

**GLASTONBURY TOWN COUNCIL
REGULAR MEETING MINUTES (AMENDED)
TUESDAY, JANUARY 11, 2022**

The Glastonbury Town Council with Town Manager, Richard J. Johnson, in attendance, held a Regular Meeting at 7:00 p.m. via Zoom video conferencing. The video was broadcast in real time and via a live video stream.

1. Roll Call.

Council Members

Mr. Thomas P. Gullotta, Chairman
Mr. Lawrence Niland, Vice Chairman
Ms. Deborah A. Carroll
Mr. Kurt P. Cavanaugh
Mr. John Cavanna
Ms. Mary LaChance
Mr. Jacob McChesney
Mr. Whit Osgood
Ms. Jennifer Wang

a. Pledge of Allegiance *Led by Jennifer Wang*

2. Public Comment.

Mr. Gullotta noted that the third public hearing has been postponed to a future Council meeting. He then made three statements of fact:

1. The Town Council does not exercise authority over the BOE, which is a separate and equal branch of Town government.
2. The Town Charter, which is the document that provides the framework for government in Glastonbury, does not provide for the recall of an elected official or for the expulsion of a member by its body.
3. The Town Charter does not provide for advisory referendums.

Mr. Niland opened the floor for comments from Zoom attendees:

Jon Forrest of 52 Jasmine Lane, finds the BOE's actions unconscionable and embarrassing. He found last night's BOE meeting generally quite respectful, except for the unruly behavior of two BOE members, Ray McFall and David Penniston. One of the members, Mr. Penniston, is also a member of the Racial Justice and Equity Commission. While he understands that the BOE is not

under the Council's jurisdiction, he asked for bipartisan unity from the Council to get the BOE and the RJEC on the right track.

Chris Haaf of 39 Strickland Street, thanked Councilman Cavanna for speaking at last night's BOE meeting and for calling for the resignations of Mr. McFall and Mr. Penniston. Mr. Haaf hopes to hear from the Democrats on the Council and asks that they also push for their resignations.

Samantha Lombardo of 17 Lakewood Road, is shocked at the lack of response or action by the Town Manager, the Town Council, the BOE, and the RJEC regarding the behavior of elected officials Ray McFall and David Penniston. She also thanked Councilman Cavanna for speaking up at last night's BOE meeting. She called on all Town governing bodies to remove the two BOE members from their positions immediately.

David Horst of 1936 Main Street, noted that there is a mechanism in place to deal with the BOE issue, which is to hold elections. Mr. Penniston received more votes than anyone else running for the BOE. If people have a problem, then they should vote him out of office. Mr. Horst does not like the idea of the Council making a unilateral decision like the one called for by previous public commenters.

Paul Marchinetti of 111 Warner Court, found last night's BOE meeting bizarre. He called it an embarrassment. One BOE member had a physical altercation and another member made racial comments. He believes that the two members should step down. Mr. Marchinetti also expressed frustration at the fact that the BOE postponed public comments at the meeting until 11:00 P.M.

Barbara Theurkauf of 2027 Main Street, thanked Chairman Gullotta for his opening remarks about the Town Charter and branches of Glastonbury's government. She is surprised at how few people have read the Town Charter, including herself. She asked all to educate themselves about the separate components of governance in Town. She thinks that there is a great and fair process in town and thanked the Council for their good work.

Ms. Carroll read the written comment received, as listed on the Town website:

Stephen Dickison of 168 Forest Lane, called for the Town to immediately implement a mask mandate. Omicron has shown to spread much faster than prior variants and wearing a mask properly is an easy way to help reduce the spread and avoid additional restrictions. He asked that all do this to ensure that local businesses can continue to function normally and that the community stays as healthy as possible.

4. Special Reports. *None*

5. Old Business. *None*

6. New Business

a. Discussion concerning disposal of solid waste and recyclables.

Mr. Johnson explained that effective this July, MIRA will transport solid waste to out of state landfills. The projected tip fee rate will be \$105 per ton. There is a provision to opt out of the agreement, which happens 30 days after the tip fee is set for the year. Through a formal request process, Glastonbury can go to the market to see whether a private contract hauler can provide a more cost-effective option. He noted that other towns are moving forward with this process, as well. More information will be discussed at the Council's February 8 meeting.

Mr. Osgood asked if they could receive the information on what proposals other towns receive. Mr. Johnson stated that Glastonbury is in discussion with all those towns, and they will know the rates that others will receive. Ms. Wang noted that the Town should have a long-term, comprehensive solution to this problem. She asked what Glastonbury can do to be more proactive and innovative in terms of waste reduction. Mr. Johnson explained that the Town has reduced solid waste by 25-30% over the past few years through a series of programs, and they are always looking at ways to reduce cost and lower the tip fee for solid waste.

Mr. Niland noted that CRCOG is also lobbying the state legislature to come up with a different solution. Chairman Gullotta stated that hauling off Glastonbury trash to southern states is not a long-term approach. He suggested that the Town Manager draft a letter to legislators, calling for the need for a statewide solution to local trash. By consensus, the Council agreed to have the Town Manager draft the letter.

b. Action to ratify National Opioid Settlement.

Mr. Johnson explained that this is a \$26 billion national settlement that has been reached with distributors and manufacturers for certain opioids, to be distributed over 18 years. The State of Connecticut will receive about \$300 million, of which 15% will be distributed to cities and towns. He does not know how much each community will receive, nor how the allocation will be decided, or how those funds will be used. He noted that all but four or five towns in the state have executed an agreement thus far. He found it important for the Council to ratify this process.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby ratifies action by the Town Manager to execute the Settlement Participation Forms for Johnson & Johnson (manufacturer)

and McKesson, Cardinal Health and AmerisourceBergen (distributors) for participation in the National Opioid Settlement Agreement to comply with the January 2, 2022 deadline, as described in a report by the Town Manager dated January 7, 2022.

Disc: Mr. McChesney asked if this is the deal that a judge threw out and ordered re-negotiations for. Mr. Johnson is not sure. Mr. Niland stated that he has read that the Sackler family was granted immunity from any further prosecution and that part of it was thrown out.

Result: Motion passed unanimously {9-0-0}.

- c. Action on amendment to Building Zone Regulations – Architectural and Site Design Review Committee (ASDRC) (refer to Town Plan and Zoning; set public hearing).

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby refers the proposed amendments to the Town Plan and Zoning Commission for a report and recommendation and schedules a public hearing for 8:00 p.m. on Tuesday February 8, 2022 in the Council Chambers of Town Hall, 2155 Main Street, Glastonbury and/or through Zoom Video Conferencing to consider proposed amendment to Building Zone Regulations Sections 4.12.4 (21), 4.13.6(g), 4.17.3 (20), 4.19.7 (h) (NEW), and 12.1 to establish the Architectural and Site Design Review Committee (ASDRC), as described in a report by the Town Manager dated January 7, 2022.

Disc: Ms. Carroll asked how the formal shift will occur from the Community Beautification Committee (CBC) to the ASDRC. Mr. Johnson explained that he has talked to the Chairman of the CBC who noted that, in the past, members have articulated the desire to comment on architectural features of applications. The Council could ask members of the CBC to serve on the new ASDRC group. This way, there would be a good complementation of the landscaping components from CBC members and design components from architects. More information will be presented at the Council’s next meeting. Mr. Osgood asked if there has been any response to the call for architects to serve on the ASDRC. Mr. Johnson noted that there have been at least 8 or 9 responses thus far.

Result: Motion passed unanimously {9-0-0}.

- d. Action on referral to Policy & Ordinance Review Subcommittee – Public Act 490 – Open Space Designation.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, the Glastonbury Town Council hereby refers to the Policy & Ordinance Review Subcommittee a possible Code amendment concerning Public Act 490 – Open Space Designation.

Disc: Mr. Cavanna asked if the current minimum acreage requirement for Public Act 490 is the same as that of the State of Connecticut. Mr. Johnson believes that it is smaller acreage which may not qualify for forest land, which is 25 acres. Mr. Osgood believes that this is an excellent concept to investigate, as the Town is a proponent of open space.

Result: Motion passed unanimously {9-0-0}.

- e. Action to schedule public information hearing – American Rescue Plan Act.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, the Glastonbury Town Council hereby schedules a public information hearing for 8:00 p.m. on Tuesday, January 25, 2022, in the Council Chambers of Town Hall, 2155 Main Street, Glastonbury and/or through Zoom Video Conferencing on proposed allocation of funds received through the American Rescue Plan Act.

Disc: Mr. Johnson noted that the Council has held two public hearings to date on ways to spend ARPA funding. This would be the third hearing. He explained that the Treasury has issued their final rule, which provides for greater flexibility on how the money can be allocated. Ms. Wang worries about the timing of this public hearing in relation to the opportunity for the public to learn about the Williams Memorial space, which has otherwise been inaccessible. She also expressed concern about the second hearing being held so late that many members of the public were not able to make their comments. She asked that this upcoming public hearing be scheduled first on the hearing agenda so that public comment could begin promptly at 8:00 P.M. Mr. Osgood noted that, at the last hearing, there was discussion about dovetailing ARPA funds with the Capital Improvement Program. He asked when the Council will look at the CIP list. Mr. Johnson stated that they are looking into it. More details will be reviewed at the CIP workshop to be held next Thursday.

Result: Motion passed unanimously {6-0-0}.

7. Consent Calendar.

- a. Pension Plan Amendment No. 21 – Employee Contributions.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby approves Amendment No. 21 to the Town Pension Plan for Divisions 001, 001A, 002, 004, 005 and 006, as described in a report by the Town Manager dated January 7, 2022.

Amendment by: Mr. Osgood

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby removes this item from the Consent Calendar.

Disc: Mr. Osgood explained that this is relevant for information that they have already approved. For transparency purposes, having a quick review of it for the public would be helpful.

Result: Motion passed {5-4-0}, with Mr. Cavanaugh, Mr. Cavanna, Mr. Osgood, Ms. Wang, and Mr. Gullotta voting for.

Disc: Mr. Johnson briefed the Council on Amendment No. 21. As part of the collective bargaining agreement for contracts that the Council approved with the Police Officers’ Association and Highway Vehicle Maintenance and Refuse, there was a phased increase in the employee contribution to the pension plan in each of those documents. For the police officers, it was a 0.5% increase from 8.75% to 9.25% over two years. For Highway Vehicle Maintenance and Refuse, it was a 0.25% increase from 7.5% to 7.75%. For non-affiliates, there was also an increase effective July 1, 2021, as well as for the Animal Control Officer and Dispatch.

Result: Motion passed unanimously {9-0-0}.

8. Town Manager’s Report.

Mr. Johnson noted that the Town Hall has once again qualified for Energy Star and has scored the highest they have ever scored, 98/100 points. He then noted that two council members are needed to serve on the Audit Review group meeting to be held in February. Ms. Carroll and Mr. Cavanna volunteered to serve. Mr. Johnson will send out an online poll listing time options for councilmembers to tour the Williams Memorial Academy for consideration of potential public meeting space. He noted that the National AARP accepted Glastonbury as a member of the AARP Network of Age-Friendly States and Communities.

Mr. Johnson explained that the State DOT has reviewed the two concepts proposed for the state road regarding the Main Street sidewalk project. The option of a raised sidewalk on the west side of the road would introduce a fixed barrier, which they find unacceptable. The DOT will accept the proposal to move the road to the west. Mr. Johnson noted that this is different from what was

avored by the Council, so the matter will have to come up again for discussion. He will put it on the agenda for a future Council meeting.

At the Council’s next meeting, Mr. Johnson suggested beginning by establishing a steering committee for the design guidelines process. He also noted that Peter Carey has retired, and Lincoln White has taken over as the new Town Building Official. Tomorrow, Thriving Earth Exchange will present on uranium matter findings, which will be posted on the Town website.

PUBLIC HEARINGS:

NO 2: ACTION ON \$8,000 APPROPRIATION AND TRANSFER FROM THE GENERAL FUND-UNASSIGNED FUND BALANCE TO CAPITAL PROJECTS-LAND ACQUISITION.

Mr. Johnson explained that the Town received \$8,000 from the sale of a parcel sold to the Chabad Jewish Center. The recommendation is to transfer those funds from the General Fund to the Capital Project account for land acquisition. The BOF has submitted a favorable recommendation to the Council.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby approves an \$8,000 appropriation and transfer from the General Fund-Unassigned Fund Balance to Capital Projects-Land Acquisition, as described in a report by the Town Manager dated January 7, 2022, and as recommended by the Board of Finance.

Disc: There were no comments from the public or the Council.

Result: Motion passed unanimously {9-0-0}.

NO 1: ACTION ON THE APPLICATION BY JS ADVISORS LLC – ADAPTIVE REDEVELOPMENT ZONE FOR THE PROPERTY AT 38 HUBBARD STREET. (CONTINUED FROM DECEMBER 7, 2021).

Attorney Peter Alter of Alter & Pearson, LLC presented on behalf of the applicant, JS Advisors, LLC for a change of zone from Residence A to the Adaptive Redevelopment Zone (ARZ) and a final site development plan for Warehouse 38. He noted that a petition was filed in accordance with the CGS Section 8-3b, which requires at least a two-thirds majority of the Town Council (so

6 out of 9 members) to vote in favor of the application for a zone change. The petition has been submitted to the Town Manager’s office. If it is found that no less than 20% of the area within 500 feet of the zone change area is represented by signatories from each owner of the property, then the zoning authority can only enact a zone change by a two-thirds majority. The applicant believes that the petition presented before the Council is not a valid petition because it is deficient in several ways:

- Based on the numbers provided by the petitioners, more than 50% of the acreage that would be required to qualify is provided through including the Green Cemetery acreage within that 20%. The bylaws of the association of the Green Cemetery do not provide for the Green Cemetery to be a participant in anything but cemetery matters, and they lack the authority to act in a zoning matter away from the Green Cemetery.
- The petitioners have submitted several deeds to lots within the Green Cemetery that have been conveyed to others for purposes of burial. The statute is clear that all the owners of each of the properties must sign the petition for that petition to be represented by those owners. The Green Cemetery does not represent the people who purchased lots or plots within the Green Cemetery, and therefore, the Green Cemetery cannot represent that it has signed for all the owners.
- The petition is directed to the TPZ, which is not the zoning authority. The petition should be filed with the Town Council instead.

If the applicant secures 6 or more votes for approval, then the petition is rendered irrelevant. The only scenario in which this petition is relevant is if there is a 5-4 vote for approval of the application, so it has very limited efficacy. Mr. Johnson explained that the Town Attorney is reviewing the petition in question. Once that process is completed, the Council will be notified on the effectiveness of the petition. Therefore, he recommends that the Council continue the public hearing to their January 25 meeting date.

Mr. Alter explained that tonight’s application is for a zone change, which is consistent with the POCD and the Comprehensive Plan of Zoning for Glastonbury, as well as meets the technical aspects of the ARZ. He explained the history and impetus behind the Council’s adoption of the Adaptive Redevelopment Zone in 2012, which was to facilitate the use and redevelopment of property containing underutilized and distressed historic buildings that require renovation/redevelopment and/or environmental remediation. This application meets the standards set out for the ARZ, which delineate age, size, and historical features. It also provides an opportunity for historic preservation and promotes economic growth and sustainability within the local community.

Mr. Alter addressed the criticism of this project being three times as dense as other developments in town. He stated that that is an inaccurate statement. Glastonbury One is just over 20 units to

the acre. This property calculates out to 25 units to acre, which is certainly not three times as dense. He noted that the existing FAR of the building is also being reduced.

Mr. Alter then presented the particulars of the site, which totals about 1.2 acres. There are no residences directly involved in the north of the property. To the east, there are several multifamily houses. The property has a long history that is important to recognize, given the intention of the ARZ and the POCD. He presented maps and photographs of the building structures from 1928 to the present day. The green house, which was added later to the front of the building, is now covered over to avoid vandalism. The main loading dock on the east side has been used as a warehouse for several businesses. A large garage on the southeast corner of the property needs attention or removal. He noted that great pains have been taken to provide both vegetation and other kinds of screening so that the Knox Lane property on the southern boundary line is well protected.

In 2014, the TPZ made a favorable recommendation for the development of 40 residential units and issued a flood zone permit, which remains in effect today. The applicant presented the 40-unit proposal to the Council, and in that process, the project was reduced to 31 units. The WPCA, the CBC, and the CC/IWWA bodies have all approved the plan, and Mr. Mocko has submitted a favorable environmental impact report. The applicant has met twice with the ARZ Subcommittee. To accommodate the need to have parking spaces no closer to Hubbard Street than the north edge of the building, the project has been reduced to 30 units. They also propose a six-foot privacy fence on all sides of the property which will be muted gray in color. Impact to the neighbors and to Hubbard Street will be reduced through the following means:

- Removal of extraneous parts of the property so that setbacks are increased.
- About one third of the site will be open space.
- FAR is reduced from the .91 that is permitted by the ARZ zoning regulations to .84 by eliminating several areas that no longer serve a purpose on the property.

Mr. Alter also noted that the following structures will be removed: the driveway on the west side, both loading docks, the front addition, the rear addition, the boiler room, the easterly addition, and the detached building. The site plan shows the drainage easement over the Housing Authority property.

Jim Dutton of Dutton Associates, LLC, reviewed the engineering plans. A sidewalk will be proposed along the frontage of Hubbard Street. There are two rain gardens on site, which will handle all the water that runs off the roof: one is located on the southwest corner of the building, and another is north of the building. There is a drainage system in place, but they were unable to determine where the discharge is. The rain gardens will connect into the drainage system. The paved parking area has a high point along the north end of Hubbard Street. There is an underground system of concrete leaching chambers to store the required water quality volume. The water goes through two sedimentation structures. Gas will be serviced by just one meter that

is residential in size. There will be no electrical meters visible from the outside. There will also be the option of car charging stations for all the parking spaces.

Mr. Dutton presented the grading plan, which shows the dumpsters located on the westerly side. There will be a site sign along Hubbard Street. There are three entrances to the building. In the basement, there will be bicycle storage. In the front, the grading is a flat 6% slope. The rain garden on the southwest has steeper sides, but it is not in a public area. Along the westerly border, the trees and landscaping that were installed in 2014 will remain. The soil that was placed by the loading dock will be removed, and the grade will be much flatter. Two dumpsters are proposed: one for recycling and one for trash. There is also a concrete pad in front of the dumpster, and they are making provisions to include a foundation drain. Mr. Dutton also reviewed a snow storage plan, noting that they believe there to be plenty of room to store snow. Regarding lighting, all fixtures will be dark sky compliant and shielded. The lights on the westerly side of the building are for security purposes. Overall, the site is not overly lit.

Mr. Alter reviewed the proposed assigned parking plan, noting that 21 of the 30 units will have one parking space each, and the remaining 9 units, which are all 2-bedrooms, will be sold a tandem space. In total, the proposal shows parking for 54 cars, which meets the regulation requirement of 1.5 spaces per unit and does not count any of the tandem spaces as more than one space. By eliminating one residential unit (from the original proposal of 31 units to the current proposal of 30 units), the applicant was able to accommodate the Council's prior request to have no parking spaces located in advance of the building towards Hubbard Street. Mr. Alter noted that during last week's hearing in front of the TPZ, commissioner Corey Turner suggested that no more than 30 parking spaces (including the 9 tandem spaces) be sold to condominium owners for at least one year from issuances of Certificate of Occupancy. After one year, the property owner shall submit data and plans to the Office of Community and Development and the Town Council to determine the adequacy of existing visitor spaces. Therefore, a total of 12 visitor spaces are proposed.

Will Kresic, P.E. from VHB in Wethersfield, reviewed the traffic report. He explained that they calculated the site distance at the driveway to be about 500 feet east of Main Street, which is less than the minimum requirement of 415 feet. Then, they analyzed the traffic generated from the site. Daily traffic on the road was assessed by counting cars during two typical weekdays. The average daily traffic on Hubbard Street was over 3000 vehicles per day. The peak hour trips from the apartment units total 18 vehicles entering/exiting the site in the AM and 21 vehicles in the PM. The site driveway operates smoothly with virtually no queues and is deemed an A level service. They have received a letter of approval from Town Engineer Dan Pennington and Chief of Police Marshall Porter. Mr. Kresic showed the truck turning templates for large delivery vehicles, noting that the templates are very conservative and account for newer or less-skilled drivers.

Mr. Alter pointed out that the developer has continued the private agreement established in March 2014 with Dr. Susats, who owns the home to the west of the property, located at 24 Hubbard Street. They have a tree buffer between, and they are working to address concerns about the planting of trees and the installation of sewer. The developer has agreed to continue the agreement, and the TPZ has included it in their conditions of approval. Mr. Alter also explained that the applicant has worked with another neighbor, the Glastonbury Housing Authority, to create additional screening. Some of the plantings will occur on their property, which will likely result in a license agreement. On the east side of the property line, their proposal is to construct a six-foot fence to provide privacy.

Robert Schechinger, landscape architect, reviewed the comprehensive landscape plan for the site. He noted that they have expanded both the species and habitat diversity of the planting plan from that which was proposed back in 2014. On the site are 10 different types of trees and 13 species of shrubs. Per the TPZ’s recommendation, a bicycle rack will be added to the site, and they will evaluate the need to replace any deteriorating pine trees located behind the dumpster. The Beautification Committee asked to include passive recreation in the area, so a gravel walkway with benches and low-maintenance foundation plantings have been added. Along the western property line, they kept the spirit of evergreen and deciduous trees with a substantive buffer planting. He noted that the Susats were concerned about grading, but the grade change will be very shallow, so there should not be any deleterious effect. The applicant has worked with the tree warden to add four additional trees along the southwest portion of the site, and an oak tree lost to storm drainage will be placed.

Hans Winkel of Don Hammerberg Associates Architects in Farmington, showed the material samples board with the colors they have selected. The interior of the site will include typical black frame windows with white plantation style blinds. Typical trim will be dark red. Below the window is a sample of the stucco they will use, which is very similar to what is used now. The brick will be on the lower fourth of the building, all around the perimeter. For the exterior design, their goal was to preserve as many historically significant features as possible. There will be new plastering and signage to match the originals. There will also be new stucco and the existing cornice will be refurbished. The eastern facade contains the main entrance and two side doors. All are protected with canopies and light underneath. Replacing the single windows will be double windows in the bedrooms and triple windows in the living rooms. All building amenities are located on the first floor. The second and third floors contain the condominium units. All units are handicap accessible.

Mr. Alter addressed the concern of visibility of the electrical units which will be mounted on the roof. The condensing units measure 32 inches high (a 28-inch unit on a 4-inch base) and will be situated about 20-22 feet from the side edge of the building. Mr. Alter conducted a roof study

where he stood on the roof and took photos from various views, showing that he was barely discernible from across the street. He also showed the proposed monument sign, which measures 18 square feet. It is the only signage proposed for the site. The applicant has no objections to the conditions that have been added to their application by the TPZ, the CC/IWWA, and other town bodies. Mr. Alter then read the favorable recommendation which was forwarded to the Council last week from the TPZ.

Chairman Gullotta opened the floor for comments from Zoom attendees.

Laura Cahill of 17 Montauk Way, serves on the TPZ but is speaking tonight as a resident. Her main issue with this proposal is that it does not contain any affordable housing units, which is a great issue in Glastonbury. She urged the Council to add affordable units to this development. If the Council were to approve the application, she asked that the following be made as conditions of approval:

- Removal of excess snow off the site.
- Relocate the transformer box from the front of the building to behind the building, to reduce visibility.
- Leave the 7 unassigned spaces as visitor parking in the first year; after which, the issue can be revisited to assign the spots as tenant or visitor parking, depending on usage.

Anne Bowman of 62 Morgan Drive, is also concerned about the lack of affordable housing units in Glastonbury. The waiting list for the Glastonbury Housing Authority is over 1100. Adding just one affordable housing unit in this project would be a step in the right direction.

David Horst of 1936 Main Street, finds this to be a big improvement from the proposal made in 2014, which contained several flaws and errors from the developer and his attorney. However, there is mistrust in the neighborhood of what this project is. The building has not been maintained by the owner over the past 10 years, so he finds it a perverse incentive to reward the developer because of how bad the property looks now. He asked for the Council to give the neighbors time to look over the facts and to conduct an independent assessment.

Pam Lucas of 145 Moseley Terrace, urged the Council to approve the application only on the condition that it include at least two affordable housing units. Given the scarcity of affordable housing in Glastonbury, it is not too late to be deliberate and sensitive to the need for more diverse housing, including affordable housing. The Council does not need the affordable housing plan in place to recognize that Glastonbury has a dire shortage of affordable housing and falls short of the state’s requirements. If an affordable housing plan is needed to act, she asked that this project be tabled until such a plan is enacted.

Ilene Grueneberg of 86 Hubbard Street, stated that Attorney Alter misstated her remarks, which were that there have been no projects of this density per acre in Town. This project is not in keeping with the density of the area, and there is no capacity for the adjacent streets to handle the increase in traffic. Per the regulations, the driveway width should measure 24 feet in width, not the 22 feet proposed. There should also be four loading zones, not just one. Additionally, there is a town ordinance which states that a habitable room must have a window, and many of this project's bedrooms do not contain any windows. She asked what the justifications are for these waivers.

Mr. Johnson noted that the Town Attorney concluded that Glastonbury has neither the underlying regulation nor the statutory authority to require the developer to offer affordable housing units. Mr. Gullotta asked about the timeline of approval. Mr. Johnson explained that the statutory 35 days to conclude the public hearing ends today, but the applicant is prepared to offer an extension to continue the public hearing on January 25. However, extending the application to a date when affordable housing regulation is available is not an option, unless a new application is submitted. Mr. Gullotta asked if there are bedrooms in the proposal without windows. Mr. Alter stated yes, and they consulted with the State Building Official's office who concluded that it is not necessary to have an egress window in a bedroom because of the two separate egresses on each floor. He also pointed out that the placement of bedrooms is a building permit issue not a zoning issue. Mr. Gullotta asked if this building has sprinklers. Mr. Alter stated that it does.

Mr. Alter addressed some of the concerns made by public commenters. He noted that this application has been pending since December 7, so the idea that people need more time to evaluate it is an inequitable request. However, the applicant has no problem giving the Council an extension to continue the public hearing to January 25. He then spoke to the idea that there is a dramatic difference between a 22-foot versus 24-foot driveway. There is room to install a 24-foot driveway on the site. However, from a conservation standpoint, the incentive is to pave less, not more. That is why they elected a 22-foot driveway, which is permissible. The Town Engineer, the Fire Marshal, and the Chief of Police have all reviewed the plan and have no problem with it. The idea that this development has a massive impact on Hubbard Street from a traffic or population standpoint is not supported by any evidence. The Town Engineer viewed the traffic report and saw no concerns.

Mr. Alter addressed the comment made about waivers, noting that it is inaccurate because the applicant has not asked for any waivers, even though they could have asked for a parking waiver to retain 31 units. Instead, the applicant adopted the ARZ subcommittee's suggestion to drop the two additional parking spaces towards Hubbard Street and eliminate an additional unit. This proposal meets every requirement of the ARZ, without any waivers. Mr. Alter also addressed the comment made about loading zones, explaining that the quoted regulation is in reference to

commercial developments, not residential developments. Therefore, it does not apply to this project.

Karen Delton of 582 Oakwood Drive, stated that many people work from home now because of the pandemic, which may have increased traffic in the area. She asked if past traffic studies have been looked at for comparison. She also wonders who will live in these condominiums because the price range is quite high for the small size of the units. She also asked if there are other features that could be incorporated into this building to make it greener and more innovative.

Carol Kelsey of 94 Hubbard Street, ran an online search and found that ALC is the same property developer as last time. JS Advisors is Mr. Sullivan’s company. She has discovered that he walked away from another development which is now for sale. She also pointed out that Mr. Sullivan’s company is run out of his house, and she listed his income level and estimated property value. She fears that the developer is trying to take advantage of the zoning regulations to increase property values, without being invested in seeing through the project to completion.

Dana Ierardi of 50A Hubbard Street, stated that his property abuts the southeast side of the project. At last week’s TPZ meeting, Mr. Ierardi brought up the issue of density. Mr. Alter responded by discussing the East River Townhomes on Naubuc Avenue, which he does not find to be a good comparison because each unit there has two parking spaces. Mr. Ierardi has large evergreen trees along the property which he does not want to be damaged if the development goes through. He is concerned that the snow piles along the proposed six-foot fence will melt onto his property. He is also concerned about the increase in noise, stating that the neighborhood is quiet, and he would like for it to stay that way. He finds the number of units excessive for the area. He also does not support affordable housing in the area, and his parking concerns have not been satisfied.

Mark Berthiaume of 70 Hubbard Street, also spoke at last week’s TPZ meeting. When he and his wife moved to Glastonbury, they hoped that 28 Hubbard Street would be developed because it is an eyesore. However, he has a concern about the parking plan for this proposal. The driveway is narrow, with only one turnaround opportunity, which poses a safety concern for emergency vehicular access. He worries about congestion issues at Hubbard Street and overflow parking at the Town Green. The price point for the square footage of these condominiums is too high, so he worries that there will be a high vacancy rate for this development. In which case, he asked the Council to think about the viability of the developer’s business plan.

Betsy Thompson of 70 Hubbard Street, spoke to the comments that Mr. Alter made regarding the petition. She explained that, given that a large portion of the abutters on the property is owned by the Town, it is a difficult requirement for nearby residents to meet. The inclusion of the Green Cemetery in the petition was approved in 2014. The person who signed for it recently

obtained unanimous approval from the Green Cemetery Board and is in the same capacity as the person who signed it in 2014. Another large abutter has entered into an agreement with the developer and cannot sign the petition as a condition of that agreement. However, that property owner was so concerned about the adverse effect of this development on their property, that they sought the services of a lawyer who facilitated the agreement. The strong showing of abutters and residents living within 500 feet is indicative of the extent and degree of concern that neighbors on Hubbard Street have about this proposal.

Ms. Thompson also expressed confusion about the driveway width, asking why 22 feet was deemed acceptable rather than the 24 feet that is delineated in the regulations. She does not see why any further zoning relaxations are allowed for this development. She also pointed out that ordinances supersede zoning regulations. She consulted the Building Official who informed her that the rights to the ordinances have been waived either by the TPZ or by the Council. She does not understand why the ordinances have been waived. She is also concerned about the traffic that will be generated by the addition of 30 new households. She also expressed concern that a zoning change was proposed for a specific building down the street and the abutters were not notified about it.

Leslie Horst of 1936 Main Street, is mainly concerned about the added traffic from services and deliveries to 30 new households in the area. The developer's plan for parking should consider the worst-case scenario, not the best-case scenario. She would like to commission a parking study to acquire more information that would allay safety concerns.

Ms. Carroll read the written comments received, as listed on the Town website:

Barbara Theurkauf of 2027 Main Street, liked the proposed look and feel of this project from the outside and the potential that the building would be maintained on a regular basis. While she is concerned about the density of the project in terms of parking, her greatest concern is the fact that some of the units have windowless bedrooms. Recent fires in Philadelphia and the Bronx have conveyed the importance of being able to safely exit a building. She has not found the Glastonbury regulations/ordinances that allow this, but she has found the state ordinances that do not allow it: 2018 Connecticut Building Code, Page 130 (Amd) R310.1. She asked that the Town research this specific topic before voting on the application.

Garrett Ludwig at 117 Hubbard Street, called on the Council to consider enacting the following measures:

- No street parking under any circumstances, especially during snow removal. Any and all vehicles will be towed.
 - Two-way laneways must measure 24 feet and one-way laneways must measure 12 feet.
- He asked what criteria was used to give this development an exception for a 22-foot

laneway. If this is unsubstantiated, he would like to see a written allowance for a 22-foot laneway for all developments within Glastonbury.

- A new valid traffic study to be performed during the morning and afternoon rush hours.
- Impose a condominium mandate that any unsold condominiums are not leased to offset the financial loss incurred by the developer.
- Impose a condominium mandate that all delivery vehicles must enter the property at 38 Hubbard Street and utilize the defined loading zone. No on-street parking will be allowed under any circumstances. In the event of a violation, the condominium owner will be cited and fined.

Steven Harrington of 86 Hubbard Street, believes that approving this project will undermine the program of historic preservation. There are minimal visual historical elements in the facade. Parking and flow access patterns are challenged by the small property area, and there is potential for overflow to the area which does not allow on-street parking. At this density, the project will have a negative impact on the neighborhood, local traffic, onsite parking, and the historic Hubbard Green. He urged the Council to reject the application, which he believes is ill-conceived.

Marshall Berdan of 2015 Main Street, stated that the ARZ initiative was never meant to be a density bonanza. However, that is exactly what has happened here. When the Tannery was approved by the TPZ in 2013, the commission stated that their reasoning for doing so, in part, was because the developer had a long history of successful developments. In this case, he was not able to locate a single development associated with the developer of this property. The financial and operational ability of the developer to take on this project should be assiduously assessed to prevent an incomplete or abandoned project. He also worries that this development may become a senior residential project.

Brian and Jill Fitzgerald of 80 Hubbard Street, submitted their letter which was also read at the TPZ meeting. The Fitzgeralds believe that the current proposal will adversely impact the neighborhood. They ask that the Council consider decreasing the number of units further to address the density issue. They find the large back-up distance required for delivery trucks to be a safety hazard and worry that the back-up beepers on the vehicles will contribute significantly to noise pollution. They are also concerned about the space limitations of the snow removal plan. They call for a minimum of 2-3 parking spaces per unit, so there should be no more than 15 to 23 units in this building.

Mr. McChesney pointed out that the Council must vote to continue the meeting after 11:00 P.M.

Motion by: Ms. Carroll

Seconded by: Mr. McChesney

BE IT RESOLVED, that the Glastonbury Town Council hereby extends the meeting by up to 30 minutes.

Result: Motion passed {8-1-0} with Mr. Cavanaugh voting against.

Attorney Alter remarked that several incorrect statements were made during the public comment session. The site is under contract to be sold to the applicant, subject to approval. Doing an internet search on Mr. Sullivan and concluding that that impacts his ability to bring forward this development with his partners is fundamentally unfair. This council has never done that before. Mr. Sullivan and his partners have extensive development experience. He is hesitant to list those developments because he fears that the neighbors will drive there and search for reasons to be critical. The applicant has already invested hundreds of thousands of dollars into this process. The idea that he will somehow walk away from this project is unfair.

He then noted that there seem to be three recurring themes brought up:

- While the neighbors question the traffic study, no experts believe it to be flawed. The applicant conducted a traffic study in 2014, which the Council accepted. Instead of relying on that traffic study, they conducted a new one. Additionally, Mr. Pennington found that the traffic counts used for the study are consistent with pre-pandemic counts on file in the Engineering Division. He asked the Council to accept the findings of their own experts - Town staff - none of whom see a problem with this project.
- The parking concern has been vocalized by people who will not be living in this project, and therefore, will not be using the spaces they seem concerned about. He noted that the Council developed the ARZ, which calls for 1.5 parking spaces per unit. This application follows the regulation that the Council adopted. Therefore, the perception from the neighbors that there is a parking problem does not align with reality.
- He also addressed the marketability issue. People are concerned that the units will not sell. This client will invest \$5-10 million into this project. He believes that there is a market for these condominiums, and he is prepared to put his money on the line to make that a reality.

Mr. Harrington suggested that this project simply trades one non-conforming use for another, which Mr. Alter asserted is not true. This is a permitted, conforming residential use within the ARZ Zone. While this is not a LEED project, there are several LEED elements within the development. Mr. Alter then addressed the concern made by Mr. Ierardi that snow storage will result in an overflow of water onto his property. Mr. Alter stated that there will be no flooding onto Mr. Ierardi's property. The grading is not just directed at the Susats' property but will be conducted across boundaries. The plan will be equally protective of the three sides of the property that have residential neighbors: Knox Lane, the Susats, and the neighbors to the east.

Mr. Niland believes that the neighbors’ petition needs to be resolved before voting. He also would like clarification on the height maximum for the snow that will pile up in the front of the building. Mr. McChesney inquired about the size of the garbage trucks and requested that, at the next hearing, the applicant shares documentation regarding the interior windows. Mr. Osgood believes that the window issue was clarified by the state ordinance which Mr. Alter described. However, he asked that, at the next meeting, the applicant clarifies what the town ordinance is regarding this matter and to explain why the applicant believes that the state ordinance takes precedence over the town ordinance. Mr. Cavanna asked that the turnaround areas be clearly marked and that a private tow company be on hand to keep those areas clear.

Ms. Wang asked that the application include the written response of the Building Official regarding the issue of bedroom window egress. Mr. Cavanaugh pointed out that it is already included in the Council’s packet. Mr. Cavanaugh asked to find out if any historical remnant remains of the railroad track underneath, which is shown in the 1928 map of the site. Mr. Gullotta is deeply troubled by the thought of bedrooms without windows, regardless of what the State Building Official says is permissible. He also believes that snow removal could become an issue. If this development were to become a condominium project, an association will be formed at some point. Whatever assurances the applicant gives today must be codified for the association. He also asked the Town Manager to investigate how and why the Town came to the decision that 24 feet is the acceptable driveway width, and why 22 feet was decided for this application.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby continues the public hearing to the January 25, 2022 Council meeting.

Result: Motion passed unanimously {9-0-0}.

NO 3: PUBLIC INFORMATION HEARING – MAIN STREET PAVEMENT REHABILITATION AND BICYCLE/PEDESTRIAN IMPROVEMENTS – GATEWAY AREA. (POSTPONED TO FUTURE COUNCIL MEETING).

Upon conclusion of the public hearings at 11:25 P.M., the Council returned to the Town Manager’s Report.

Mr. Cavanaugh inquired about the situation of the site they just surveyed on Naubuc Avenue, asking if that person’s position extends to the property or just to the owner. Mr. Johnson explained that it would extend only to the current owner. At the point when the property changes hands, it would extinguish.

9. Committee Reports.

- a. Chairman’s Report. *None*
- b. MDC.

Ms. LaChance explained that, at the last meeting, MDC discussed the \$2 billion Clean Water Project, which broke through on a four-mile tunnel between West Hartford and Hartford that will store wastewater during times of high rainfall. The hope is that, in the future, water waste will not be as polluted. Expected completion for that portion of the tunnel project is 2023.

- c. CRCOG.

Mr. Niland noted that CRCOG has a new Executive Director, Matt Hart, who is the soon-to-be former Town Manager of West Hartford.

10. Communications.

- a. Letter from Michael Dayton regarding Public Act 490 Open Space.
- b. Letter from CT Siting Council regarding modifications to an existing telecommunications facility located at 299 Paxton Way.
- c. Letter from CT Siting Council regarding tower sharing at existing telecommunications facility located at 577 Bell Street.

11. Minutes.

- a. Minutes of December 7, 2021 Meeting.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby approves the minutes of the December 7, 2021 Regular Meeting.

Result: Motion passed unanimously {9-0-0}.

12. Appointments and Resignations.

- a. Appointment of Philip Markuszka to the Commission on Aging (R-2025).
- b. Appointment of John Tanski to the Water Pollution Control Authority (R-2025).

- c. Appointment of Mario DiLoreto to the Recreation Commission (R-2025).
- d. Amend term of appointment of David Grady to Public Buildings Commission to 2023 vs. 2025 (D-2023).

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

Result: Appointments accepted unanimously {9-0-0}.

13. Executive Session. ***None***

14. Adjournment.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby adjourns the January 11, 2022 Regular Meeting at 11:30 P.M.

Result: Meeting was adjourned unanimously {9-0-0}.

Respectfully submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk

Thomas Gullotta

Chairman