

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

Tuesday, March 17, 2020
REGULAR MEETING

7:00 P.M.

Council Chambers
2nd Floor – Town Hall
2155 Main Street

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

Christopher Griffin
Raymond Hassett
Keith S. Shaw

ALTERNATES: Scott Miller; Alice Sexton; Matthew Saunig

AGENDA

1. Application of Graphik Identities for a Section 12.9 Minor Change – addition of uniform building signs for 5 major tenants – 131 New London Turnpike – Town Center Zone – Schwartz Realty, LLC, owner
2. Application of Brixmor Residual Shoppes at Fox Run, LLC for a Section 12.9 Minor Change – façade and site enhancements – 55 Welles Street – Town Center Zone
3. Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non-agenda items
4. Acceptance of Minutes of the March 3, 2020 Regular Meeting
5. **CONSENT CALENDAR**
 - a. Scheduling of Public Hearings for Regular Meeting of April 7, 2020: **to be determined**
6. Chairman's Report
7. Report from Community Development Staff

**SECTION 12.9 MINOR CHANGE TO A SPECIAL PERMIT
FOR A NEW SIGN PACKAGE
131 NEW LONDON TURNPIKE
MEETING DATE : MARCH 12, 2020**

REGULAR MEETING ITEM # 1
03-17-2020 AGENDA

EXECUTIVE SUMMARY

To:
Town Plan and Zoning
Commission

From:
Office of Community
Development Staff

Memo Date:
March 13, 2020

Zoning District:
Town Center (TC) Zone

Applicant:
Karin Knobel—Graphik
Identities

Owner:
Schwartz Realty, LLC

- The applicant is proposing a new tenant wall sign package for the office building located at 131 New London Turnpike. Ground signage is not part of this application.
- The building does not have wall signage currently.
- The proposal is to install 5 internally illuminated, channel letter signs.
- The Plans Review Subcommittee reviewed the applicant’s proposal on January 29, 2020 and advised the applicant regarding design of the signage.

REVIEW

Included for Commission review are the following:

- Minutes from the January 29, 2020 Plans Review Subcommittee meeting
- Sign specifications
- Elevation Drawings

SITE DESCRIPTION

The subject site is a 2.04-acre parcel located in the Town Center Zone, on the southeast corner of the intersection of Hebron Avenue and New London Turnpike. The site is improved with a three-story office building that occupies the center and western sides of the lot. The site is accessed through curb cuts along Hebron Avenue and New London Turnpike. The north, east and south sides of the lot are paved for parking spaces while the west side of the lot has lawn area.



View of 131 New London Turnpike looking north

ADJACENT USES

Retail and office uses abut the property to the north, south, east and west.

EXISTING CONDITIONS

The building does not have wall signage. Tennant signage is all located in the monument signs located at the entrances to the site.

PROPOSAL

The applicant is proposing to install 5 business wall signs between the second and third floors on the side of the building facing Hebron Avenue. The signs will have white LED, internally-illuminated, fabricated halo-lit letters mounted on an aluminum raceway painted to match the color of the building. The proposal also includes the ability to have logos and secondary copy (tag line) when requested by the tenant. Logos and tag lines will be constructed in the same manner as the channel letters. Tag lines will be contained in an aluminum box with cut-out pushed, through copy.

The applicant has produced a standard sign specification which includes channel letters not to exceed 16 inches (1-foot, 4-inches) in height and a maximum sign length of 171 inches (14 ^{1/2} feet). Based on these measurements the proposed sign area shall not exceed 19 square feet. The building owner will work with the tenants to decide who gets a wall sign.

The Office of Community Development recommends the following conditions of approval:

- The logo and tag line shall be subordinate to the channel letters on the sign when a proposed sign has any combination of channel letters with a logo, channel letters with a tag line, or channel letters with a logo and a tag line.
- Logos shall not exceed the maximum height permitted for the channel letters.

ZONING ANALYSIS

The Regulation

Section 10.3.c of the Building-Zone Regulations states that each business in a multi-tenant building is allowed one wall sign located on the wall with the main entrance to the business use, placed no higher than the bottom of the second story window sill or 15 feet from the ground to the top of the sign, whichever is less. The area of said sign is calculated by multiplying the length of the wall with the main entrance to the business by a factor of .8. The regulations also state that no single wall sign shall be larger than 25 square feet regardless of main entrance wall length. The regulations further state that the TPZ, as part of a Special Permit with Design Review, may modify the signage requirements with regard to size, location, height and number.

Proposal vs Regulation

When applying the calculation from Section 10.3.c, (length of main entrance wall x .8) the proposed 19 square foot sign area, based on staff measurements of the north wall facing Hebron Avenue, is less than the allowable sign area of the tenants if applied individually. The proposed sign area is also less than the maximum permitted sign area of any one sign of 25 square feet. The proposed location of the signage between the second and third story windows is higher than would be permitted by Section 10.3 c and there is no entrance to the building on the north facing-wall.

A draft motion is attached.

TOWN PLAN AND
ZONING COMMISSION

SECTION 12.9 MINOR CHANGE

APPLICANT: KARIN KNOBEL
GRAPHIK IDENTITIES
36G KREIGER LANE
GLASTONBURY, CT 06033

OWNER: SCHWARTZ REALTY, LLC
POST OFFICE BOX 733
GLASTONBURY, CT 06033

RE: 131 NEW LONDON TURNPIKE

MOVED, that the Town Plan & Zoning Commission approve the application of Graphik Identities for a Section 12.9 Minor Change Review - addition of uniform building signs for 5 major tenants – 131 New London Turnpike – Town Center Zone – Schwartz Realty, LLC, owner, in accordance plans on file with the Office of Community Development, and

1. The logo and tag line shall be subordinate to the channel letters on the sign when a proposed sign has any combination of channel letters with a logo, channel letters with a tag line, or channel letters with a logo and a tag line.
2. Logos shall not exceed the maximum permitted height established for the channel letters.
3. This is a Section 12.9 Minor Change. 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.

APPROVED: TOWN PLAN & ZONING COMMISSION
MARCH 17, 2020

ROBERT J. ZANLUNGO, JR., CHAIRMAN

TOWN PLAN AND ZONING COMMISSION
PLANS/REGULATIONS REVIEW SUBCOMMITTEE
Portion of MINUTES OF JANUARY 29, 2020 SPECIAL MEETING

The meeting commenced at 8:00 AM in Meeting Room A. 2nd Floor Town Hall

Present: Subcommittee Members, Sharon Purtill, and Robert Zanlungo
Khara C. Dodds, AICP, Director of Planning and Land Use Services,
Jonathan E. Mullen, AICP, Planner

131 NEW LONDON TURNPIKE – proposal for additional uniform building signs for 5 major tenants – Town Center Zone – Karin Knobel, Graphik Identities, applicant

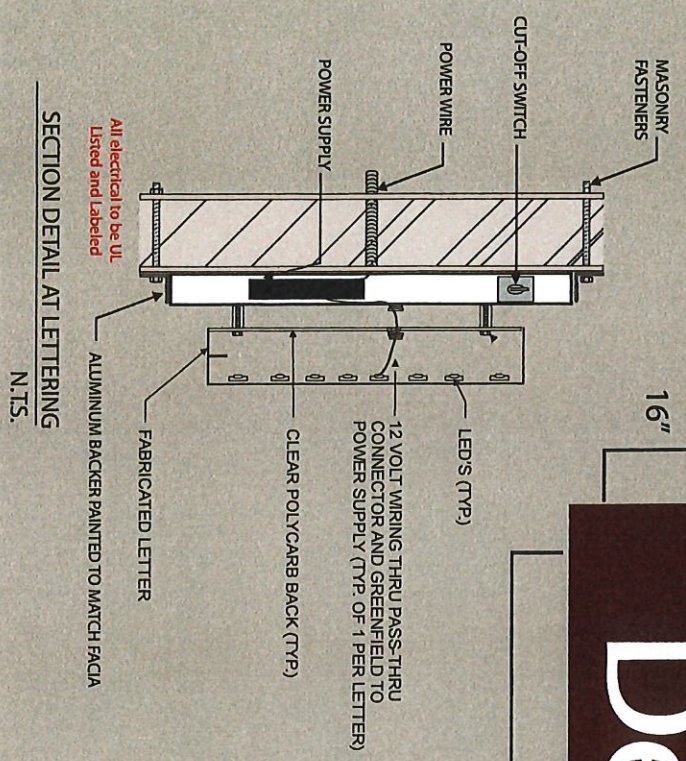
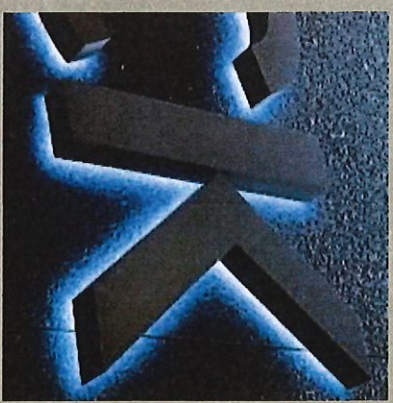
Karin Knobel of Graphik Identities presented a uniform sign package for the office building at 131 New London Turnpike. In the proposal, signage would be located between the first and second floors on the north-facing wall of the building. The signs would be white, LED internally illuminated, fabricated halo-lit letters, not to exceed 14 inches in height. The overall size of the individual signs will not exceed 16 square feet. When given the option between push-through or halo letters, the Subcommittee preferred halo letters. They advised the applicant that this proposal would have to be approved as a 12.9 Minor Change.

TYPICAL TENANT SIGNAGE: MAIN NAME TO BE WHITE LED INTERNALLY ILLUMINATED FABRICATED HALO-LIT LETTERS WITH LOGO WHEN APPLICABLE. SECONDARY COPY MAY BE CONTAINED IN AN ALUMINUM BOX WITH CUT-OUT PUSHED THROUGH COPY. 16" MAX. LETTER HEIGHT. LETTERS MOUNTED ON ALUMINUM FABRICATED RACEWAY. RACEWAY PAINTED TO MATCH WALL, TENANT LETTERING TO BE WHITE.

Dental Solutions

*171" max.

*length will vary pending
Tenant Copy not to exceed 19sq. ft.



SECTION DETAIL AT LETTERING
N.T.S.



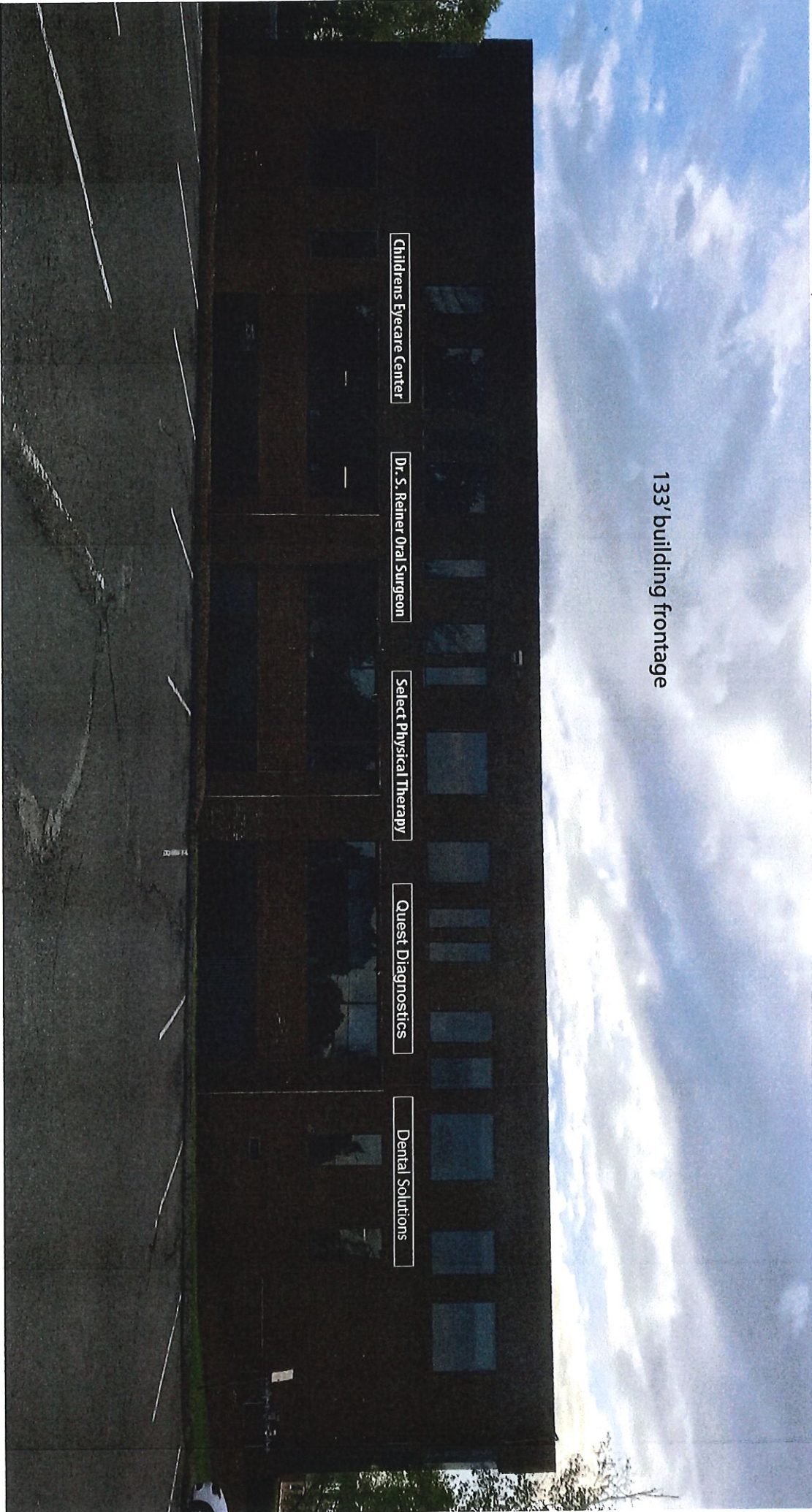
GRAPHIK IDENTITIES

custom signs & graphics
860-657-9755
366 Kreigel Lane, Glastonbury, CT 06033
graphikidentities.com

because First Impressions Last.

CLIENT:	131 HEBRON AVE.	CLIENT APPROVAL:	
SITE LOCATION:	GLASTONBURY, CT	DATE:	
DRAWING#:	GIS-7734	DATE:	JAN. 16, 2019
REVISION:	1	DRAWN BY:	KMK
JOB#:	131HEB-6769	PROJ. MGR.:	KMK

DESIGNS PRESENTED ARE THE SOLE PROPERTY OF GRAPHIK IDENTITIES SIGN CO. AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT WRITTEN CONSENT OF GRAPHIK IDENTITIES SIGN CO.



133' building frontage

Childrens Eyecare Center

Dr. S. Reiner Oral Surgeon

Select Physical Therapy

Quest Diagnostics

Dental Solutions

Hebron Ave. Elevation

19sq. ft max per tenant copy

Tenant names shown are for example

SECTION 12.9 MINOR CHANGE TO A SPECIAL PERMIT
 BUILDING FAÇADE AND EXTERIOR IMPROVEMENTS AT FOX RUN MALL
 25—55 WELLES STREET
 MEETING DATE: MARCH 17, 2020

REGULAR MEETING ITEM # 2
 03-17-2020 AGENDA

EXECUTIVE SUMMARY

To:
 Town Plan and Zoning
 Commission

From:
 Office of Community
 Development Staff

Memo Date:
 March 13, 2020

Zoning District:
 Town Center (TC) Zone

**Applicant/Property
 Owner:**
 Brixmor Residual
 Shoppes at Fox Run,
 LLC

- The applicant is proposing building façade and exterior improvements at 25-55 Welles Street.
- The Plans Review Subcommittee reviewed the proposal at their November 13, 2019 and February 12, 2020 meetings. At those meetings they advised the applicant on the design of the façade.
- The landscape plan was reviewed by the Community Beautification Committee on November 13, 2019 and January 29, 2020. The plan was approved at the January 29, 2020 meeting.

REVIEW

Included for Commission review are the following:

- Office of Community Development staff memoranda
- A project narrative
- Architectural and Landscape plans
- Minutes from the November 13, 2019 and January 29, 2020 meetings of the Community Beautification Committee



Aerial view of 55 Welles Street looking north

SITE DESCRIPTION

The subject site is an 8.15-acre parcel which is improved by a multi-tenant retail and service plaza along the northern edge of the property and a bank located in a separate building at the southeast corner of the property.

ADJACENT USES

North— A cemetery

East— A retail and office plaza

South— Retail plazas

West— A veterinary hospital

Proposal

Façade Changes (please see plan set sheets SK-01 through SK-09 and memorandum entitled "Narrative for Façade and Site Enhancements at Fox Run Mall")

The applicant proposes changes to the entire front façade of the shopping center building. Key elements of the façade redesign include the following:

- Removal of all awnings and replacement with white wood pergola
- Application of white stain to the existing brick pilasters and replacement of CMU block pilaster with granite base.
- Installation of white EIFS capitals in the cornice above the pilasters.
- A new color scheme for the entire shopping plaza
- A new signage and entrance façade for the second story offices
- Additional windows in the existing stair tower
- Removal of the overhang on the western portion of the building (above Petco and Mattress Firm)

Site Improvements (please see plan set sheets SP-1, SP-2, SP-3 & SP4 and memorandum entitled "Narrative for Façade and Site Enhancements at Fox Run Mall")

The applicant is also proposing site improvements in the areas adjacent to the building. Key site enhancements include the following:

- Installation of a raised planter with seat wall in the main plaza
- Moveable planters at the redesigned office entry
- Replacement trees in the main plaza in front of the building
- Narrowing of the existing one-way access drive on eastern side of the plaza and additional landscaping on the western side of the access drive.

The Town Engineer has recommended as a condition of approval to change the access drive on the eastern side of the plaza from one-way to two-way. In response to this recommendation the Office of Community Development is recommending as a condition of approval that any adjustments to the landscaping plan required to create a two-way access drive shall be approved by the leadership of the Community Beautification Committee.

Pertinent staff correspondence and draft motions are attached.

TOWN PLAN AND
ZONING COMMISSION

SECTION 12.9 MINOR CHANGE

APPLICANT/OWNER:
BRIXMOR RESIDUAL SHOPPES
AT FOX RUN, LLC
C/O MARY HOLLEBEKE
111 MIDDLESEX TURNPIKE, 2ND FLOOR
BURLINGTON, MA 01803

RE: 55 WELLES STREET

MOVED, that the Town Plan & Zoning Commission approve the application of Brixmor Residual Shoppes at Fox Run, LLC for a Section 12.9 Minor Change – façade and site enhancements – 55 Welles Street – Town Center Zone, in accordance with the following plans:

To Be Quoted

And

1. In compliance with the recommendations as contained in the minutes of the February 12, 2020 Community Beautification Committee meeting.
2. In adherence to the Town Engineer's memorandum dated March 5, 2020.
3. The leadership of the Community Beautification Committee shall approve any adjustments to the landscaping plan that are required to create a two-way access drive.
4. This is a Section 12.9 Minor Change. 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.

APPROVED: TOWN PLAN & ZONING COMMISSION
MARCH 17, 2020

ROBERT J. ZANLUNGO, JR., CHAIRMAN

March 5, 2020

MEMORANDUM

To: Khara C. Dodds, Director of Community Development

From: Daniel A. Pennington, Town Engineer/Manager of Physical Services



Re: Brixmor Residual Shoppes at Fox Run - Section 12.9 Minor Change

The Engineering Division has reviewed proposed plans for the above-referenced application, and offers the following comments for consideration:

1. The existing double lane, one-way circulation pattern on the east side of the main structure is a remnant of the former bank drive-thru which existed at this location. It is suggested that the paved width on this side of the structure be reduced to 20' and that two-way traffic be allowed. This will enable the auxiliary New London Turnpike entrance to become fully functional while still creating a paved width reduction which may be used for substantive landscaping improvements immediately adjacent to the building.
2. It is recommended that an ADA compliant concrete ramp be installed between the sidewalk and the paved circulation space at the location of the existing crosswalk along the New London Turnpike frontage. Associated crosswalk pavement markings and a second ADA complaint ramp should then connect to the existing walkway along the business fronts on the south side.

DAP/dl



GLASTONBURY POLICE DEPARTMENT

2108 MAIN ST./P.O. BOX 535/GLASTONBURY, CT 06033-0535/(860)633-8301/FAX (860)652-4290

MEMORANDUM

To: Town Plan and Zoning Commission

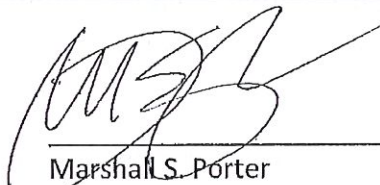
From: Marshall S. Porter; Chief of Police

Date: March 5, 2020

Subject: Fox Run Mall- Minor change- Building Façade and site improvements.

Members of the Police Department have reviewed the application of Brixmor Residual Shoppes at Fox Run, LLC for a Section 12.9 Minor Change- building façade and site enhancements to include modifying the existing 2-way drive on the Eastern side to one way traffic with the proposed appropriate signage and roadway markings- 55 Welles Street- Town Center Zone.

- The police department has no objection to this proposal.



Marshall S. Porter
Chief of Police

MSP:jph



Town of Glastonbury
Health Department

Memo

March 5, 2020

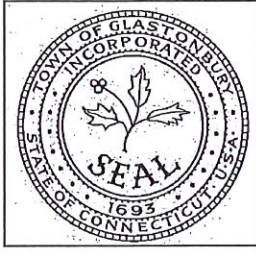
To: Jonathan Mullen, Planner

Fr: Wendy S. Mis, Director of Health

Re: 55 Welles Street
Application for Minor Change, building façade and site enhancements

This office has received and reviewed the plan by BL Companies 2/10/20, for a special permit for building façade and site enhancements.

No public health impact is anticipated, and approval with respect to CT Public Health Code is forwarded for Commission consideration.



TOWN OF GLASTONBURY
FIRE MARSHAL'S OFFICE

Building Permit Approval

In accordance with The Connecticut Fire Safety Code section 29-292-5e, the Site documents/plans are in substantial compliance with the requirements of the code.

Project: Fox Run Mall Façade Location: 55 Welles Street

A handwritten signature in black ink, appearing to read "Ch. Siwy".

Deputy Chief Christopher Siwy – Fire Marshal DATE: **3-11-2020**

TOWN PLAN AND ZONING COMMISSION
PLANS/REGULATIONS REVIEW SUBCOMMITTEE
Portion of MINUTES OF FEBRUARY 12, 2020 SPECIAL MEETING

The meeting commenced at 8:00 AM in Meeting Room A, 2nd Floor Town Hall

Present: Subcommittee Members, Sharon Purtill, and Robert Zanlungo
Khara C. Dodds, AICP, Director of Planning and Land Use Services,
Jonathan E. Mullen, AICP, Planner

25-55 WELLES STREET - proposal for building facade and exterior improvements at Fox Run Mall – Town Center Zone - Alter & Pearson, LLC - John Ireland & Wayne Violette, BL Companies, applicant

Attorney Alter explained that the applicant incorporated the comments made by the Subcommittee into their new proposal for Fox Run Mall. Architect John Ireland of BL Companies presented the new plan for facade changes to the Subcommittee. He stated that the new design had a more New England village feel. He highlighted key design elements including white painted brick, and lighter colored clapboard siding. He also stated that there are lighter brick pillars on the Whole Foods side of the plaza. Chairman Purtill asked if the paint on the brick would peel over time. Mr. Ireland replied that the paint was more of a stain that would not peel.

Mr. Ireland then pointed out the trellis and window motif across the exterior of the octagon-shaped food court in Whole Foods. He then presented the proposed facade changes for the eastern side of the plaza which included removal of the overhang near Petco, reconfiguration of the stair tower and landscape improvements. There was discussion between the applicant and the subcommittee regarding the use of EIFS on the building and the building lighting. The Subcommittee members stated that they liked the revised design.

TOWN PLAN AND ZONING COMMISSION
PLANS/REGULATIONS REVIEW SUBCOMMITTEE
Portion of MINUTES OF NOVEMBER 13, 2019 SPECIAL MEETING

The meeting commenced at 8:00 AM in Meeting Room A. 2nd Floor Town Hall

Present: Subcommittee Members, Sharon Purtill, and Robert Zanolungo
Khara C. Dodds, AICP, Director of Planning and Land Use Services,
Jonathan E. Mullen, AICP, Planner

55 WELLES STREET – proposal for landscape and site improvements to south and east sides of the Shoppes at Fox Run – John B. Ireland, AIA, applicant

Attorney Peter Alter described the project to the Subcommittee and gave background information. John Ireland of BL Companies explained to the Subcommittee that the idea for the proposal was to create a unified design for the Fox Run Mall shopping plaza. Key design elements included a new color scheme featuring a terra cotta-colored band across the length of the plaza, new columns, and louvered awnings for the Whole Foods store, a granite knee wall and faux slate roof. The proposal also called for the removal of the clock from the stair tower on the eastern side of the building and removal of the overhang between the stair tower and the entrances to the stores at the far east of the plaza.

Mr. Ireland then discussed the proposed improvements to the landscaping features in front of the smaller retail stores and along the eastern side of the building facing New London Turnpike. Commissioner Zanolungo expressed concern about the color choices in the updated scheme, particularly the terra cotta. Chairman Purtill also expressed concern regarding the design and color scheme. She felt the design needed to be more in keeping with the surrounding town center area. The Subcommittee members had no issues with the proposed landscape changes. Both Chairman Purtill and Commissioner Zanolungo recommended that the applicant change the proposed design and come back before the Subcommittee.

Town of Glastonbury
Community Beautification Committee
Portion of Regular Meeting Minutes of Wednesday, February 12, 2020

1. Roll Call

Present: Robert Shipman, Chairman
Jarrod Sansoucy, Secretary
Linda DeGroff
Debra DeVries-Dalton
Candice Mark

Absent: Della Winans, Vice Chairman
Debra DeVries-Dalton
Kate Morgan

3. 25-55 WELLES STREET – proposal for building façade and exterior improvements at Fox Run Mall – Alter & Pearson, LLC - John Ireland & Wayne Violette, BL Companies, applicant

Wayne Violette presented members with the plan showing changes to the building and landscape; the committee had seen the landscape plan and asked for a few changes. All changes that were suggested were made. Jarrod and Candice made mention of a few variety changes for the east side of the property:

- Change the hydrangea variety to wedding gown or lady in red
- Change the sandcherry to nine bark diablo (stronger better plant)
- Change the daylily out for sedum dazzleberry

Linda made a motion to accept the plan with changes, Candice seconded; all in favor 4-0.

Town of Glastonbury
Community Beautification Committee
Portion of Regular Meeting Minutes of Wednesday, November 13, 2019

1. Roll Call

Present: Robert Shipman, Chairman
Della Winans, Vice Chairman
Jarrod Sansoucy, Secretary
Debra DeVries-Dalton
Candice Mark
Kate Morgan

Absent: Linda DeGroff

**4. 55 WELLES STREET – landscaping improvements to south and east of Shoppes at Fox Run –
John B. Ireland, AIA, applicant**

Meghan Hope presented the plan and project and Wayne Violette, Landscape Architect from BL Companies walked the Committee through the plants and plant list in great detail.

The Committee wanted more trees across the front of the building; more shrubs along the east side of the building; and larger shade trees near the courtyard area. Wayne was willing to make all the changes the Committee requested and he will return with a revised plan.

TO: Town Plan and Zoning Commission
FROM: Alter & Pearson, LLC
DATE: March 3, 2020
RE: Narrative for Facade and Site Enhancements at Fox Run Mall –§12.9 Minor Change

The Applicant/Owner is seeking approval of a §12.9 Minor Change to improve the building facade of the Shoppes at Fox Run in order to (1) unify the multiple building spaces, (2) improve the entrance and visibility of the second story office space, and (3) provide landscaping improvements adjacent to the building. Please see the attached architectural plans which show the existing building facade, together with the proposed building facade improvements and materials. The entrance to the second story office space will have a new sign and facade. The stair tower will be renovated with additional windows to improve visibility and allow light to enter the secondary access point to the offices. Site improvements include the installation of a raised planter with seat wall in the main plaza, pavement improvements at the existing stair tower, new movable planters at the office entry and replacement of trees along the facade of the plaza building. On the eastern building facade at New London Turnpike, the existing two-lane driveway will be reduced to one lane to prevent conflicts with truck circulation and the corner of the building, and increase green space with additional landscaping along the building facade. The Applicant/Owner attended two sessions with the Community Beautification Committee on November 13, 2019, and February 12, 2020, when a positive recommendation was received. Additionally, the Applicant/Owner attended two sessions with the Plans Review Subcommittee on November 13, 2019, and February 12, 2020. The design was revised for a New England village aesthetic and the subcommittee members indicated that they were favorable to the revised design.

**THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING MINUTES OF TUESDAY, MARCH 3, 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 Zanolungo, Jr., Chairman
Ms. Sharon Purtill, Vice Chairman
Mr. Michael Botelho, Secretary
Mr. Keith S. Shaw
Mr. Raymond Hassett
Mr. Christopher Griffin
Ms. Alice Sexton, Alternate (left at 7:54 P.M.)

Commission Members Absent

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

Chairman Zanolungo called the meeting to order at 7:02 P.M.

1. Voting on the application of William M. Dufford (public hearing closed) 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 reiterated that the public hearing is closed. She explained that, in the commissioners' packets, there is a motion of approval, as well as a finding of fact. She noted that, the Building-Zone Regulations state that the Town Plan and Zoning Commission shall consider the exemptions under Section 6.2.4. If the Commission determines this application should be approved, they should consider those exemptions as part of their approval. If they determine that this subdivision falls within the exemptions of 6.2.4, they should look at those exemptions and see under which exemptions this subdivision falls. Ms. Dodds explained that the applicant is amenable to certain standards in Section 6.2.7, under excavation operation standards, such as hours of operation and dust control, sedimentation and erosion control. If the Commission chooses to apply any standards of Section 6.2.7, they should stick to those areas in which the applicant was amenable.

Commissioner Shaw stated that this is the first time they have to identify which part of the subdivision falls under a certain section of the exemptions. Ms. Dodds replied that while the Commission has not done this with an application to this point, it is now apparent that the Building-Zone Regulations require that the Town Plan and Zoning Commission consider the

exemptions for excavation as set forth in Section 6.24. The Town Attorney advised that there has to be some level of specificity as to the detailing of these exemptions and the reasoning as to how the Commission arrived at their determination. Vice Chairman Purtill stated that she has not seen this level of specificity in the last 15 years. She agreed with Commission Shaw that they have to make a finding for every subdivision, which is not their standard.

Commissioner Hassett stated that this is a slippery slope. The application and the configuration of the land makes this a unique case. He asked, if the applicant agreed to certain operational standards, are those now part of the application and, as a result, the Commission is incorporating that into their decision? Ms. Dodds explained that she would not consider them a part of the application, but at the last meeting, the applicant agreed to these standards. Ms. Dodds advised that the Commission should not impose conditions that may be burdensome and to which the applicant did not agree.

Motion by: Secretary Botelho

Seconded by: Vice Chairman Purtill

MOVED, that the Town Plan and Zoning Commission approve the application of William M. Dufford and Suzanne Dufford for final subdivision approval - 6 lots - River Road Subdivision Phase III - westerly portion of Assessor's Lot S-4 Dug Road and northeasterly portion of Lot S-0003A Dufford's Landing - Rural Residence Zone and Groundwater Protection Zone 1, in accordance with the following plans:

“OVERALL PLAN RIVER ROAD SUBDIVISION - PHASE 3 PREPARED FOR WILLIAM DUFFORD GLASTONBURY, CONN. MEGSON, HEAGLE & FRIEND 81 RANKIN ROAD GLASTONBURY, CONN. 06033 PHONE (860) 659-0587 CK. BY: JHS DRW.BY: ZTA DATE: 6-8-18 SCALE: 1"=100' SHEET 2 OF 14 MAP NO. 34-18-10A REV. 10-25-18 STORM DRAINAGE DESIGN & GRADING REV. 12-17-18 TOWN ENGINEER COMMENTS REV. 1-15-19 TOWN ENGINEER COMMENTS REV. 4-30-19 SIX LOT LAYOUT REV. 7-8-19 REV. 8-12-19 EROSION & SEDIMENTATION CONTROLS REV. 10-3-19 CONSERVATION CONDITIONS OF APPROVAL”

“SUBDIVISION PLAN RIVER ROAD SUBDIVISION - PHASE 3 PREPARED FOR WILLIAM DUFFORD GLASTONBURY, CONN. MEGSON, HEAGLE & FRIEND 81 RANKIN ROAD GLASTONBURY, CONN. 06033 PHONE (860) 659-0587 CK. BY: JHS DRW.BY: ZTA DATE: 6-8-18 SCALE: 1"=40' SHEET 3 OF 14 MAP NO. 34-18-1S REV. 10-25-18 STORM DRAINAGE DESIGN & GRADING REV. 12-17-18 TOWN ENGINEER COMMENTS REV. 1-15-19 TOWN ENGINEER COMMENTS REV. 4-30-19 SIX LOT LAYOUT REV. 7-8-19 REV. 8-12-19 EROSION & SEDIMENTATION CONTROLS REV. 10-3-19 CONSERVATION CONDITIONS OF APPROVAL”

“TOPOGRAPHIC MAP RIVER ROAD SUBDIVISION - PHASE 3 PREPARED FOR WILLIAM DUFFORD GLASTONBURY, CONN. MEGSON, HEAGLE & FRIEND 81 RANKIN ROAD GLASTONBURY, CONN. 06033 PHONE (860) 659-0587 CK. BY: JHS

DRW.BY: ZTA DATE: 6-8-18 SCALE: SHOWN SHEET 4 OF 14 MAP NO. 34-18-1PLS
REV. 10-25-18 STORM DRAINAGE DESIGN & GRADING REV. 12-17-18 TOWN
ENGINEER COMMENTS REV. 1-15-19 TOWN ENGINEER COMMENTS REV. 4-30-19
SIX LOT LAYOUT REV. 7-8-19 REV. 8-12-19 EROSION & SEDIMENTATION
CONTROLS REV. 10-3-19 CONSERVATION CONDITIONS OF APPROVAL”

“PLAN AND PROFILE DUFFORDS LANDING RIVER ROAD SUBDIVISION - PHASE 3
PREPARED FOR WILLIAM DUFFORD GLASTONBURY, CONN. MEGSON, HEAGLE
& FRIEND 81 RANKIN ROAD GLASTONBURY, CONN. 06033 PHONE (860) 659-0587
CK. BY: JHS DRW.BY: ZTA DATE: 3-4-19 SCALE: 1”=40’ SHEET 8 OF 14 MAP NO. 34-
18-1PP REV. 10-25-18 STORM DRAINAGE DESIGN & GRADING REV. 12-17-18 TOWN
ENGINEER COMMENTS REV. 1-15-19 TOWN ENGINEER COMMENTS REV. 4-30-19
SIX LOT LAYOUT REV. 7-8-19 REV. 8-12-19 EROSION & SEDIMENTATION
CONTROLS REV. 10-3-19 CONSERVATION CONDITIONS OF APPROVAL”

And

1. In compliance with:
 - a. The standards contained in a report from the Fire Marshal, File 19-034, plans reviewed 11-12-19.
 - b. The recommendation of the Conservation Commission contained in their memorandum dated September 26, 2019.
2. In adherence to:
 - a. The Town Engineer’s memorandum dated November 13, 2019.
 - b. The Sanitarian’s memorandum dated November 6, 2019.
 - c. The Police Chief’s memorandum dated November 8, 2019.

Disc: Commissioner Shaw stated that the Commission needs to determine if an exemption applies before going into the details of which exemption applies and how and why. Vice Chairman Purtill agreed with an earlier comment by Commissioner Hassett on the unique nature of the topography of this application. Secretary Botelho stated that subsection 6.2.4(a) applies to any excavation activity within the roadway, but the question becomes about excavation activities beyond the roadway, and whether that is covered by another exemption, or combination of exemptions, or no exemption at all. Vice Chairman Purtill stated that they do not need to deliberate because the applicant has said that building permits shall be pulled for the road as the road construction proceeds. She suggested making that a condition of approval for this application.

Commissioner Hassett agreed with Vice Chairman Purtill that the roadway is clearly exempted under subsection (a) and some of the area around it is bona fide construction, so it is exempted under subsection (b). Commissioner Shaw expressed a different take on how the Commission is defining excavation activity that occurs outside of the road. He finds that subsection (b) applies to any excavation activity outside of the road after a building permit has been acquired. Since the applicant has agreed to acquire building permits for the excavation of the area adjacent to the roadway, that activity would be exempt under subsection (b). Furthermore, the

activity would be under the supervision of the Building Official, who will then determine whether or not the applicant needs to acquire an excavation permit.

Commissioner Griffin stated that he does not share the perspective of other commissioners that the area outside could be attributed to subsection (b). Just a slope for a roadway does not require a building permit. He thinks that subsection (c) would apply more closely than (b) for the sloping of the roadway but there is a hard cap at 600 cubic yards of material removed for that exemption. He also does not agree on expanding the meaning of 'within' (subsection a). While the applicant has agreed to certain conditions, the Commission is setting a precedent for others to do this kind of work without a permit. Commissioner Griffin stated that he would apply the regulations as written, and if they have to change them, so be it. He summarized by saying that he does not believe that subsections (a) or (b) apply, and he is not in favor of the application moving forward.

Vice Chairman Purtill explained that the difference between a special permit for excavation and a subdivision approval is that at the end of the project, the ground is returned to some sort of level area instead of building lots. The sole purpose of an excavation permit is for removing material. Commissioner Griffin conceded that what Ms. Purtill was referring to was the Commission's past practice, however, the current situation might be an opportunity to change the regulations.

Commissioner Hassett expressed that they need consensus from this Commission on what the applicant says is the roadway here. A discussion ensued on the maps presented and what constitutes the road in this application. Vice Chairman Purtill pointed out that this Commission does not typically require a building permit for site work associated with a subdivision. Commissioner Shaw added that, if the Commission required a building permit, it would be shifting the burden on to the applicant, and the Commission may have to condition every future developer to submit building permits in order to finish the road.

Vice Chairman Purtill stated that people have a right to subdivide their property. She noted that the Commission cannot determine that the applicant has to acquire an excavation permit before development because it is not possible for the applicant to meet all of the requirements to acquire such a permit. Commissioner Shaw asked if they could simply make a general statement that it is the Commission's opinion that an excavation permit is not required. Ms. Dodds advised that it is better to say that the application falls within the exemptions.

The Commission agreed to amend the motion with the following conditions:

Amendment by: Vice Chairman Purtill

Seconded by: Chairman Zanolungo

1. Prior to the start of excavation beyond the actual right-of-way as depicted on the proposed subdivision plan (sheet 4 of 14), the applicant shall make application(s) to the Town Building Official for the construction of the proposed lots for which the excavation is said to occur.

Disc: None

Result: Motion amended with one abstention from Commissioner Griffin (5-0-1).

Amendment by: Vice Chairman Purtill

Seconded by: Commissioner Hassett

2. There shall be no screening of excavated material.

Disc: None

Result: Motion amended with one abstention from Commissioner Griffin (5-0-1).

Amendment by: Vice Chairman Purtill

Seconded by: Commissioner Hassett

3. Operating hours for excavation operations shall be restricted to weekdays (Monday through Friday), between the hours of 7 a.m. and 4 p.m. Excavation operations shall not be allowed on legal State holidays. Equipment startup and/or engine idling on or adjacent to the subject property shall not be permitted prior to the approved hours of operation.

Disc: None

Result: Motion amended with one abstention from Commissioner Griffin (5-0-1).

Amendment by: Vice Chairman Purtill

Seconded by: Commissioner Hassett

4. All equipment and machinery shall be maintained in good repair and operated in such a manner as to minimize noise, vibration, smoke, dust, unsightly conditions and any other nuisance.

Disc: None

Result: Motion amended with one abstention from Commissioner Griffin (5-0-1).

Amendment by: Vice Chairman Purtill

Seconded by: Commissioner Shaw

5. To prevent spillage from vehicles or equipment and windblown air pollution, any truckload of earth material which is to travel on a public street shall be covered with tarpaulin or other suitable material. All commercial haulers shall utilize vehicles clearly marked with the hauler's name and an identification number.

Disc: None

Result: Motion amended with one abstention from Commissioner Griffin (5-0-1).

Amendment by: Vice Chairman Purtill

Seconded by: Commissioner Shaw

6. The Applicant shall provide proper drainage at all stages during and after completion of the excavation operations to prevent the collection and stagnation of water, interference with or disturbance of the flow, banks or bed of any watercourse, the erosion of the subject property or adjoining properties or any other harmful effects to adjoining properties or the future use of the subject property.

Disc: None

Result: Motion amended with one abstention from Commissioner Griffin (5-0-1).

Amendment by: Vice Chairman Purtill

Seconded by: Commissioner Shaw

7. All overburden, if any, shall be stockpiled in windrows or concentrated piles and stabilized so as to prevent its erosion by either wind or water and so that it does not become a source of dust or other windblown air pollutants.

Disc: None

Result: Motion amended with one abstention from Commissioner Griffin (5-0-1).

Amendment by: Vice Chairman Purtill

Seconded by: Commissioner Hassett

8. It shall be the responsibility of the applicant to repair immediately, any damage to any sidewalk, curbs, surface drains or other improvements or utilities that may be caused as a result of the excavation operations.

Disc: None

Result: Motion amended with one abstention from Commissioner Griffin (5-0-1).

Amendment by: Vice Chairman Purtill

Seconded by: Commissioner Hassett

9. Proper safety measures shall be utilized and strictly adhered to at all times to protect the health, welfare and safety of all individuals and property.

Disc: Commissioner Shaw asked what is “the surrounding area” because there is no guideline here. Vice Chairman Purtill stated that it is anything around where the applicant is digging dirt. Ms. Dodds agreed that it is very vague.

Result: Motion amended with one abstention from Commissioner Griffin (5-0-1).

Amendment by: Vice Chairman Purtill

Seconded by: Commissioner Shaw

10. Access roads to the site from Dug Road shall be set back at least 50 feet from any abutting property line.

Disc: None

Result: Motion amended with one abstention from Commissioner Griffin (5-0-1).

The Commission then discussed the finding of fact (not a condition of approval).

Amendment: Secretary Botelho

Seconded by: Commissioner Hassett

The excavation associated with the subdivision is found to be exempt from special permit requirements for excavation, filling or removal of earth products, as described in Section 6.2 of the Town of Glastonbury building zone regulations. However, because of the extensive nature of the excavation associated with the subdivision, the Commission found it necessary, and to which the applicant agreed, to include certain excavation operation standards set forth in Section 6.2 of the Town of Glastonbury building zone regulations.

Disc: Commissioner Hassett noted that they are setting the conditions and inquired whether this is something that the applicant agreed to. Vice Chairman Purtill answered that, at the public hearing, the applicant agreed to adhere to these standards. Commissioner Griffin remarked that these powers are not in the subdivision regulations. He does not think that the Commission has an inherent power to enact these conditions without the consent of the applicant.

Result: Motion passed with one abstention from Commissioner Griffin (5-0-1).

The Commission returned to deliberate on the original motion.

Disc: Vice Chairman Purtill expressed support for the motion, stating that they have done what they can to protect the neighbors. Commissioner Hassett stated that when the current application originally came in, shortly after the excavation permit was denied, he was very suspicious of it, but the intent of the applicant is to proceed and develop this lot, and he hopes that that is the case. He hopes the applicant will take into consideration the needs of the community and conduct operations in a manner and mechanism that will benefit everybody. He reiterated that the Commission is constricted by their regulations. He believes the application is a bona fide excavation and he will vote in favor of it. He also thanked Commissioner Griffin for his valuable input in regard to this application.

Commissioner Shaw echoed the sentiment of striking a balance wherein the neighbors' concerns are satisfied as well. He wished the applicant luck and success and hopes that this

excavation is conducted sooner rather than later. Secretary Botelho expressed that this has been an arduous process. They have tried to weigh the concerns of the neighbors against the interest of the applicant's ability to utilize their land. In the end, he is satisfied with the result, acknowledging that while it is not perfect, it is a proper resolution to the conflict. He will support the application. Chairman Zanolungo thanked his fellow commissioners for their input and guidance and remarked that the content of Mr. Dufford's character lends him to believe that this will be done in a timely fashion, bullied by the fact that there will be a \$1 million bond. He appreciates the public's comments, and he will be supporting the application.

Result: Amended motion passed with one vote against, from Commissioner Griffin (5-1-0).

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

Ms. Sharon Perham of 234 Addison Road read a letter expressing her concerns with the proposed plans for a new condominium complex across the street from her home. Ms. Perham stated that the development will negatively impact her home value, but her larger concern is safety for students in the area, noting that an accident has already occurred across from the stop sign on Eastern Boulevard. The added traffic so close to the school could produce the potential for more accidents. To mitigate this concern, she suggested the developers enter and exit from Eastern Boulevard, thereby taking away traffic on Addison Road. She ended by stating that she welcomed Jeff Sawyer's design, which fits with the residential area. She also thanked the Commission for their service to this town.

Chairman Zanolungo thanked Ms. Perham for attending the subcommittee meeting and speaking out here. He explained that when the application comes to the Commission, there will be another public hearing, and he invited Ms. Perham to attend and share her thoughts there, as well.

3. Acceptance of Amended Minutes of the February 18, 2020 Regular Meeting

Motion by: Commissioner Griffin

Seconded by: Vice Chairman Purfill

Result: The amended minutes were accepted as presented with one abstention (5-0-1). Commissioner Hassett was not present at the meeting, so he abstained from voting.

4. CONSENT CALENDAR

- a. Scheduling of Public Hearings for Regular Meeting of March 17, 2020: **to be determined**
- b. Request of Shops on Main, LLC for a one-year extension to commence construction pursuant to Section 12.7 of the Building-Zone Regulations - Special Permit with Design

Review for Building 3 of the Shops on Main - 2951 Main Street - Planned Business & Development Zone

Motion by: Secretary Botelho

Seconded by: Commissioner Shaw

The Glastonbury Town Plan and Zoning Commission hereby moves the consent calendar as presented.

Result: The consent calendar was unanimously approved (6-0-0).

5. Chairman's Report *None*

6. Report from Community Development Staff *None*

There being no further business to discuss, Chairman Zanolungo adjourned the meeting at 9:12 P.M.

Respectfully Submitted,

Lilly Torosyan
Lilly Torosyan
Recording Clerk