 6.2.4.b of the Building-Zone Regulations.*
 - *It is up to the TPZ to determine whether proposed excavation activities are considered exempt under Sections 6.2.4.a and 6.2.4.b of the regulations based on the evidence presented by the applicant.*
- In response to the memorandum, Attorney Peter Alter of Alter & Pearson LLC, and Jonathan Sczurek P.E. of Megson, Heagle and Friend, LLC, representing Mr. Dufford, made a presentation demonstrating the reasons why they felt the proposed excavation activities were exempt from an excavation permit under Sections 6.4.2.a and 6.2.4b of the regulations.
- In response to the Town Attorney's opinion and the presentation made by the applicants' representatives, Attorney Kenneth Slater, representing neighboring property owners on Dufford's Landing and Attorney Carl Landolina, representing neighboring property owners on Dug Road, gave testimony disputing the points made in the presentation.
- **The Town Attorney will be present at the February 4, 2020 TPZ meeting to answer questions and advise the commission. No memorandum from the Town Attorney is included in your Commissioners' packet.**

MEMORANDUM

OFFICE OF COMMUNITY DEVELOPMENT

**APPLICATION FOR FINAL SUBDIVISION APPROVAL
RIVER ROAD SUBDIVISION PHASE III
ASSESSOR'S LOT S-4 DUG ROAD AND LOT S0003A DUFFORD'S LANDING
MEETING DATE : JANUARY 21, 2020 CONTINUED FROM DECEMBER 10 & NOVEMBER 19, 2019**

<p>PUBLIC HEARING 01-21-2020 AGENDA</p> <hr/> <p>To: Town Plan and Zoning Commission</p> <p>From: Office of Community Development Staff</p> <p>Memo Date: January 17, 2020</p> <p>Zoning District: Rural Residence (RR) and GWP Zone 1</p> <p>Applicants/Owners: William M. and Suzanne Dufford</p>	<p><u>STATUS UPDATE</u></p> <ul style="list-style-type: none"> • At its November 19, 2019 meeting, the Town Plan and Zoning Commission (TPZ) made a motion to continue the public hearing for this application. • At that meeting attorneys representing neighboring property owners on Dufford's Landing and Dug Road gave testimony in opposition to this proposal. • The members of the TPZ requested that the Town Attorney provide an opinion on whether the applicants' proposal requires a Section 6.2 Excavation Special Permit in addition to subdivision approval. • Attorney Kenneth Slater representing Michael Blair of 65 Dufford's Landing, submitted a memorandum (which is included in your Commissioners' packets) to the Town Attorney dated December 4, 2019, stating his position that the applicant would require a Section 6.2 Excavation Permit in addition to subdivision approval. • The Town Attorney has drafted a memorandum in response to both the questions posed by the TPZ and the issues raised by Attorney Slater which is included in your Commissioners' packets. • In summary, the Town Attorney concludes: <ul style="list-style-type: none"> • <i>The burden is on the applicant to present evidence that the proposed excavation operations are associated with construction activities that fall under the exemptions in Section 6.2.4.a and 6.2.4.b of the Building-Zone Regulations.</i> <p style="margin-left: 20px;"><i>It is up to the TPZ to determine whether proposed excavation activities are considered exempt under Sections 6.2.4.a and 6.2.4.b of the regulations based on the evidence presented by the applicant</i></p>
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APPLICATION FOR FINAL SUBDIVISION APPROVAL
RIVER ROAD SUBDIVISION PHASE III

ASSESSOR'S LOT S-4 DUG ROAD AND LOT S0003A DUFFORD'S LANDING

MEETING DATE : JANUARY 21, 2020 CONTINUED FROM DECEMBER 10, & NOVEMBER 19, 2019

PUBLIC HEARING
01-21-2020 AGENDA

To:
Town Plan and Zoning
Commission

From:
Office of Community
Development Staff

Memo Date:
January 17, 2019

Zoning District:
Rural Residence (RR)
and GWP Zone 1

Applicants/Owners:
William M. and
Suzanne Dufford

STATUS UPDATE CONTINUED

- ***For reference purposes the above-referenced sections state a special permit for excavation operations shall be required except in the case of the following operations:***
 - a.—Excavation operations within the actual rights-of-way of public streets or highways of either the Town of Glastonbury or the State of Connecticut or within the streets or roads as shown on a subdivision map or a plan of development map approved by the Town Plan and Zoning Commission.***
 - b.—Excavation operations within a premises as directed and approved by the Town Building Official as a result of bona-fide construction operations, such as building erection, for which operation a building permit has been issued by the Town Building Official.***

- Connecticut General Statutes Section 8-7d states that a public hearing shall be closed after 35 days unless the applicant consents to one or more time extensions as long as the extensions do not exceed 65 days.
- Should the public hearing need to be continued the applicant would have to grant a time extension. The hearing cannot be extended beyond February 26, 2020 (or the next regularly scheduled TPZ meeting of February 18, 2020).

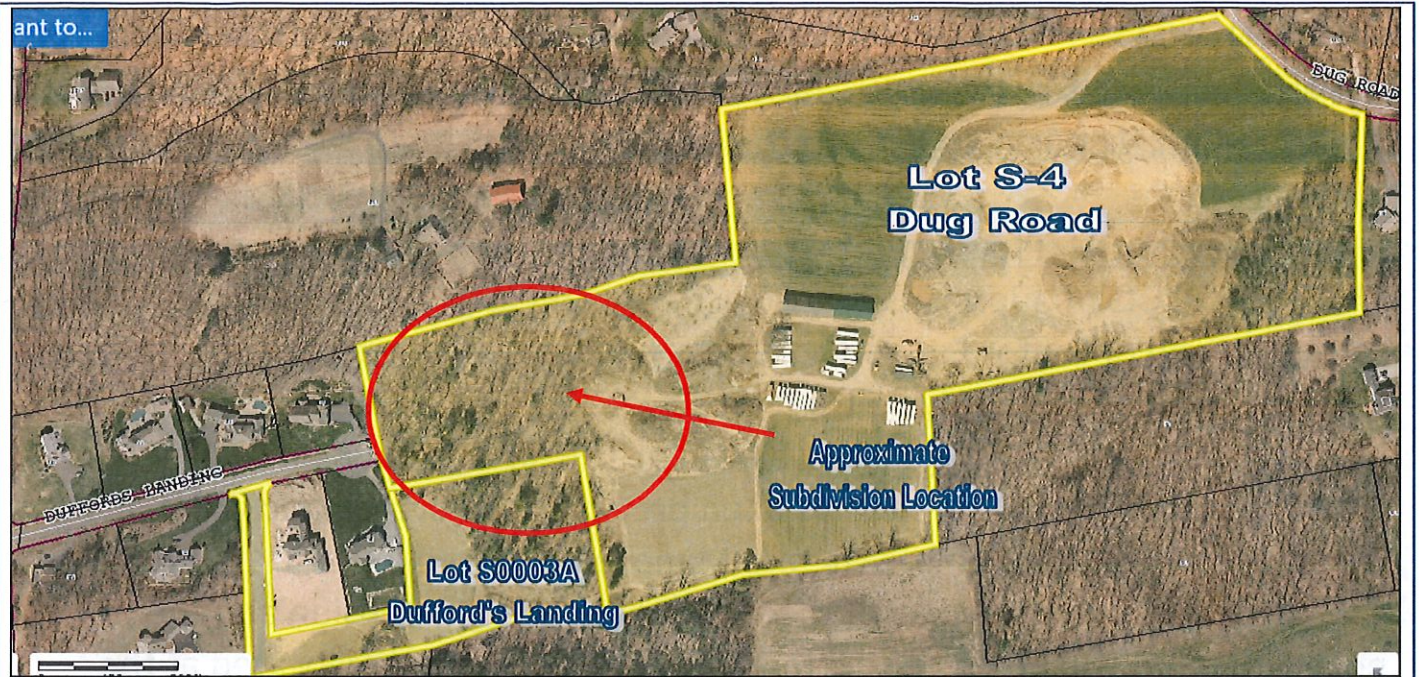
Review

Additional items included for Commission review are the following:

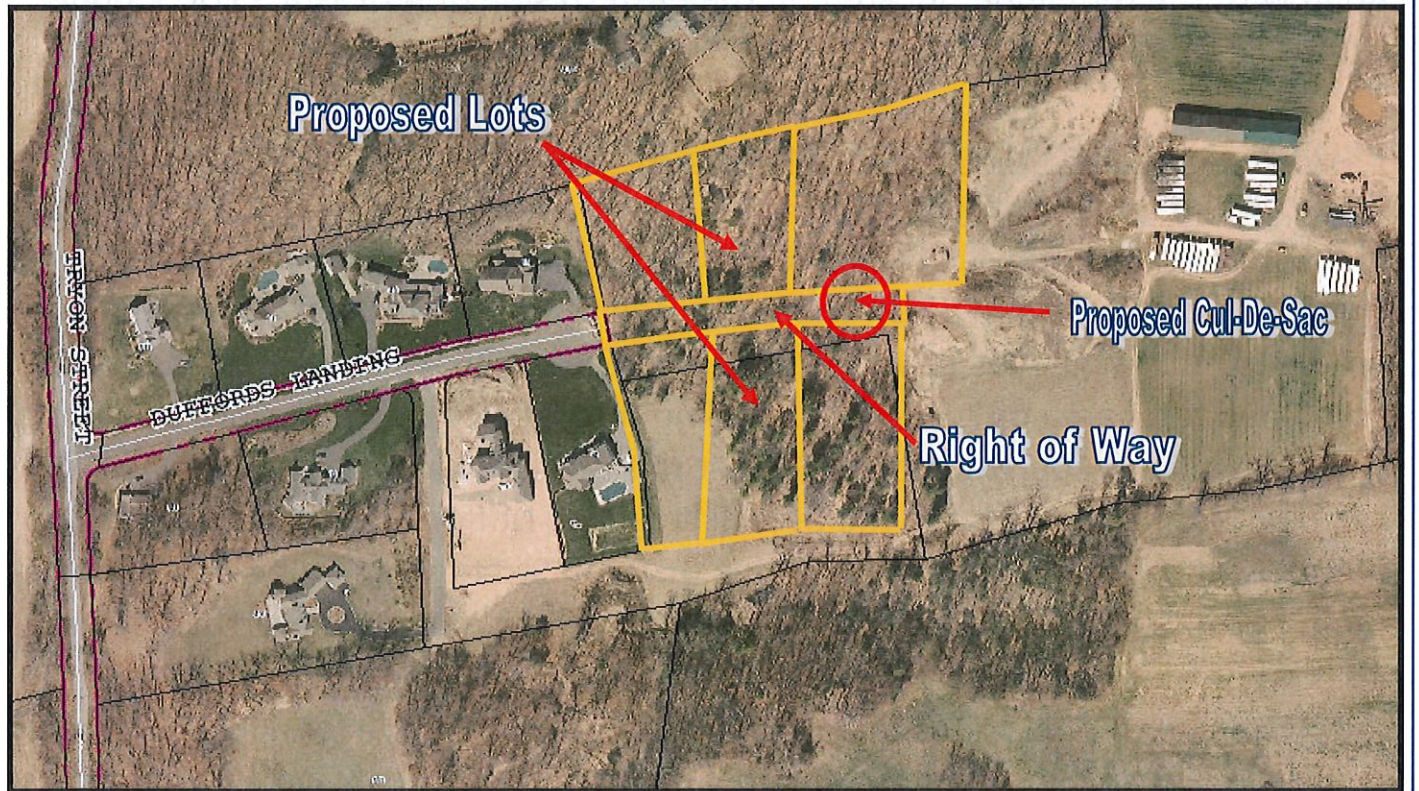
- Memorandum from the Town Attorney
- A cut and fill analysis prepared by the applicant
- The staff report from the November 19, 2019 TPZ meeting

**APPLICATION FOR FINAL SUBDIVISION APPROVAL
RIVER ROAD SUBDIVISION PHASE III
ASSESSOR'S LOT S-4 DUG ROAD AND LOT S0003A DUFFORD'S LANDING
MEETING DATE : NOVEMBER 19, 2019**

<p>PUBLIC HEARING #2 11-19-2019 AGENDA</p> <p>To: Town Plan and Zoning Commission</p> <p>From: Office of Community Development Staff</p> <p>Memo Date: November 15, 2019</p> <p>Zoning District: Rural Residence (RR) and GWP Zone 1</p> <p>Applicant: William M. and Suzanne Dufford</p>	<p><u>EXECUTIVE SUMMARY</u></p> <ul style="list-style-type: none"> • The applicant is proposing a 6-lot subdivision at Assessor's Lot S-4 Dug Road and Lot S0003A Duffords Landing. • This subdivision plan is the third phase of the River Road Subdivision which proposes to connect Dufford's Landing with Dug Road to the east. • The first two phases resulted in the development of 8 building lots and the construction of Dufford's Landing. • The total number of lots as referenced in the plan sheet entitled "Conceptual Subdivision Plan" will be 37. • The applicant proposed a 3 lot subdivision in the same location in January 2019 but withdrew the application. • The proposal includes the extension of Dufford's Landing from the existing temporary cul-de-sac east to a new temporary cul-de-sac. • The subdivision will be laid out such that there are three lots on the north side and three lots on the south side of Dufford's Landing. • The lot located on the north side of the new cul-de-sac will be 1.8 acres and the lot on the south side of the cul-de-sac will be 1.2 acres. The remaining 4 lots will all be .9 acres. • The lots will have wells and on-site septic systems. • The Plans Review Subcommittee reviewed the proposed subdivision on July 10, 2019 where they advised the applicant on the proposed road grade, and construction/excavation traffic associated with the subdivision. • At its meeting of September 26, 2019, the Conservation Commission provided a favorable recommendation to the TPZ for the proposed subdivision. <p><u>REVIEW</u></p> <p><i><u>The review of this application is governed by the Town of Glastonbury Subdivision and Resubdivision Regulations, as such the Commission's discretionary powers are limited. Any condition imposed would have to be directly linked to the Subdivision Regulations. Please see the section entitled "Memorandums" on page 5 of this report for further details.</u></i></p> <p>Included for Commission review are the following:</p> <ul style="list-style-type: none"> • The Subdivision Plans • Memoranda from Town Staff • Minutes from the July 10, 2019 Plans Review Subcommittee meeting
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Aerial View of Assessor's Lots S-4 Dug Road and S0003A Dufford's Landing



Aerial View of Proposed Subdivision

ADJACENT USES

- Farm land exists to the north, east and south.
- Single-family housing is located to the west.

SITE DESCRIPTION (Please refer to plan set sheet 2)

The site consists of approximately 36 acres located east of the temporary cul-de-sac at the end of Dufford's Landing. The proposed subdivision area is currently wooded and slopes steeply up from an elevation of 75 at the end of Dufford's Landing easterly to a high point of elevation 133, and then down to elevation 100. The remainder of the site has been previously excavated and is flat all the way to Dug Road. Soils on the site are Manchester Gravely Loam, 15 to 45 percent slopes. The right-of-way of the Dufford's Landing extension and the proposed lots that will be on the north side of the extension are located at the northwest corner of Assessor's Lot S-4 Dug Road. A small portion of the lots on the south side of the Dufford's Landing extension are also located on Lot S-4 Dug Road with the remainder located on the eastern side of Assessor's Lot S0003A Dufford's Landing.

PROPOSAL (Please refer to plan sheets 3,4,5 & 6 and plan sheet entitled "Conceptual Subdivision Plan")

The applicant is proposing to create lots 9,10, and 11 on the north side of the road and lots 35, 36 and 37 on the south side of the road. Lots 9, 10, 36 and 37 will be .9 acres while lot 11 will be 1.8 acres and lot 35 will be 1.2 acres for a combined total area of 7.5 acres (including the right-of-way). Dufford's Landing will be extended approximately 500 feet to the east to a new temporary cul-de-sac. The extension will bring the overall length of Dufford's Landing to approximately 1,400 feet from the intersection of Tryon Street which is below the maximum permitted length of 1,500 feet for a cul-de-sac road as set forth in Section 10.5 (a) of the Subdivision Regulations. The Town of Glastonbury Standards for Public improvements states that 10% is the maximum grade for a light local road. In order to comply with Town standards the applicant will excavate the area east of the existing temporary cul-de-sac and construct a road with an 8 ^{1/2} % grade. The proposed road grade is higher than was proposed in the previous subdivision application. The paved area from the existing temporary cul-de-sac outside the Town right-of-way will be removed by the applicant and the land will be loamed and seeded. The land will be deeded to the adjacent property owners.

The applicant will also excavate and grade the six proposed lots on the north and south sides of the Dufford's Landing extension. A total of 95,000 cubic yards will be excavated for the road extension and building lots. As explained in the applicant's Erosion and Sedimentation Control Narrative, excavation associated with the subdivision will be divided into two phases. Phase I will start at the east end of the site and proceed west to the phase line (see plan set sheet 5). During the first phase truck traffic will access the site through the entrance on Dug Road. Phase II will start at the west end of the site and progress eastward to the phase line. Access to the side for the second phase will be off Dufford's Landing.

DRIVEWAYS (Please refer to plan sheet 4)

Each lot will have its own driveway with a turnaround.

WETLANDS

There are no wetlands or watercourses on the site and no activity will take place within 100 feet of a wetland or watercourse.

DRAINAGE (Please refer to plan sheets 3,4,5 & 6)

There will be 6 drywells installed along the extension of Dufford's Landing; three on the north side and three on the south side. The drywells will be located on the individual lots in easements in favor of the Town. Stormwater will be collected along the road extension and sent to the drywells where the water will infiltrate into the soil.

UTILITIES (Please refer to plan set sheet 4)

The lots will have on-site septic systems and wells. All other utilities will be accessed from Dufford's Landing.

ROADS

As previously discussed Dufford's landing will be extended to 500 feet to the east at an 8 ^{1/2} % grade to a new temporary cul-de-sac. Classified as a "Limited Local Road" the Dufford's road extension will have a 50-foot right of way and a 25-foot wide pavement width. The existing 4-foot wide concrete sidewalk on the north side of the road will be extended to the new temporary cul-de-sac and each lot will have three street trees.

SOIL MANAGEMENT (Please refer to plan set sheets 5 & 8)

The applicant has submitted an Erosion and Sedimentation (E&S) Control Narrative which states that Best Management Practices will be used during the project. The phasing plan proposed by the applicant will use the natural topography of the site to assist with E& S control. Other E&S measures include hay bale, silt fences and temporary sediment traps.

STAFF MEMORANDUMS

The Glastonbury Police Department has provided a memorandum that recommends several conditions regarding hours of operation, days of operation, operation on holidays and truck traffic routes for excavation activity associated with this application. The Town Attorney has advised the Office of Community Development that it would be within the Town Plan and Zoning Commission's discretion to impose any or all of these conditions as part of the approval for this application as these recommendations are related to the regulations regarding health welfare and public safety as set forth in Section 3.4 of the Subdivision Regulations.

PLANNING AND ZONING ANALYSIS

The applicant has addressed several of the concerns raised by the TPZ and members of the public during the previous application for a three-lot subdivision in this location. They have increased the road grade from 7% to 8^{1/2}% to decrease the total amount of material excavated for the right-of-way and building lots. The applicant has added three lots to the south side of the proposed Dufford's Landing extension to address concerns regarding the excavation and grading of this area. The applicant has increased the sizes of lots 11 and 35 so that when complete, no further excavation will be required for future phases of this subdivision.

The applicant's proposal has been reviewed by Town staff, the Conservation Commission and the Plans Review Subcommittee. The proposal meets all the requirements of the Town of Glastonbury Subdivision Regulations, and the bulk requirements for the Rural Residence Zone. In accordance with Section 5.11 of the Subdivision Regulations the applicant is applying for final subdivision approval, which would allow the applicant to bond all construction work associated with the subdivision. As set forth in Section 6.2.4 a and b of the Building—Zone Regu-

lations, the excavation associated with the proposed subdivision will not require an excavation permit.

The project is consistent the following policies of the 2018—2028 Plan of Conservation and Development:

Town-wide Policies:

- **Stormwater Management**

- Promote use of innovative techniques, Low Impact Development (LID) and Best Management Practices to benefit surface water and groundwater quality and overall ecological integrity.

Planning Area 3—Rural :

- **Aquifers**

- Maintain the aquifer water budget balance through simultaneous use of on-site sewage disposal (according to State Health Code and Groundwater Protection Regulations) and well water supply. Furthermore, use leaching field designs intended to protect against system failure and groundwater contamination.

Further, the proposed subdivision is in keeping with the Future Land Use Map designation of this land as “Rural Residence 2 dwelling unit/ 1-2 acres.”

Pertinent staff correspondence and draft motions are attached.

MEMORANDUM

TO: Town Plan and Zoning Commission of the Town of Glastonbury

CC: Khara Dodds, Director of Planning and Land Use Services; and
Jonathan Mullen, Planner

FROM: Andrea Gomes, Shipman & Goodwin LLP

DATE: January 17, 2020

RE: Regulation Section 6.2 and the Proposed River Road Subdivision

You have asked whether the excavation activities undertaken in connection with that recently proposed River Road subdivision application are exempt from the special permit requirement for excavation and filling or removal of earth products, pursuant to Section 6.2.4 of the Building Zone Regulations (“Zoning Regulations”). You have also asked whether the Town Plan and Zoning Commission (“TPZ”) must generally consider Section 6.2 of the Zoning Regulations when evaluating a proposed subdivision application.

As discussed in more detail below, Section 6.4.2 of the Zoning Regulations contains two subsections relevant to this memorandum that exempt certain, limited excavation activities from the requirement of obtaining a special permit for excavation operations. Section 6.2.4.a exempts excavation for an approved subdivision if the excavation is located within existing or proposed roads or rights of way. Section 6.2.4.b separately exempts excavation for bona-fide construction operations, such as buildings, for which a building permit has been issued.

The subdivision applicant in this case has provided a cut and fill plan sheet showing the location and depth of proposed cuts and fills for the intended subdivision. In total, the applicant has proposed approximately 95,000 cubic yards of excavation stretching across most of the site. The excavation located in the proposed roadways would obviously be exempt under Section 6.2.4.a if the roadways are acceptable and approved as proposed. However, the balance of the excavation would only be exempt if it falls within the exemption contained in Section 6.2.4.b, which applies only to bona-fide construction operations for which a building permit has been issued by the Town Building Official. As a result, the applicant will need to demonstrate, and the TPZ will have to decide, whether all or some of the proposed excavation is for construction operations for which a building permit will be issued, or whether it is for landscaping, or in some instances may fairly be regarded for both purposes. If the TPZ determines that the applicant’s proposed excavation is, in fact, as a result of its proposed construction operations for which a building permit will be issued, the TPZ may reasonably conclude that the applicant is exempt from the special permit requirement in Regulations Section 6.2.4.

Finally, in evaluating a subdivision application, the TPZ will clearly have to consider Section 6.2 of the Zoning Regulations to determine whether the excavation proposed for the subdivision requires a special permit or is exempt. If the TPZ determines

that a subdivision application is so exempted, and therefore does not violate the Zoning Regulations, then the TPZ does not need to consider the other provisions of Section 6.2 that apply only to those activities for which a special permit is required.

I. Background.

To respond to your request, we reviewed the applicant's subdivision plan sheet, dated June 8, 2018 and revised to October 3, 2019, and its Cut/Fill Earthwork Plan, dated December 18, 2019, which you provided to us. We have also reviewed the Zoning Regulations themselves. We have not visited the site or conducted an independent review of prior subdivision and excavation approvals; we also have not reviewed the entire file for the River Road subdivision application or prior Dufford's Landing subdivision applications.

Based upon the information noted above, we understand that the applicant has filed a subdivision application with the TPZ to subdivide a portion of the property that abuts the existing Dufford's Landing development into six separate parcels, upon which six new homes will be constructed. The subdivision application also includes the extension of the existing Dufford's Landing roadway to access the six new lots, as well as excavation that the applicant contends is necessary for the construction of the road and subdivision of the property. The applicant has represented that approximately 95,000 cubic yards will be excavated in two phases over a five-year period in connection with the proposed subdivision. The applicant has estimated that a total of 5,277 tri-axel dump truck loads (or 10,556 dump truck trips) will be needed to dispose of this amount of earth product. A Cut/Fill Earthwork Plan, dated December 18, 2019, demonstrating the applicant's intended excavation and proposed final grading recently was submitted by the applicant at the request of the TPZ. The applicant's Cut/Fill Earthwork Plan indicates that a total of 97,453 cubic yards will be excavated, and a total of 4,472 cubic yards of fill will be used to develop the proposed subdivision.

The applicant maintains that, because all proposed excavation is in connection with, or necessary for, the construction of the subdivision, no special permit for the excavation is necessary pursuant to Regulations Section 6.2.4. Regulation Section 6.2.4 states, in relevant part:

Excavation operations shall begin or continue only after the owner of the premises has received a special permit in accordance with the provisions of these Regulations. A special permit for excavation operations shall be required except in the case of the following operations:

- a. Excavation operations within the actual rights-of-way of public streets or highways of either the Town of Glastonbury or the State of Connecticut or within the streets or roads as shown on a subdivision map or a plan of development map approved by the Town Plan and Zoning Commission....

b. Excavation operations within a premises as directed and approved by the Town Building Official as a result of bona-fide construction operations, such as building erection, for which operation a building permit has been issued by the Town Building Official....

c. Excavation operations completely within a premises as a result of bona-fide landscaping, agricultural, or construction operation for which operation no building permit is required from the Town of Glastonbury, as directed and approved by the Town Building Official, provided that no such excavation operation shall result in removal or filling in of more than six hundred (600) cubic yards of earth products for each individual premises...

Section 6.2.3.b defines "Premises" as "the entire parcel of land within which the permitted area is proposed." Section 6.2.3.b defines "Permitted Area" as:

[T]he limits of the area within the premises for which a permit or permits exist or are requested for excavation operations as defined in Section 6.2.3.b.i of these Regulations, storage area, and processing of earth materials.

Attorney Kenneth Slater, counsel for neighboring property owner, Michael Blair, asserted in his December 4, 2019 letter that the exemption in Regulations Section 6.2.4.b applies only to the excavation operations necessary for the erection of a building or associated improvement, such as the digging of a foundation, and not to general excavation operations otherwise needed or wanted to ready the premises for the construction of a building or improvement. To find otherwise, Attorney Slater argues, would allow an applicant to potentially undertake a large-scale excavation operation under the guise of a subdivision, without obtaining the special permit otherwise required by Regulation Section 6.2. Indeed, Section 6.2.4.b does not even require a subdivision application; it exempts all excavation operations associated with a bona-fide construction operations for which a building permit has been issued.

II. Special Permit Exemptions Pursuant to Regulations Section 6.2.4.

Pursuant to Regulations Section 6.2.4.a, excavation operations within the streets or roads on the River Road subdivision map are exempted from the special permit requirement in Section 6.2.4 if they otherwise meet the subdivision roadway requirements. In other words, pursuant to Section 6.2.4.a, the excavation within the roadway pursuant to a subdivision approval is exempt from the special permit requirement for excavation operations.

With regard to excavation operations *outside* of a street or roadway, but *within* the premises, Section 6.2.4.b exempts from the special permit requirement those excavation operations that are a result of bona-fide construction operations for which a building permit

has been issued. As noted above, “Premises” is defined as “the entire parcel of land within which the permitted area is proposed.”

While the term “construction operations” is not defined in the Zoning Regulations or Subdivision and Resubdivision Regulations (“Subdivision Regulations”), the plain language of Section 6.2.4.b states that such construction operations must be those for which a building permit has been issued by the Building Official. The Glastonbury Building Official requires a building permit “to construct or alter any building or structure in compliance with the minimum requirements of the CT state building codes and in accordance with the plans and specifications submitted with your application....”¹ Thus, the term “construction operations,” when read in conjunction with the requirement that a building permit be issued for said construction operations, suggests that some physical thing, such as a building or other structure, actually must be built. The dictionary definition of “construction” supports this interpretation of Section 6.2.4.b. *See Merriam-Webster Dictionary* (“Construction: the process, art, or manner of constructing something; Construction of the new bridge will begin in the spring... also: a thing constructed.”). This interpretation is further reinforced by the language of Section 6.2.4.b, which states, in relevant part, “...construction operations, *such as building erection*, for which operation a building permit has been issued....” (Emphasis added.).

Moreover, based on a comparison with Regulations Section 6.2.4.c, it appears that the term construction operations does not include excavation for landscaping or agricultural purposes. Regulations Section 6.2.4.c exempts excavation for “landscaping, agricultural, or construction operation” for certain projects that do not require a building permit. In contrast, Section 6.2.4.b is limited to “construction operations.” Thus, in addition to the requirement that the excavation be in conjunction with a building permit, as noted above, “construction operations” as used in Section 6.2.4.b does not appear to include excavation for landscaping or agricultural purposes based on the inclusion of those as separate types of excavation in Section 6.2.4.c.

Given the language of Regulations 6.2.4.b, the applicant will need to demonstrate, and the TPZ will have to decide, whether the excavation being proposed by the applicant is as a result of construction operations for which a building permit will be issued, or whether it is for landscaping, or in some instances may fairly be regarded for both purposes.² If the TPZ determines that the applicant’s proposed excavation is, in fact, as a result of its

¹ The Glastonbury Building Department website is available at: <https://www.glastonbury-ct.gov/departments/department-directory-a-k/building-inspection-zoning-enforcement/applying-for-a-building-permit>.

² We are not agreeing with the proposition in Attorney Slater’s letter that, to be exempt from the special permit requirement in Regulations Section 6.2.4, the excavation operations must be strictly within the building or structure footprint. The Regulations are not so narrowly worded. The applicant has the burden to demonstrate that its proposed excavation operations are the result of “bona-fide construction operations ... for which a building permit has been issued by the Town Building Official.”

proposed construction operations for which a building permit will be issued, the TPZ may reasonably conclude that the applicant is exempt from the special permit requirement in Regulations Section 6.2.4. If, however, the TPZ concludes that the some or all of the applicant's proposed excavation is not associated with its proposed construction operations for which a building permit will be issued, the applicant likely will be required to obtain a special permit for such excavation operations.

III. Consideration of Regulations Section 6.2 When Evaluating Subdivision Applications.

You have also asked whether the TPZ generally must consider Regulations Section 6.2 when evaluating any subdivision application. As noted above, Regulations Section 6.2.4(a)-(d) exempts certain types of excavation operations from the special permit approval requirement in Section 6.2.4. Thus, the TPZ obviously must consider Section 6.2.4 to determine whether the excavation proposed on a subdivision plan is exempt from the need for a special permit. Further, while the Subdivision Regulations do not explicitly require the TPZ to consider Regulations Section 6.2, Subdivision Regulations Section 3.3 provides that “[n]o subdivision plan shall be approved unless it conforms to the Building-Zone Regulations, as adopted, and as they are amended from time to time....” Thus, to determine in the first place whether the proposed subdivision satisfies the regulations for earth excavation or is exempt from those regulations, the TPZ must consider Regulation Section 6.2. If a proposed subdivision is exempt, the TPZ may not consider the remaining provisions of Section 6.2 when evaluating said subdivision application.

IV. Conclusion.

As noted above, it is the applicant's burden to demonstrate compliance with the Regulations. In this instance, the applicant should explain and demonstrate to the TPZ why its proposed excavation should be exempt from the special permit requirement in Regulations Section 6.2.4. In particular, the applicant will have to demonstrate which areas of excavation fall within the roadways (Section 6.2.4.a) and which portion of the proposed excavation is the result of “bona-fide construction operations ... for which a building permit has been issued by the Town Building Official” (Section 6.2.4.b), but not for general landscaping purposes (*compare* Section 6.2.4.c).

Lastly, when evaluating a subdivision application, the TPZ will clearly have to consider Section 6.2 of the Zoning Regulations to determine whether the excavation proposed for said subdivision requires a special permit for excavation. If the TPZ determines that a subdivision application is so exempted, and therefore does not violate the Zoning Regulations, then the TPZ does not need to consider the other provisions of Section 6.2 that apply only to those activities for which a special permit is required.

Let us know if you have any questions.

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February 12, 2020

Mr. Robert J. Zanolungo, Jr., Chairman
Glastonbury Town Plan and Zoning Commission
Glastonbury Town Hall, 2nd Floor
2155 Main Street
Glastonbury, CT 06033

Re: Dufford Subdivision Application

Dear Chairman Zanolungo and Members of the Commission,

I am unable to attend tonight's meeting. In lieu of my attendance I would ask that this letter be made part of the record.

Over the past few months the main topic of discussion on this application has been the applicability of Section 6.2 of the Zoning Regulations; Excavation and Filling or Removal of Earth Products. That discussion has focused on the exemptions in Section 6.2.4. I would like to take this last opportunity to clarify my clients' position on this topic.

We start our analysis of the exemptions in Section 6.2.4(a), (b) and (c) with a review of applicable rules of statutory construction. The Connecticut Supreme Court has consistently held that the rules of statutory construction apply to the interpretation of zoning regulations Double I Limited Partnership v Plan and Zoning Commission of the Town of Glastonbury, 218 Conn 65 (1991). When applying a local regulation the courts have held that while the local board is "in the most advantageous position to interpret its own regulations and apply them to the situations before it... the interpretation of provisions in the ordinance is nevertheless a question of law to the court..." Farrion v Zoning Board of Appeals 70 Conn App 86, 89-90 (2002). Moreover, any "regulation cannot be construed beyond the fair import of its language to include or exclude by

implication that which is not clearly within its express terms" Farrow, supra at 90 (emphasis added). "A court must interpret a statute as written" Vivian v Zoning Board of Appeal, 77 Conn App 340, 345 (2003). When interpreting a zoning regulation "the fundamental objective is to ascertain and give effort to the apparent intent [of the regulation]" (see generally Buttermilk Farms, LLC v Planning & Zoning Commission 292 Conn 317 (2009). Courts have also held that where a term is not defined in the zoning regulations "it is appropriate to look to the common understanding of the term as expressed in the dictionary" Kobyluck Brothers, LLC v Planning and Zoning Commission of the Town of Waterford 167 Conn App 383, 390 (2016) (internal citation omitted). Further, the Connecticut Supreme Court has held that "exceptions to statutes are to be strictly construed and that those who claim the benefit of such exceptions have the burden of proving that they come within the limited class for whose benefit it was established" Conservation Commission v Price, 193 Conn 414 (1984). See also Red 11 LLC v Conservation Commission of the Town of Fairfield 117 Conn. App 630 (2009). In each case the Commission's interpretation of a zoning regulation is governed under C.G.S. § 1-2z (the plain meaning rule). This section provides that "the meaning of a statute shall, in the first instance, be ascertained from the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered." (emphasis added). The Commission's interpretation of the exceptions contained in Section 6.2.4(a), (b) and (c) must occur under this framework.

At the outset the Commission should acknowledge that the provisions of 6.2 require that all applicants obtain a special permit to excavate or remove earth products from their property unless an applicant can establish that it is entitled to benefit from one of the narrow exceptions in 6.2.4(a), (b) or (c).

I. Section 6.2.4(a)

This section provides an exemption for "excavation operations within the actual rights-of-way of public streets or highways of either the Town of Glastonbury or the State of Connecticut or within the streets or roads as shown on a subdivision map or plan of development map approved by the Town Plan and Zoning Commission". The Commission has appropriately focused on the meaning of the word "within" in the second part of this section. As stated above, in the first instance the meaning of a regulation must

be interpreted from the plain language of the words written. Where a word is not defined in the regulations it is appropriate to look to the common understanding as expressed in the dictionary. Merriam Webster's dictionary defines "within" to mean "to the inside" or "being inside" and provides that words such as "exterior" or "outside" are antonyms of "within". Section 6.2.4(a) also refers to streets; requiring that operations exempted from the general requirement to obtain a special permit be "within the streets or roads". Section 2.22 of the Glastonbury Subdivision and Resubdivision Regulations defines street to "mean any street, avenue, boulevard, road, alley or other way open or proposed to be open to public vehicular traffic and owned and/or maintained, or proposed to be owned and/or maintained, by the Town." Clearly the only portion of the proposed subdivision intended to be owned or maintained by the Town is the area within the proposed right-of-way. Given that the term "within the streets or roads" is plain and unambiguous on its face the exemption in 6.2.4(a) cannot be applied to any excavation operations taking place outside the proposed right-of-way. Finally, the courts have held the word "within" "is almost universally used as a word of limitation unless there are other controlling words in the context showing that a different meaning was intended" Lamberti v Stamford 131 Conn 396, 398.

II. Section 6.2.4(b)

This section provides an exemption for "excavation operations within a premises as directed and approved by the Town Building Official as a result of bona-fide construction operations, such as building erection, for which a building permit has been issued by the Town Building Official" (emphasis added).

At the outset we state that the position of Attorney Slater regarding the use of the word "has" in this Section is reasonable; especially in light of the rules of statutory construction stated above. If this Commission disagrees with that interpretation, the express language of Section 6.2.4(b) however is not a valid exemption to the general rule that the proposed activity requires a special permit, especially in the context in which the application has been presented. It is our position that the phrase "bona-fide" is of utmost importance in the interpretation of this section. Given that zoning regulations must be interpreted so as to give meaning to every word (Kaesar v Zoning Board of Appeals of the Town of Strafford, 218 Conn 438 (1991) the use of the phrase "bona-fide" must mean something. Interestingly Section 6.2.4(b) would make sense if this phrase wasn't inserted. Consequently, the use of this phrase must have been inserted intentionally as a means

of limiting "construction operations" to only those operations which are "bona-fide" (i.e. related to a bona-fide building permit). In Eckhouse v McCarver the court held that the term bona-fide "is a legal technical expression; and the law of Great Britain and this country has annexed a certain idea to it. It... signifies a thing done really with a good faith..." Eckhouse v McCarver, Memorandum of Decision Re: Motion for Summary Judgment CV04-0084495, 2005 WL 1670601, at 3) citing Ware v Hylton 3 US199. As stated at previous hearings the construction of the proposed roads within this subdivision does not require a building permit. The sole reason that the developer would apply for building permits at the road construction phase would be for the purpose of excavating materials outside of the proposed right-of-way as needed to establish the grades called for in the plans. These building permits would presumably include plans to build homes on the sites which, most likely, would never be built as proposed by the initial building permit application. Within this context the Commission should not determine that these activities represent "bona-fide" construction operations.

The applicant agrees that the Town's "Standards For Public Improvements" require him to establish certain grades outside of the right-of-way on adjacent lots. While this may be true the standards do not dictate how this is to be accomplished. We submit that if the establishment of grades outside of the right of way requires a special permit then that is what is required. Furthermore, there is no language in the subdivision regulations supporting the Applicant's position. The applicable Street and Highway standards are set forth in Section 10 of the Subdivision Regulations. There is nothing in Section 10 supporting the Applicant's position. In fact, I could find no reference in the Subdivision Regulations to the Town's Standards For Public Improvements. While these standards certainly do apply to this subdivision, there is nothing in the subdivision regulations connecting the Public Improvement Standards to the exemptions in Section 6.2.4(a)(b) or (c). Actually quite the opposite is true in that Section 3.3 of the Subdivision Regulations provide that "[no] subdivision plan shall be approved unless it conforms to the Building-Zone Regulations..."

The applicant argues that the Commission had previously approved numerous subdivision applications that required excavation and removal of material outside of the right-of-way. While courts have held that a time-tested interpretation of a regulation by a local commission will be given some deference this deference will not be afforded to interpretations which have not been tested by the courts. Alvord Investment LLC v Zoning Board of Appeals of the City of Stamford, 282 Conn 393 (2007). It is worth noting that a

similar circumstance was encountered in Mr. Dufford's 2018 excavation application. You may recall that one of the issues the Commission discussed at that time was the proximity of the haul road to abutting properties. Section 6.2.7(a)(3) provided then, as it does now, that access roads "shall have a minimum setback of 50 feet from any abutting property line". Apparently this section had largely gone unnoticed in Mr. Dufford's previous applications and resulted in the haul road from the Dufford property to Dug Road being constructed within feet of the Bissell property, not 50 feet as required. The previous interpretation (on non-application) of this section was presented to the Town Attorney at that time who opined that the interpretation that allowed the haul road to be located less than 50 feet from the Bissell property was incorrect. I point out that should this subdivision application be approved in its present form the haul road located within feet of the Bissell property will be used to remove at least one half of the material from the site.

Within this context, we argue that Section 6.2.4(b) does not provide the applicant with an exception to the requirement to obtain a special permit. The building permits that will be applied in the road construction stage will not be related to "bona-fide construction operations, such as building erection, for which operation a building permit has been issued."

III. Section 6.4.2(c)

This section provides an exemption for "[excavation] operations completely within a premises as a result of bona-fide landscaping, agricultural or construction operation for which no building permit is required from the Town of Glastonbury, as directed and approved by the Town Building Official, provided that no such excavation operation shall result in removal or filling in of more than six hundred (600) cubic yards of earth products for each individual premises."

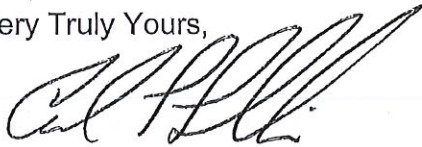
We contend that this section is entirely relevant to this application. As stated earlier the construction of the proposed roadway does not require a building permit. Further, construction operations outside of right-of-way which are undertaken solely for the purpose of meeting the Town's Standards For Public Improvements are not eligible for an exemption under 6.2.4(b). The only exemption which is available to the Applicant is 6.2.4(c). In fact the work outside of the right-of-way proposed by the applicant is exactly what is contemplated by subsection (c). The applicant, however, does not want you to apply this section because it limits the amount of material which may be removed without

a special permit from each premises to 600 cubic yards. We ask that you fully review this subsection and apply this subsection, along with the provisions of 6.2.4(a) and 6.2.4(b) as written.

Lastly, the applicant has told you that the neighbors do not want Mr. Dufford to be able to farm or subdivide his property. Nothing could be further from the truth. The neighbors have a great deal of respect for Mr. Dufford and do not object to Mr. Dufford using his property in any manner provided for in the regulations. Nor do they necessarily object to the removal of any material from the site despite the fact that they have lived with such activity, and the nuisance it causes, for more than ten years. What they do want is for Mr. Dufford to find a way to remove this material in a manner which will have the least impact on their lives. The Commission has previously found that the removal of this material as proposed would cause adverse impacts to the health, safety, general welfare and property values in the area. It would seem to us that a man of Mr. Dufford's experience, expertise and resources would be able find a way to remove this material with minimal impacts to his neighbors in order to make use of his property in any manner he wants.

Thank you for your attention to this matter.

Very Truly Yours,



Carl T. Landolina

CTL:amh

THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION
Amended REGULAR MEETING MINUTES OF TUESDAY, FEBRUARY 4, 2020

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

Mr. Robert Zanlungo, Jr., Chairman
Ms. Sharon Purtill, Vice Chairman *{arrived at 7:21 P.M., left 10:38 P.M.}*
Mr. Michael Botelho, Secretary
Mr. Keith S. Shaw
Mr. Christopher Griffin
Mr. Raymond Hassett
Ms. Alice Sexton, Alternate

Commission Members Absent

Mr. Scott Miller, Alternate
Mr. Matthew Saunig, Alternate

Chairman Zanlungo called the meeting to order at 7:07 P.M. He announced that the Commission will commence with the regular meeting, then return to the public hearings upon the arrival of Vice Chairman Purtill. The Chairman then seated Commissioner Sexton as a voting member, until the Vice Chairman arrived.

REGULAR MEETING

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

Mr. Nicholas Korns of 73 Shagbark Road expressed several concerns regarding the proposed Stallion Ridge development:

1. Bell Street is a hazardous roadway, which is used regularly by hundreds of residents in the adjoining neighborhoods. Limited visibility makes it difficult for safe passing. Also, the proposed development would require heavy site work, making Bell Street even more hazardous.
2. Heavy equipment will necessitate resurfacing on Bell Street, and pedestrian safety is compromised by a lack of a sidewalk on the section north of Bell Street. This safety hazard would be further exacerbated by traffic. Also, if blasting is required, it could adversely affect the neighboring properties.

Mr. Korn's suggested the following actions he hoped would be enforced by the Commission:

- Limit traffic by heavy trucks to certain hours of the day.
- Require restoration of Bell Street.
- If blasting is required, limit it to certain hours.
- A sidewalk extension from its terminus to the town line.

Chairman Zanolungo stated there will be a public hearing and Mr. Korn's can voice his comments there as well.

2. Acceptance of Amended Minutes of the January 21, 2020 Regular Meeting

Motion by: Commissioner Hassett

Seconded by: Commissioner Shaw

Result: The minutes were accepted as presented unanimously (6-0-0).

3. CONSENT CALENDAR

- a. Scheduling of Public Hearings for Regular Meeting of February 18, 2020: **to be determined**

4. Chairman's Report None

5. Report from Community Development Staff None

Chairman Zanolungo called for a short recess at 7:12 P.M.

He adjourned the recess at 7:21 P.M. with the arrival of Vice Chairman Purtill, and unseated Ms. Sexton as a voting member.

PUBLIC HEARINGS

1. Continued 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 – Alter & Pearson, LLC

Ms. Dodds explained that in response to the Commission's request to speak directly with the Town Attorney, Matthew Ranelli, of Shipman & Goodwin LLP, was in attendance.

Attorney Ranelli explained that in the context of this subdivision application, there are two categories of limited exemptions spelled out in the Building-Zone Regulations, for which the excavation activities may qualify. These categories of exemptions are contained in Subsections 6.2.4.a and 6.2.4.b of the excavation regulations, which read:

- a. Excavation operations within the actual rights-of-way of public streets or highways of either the Town of Glastonbury or the State of Connecticut or within the streets or roads as shown on a subdivision map or a plan of development map approved by the Town Plan and Zoning Commission.
 - b. Excavation operations within a premises as directed and approved by the Town Building Official as a result of bona-fide construction operations, such as building erection, for which operation a building permit has been issued by the Town Building Official.
- With regard to Subsection 6.2.4.a, Attorney Ranelli advised the Commission that the courts will look at the plain meaning of a regulation to determine if it is ambiguous. If the court decides that the text is unambiguous, it will not let the Commission interpret the text outside of its plain meaning. If the court decides the text is ambiguous and that there is a reasonable interpretation, then the court will consider other factors, including past practices. This particular piece of the regulation has not been litigated, so it has been on the books unchallenged. Therefore, the analysis does not start with how the Commission has applied this in the past, but with what is the plain meaning of the text.
 - With regard to Subsection 6.2.4.b, if the applicant's excavation is located outside, but adjacent to, the right-of-way, it has to be part of a bona-fide construction operation for which a building permit has been issued. The term "construction operation" is not defined in the regulations, so it lends itself to some interpretation.

Subsection 6.2.4.c, reads "Excavation operations completely within a premises as a result of bona-fide landscaping, agricultural, or construction operation for which operation no building permit is required from the Town of Glastonbury, as directed and approved by the Town Building Official, provided that no such excavation operation shall result in removal or filling in of more than six hundred (600) cubic yards of earth products for each individual premises." This refers to an exemption for limited excavation as a result of bona-fide agricultural landscaping or construction operation for which no building permit is required. Attorney Ranelli explained that this Subsection offers some insight into the meaning of the term "construction operations" by differentiating them from landscaping; landscaping alone does not constitute a construction operation.

Attorney Ranelli concluded that it is incumbent on the applicant to prove how and why they qualify for exemptions in Subsections "a" and "b". Secretary Botelho asked if the interpretation of the language is clear and unambiguous, regarding the right-of-way (Section 6.2.4.a). Mr. Ranelli stated that he cannot make that decision, but in reading the Subsection, the use of the term "within the *actual* right-of-way" stands out. He continued, saying an argument can be made that "actual" in the construction of that sentence only modifies the first few street types. He added that an argument can also be made that after the word "or" there is a separate area for exemption; both of these arguments could be problematic. In regard to Section 6.2.4.b, Secretary Botelho asked if a prospective issuance will be granted on the building permit by the Town Building Official. Attorney Ranelli stated that the tense "has been issued" jumps out, but it seems almost impossible for the applicant to have a permit for buildings that will never be constructed. It is a reasonable expectation for a prospective building permit to be issued.

Commissioner Shaw stated that he believes the issue before the Commission is how they interpret Subsection “b”:

- Does the initial excavation have to be limited to the road, so that the applicant cannot go outside the lines of the road into prospective lots?
- If the Commission is of the opinion that 6.2.4.a is not broad enough to allow excavation outside the roadway, does the applicant have to apply for a building permit for the lot before they can start excavation because the building official will be responsible for the operation?

Vice Chairman Purtill stated that, interpreting Subsection “a” literally (meaning that excavation is only limited to within the right-of-way), the applicant could excavate a lot of material in the right-of-way and once they clear a road in front of the lot, they would have to acquire a building permit. All 6 lots would need to have building permits in order for the road to be completed. Mr. Ranelli also pointed out the ambiguous interpretation of the “or within” language in Subsection “a”. Vice Chairman Purtill stated that there must have been other subdivisions with grading done beyond the right-of-way. Attorney Ranelli replied that he suspects that may be the case, but past practice alone is not enough until the Commission gets over the ambiguity of Subsection “a” and the language of Subsection “b”. Secretary Botelho summarized that if the applicant is able to prove that the excavation is necessary to perform the bona-fide excavation operations, the Commission does not need to determine the timing of the building permit issuance, for the purposes of approving this application. Mr. Ranelli said that is correct.

Commissioner Shaw stated that, at the last public hearing, it was brought to the Commission’s attention that because Subsection “a” is an exemption, the language has to be narrowly construed. He asked if they are required to read it that narrowly. Mr. Ranelli stated that he does not know whether that is indeed correct, so he will look into the case law referenced, in order to make a determination.

Attorney Alter of Alter & Pearson, LLC, representing the applicant, Mr. Dufford, noted that Mr. Dufford is not in attendance but his daughter is. He summarized the history of the application thus far, noting that there has been no dispute that any part of the 6-lot subdivision does not meet all of the requirements of both subdivision regulations and RR Zone requirements. There is no evidence that there is non-compliance; instead, the Commission has unrefuted evidence that there is compliance, so the application must be approved. Attorney Alter then distributed a copy of the Section 6.4 excavation regulations, as well as relevant sections of the subdivision regulations.

Attorney Alter stated that, as Secretary Botelho commented, the exception to the permit requirement, as provided for in Subsection “b”, is not within the purview of this commission. He reminded the Commission that at the last public hearing, he presented 4 or 5 examples of properties that had significant excavation that were approved by the Building Official without an excavation permit. Mr. Alter stated that the point of that presentation was to show that the lots were considered buildable even though they may have required grading and/or excavation. He explained that is not unusual, noting that this Commission does not have jurisdiction over that determination.

Mr. Alter also stated that the analysis of Subsection "a" goes beyond what Attorney Ranelli offered. He said that the applicant satisfies that provision after the word "or". He agreed with Vice Chairman Purtill's earlier comment that this type of subdivision must have been done before in Glastonbury. Mr. Jon Sczurek, P.E. of Megson, Heagle, & Friend, iterated five subdivisions in Town that this Commission approved over the years with major excavations outside of the 50-foot right-of-way. He noted that all of the examples look similar to the cuts they have proposed. Mr. Sczurek noted that, with regard to Subsection "a", if it is attempted to be strictly construed within the right-of-way, then the road would have to be constructed on a flat lot with zero cuts or fills because there has to be excavation outside the right-of-way, in order to construct the road, unless the grade is exactly the same.

Mr. Alter added that, in the real world, road specifications require grading that is outside the specific right-of-way, so he does not think that is ambiguous. It specifically sets aside the language from the first part, which is limited to an actual right-of-way. Mr. Alter explained that there was strenuous opposition to the Kongsct Valley subdivision application, which went all the way to the appellate court system. In *Melody v. ZBA of Glastonbury* in 1969, the Supreme Court ruled that the second part of Subsection "a" stands on its own. Commissioner Hassett remarked that theory could extend to the word "within," as well. Mr. Alter stated that the word "within" is demonstrated by the Town of Glastonbury Public Improvement Standards submitted to the record, which shows that the Town expects a grade of 4:1, but it would accept a steeper grade at 2:1. Attorney Alter stated that it was his opinion that the Town's expectation for a road to have graded side slopes puts those graded areas within the right-of-way because without the side slopes there could be no road. Mr. Alter noted that the applicant is proposing an 8% road center line grade, which the Town does not prefer but accepts. They have also reduced the Town's preferential right-of-way side slope grade from a 4:1 slope to a 2:1 slope as part of roadway construction. Commissioner Shaw asked if it is possible that excavation is not required for every right-of-way on a road. Mr. Alter said in other towns, yes, but in Glastonbury, realistically, no.

Attorney Alter went over cases that he submitted for the record, concluding that they all speak to basic issues that he has addressed here. He explained that requiring an excavation permit first is not allowed because the Commission is not entitled to look at what comes next. They cannot condition one permit on the securing of another one. Mr. Alter noted that since this is an application for final subdivision approval, the lots can be sold after the applicant posts a bond. He concluded by summarizing that an extension of Dufford's Landing is the least impactful outcome of that land, and the exemption of Subsection "a" clearly applies, with the rest falling within Subsection "b", which lies within the jurisdiction of the building official.

Chairman Zanolungo opened the floor for public comments.

Ms. Mary Louise Stover of 88 Ferry Lane, spoke to the issue of the trucks, in regard to horses and riders. She explained that the trucks that come down Tryon Street from Dug Road are the most respectful and careful vehicles in that area. As older riders, they really need that extra care.

Christine Fahnstock of 976 Hillstown Road, punctuated what Ms. Stover said, remarking that the drivers have been extremely courteous, careful, and safety-conscious.

Attorney Ken Slater of Halloran Sage, representing Michael Blair and neighbors, stated that the issue here is one of statutory construction, which this Commission is allowed to evaluate. He explained that the Commission is charged with looking at the language exactly the way it is written. Site grading is reasonably associated with a building permit. All of this proposed excavation is construction that does not require a building permit. Attorney Slater stated that in their current condition the lots in the proposed subdivision are not considered buildable. He continued by saying that to make the lots buildable would require extensive excavation which would necessitate an excavation permit under Subsection "c", because the excavation would be construction activity that does not require a building permit. Attorney Slater then stated that because an excavation permit would be required, the subdivision as proposed does not comply with the Zoning Regulations as required by the Subdivision Regulations.

Attorney Slater stated that in their current condition the lots in the proposed subdivision are not considered buildable. He continued by saying that to make the lots buildable would require extensive excavation that would require an excavation permit under Subsection "c" because the excavation would be construction activity that does not require a building permit. Attorney Slater then stated that because an excavation permit would be required the subdivision as proposed does not comply with the Zoning Regulations as required by the Subdivision Regulations. In regard to Subsection "a", the language says what it says: excavation has to occur within the right-of-way. If excavation is required outside the right-of-way, then the applicant would have to file a special permit application to excavate.

Attorney Slater concluded by asking the Commission to interpret the regulations the way they are written. What happened in the past is entirely irrelevant, and they should have the discretion to enact the regulations to protect neighbors from potential impacts. He also noted that there has not been an analysis from the Town Engineer as to whether this is the minimal amount of excavation to be removed; the Town Engineer has only determined that the subdivision as proposed meets town standards. Therefore, this proposal is not compliant with zoning, so this application should be denied.

Attorney Carl Landolina, representing three families/neighbors on Dug Road, explained that in order to even do an analysis on the statutory construction, one must first find an ambiguity in the language one is trying to construe. The word "within" is clear and unambiguous. Attorney Landolina also took issue with a comment made during the presentation of Attorney Alter and Mr. Sczurek, where they stated that they were getting the lots "suitable" for development. Mr. Landolina explained that the language of Subsection "a" is pretty clear that the right-of-way is within the street. For Subsection "b", in order to acquire a building permit, one has to propose a building, which in this case, is a building that will not be built. Attorney Landolina stated that the intent of the proposed plan is just to finish construction outside of the right-of-way because Subsection "a" does not apply here. Mr. Landolina agreed with Attorney Slater that Subsection "c" cannot be ignored because they do not need a building permit to build a road.

Commissioner Shaw pointed out that everything is subject to different interpretations. It seems that it would be up to the Building Official to determine whether or not excavation on a particular lot is associated with a building permit. Mr. Landolina disagreed, saying he believes

the Building Official “works” for the commission. Mr. Landolina concluded by stating that what the applicant proposes is a bizarre and unworkable result.

Mr. Skip Kamis of 152 Dug Road, expressed concern about safety as it relates to truck traffic, and he seeks protection from the Commission about this issue. He stated that the significant geological features of the site need to be protected to the greatest extent possible, and this application does not propose harmony with the natural grading of the land, and this proposal will re-introduce hazards in the form of truck traffic on Dug Road. He also stressed that scope matters, calculating that the applicant’s proposed fill of 90,000 cubic yards would fit inside this town hall building 7 times. Mr. Kamis urged the Commission to deny this proposal as submitted and protect the families.

Mr. Paul DeMaio of 148 Dug Road, stated that he remains opposed to dangerous truck traffic on Dug Road. He explained that just because something was done over and over again in the past, it does not mean that it should continue. He hoped that the Commission would require the applicant to seek an excavation permit and maintain a safe roadway.

Mr. Scott Bissell of 156 Dug Road, explained that his property abuts the previous excavation operations and lies within the area of this proposed application. Mr. Bissell remains opposed to the ongoing excavation and dangerous truck traffic. He stated that Dug Road is narrow, and this further impairs the ability of vehicles to pass safely. An application that sends trucks down Dug Road is a no-starter. He quoted comments made by commissioners during previous hearings, when they rejected the applicant’s prior excavation application. Mr. Bissell concluded that an excavation permit is necessary and the parcel in question is unsuitable for excavation activity.

Mr. Alter responded to the comments, taking exception to Attorney Landolina’s characterization of how this matter will progress. The insinuation that Mr. Dufford would conduct anything as a sham is inappropriate. Mr. Alter remarked that he disagrees with Attorneys Slater and Landolina on what this Commission should be doing, in terms of applying the regulation. He agreed with Secretary Botelho that it is a timing issue, which is addressed through the building permit process. He stated that the same people who just told them to apply for an excavation permit were the same who opposed an excavation permit the last time.

In regard to Mr. Kamis’ comments, Mr. Alter explained that the hill is the result of a receding glacier. The regulations say to preserve what they can “to the greatest extent possible”; it is not a prohibition.

Vice Chairman Purtill stated that she does not recall a subdivision application in which the excavated material was hauled off site through another property not associated with the subdivision. She also noted the proposal calls for one phase having truck traffic via Dug Road and another phase having truck traffic via Dufford’s Landing, but the plan does not clearly indicate this. Ms. Purtill also said as this is not a proposal for an excavation permit, they do not have control over the location and buffering, etc. Ms. Dodds added that by excavating the soil in the east to west sequence as proposed, the applicant would be following the natural grade of the land; excavating in a west to east sequence could cause erosion and runoff that would affect Dufford’s Landing.

Mr. Alter stated that subdivision approvals have a five-year timeline for completion. On average, the applicant is able to remove about 25,000 cubic yards in one year, so in that case, it would take about 3-4 years, but it could end up taking the full 5 years. The bond will be well over \$1 million, so it would be in the applicant's best interest to have it done as quickly as possible. Commissioner Hassett asked, if the Commission interprets the subsection language to say that the exemption only applies to excavation falling within the roadway, does this application fail? Mr. Alter stated that he does not think the application would fail, but the Commission could make it a condition that only excavation within the roadway would be approved.

The Commission then posed a series of questions for Attorney Ranelli:

Mr. Botelho asked if Attorney Ranelli believes that Subsection 6.2.4.a applies outside the roadway, as per Attorney Alter's interpretation. Mr. Ranelli replied, out of deference to the work that all of the attorneys did, he would like to review the cases that were referenced by Attorney Alter and the canons that were referred to by the other attorneys. However, he noted that Attorney Alter's argument was not so much an interpretation of what "within" means but rather, what "the street" means. Mr. Ranelli agreed to review it and get back to the Commission.

Secretary Botelho asked Mr. Ranelli to respond to Attorney Slater's claim about the timing of the building permits. Mr. Ranelli stated that, before the excavation work associated with the hypothetically approved subdivision plan is undertaken, a building permit must be issued. The applicant's position is that they are seeking a final subdivision approval, which even if they do not build, they can sell the lots. Vice Chairman Purtill explained that each of these lots show excavation. If the Commission approves them with all of the grading lines on them, even though they are hypothetical, the building official would issue a permit and that would include everything that the Commission approved at the subdivision. She asked if that would come up as a follow-up question when the applicant applies for a building permit. Mr. Ranelli stated that he was not aware of anything in the building code that would make a building official deny a permit based on approved grading shown on a subdivision map.

Commissioner Griffin asked if the applicant had to specify which areas of excavation were exempted under Subsection "a" as within the right-of-way and which areas were exempted under Subsection "b" or could the Commission condition the approval to only allow excavation within the right-of-way and delegate the responsibility to determine if any other excavation is exempted under Subsection "b" to the Building Official. Attorney Ranelli stated that he would like to do some research before answering Commissioner Griffin's question. Vice Chairman Purtill and Commissioner Botelho agreed that would like clarification as to whether Subsection "a" limits excavation to only within the right-of-way or if it allows for excavation to go outside of the right-of-way. If Subsection "a" does limit excavation to within the right-of-way only then they would like clarification as to how Subsection "b" would apply to excavation outside of the right-of-way. Commissioner Shaw added that, in regard to Subsection "b", he would like to verify whether a building permit has to have been issued prior to the time of excavation.

Ms. Dodds asked Attorney Ranelli if the Commission can condition a subdivision approval on obtaining an excavation special permit. Mr. Ranelli said that the Carpenter case is the controlling case. He can freshen up on that and get back to the Commission. Ms. Dodds stated that they need

a time extension request to their February 18, 2020 meeting, which would be the last public hearing, unless they schedule an additional special meeting before February 26, 2020, the date by which the public hearing must be closed.

With no further comments, Commission Zanolungo announced that they will continue the public hearing at their February 18, 2020 meeting.

Vice Chairman Purtill exited the meeting at 10:16 P.M. Chairman Zanolungo seated Commissioner Sexton as a voting member in her absence.

2. Application of Hans Hansen Architectural Design for a Section 12 Special Permit with Design Review to allow use of 2nd garage space for office use or rec room, accessing back patio, for 5 three-bedroom units – 25-27 Naubuc Avenue – Town Center Zone – Tommy Li, owner

Architect Hans Hansen presented on behalf of his client, explaining that they are proposing no change to the exterior or the site itself. The proposal is to allow one additional unit (Unit 3, Building 25) to convert a portion of the garage to an office/rec room; this change would not affect their parking count, though the FAR (Floor Area Ratio) would be impacted. Mr. Hansen explained that in his FAR calculations for the original approval, he had misinterpreted the regulations; this proposal now has corrected calculations to include the stairs. Mr. Hansen explained that the FAR is still below the maximum amount regulations allow. Although the FAR calculation is still below the maximum allowed if all five units have bonus rooms, the applicant requested approval for only one of the units. After some discussion about whether or not future residents could return for a special permit, Ms. Dodds clarified that if, at some point, a resident would like to change the space, they should have the ability to come before the Commission and ask.

Chairman Zanolungo opened the floor for public comments.

Mr. Bill Campbell of 94 Juniper Lane explained that he owns the commercial property across the street at 26 Naubuc Avenue. When he saw the original application for 5 units (as opposed to the current application, which concerns just 1 unit), he was concerned that all of the parking spaces might be full, which could potentially expose him to some legal liability, if people were to use his parking spots. He stated that if the Commission allows 1 unit, that could set a precedent for the next person and the next person. The applicant, Mr. Li, replied that these are smaller units, so they would not typically be inhabited by a big family. Most units thus far, have only 1 car per household. Chairman Zanolungo asked if the applicant and Mr. Campbell could exchange contact information to discuss parking information. Mr. Li agreed.

With no further comments, Chairman Zanolungo closed the public hearing at 10:38 P.M.

Motion by: Secretary Botelho

Seconded by: Commissioner Shaw

MOVED, that the Town Plan & Zoning Commission approve the application of Hans Hansen Architectural Design for a Section 12 Special Permit with Design Review – to allow use of 2nd

garage space for office use or rec room, with access to the back patio, for 1 three-bedroom unit – Unit 3, 25 Naubuc Avenue – Town Center Zone – Tommy Li, owner, in accordance with plans on file in the Office of Community Development, and:

1. In compliance with the standards contained in a report from the Fire Marshal, File # 20-004, plans reviewed 1-14-2020.
2. This is a Section 12 Special Permit with Design Review. If unforeseen conditions are encountered during construction 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).

3. **Text Amendment- Insertion of Section 4.19 - Planned Business & Development Overlay Zone – Recommendation to Town Council**
4. **Proposed Changes to the Official Zoning Map to establish a Planned Business & Development Zone Overlay over the following numbered properties on Main St in the Town of Glastonbury: 3039, 3041, 3025, Lot W-2, 3017, 3011, 2997, 3000, 2963, Lot W-10A, 2955, 2941, 2915, Lot W-14, 2952, 2944, 2928, 2934, 2900, 2875, 2855, 2851, 2847, 2839, 2833, 2831, 2868, 2834, 2800, 2813, 2807 and 2815 - Recommendation to Town Council**

Ms. Dodds stated that the Council requested that the Commission review the text amendment for the Planned Business and Development overlay zone, which would have a total of 33 parcels in that zoning district. Ms. Dodds then presented the proposed text amendment and the map change. Several of the Commissioners noted that the parcels included at the southern end of the overlay were both Planned Business and Development Zone and Flood Zone. After a discussion, the Commission agreed to remove the following parcels from the overlay zone: 2800, 2807, 2813, 2815 and 2834 Main Street. Commissioner Sexton noted a typo in Section 4.19.1. It should read “forty-two and **three-quarters** (42 $\frac{3}{4}$) feet.” Secretary Botelho also noted a typo in Section 4.19.5, which should read “a height **of** three (3) stories...” Ms. Dodds explained that they alerted the public to zoning change. Before this proposal is presented to the Town Council, neighboring property owners within 500 feet will get written notice as well as newspaper notification.

With no further comments, Chairman Zanolungo closed the public hearing on Items 3 and 4.

Motion by: Secretary Botelho

Seconded by: Commissioner Hassett

MOVED, that the Glastonbury Town Plan and Zoning Commission recommend the text amendment insertion of section 4.19 Planned Business and Development Overlay Zone with the proposed edits.

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

Motion by: Secretary Botelho

Seconded by: Commissioner Shaw

MOVED, that the Glastonbury Town Plan and Zoning Commission recommend to make the proposed changes to the Official Zoning Map to establish a Planned Business & Development Zone overlay over the following numbered properties on Main Street in the Town of Glastonbury, with the edits proposed.

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

There being no further business to discuss, Chairman Zanolungo adjourned the meeting at 11:01 P.M.

Respectfully Submitted,

Lilly Torosyan
Lilly Torosyan
Recording Clerk

SECTION 13.2.b REFERRAL FROM THE ZONING BOARD OF APPEALS TO
 TOWN PLAN AND ZONING COMMISSION FOR A REPORT WITH RECOMMENDATIONS
 TO THE ZONING BOARD OF APPEALS FOR A USE VARIANCE TO PERMIT A BEAUTY SALON IN THE PLANNED COMMERCE (PC) ZONE
 730 HEBRON AVENUE
 DATE : FEBRUARY 18, 2020

REGULAR MEETING ITEM# 1
 02-18-2020 AGENDA

EXECUTIVE SUMMARY

To:
 Town Plan and Zoning
 Commission

From:
 Office of Community
 Development Staff

Memo Date:
 February 14, 2020

Zoning District:
 Planned Commerce
 (PC) Zone

Applicant:
 Asana Organics, LLC

Property Owner:
 Realty Management

- The applicant is seeking a use variance from the following Sections of the Glastonbury Building-Zone Regulations:
 - Section 4.15.1—Permitted Uses in the Planned Commerce (PC) Zone;
- The variance request is to permit personal services (beauty salon) in the Planned Commerce (PC) Zone where such use is not permitted.
- The applicant is seeking to open a skin care and beauty treatment office in one of the tenant spaces at 730 Hebron Avenue.
- Section 13.2.b of the Building– Zone Regulations states: ***“No application for a variance from the use provisions of these Regulations (as distinguished from the area, frontage, yard, coverage, height, etc. provisions hereof) shall be voted upon until a report with recommendations thereon has been received from the Town Plan and Zoning Commission....”***

REVIEW

Included for Commission review are the following:

- A copy of the application to the Zoning Board of Appeals, which includes a project narrative, site layout and a floor plan.



Aerial view of 730 Hebron Avenue looking south

SITE DESCRIPTION

The subject site is a 3.83 acre lot located on the south side of Hebron Avenue across from the intersection of Eastern Boulevard and Hebron Avenue in the Planned Commerce Zone. The site contains two buildings. The first is a one-story, strip retail style building located on the northern side of the lot and a two-story industrial building located on the southern side of the lot. Access to the site is through three curb-cuts off of Hebron Avenue; the first at the northwest corner of the lot and the other two at the northeast corner of the lot. Parking for the buildings is shared.

ADJACENT USES

North—A commercial/industrial building

East— A package store

South— Industrial outside storage

West— A medical office

ZONING ANALYSIS

The Planned Commerce (PC) Zone, does not permit hair and beauty salons. The applicant has indicated in their narrative that there will be adequate parking to accommodate the proposed use which requires nine parking spaces as well as all of the remaining uses on site. The Town of Glastonbury Future Land Use map designates this parcel part of the Employment Planning Area.

The subject property is located in the Planned Commerce (PC) Zone, which is home to many of the Town's industrial and commercial uses (excluding retail and personal services). Other permitted uses in this zone include recreational uses, government services, and financial services. Other businesses in the building include a hair salon for which a variance was granted in 2007, medical office, a gym and a retail store. There is also a package store located on the adjacent property to the east.

ZONING BOARD OF APPEALS APPLICATION

REFERRED TO TP&Z _____

Applicant Asana Organics, LLC
Street 30 Peach Tree Court Town Cheshire, CT 06401
Telephone 860-481-0222
Legal Representative (if any) Alter & Pearson, LLC
Address 701 Hebron Avenue,, PO Box 1530
Glastonbury, CT 06033 860-652-4020

Date Filed & Fee Paid
Date Hearing Scheduled
Sign Deposit Paid On
Will Post Own
Sign Taken On
Sign Inspected on Site

Exact Location of Property Involved 730 Hebron Avenue Planned Commerce (PC) Zone
Assessor's Key # (If No Street # Indicated)
Legal Property Owner Realty Management of Glastonbury, LLC

Under the provisions of Section 8-7, Connecticut General Statutes, the undersigned hereby appeals:

- 1. For relief (a variance) from the restrictions imposed in Section(s) 4.15.1 of the Glastonbury Zoning Regulations.
2. For a special exception as provided in Section 4.15.1 of the Glastonbury Zoning Regulations.
3. From an adverse ruling by the Building Official, Glastonbury.
4. For the approval required by the State of Connecticut agency named below.

Describe in detail (in space provided on page 2 or on a separate sheet) what it is you want to do. State why this violates the Section(s) of the Glastonbury Zoning Regulations cited above. If a variance is sought, what hardship related to your particular property is claimed? If a special exception is sought, explain how all requirements for this exception have been met. If this is an appeal from a ruling of the Building Official/ Zoning Enforcement Officer state why you feel the ruling is wrong. (Use back of this form, if necessary)

We/I hereby depose and say that all the above statements contained in any papers submitted herewith are true to the best of my knowledge and belief.

Asana Organics, LLC
Applicant

Realty Management of Glastonbury, LLC
Owner, If Not Applicant
(Required)

Date

Date

Include TEN (10) copies of everything submitted including the application and a map of the property involved. Locate all structures thereon and their relation to buildings on adjacent property and to the highway with approximate distances therefrom. Floor plans of buildings which you desire to erect or to alter must be provided in sufficient detail to make intelligent presentation of your plans. Also, include ten (10) copies of all supporting documentation.

FILING FEE OF \$185.00 tendered herewith. Applicants whose cases come under Section 14-55, 14-322, Connecticut General Statutes will be charged an additional fee to pay the cost of publication and the expenses of the public hearing.

DESCRIPTION IN DETAIL:

Asana Organic, LLC seeks a use variance to allow its skin care and beauty treatment business to locate its business in the building at 730 Hebron Avenue. The personal services business will occupy a portion of the space formerly occupied by Glastonbury Bank and Trust and then TD Bank, before it closed this branch bank. The proposed use is deemed to fall under the Personal Services use category of the Building-Zone Regulations. Personal Services is not a Permitted Use in the Planned Commerce Zone. The existing building at 730 Hebron Avenue is well-suited to provide space for small, specifically-directed businesses such as Asana Organic.

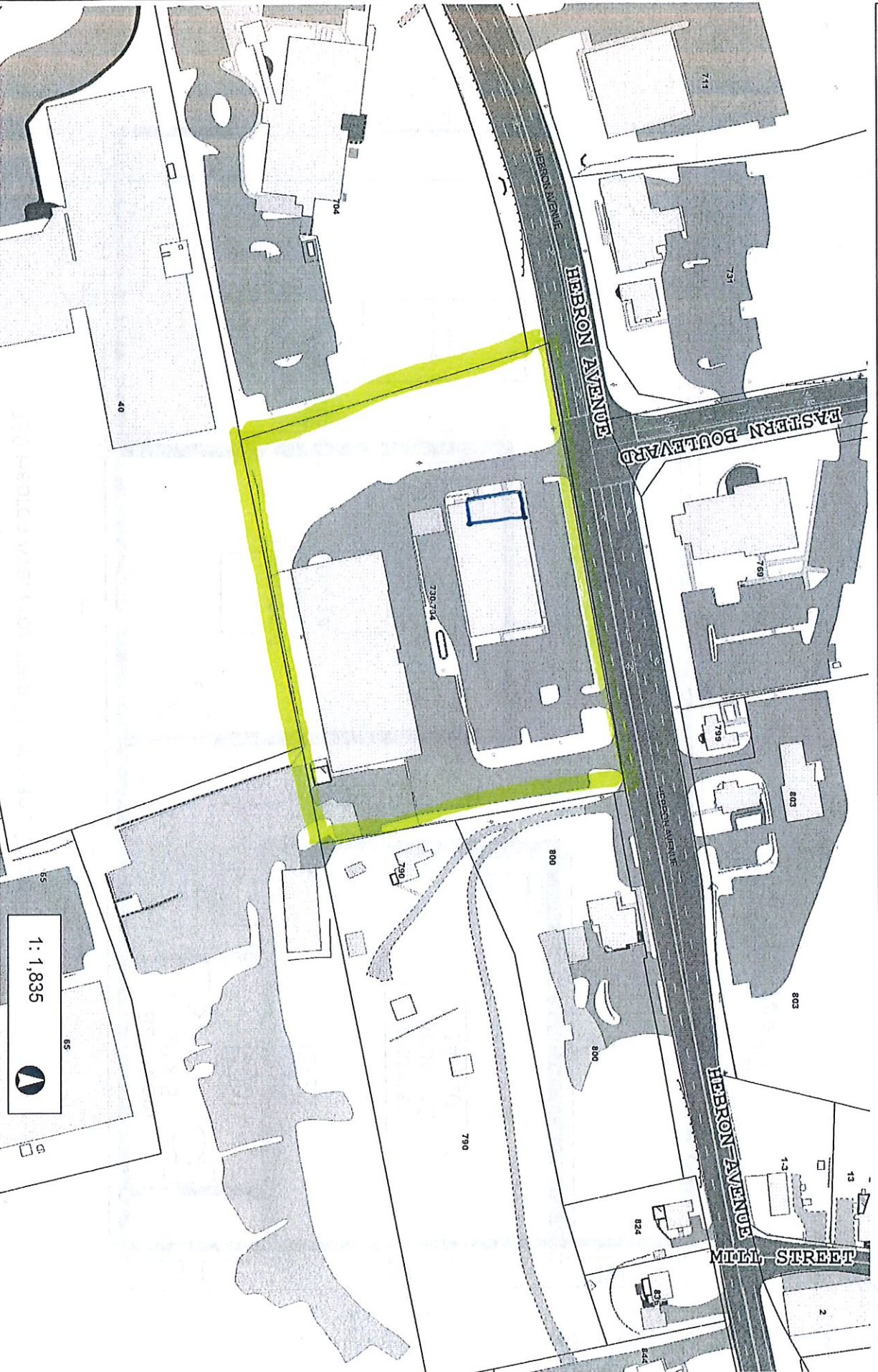
There is adequate parking on site to meet the needs of the existing tenants with 71 parking spaces available for the front building. The total building is 12,000 square feet which would require a total of 68 spaces if all users were required to meet the parking requirement of 1 space for 150 square feet of public space. ($12,000 \text{ gross sq. ft.} \times .85 / 150 \text{ sq. ft} = 68 \text{ parking spaces}$). Two current tenants require less spaces based on use.

The hardship from which relief is sought is found in the Building-Zone Regulations. Planned Commerce Zone does not permit the proposed use. However, the tax assessor for the Town of Glastonbury characterizes the building at 730 Hebron Avenue as a "Retail Strip" (see Property Card attached). Once the bank as anchor tenant abandoned the branch bank, the building has evolved into an opportunity for smaller, service-oriented businesses to find a suitable location on Hebron Avenue, with reasonable access and parking. The current tenant mix is evidence that the site fills a need for businesses that require smaller, more affordable space within the commercial/business area of Glastonbury but not within the central business area. With the second building on the site being utilized as a warehouse, industrial building, it is unlikely that a zone change to a zone that would accommodate the proposed use would be easily secured, or represents overall appropriate planning.

There will be no changes to the exterior of the building.

Ten copies of this Application and all supporting documentation are required

Town of Glastonbury GIS

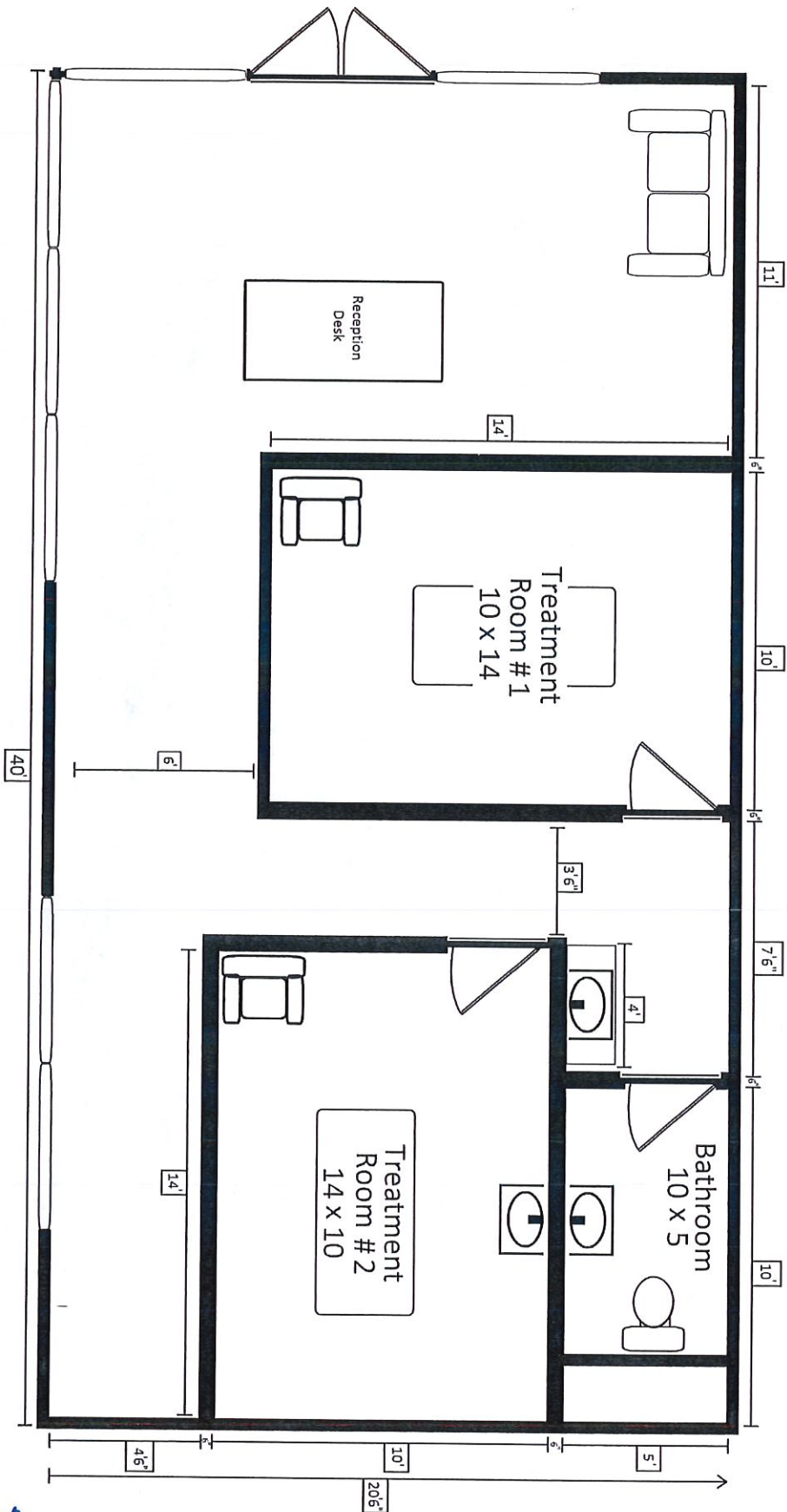


306 0 153 306 Feet
NAD_1983_StatePlane_Connecticut_FIPS_0600_Feet
©Town of Glastonbury GIS

This map is a user generated static output from an Internet mapping site and is for reference only.
Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

730 Hebron Ave, Proposed Floor plan : Corner



900

Parking:

1 space per 150 = 6 spaces

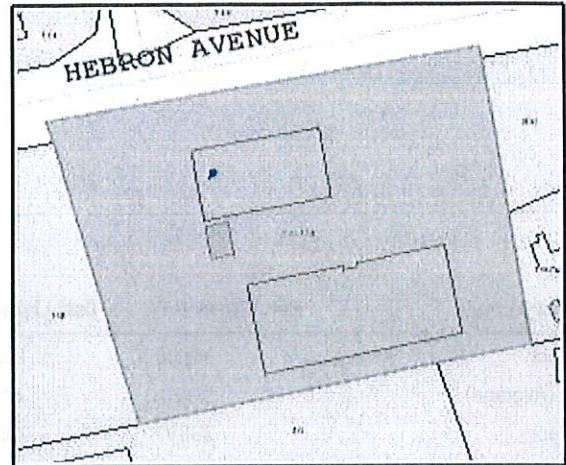


Owner of Record

GIS ID: 29200734
Owner: REALTY MANAGEMENT OF GLASTONBURY LLC
Co-Owner: C/O KWA GROUP
Address: 734 HEBRON AVE
City, State ZIP: GLASTONBURY, CT 06033-5031

Account Number: 29200734

Property Address: 730-734 HEBRON AVE



Property highlighted in blue

Parcel Information

Map/Street/Lot: F5 / 2920 / S0037 **Property ID:** 11771
Developer Lot ID: **Water:** Public-MDC
Parcel Acreage: 3.83 **Sewer:** Sewer Tax Rec
Zoning Code: PC **Census:** 5203

Valuation Summary

Item	Appraised Value	Assessed Value
Buildings	1586700	1110700
Land	1742700	1219900
Appurtenances	99300	69500
Total	3480400	2436300

Owner of Record

REALTY MANAGEMENT OF GLASTONBURY LLC
 TRIPLE S ASSOCIATES LLC
 TRIPLE S ASSOCIATES

Deed / Page Sale Date Sale Price

2480/0008 08/10/2007 2700000
 1025/0237 08/06/1996 0
 0532/0170 01/23/1990 0

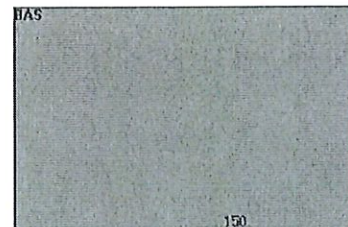


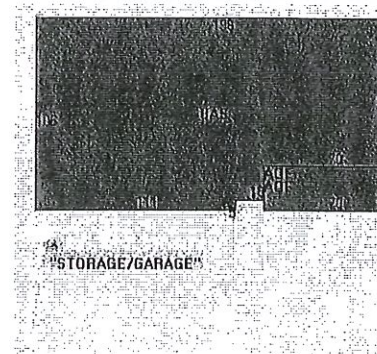
Building Information

Building ID 11771

Year Constructed : 1982
Building Type : Comm/Ind
Style : Retail Strip
Occupancy : Commercial Improv
Stories : 1
Building Zone : PC
Roof Type : Flat
Roof Material : Tar + Gravel
Est. Gross S.F. : 12000
Est. Living S.F. : 12000

Number of Rooms :
Number of Bedrooms : 00
Number of Bathrooms : 0
Number of Half-Baths :
Exterior Wall : Brick
Interior Wall : Drywall
Interior Floor : Carpet
Interior Floor #2 : No entry
Air Conditioning Type : Central
Heat Type : Forced Air
Fuel Type : Gas





Subarea Type	Est. Gross S.F.	Est. Living S.F.	Outbuilding Type	Est. Gross S.F.	Comments
First Floor	12000	12000	LIGHT 2	2.00	
Office, (Average)	6120	6120	Paving	40200.00	
First Floor	23897	23897	Air Condition	6692.00	
			Office	9100.00	
			LIGHT 2	2.00	
			Undergrnd Tank	5000.00	
			Undergrnd Tank	8000.00	