

THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION
***Amended* REGULAR MEETING MINUTES OF TUESDAY, MAY 18, 2021**

The Glastonbury Town Plan and Zoning Commission with Rebecca Augur, AICP, Director of Planning and Land Use Services and Jonathan E. Mullen, AICP, Planner in attendance, held a Regular Meeting via Zoom video conferencing.

ROLL CALL

Commission Members Present

Mr. Robert Zanolungo, Jr., Chairman
Mr. Michael Botelho, Secretary
Mr. Raymond Hassett
Mr. Christopher Griffin
Ms. Alice Sexton, Alternate {assigned as voting member}

Commission Members Absent

Ms. Sharon Purtill, Vice Chairman
Mr. Keith Shaw
Mr. Scott Miller, Alternate
Vacancy

Chairman Zanolungo called the meeting to order at 7:01 P.M. He seated Commissioner Sexton in the absence of Commissioners Purtill and Shaw.

PUBLIC HEARING

Request of William M. Dufford for modification to condition #4 of the River Road Subdivision Phase 3 approval to allow screening on-site – 107 Dufford’s Landing – Rural Residence Zone

The applicant, William Dufford of 593 Tryon Street, stated that, with a screener in place, they could move about 25,000 cubic yards of material a year instead of 7,000 a year. In other words, it would move the project along much faster. The projection is that the subdivision would be ready to go after a 3 to 4-year period, instead of about 10 years without the screener.

Attorney Meghan Hope of Alter & Pearson, LLC explained that this application came before the commission in February 2020. When information was provided to them from the person removing the material, they felt that it made sense to return to the commission to modify the condition on the screener because having one could benefit the neighbors, since it would reduce the duration of the project. She explained that the screener is located at the southeast corner of lot 11, which is 107 Dufford’s Landing. Secretary Botelho asked if the screener would move. Attorney Hope stated that, while it is not a permanent fixture, it will be left at that spot and the material will be brought to it. Commissioner Hassett asked why the excavated material could not be moved off- site for screening, so that it is not in close proximity to the neighbors. Mr. Dufford

replied that they could do that, but it is more costly, takes more time, and requires more truck traffic.

Commissioner Sexton asked about the elevation of the screener and how that compares to the cul-de-sac. Ms. Hope explained that the existing cul-de-sac elevation is 70. Existing topography is 104. They will be excavating material starting from the east side of the property moving towards the west. At the highest point of the property, the elevation is between 136-140. The screener is at elevation 104. Mr. Dufford confirmed that he has no use for the material on the site. It will be hauled off the property. He also noted that they have surveyed their neighbors: four are opposed to the screener, two are okay with it, and one has not said anything.

Commissioner Griffin recalled that, at the February 2020 meeting, there was no talk of a screener on-site. He asked what changed. Mr. Dufford stated that nothing changed. He never said that he would not have a screener. The regulations allow it. Secretary Botelho asked if the commission has the authority to allow for screening, even though it is not pursuant to an excavation application. Mr. Mullen explained that the subdivision regulations have no provisions prohibiting screening, so the commission makes a decision whether to make a condition on prohibiting it or not. The commission chose to prohibit it on this particular phase but decided not to on the 2006 approval.

Commissioner Hassett asked what the hours of operation would be, if they were to approve the application. Ms. Hope stated that the Police Chief put it as a condition in his memorandum. The operating hours would be Monday through Friday, 7:00 A.M. to 4:00 P.M., which is consistent with the trucks going in and out, as well. Chairman Zanolungo asked for the timeframe, both with and without the screener. Mr. Hope stated that there are approximately 95,000 cubic yards of material with this application. With the screener, it would take about 3.8 years; unscreened, it would take about 13.5 years. Chairman Zanolungo asked how long the application is valid for. Mr. Mullen replied, subdivision applications are valid for 5 years, with up to a 5-year extension.

Chairman Zanolungo opened the floor for public comment.

Michael Blair of 65 Dufford's Landing, lives adjacent to the proposed applicant and the subdivision. He and his neighbors, along with the commission, tried to come to an agreement with the applicant over 2.5 years. Fourteen months ago, the commission made a decision, which he respects and does not want to change. As a neighbor, he does not want to live next to a screener. He and his family are adamantly opposed to the applicant's request. He stated that, if the commission decides to change their decision, then it would undermine the entire process of a public hearing.

Chairman Zanolungo read a letter into the record which was received from the following neighbors:

**Scott and Kristen Bissell of 156 Dug Road,
Paul and Jane De Maio of 148 Dug Road,
Skip and Judy Kamis of 152 Dug Road,**

The letter stated that they are collectively opposed to this application. The commission can allow a screener as part of an excavation operation, but the site is not approved as an as such and an excavation permit for the site was denied. The neighbors noted that they are familiar with the impact of a screener and remain opposed to it. The sand pit and gravel processing operation alter the essential character of their neighborhood, it is a noisy nuisance, and Dug Road is an inappropriate and unsafe area for frequent truck traffic. Additionally, they quoted the February 2020 meeting minutes, where Attorney Alter stated that the applicant will not be using a screener on site.

Commissioner Hassett asked about the restrictions placed on a previously approved excavation permit regarding the number of days that the screener would be used. Ms. Hope stated that it was limited to 40 days a year. Chairman Zanolungo asked if the timeframe of activity between the screener versus without screener makes any difference to the neighbors. Dr. Bissell noted that he had asked Beth Ann Dufford Couture when they met about the timeframe, but no guarantee was offered. The removal of material is based on the market, so those assurances cannot give a guarantee that the project will be completed in 3-4 years. Mr. Blair added that the lack of guarantees is the concern. If they had a guarantee that this would be done in two years, then it would be a different conversation.

Commissioner Sexton does not agree with Mr. Alter's comments in the February 2020 meeting that a screener is not permitted. The commission has the discretion to condition a screener there. Chairman Zanolungo asked if there is any way to put a guaranteed timeframe on the project, to assuage the neighbors' concerns. Mr. Dufford explained that the timeframe is based on the market now, which is booming. The contractor who works with MDC could remove 25,000 cubic yards a year now, under the current market conditions. Ms. Hope asked if the commission is open to using a screener for a timeframe of two years. Secretary Botelho stated that the commission could impose that condition on the operation of the screener.

Commissioner Sexton is disinclined to support any screeners on site, given the neighbors and the past history of this application. Commissioner Hassett agrees, stating that there were misunderstandings at the prior hearing on how much product would be removed. Now, there will be more truck traffic with fewer restrictions than there were before. He agrees with Mr. Blair that these issues were addressed previously by the commission, and it is unfortunate that this neighborhood has to go through this again. However, he thinks that Mr. Dufford can make this work by finding off-site screening, away from the public. In years past, he has done that to accommodate people, so he hopes that the applicant will consider that now, too. Commissioner Griffin agreed, adding that a balance was struck by the commission at the last date, and nothing has changed his opinion on this. Mr. Dufford commented that the screener does not change the truck traffic, but it will make the project go faster.

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

Motion by: Secretary Botelho

Seconded by: Commissioner Hassett

MOVED, that the Town Plan and Zoning Commission approve the request of William M. Dufford for modification to condition #4 of the River Road Subdivision Phase 3 approval, to

allow screening on-site at 107 Dufford's Landing, within the Rural Residence Zone, in accordance with the following plan:

“PORTABLE SCREENER 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: TCJ DATE: 1-19-21 SCALE: 1”=40’ SHEET 1 OF 1 MAP NO. 34-18-1SC”

And

1. In adherence to:
 - a. The Sanitarian's memorandum dated May 11, 2021.
 - b. The Police Chief's memorandum dated April 28, 2021.

Disc: While Commissioner Sexton appreciates that Mr. Dufford reached out to the neighbors, she thinks that the commission dealt with this issue 14 months ago, and they should stick with their ruling. Secretary Botelho stated that this was a substantial balancing act that the commission took the last time around. He appreciates the fact that Mr. Dufford wants to move on this, but because the neighbors are still opposed to it, even with the screener speeding up the process, he is disinclined to vote in favor of this application. Chairman Zanolungo agreed. He does not think that this is a disingenuous action by Mr. Dufford by any standard, but the fact that his neighbors still do not want the screener is indication that the commission should return to where they landed in February 2020.

Result: Motion failed unanimously {0-5-0}.

REGULAR MEETING

1. **Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non-agenda** *None*
2. **Acceptance of Minutes of the May 4, 2021 Regular Meeting**

Motion by: Commissioner Griffin

Seconded by: Commissioner Sexton

Result: Minutes were accepted with one abstention {4-0-1} from Commissioner Hassett, since he recused himself from the majority of that meeting.

3. **Application of SBU, LLC (Evan Schwartz) for a Section 12.9 Minor Change – change of use from office to spa – 136 New London Turnpike - Town Center Zone – Architect Hans Hansen - Megson, Heagle & Friend, C.E. & L.S., LLC**

Jon Sczurek, P.E. of Megson, Heagle, & Friend, LLC, explained the breakdown of the floor area on-site. He noted that the architect, Hans Hansen, went through the existing building and calculated 895 square feet on the first floor, which will be used by the public. There is 217 square feet in the basement, which will be used for spa rooms. On the second floor, there will be

four treatment rooms, totaling 593 square feet. The third floor is locked space that is inaccessible. Therefore, the total use in the building is 1,705 square feet.

Mr. Sczurek stated that the owners of the spa are Katie Kiss and Heather Perra, who are here tonight to answer questions. The site will have the potential of 6 therapists and 1 receptionist, with 7 clients maximum. There will be no hair or nail services. The applicants request 6 more parking spaces than the original approval. He noted that the minimum parking requirement for the existing office space was calculated using the Central District Zone regulations, which has a ratio of one space per 300 square feet of useable floor area. This differs from the existing Town Center Zone Regulations, which uses a ratio of one space per 200 square feet of useable office space to calculate minimum parking. Mr. Sczurek stated that the applicant's proposal meets the Town Center Zone parking minimum parking requirement through a shared parking agreement with another plaza.

Commissioner Hassett asked if they have had similar applications in Town where the shared parking seems to be so far away, in another plaza, not even connected with the application. Mr. Mullen noted Maggie McFly's and the old Spicy Green Bean at 227 Hebron Avenue, as examples of having parking agreements that were not connected to their sites. Mr. Sczurek is not aware of any that are this far away, but the intention is to have the employees park in the spaces in front of the plaza, not the clients. There are five parking spaces in front of the building, which can be shared by everyone in the Town Square. Mr. Schwartz added that, at this time, there are no designated spots for the tenant.

Commissioner Hassett asked about the hours of operation. Ms. Kiss replied, Tuesday through Friday, from 9:00 A.M. to 7:00 P.M., and weekends from 9:00 A.M. to 4:00 P.M. Mr. Hassett then asked what type of health certification is required for this type of operation. Ms. Kiss explained that she has an existing location operating in Newington. The same kind of regulations apply, such as the regular yearly health department review. They are not a medical spa, and all of their employees are licensed with the proper licenses.

Mr. Mullen stated that the parking agreement will be done via an easement. Mr. Schwartz pointed out that they drafted a parking agreement between the two entities. The lease specifies the times and that it is on a non-conflicting basis. Commissioner Griffin noted that the parking agreement goes until 2031. He asked what the timeframe is on this approval. Mr. Mullen stated that an easement has to be filed on the land records. As long as the applicant is there and has a current lease, the easement will be in place.

Commissioner Hassett asked if anyone from the Town has reviewed the legality of the easement because this seems less like an easement and more like a license: a parking agreement which is subject to change from either party. Mr. Mullen stated that the Town Attorney has not conducted a legal review. Ms. Augur asked if the commission would be comfortable with a temporary easement with a time limit to it. Commissioner Hassett replied that the easement is a condition of approval for the application, so he does not know what would happen to the application when the easement expires. Secretary Botelho agreed that the Town Attorney should review this because it grants an easement for the 10 parking spaces, but if the contract terminates in 10 years, they need to know what would happen. Commissioner Griffin pointed out that a written permanent

easement is required in the zoning regulations, so the commission cannot consider a temporary easement.

Mr. Schwartz commented that he made the duration of the parking agreement 10 years because it co-exists with the duration of the lease. Mr. Sczurek noted that the easement agreement is between the two property owners, so it has nothing to do with the tenant. If the property owners decide to dissolve the agreement between each other, they could. Commissioner Hassett stated that they need to tighten up the language relative to the relocation of the spaces, to not be farther away. Ms. Augur suggested tabling action for this evening to seek outside review from the Town Attorney. The application will return to the commission at a later date. Mr. Schwartz stated that he is willing to work with the Town on that, but he requested that it be done in a timely manner because the tenant cannot acquire a building permit until this action is approved.

Motion by: Commissioner Griffin

Seconded by: Commissioner Sexton

MOVED, that the Town Plan and Zoning Commission tables this application until their next regularly scheduled hearing, to be held on June 1, 2021.

Result: Motion to table was passed unanimously {5-0-0}.

4. Section 8-24 Connecticut General Statutes Referral from the Town Council regarding the purchase of 2± acres in Glastonbury adjacent to land to be purchased by the Manchester Land Trust – 102-acre Lombardo Farm located off Hillstown Road & Bush Hill Road in Manchester

Ms. Augur explained that the Manchester Land Trust is seeking to purchase a large farm property, of which two acres lie in the Town of Glastonbury. The trust has asked the Town to contribute towards the purchase. The Town Council is considering purchasing the portion of land in Glastonbury outright. The mechanics of the acquisition are a moving target, but the TPZ referral is just about the purchase, which is consistent with the POCD.

Motion by: Secretary Botelho

Seconded by: Commissioner Hassett

MOVED, that the Town Plan and Zoning Commission forwards a favorable recommendation regarding the purchase of lot W-14 Bell Street. This action is pursuant to Section 8-24 of the Connecticut General Statutes, as the purchase of this parcel is consistent with the policies of the Town of Glastonbury Plan of Conservation and Development.

Result: Motion passed unanimously {5-0-0}.

5. CONSENT CALENDAR

- a. Scheduling of Public Hearings for Regular Meeting of June 1, 2021: **to be determined**
- b. Request of FERFELDT INVESTMENTS, LLC for a one-year extension to begin substantial construction – Chase Bank – 109-117 New London Turnpike

- c. Request of Andrea Jowdy Mott & 560 ASSOCIATES, LLC for a one-year extension to begin substantial construction – Andrea’s Salon – 530 New London Turnpike

Motion by: Commissioner Sexton

Seconded by: Commissioner Griffin

Result: Consent calendar was approved unanimously {5-0-0}.

6. Chairman’s Report *None*

7. Report from Community Development Staff

On Wednesday, May 26, the Affordable Housing Committee will meet to discuss preliminary data on a housing needs analysis. Ms. Augur encouraged commissioners to follow the meeting, which begins at 6:00 P.M.

Motion by: Commissioner Griffin

Seconded by: Commissioner Hassett

MOVED, that the Glastonbury Town Plan and Zoning Commission adjourns their regular meeting of May 18, 2021 at 8:47 P.M.

Result: Motion was passed unanimously {5-0-0}.

Respectfully Submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk