

**GLASTONBURY TOWN COUNCIL  
SPECIAL AND REGULAR MEETING MINUTES  
TUESDAY, JANUARY 25, 2022**

The Glastonbury Town Council with Town Manager, Richard J. Johnson, in attendance, held a Special Meeting at 6:30 p.m. and a Regular Meeting at 7:00 p.m., both 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 Mr. Cavanaugh***

**2. Public Comment.**

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

***CJ Mozzochi of 227 Hebron Avenue***, called for the removal of Chief of Police Marshall Porter, in light of no arrests being made following last month's BOE meeting.

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

***Nicholas Korns of 73 Shag Bark Road***, asked the Council to take action to mitigate the damage done to the Town's reputation following last month's BOE incident.

***Jody Kretzmer of 2400 Hebron Avenue***, asked the Council to amend the Town Charter so that they can hold the BOE accountable for their actions.

***Paul Marchinetti of 111 Warner Court***, thinks that there should be consequences for unacceptable behaviors, especially for elected officials. He called on David Peniston and Ray McFall to step down from the BOE and apologize for their actions. He does not believe that the BOE cares about what residents think, as they have refused to address this issue or the mascot issue.

**James Stanley of 88 Sherman Road**, believes that by refusing to take action, the Council is sending a statement that they condone the unacceptable acts by the two BOE members in question. He urged the Council to restore confidence that all elected officials in Glastonbury will be held accountable for their actions.

**Scott Matson of 61 Colton Road**, believes that the two BOE members have disgraced the Town, and they should either step down or be removed.

**Jane Benson of 489 Chestnut Hill Road**, took issue with her children celebrating Russia Day at school. As an immigrant from the Czech Republic, she is disgusted by the celebration of Russia. She has written a book about her immigration journey, which she would like to present in Glastonbury schools.

**Brian Herrmann of 36 Martin Terrace**, stated that his family moved to Town for its educational system. He has been disgusted to see a black eye nationwide on Glastonbury due to two members on the BOE. If the Council is not able to remove them, he will move to another town.

**Terry Pelletier of 61 Coldspring Crossing**, asked the Council to address the issue of the removal of David Peniston and Ray McFall from the BOE. The BOE recently voted on a bullying policy. Elected officials need to be held accountable to the rules that they make and enforce.

**Stephen Michaels of 225 Grandview Drive**, believes that there must be a mechanism to allow the Council to remove racist and violent officials from their seats.

**Peter Trzcinski of 13 House Street**, called for the resignation of Mr. Peniston and Mr. McFall from the BOE.

**Igor Fuksman of 134 High Wood Drive**, finds that there is no accountability or recourse for the actions of the BOE. He hopes that the Council can act on this.

**Susan Marchinetti of 111 Warner Court**, believes that the current BOE is not interested in listening to constituents. Her comments about their decision-making process have been ignored by the BOE. She also expressed frustration at the fact that public comment at the BOE's December meeting was delayed until 10:45 P.M. She hopes that there will be a good resolution to this issue.

**Jenn Jennings of 34 Cranesbill Drive**, thanked the Council for being very open and welcoming. She finds the actions of Mr. Peniston and Mr. McFall unbecoming of Glastonbury, and clear limitations must be set to prevent their actions from reoccurring. She asked that the Council provide oversight or guidance to remove both members from office.

**Jon Forrest of 52 Jasmine Lane**, stated that there are no partisan or personal attacks in the decision to remove the two members from the BOE. He asked the Council to make it their jurisdiction to take action on removing Mr. Peniston and Mr. McFall from elected office.

**Bianca Stanescu of 58 Timrod Trail**, finds that the two BOE members have brought shame and disgrace to Glastonbury. Their behavior is unacceptable, and the BOE has done nothing to address it. She also stated that no Native American tribe requested the change of the mascot. She asked the Council to find a way to remove Mr. Peniston and Mr. McFall from office.

**Laura Hancock of 255 Weir Street**, read a joint statement that was released in June 2020 by the BOE and the Town of Glastonbury which took a stand against racism and injustice of any kind. She asked the Council to make their judgment on how to proceed in the BOE matter.

**Pam Lockard of 10 Southgate Drive**, directed people to the BOE website to check out the written comments that were not read at the meeting. She pointed out that Native Americans have indeed objected to the mascot. She also noticed that most of the people who speak at the meetings are petition signers. She encouraged all those who are upset to use their vote at the next election.

**Chris Haaf of 39 Strickland Street**, stated that Mr. Peniston and Mr. McFall have turned Glastonbury into the Jerry Springer show. He finds their racist and violent actions unbelievable. Allowing the officials to serve provides a bad example to children and serves as a distraction to the good work that needs to be done.

**Susan Dzialo of 345 Main Street**, explained that the Code of Conduct in the Town Charter outlines justification of removal of elected officials by action from the Town Council.

**Jennine Michaels of 225 Grandview Drive**, begged the Council to take action in removing Mr. Peniston and Mr. McFall from the BOE. She stated that Glastonbury has become a laughing stock among other school districts across the State.

**Miranda Beach of 93 Francis Drive**, recorded a video of the incident regarding Mr. McFall, showing that he clearly instigated the situation. She asked what the violent actions of Mr. McFall and the racist actions of Mr. Peniston will teach children in town. She wants action taken to remove the two BOE members.

Mr. Gullotta read 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. Town ordinances deal with appointed boards and commissions. However, the BOE is an elected body.
3. The Town Charter does not provide for an advisory referendum.

**3. Special Reports.                      None**

**4. Old Business.                      None**

**5. New Business.**

**a. Action on 2023-2027 Capital Improvement Program – preliminary priorities for July 2022 funding (refer to Board of Finance).**

**Motion by:** Ms. Carroll

**Seconded by:** Mr. Cavanaugh

*BE IT RESOLVED, that the Glastonbury Town Council hereby refers the 2023-2027 Capital Improvement Program to the Board of Finance for a funding report and recommendation, including the following preliminary project recommendations for fiscal year 2022-2023.*

**Disc:** Mr. Osgood asked why the Naubuc School project could not be funded entirely through ARPA. Mr. Johnson explained that the project is subject to 33% state construction reimbursement. ARPA monies cannot be used to match federal grant requirements. They await clarification on whether using ARPA monies would disqualify the Town from receiving the state grant. He clarified that tonight's vote is just a referral to the BOF, and the Council will review the CIP at least two more times while they await a response on the state reimbursement question. Mr. Osgood is in favor of using ARPA funds to reduce taxes. He believes that serious consideration should be made to potentially forgoing the \$1.1 state reimbursement if the net effect on the taxpayers will be more beneficial in using ARPA funds for the entire project. Mr. Gullotta is not in favor of the pickleball project because of its ballooning cost.

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

**b. Action to establish Steering Committee – Design Guidelines.**

Mr. Johnson explained that they are preparing to proceed with the design guidelines that would be incorporated as part of the building zone regulations. The process for establishing a steering committee will be inclusive, with multiple opportunities for public comment, through focus groups, community input sessions, and public information hearings. Mr. Osgood asked how the appointment of the ASDRC stands. Mr. Johnson stated that 9 individuals have expressed their interest in joining. The Council needs to determine how they would like to proceed with those appointments, as well as how many members will be moving over from the Community Beautification Commission. Mr. Gullotta remarked that this item will be on the Council's next meeting agenda. Mr. Cavanaugh requested that he and Mr. Gullotta participate in the process of interviewing potential candidates.

**Motion by:** Ms. Carroll

**Seconded by:** Mr. Cavanaugh

*BE IT RESOLVED, the Glastonbury Town Council hereby establishes the Steering Committee for the Design Guideline process to include the following members/designees: Town Council (2 members), Town Plan & Zoning Commission (2 members), Economic Development Commission (1 member), Chamber of Commerce (1 member), Architectural Site Design Review Committee (1-2 members), Building/Property Owner (1 member), Staff Members (Town Manager and Director of Planning), as described in a report by the Town Manager dated January 21, 2022.*

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

**c. Discussion and action on letter to Governor Lamont and State Legislators concerning solid waste disposal.**

At the Council's request, Mr. Johnson has written a letter to the Governor and State legislators. In it, he asks them to assign DEEP the task of finding a comprehensive solution to the issue of hauling off waste out of state once MIRA closes its facility in June 2022. Ms. Wang asked if other municipalities or regional groups are also formally making this ask of the State. Mr. Johnson stated that CRCOG has talked about the need for a more comprehensive solution. He offered to forward the letter to his colleagues in Greater Hartford to gather more signatures.

**Motion by:** Ms. Carroll

**Seconded by:** Mr. Cavanaugh

*BE IT RESOLVED, that the Glastonbury Town Council hereby approves the letter drafted and signed by the Town Manager, to be sent to the Governor and State Legislators, concerning solid waste disposal. The Town Manager will also share the letter with neighboring municipalities. The letter reads as follows:*

Dear Governor Lamont:

As you know, the Trash to Energy Plant operated by the Materials and Innovation Resource Authority (MIRA) is beyond its useful life and will generally cease operations effective June of this year. MIRA has advised that municipal solid waste brought to the facility from communities throughout Greater Hartford will be transported to out-of-state landfills. A significant step backwards for solid waste management. Initial projections by MIRA indicate significant increases to tip fees effective this July 1<sup>st</sup>.

Glastonbury has participated in various discussions on the regional level and these discussions have included representatives from DEEP. While we appreciate and support efforts to reduce solid waste disposal requirements through recycling, source reduction, food waste programs and other initiatives, the need to effectively and sensibly dispose of solid waste will continue. Transporting to out-of-state landfills is not the best long term or environmentally prudent alternative. The future of solid waste disposal in Connecticut would seem to be the role of CT DEEP, however, to our knowledge, there is not a statewide plan for solid waste disposal.

The closing of the Trash to Energy Plant and significant estimated increases to tip fees, has caused communities to individually or collectively seek alternate disposal options through a Request for Proposal process. This individual process essentially leaves every community to determine its best way forward, and again, lacks any comprehensive structure.

In Glastonbury, we recognize the ultimate solution requires time and thoughtful consideration. However, we also feel this process should be initiated and proactively supported by CT DEEP. This letter is written to seek your support for a comprehensive process to develop a long-term solution for environmentally sensitive, cost effective disposal of solid waste. This would logically be joined with ongoing efforts to reduce solid waste tonnage across the state.

Your support of this important process is requested and greatly appreciated. We in Glastonbury are fully prepared to assist in this important endeavor. Sincerely, Richard J. Johnson, Town Manager.

**Disc:** Mr. Gullotta pointed out that there is an election this November. He would love to see this item discussed by candidates for state representative, state senator, and state governor. He hopes this action will spark a discussion.

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

**d. Action on request to remove public sidewalk – 5 Vista Lane (refer to Town Plan and Zoning Commission).**

Mr. Johnson explained that this is a short section of sidewalks that was constructed in 1977, about 100 feet long, and the owner of the property at 5 Vista Lane has approached the Town about removing the sidewalk. It is unlikely that there will be further sidewalk construction in that area. The applicant plans to resurface their driveway and is asking for permission, at their cost, to remove the sidewalk and restore the site to Town standards.

**Motion by:** Ms. Carroll

**Seconded by:** Mr. Cavanaugh

*BE IT RESOLVED, that the Glastonbury Town Council hereby refers to the Town Plan and Zoning Commission proposed removal of the sidewalk adjacent to 5 Vista Lane for a report and recommendation per CGS section 8-24, as described in a report by the Town Manager dated January 21, 2022.*

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

**e. Action to object to proposed demolition of buildings at 2277-2289 and 2389 Main Street.**

Mr. Johnson explained that the demolition application was formally withdrawn last week, and a new permit application was filed. That will trigger a new 90-day delay, which will run through mid-April.

**Motion by:** Ms. Carroll

**Seconded by:** Mr. Cavanaugh

*BE IT RESOLVED, that the Glastonbury Town Council hereby confirms its formal objection to the proposed demolition of structures at 2277-2289 (including rear) and 2389 Main Street and authorizes the Town Manager to submit a formal objection to the applications filed on January 19th and January 20th per the demolition delay ordinance, as described in a report by the Town Manager dated January 21, 2022.*

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

**f. Action to authorize Project Authorization Letter for State Project 53-190 – Putnam Bridge Connections dated November 21, 2021.**

Mr. Johnson explained that plans are moving forward to create links from Wethersfield and Glastonbury to the walkway located on the south side of Putnam Bridge, with parking lots at both ends. The State initially sought to place responsibility on the towns for removal of stone ice from the fiberglass walkway. However, both Glastonbury and Wethersfield objected, so they returned with a PAL denoting that the State DOT will assume responsibility for maintaining the walkway. Mr. Niland asked when the start date will be. Mr. Johnson stated 2023, but he will confirm.

**Motion by:** Ms. Carroll

**Seconded by:** Mr. Cavanaugh

*BE IT RESOLVED, that the Glastonbury Town Council hereby authorizes the Town Manager to execute the Project Authorization Letter between the Town of Glastonbury and State Department of Transportation dated November 21, 2021, as described in a report by the Town Manager dated January 21, 2022.*

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

**6. Consent Calendar. None**

**7. Town Manager's Report.**

Mr. Johnson explained that welcome signs are being placed throughout town parks and open spaces. He thanked Mr. McChesney and Ms. Wang for serving as judges for the holiday house decorating contest. The Minnechaug Golf Course is in great shape and continues to be a popular destination. The Town has also recently distributed a total of 1105 COVID-19 testing kits at the Smith School.

Mr. Cavanna stated that BOE members should hold themselves to the same standards that they require for children. He moved that the Council vote to place on the agenda the matter of removing Mr. Peniston and Mr. McFall from the BOE. Mr. Gullotta asked for clarification on the Council's jurisdiction because his statement of fact made during the public comment session spoke to that issue, which is that the Council can only remove a member from an appointed body, not an elected one. Mr. Johnson read section 2-31(g), titled "Removal from office," which states that the Council's power to remove members extends to those who are appointed by the Council and not independent bodies. Mr. Osgood asked that the Town Attorney give his opinion on the issue. The Council agreed to vote to include it on the agenda for discussion at their next meeting (see Item 5g).

Mr. Cavanna asked what the protocol is for responding to comments made during the public comment session. Mr. McChesney clarified that, in the public comment session, council members may ask questions of citizens concerning particular business items. However, questions, responses, and follow up to the public comment session can be presented and discussed as part of the Special Reports portion of the agenda.

Ms. LaChance pointed out that the sidewalks near the high school were not shoveled by this afternoon. Mr. Johnson took note of the safety concern.

**g. Action to schedule review and possible action of Town Code Section 2-46 and 2-31(g) concerning the Board of Education**

*Motion by:* Mr. Cavanna

*Seconded by:* Mr. Cavanaugh

*BE IT RESOLVED, that the Glastonbury Town Council hereby schedules review and possible action of Town Code Section 2-46 and 2-31(g) concerning the Board of Education, with legal guidance to be provided by the Town Attorney, at their next meeting.*

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

**PUBLIC HEARINGS:**

**NO 1: PUBLIC INFORMATION HEARING – DISCUSSION AND PUBLIC COMMENT ON POTENTIAL USES OF MONIES ALLOCATED TO GLASTONBURY THROUGH THE AMERICAN RESCUE PLAN ACT (ARPA).**

Mr. Johnson explained that this is the third public informational hearing regarding potential uses of ARPA funds. Glastonbury will receive \$10.2 million in two lifts: \$5.1 million was received in May 2021 and \$5.1 million will be received in May 2022. Allocation of the funds must be determined by December 31, 2024, and the monies must be spent by December 31, 2026. The US Treasury has issued their final rule, with a significant change that provides much greater flexibility for towns. They will offer an up to \$10 million revenue loss to use for governmental services (e.g., capital infrastructure and equipment) with streamlined reporting requirements.

Mr. Niland opened the floor for comments from attendees.

*Anne Bowman of 62 Morgan Drive*, finds it difficult to narrow down the list of suggested projects for allocation of ARPA funding. She suggested the Town implement rank choice voting on their website, where residents could choose which projects they prefer. Her top 5 rank choices are the following: affordable housing, public parks, youth and family services, youth mentorship, and green infrastructure/climate change.

*Pam Lockard of 10 Southgate Drive*, would like a significant portion of the ARPA funds to go towards implementing the affordable housing plan that was put together by the Affordable Housing Steering Committee. She is especially interested in establishing a replenishable fund to encourage the transfer of housing vouchers from other towns to Glastonbury. This would help lessen the number of rental units that would need to be built for affordable housing in town.



*Alison Bliss of 34 Hubbard Run Drive*, feels very strongly about using the ARPA funds for affordable housing. She is a realtor and knows how desperately Glastonbury needs housing, especially affordable housing. She is also interested in being a part of a task force to make affordable housing units environmentally friendly.

Mr. McChesney asked the Town Manager to investigate what criteria other communities are using to allocate their ARPA funds towards small businesses and nonprofits. Mr. Johnson agreed to do so.

**NO 2: ACTION ON THE APPLICATION BY JS ADVISORS LLC – ADAPTIVE REDEVELOPMENT ZONE FOR THE PROPERTY AT 38 HUBBARD STREET. (PUBLIC HEARING OPENED AT THE JANUARY 11, 2022 COUNCIL MEETING AND CONTINUED TO JANUARY 25, 2022).**

Mr. Gullotta observed that, as regards zoning matters, the Council abides by a set of guidelines that govern the decisions to either approve or disapprove an application. The Council's decision is determined by the application before it and not the character of the applicant. The Council zones land and approves, or disapproves, the uses of that land. They do not, and cannot, make judgments on the owner, or potential owner, of a piece of property. That does not factor into the Council's decision.

Attorney Peter Alter of Alter & Pearson, LLC addressed questions and comments that were made at, and following, the last public hearing. The first was regarding affordable housing. The Town Attorney has opined that the Council does not have the authority to impose an affordable housing requirement without a regulation authorizing such a requirement, which the Town does not yet have. Town Attorney Chudwick also indicated that, absent a specific action taken by the Town of Glastonbury, which has not been taken, the State Building Code is what applies to the project, not the Glastonbury ordinances. Mr. Alter also included memos from the Fire Marshal and Fire Chief Thurz stating that all the fire safety requirements are met by this project.

Attorney Meghan Hope of Alter & Pearson, LLC stated that Mr. Cavanaugh had asked about the railroad tracks that were shown in the 1947 site plan. She explained that they are getting readings on their metal detectors, so if the tracks are there, they will need to be removed. They have also met with Eversource who provided additional specifications for the transformer. Based on the specifications needed, only two locations work on site: one in the northeast corner of the building and the other in the island on the southeast corner. Mr. McChesney had asked about the trash trucks. All Waste, Inc. has indicated that the drive aisle widths are not an issue. The traffic engineer ran the truck template again and found no issue with the handling of trash removal on site.

Ms. Hope also showed a revised 24-foot drive aisle, which is a 2-foot increase from what was proposed at the last meeting. She reviewed the snow storage plan which Mr. Niland had asked about. She then addressed the comment that was made regarding exit travel distances, which are based on the number of building occupants and that it is a sprinklered building. Attorney Hope reviewed the revised alternate floor plans, which are similar to the one that was proposed in

2014. All floor plans will have transom windows in the bedrooms that did not already have windows to the outside.

Wendy Anderson has been a realtor for 30 years in Glastonbury. She consulted with a local professional appraiser who assured that the proposed price points were correct. She noted that most buyers will be Glastonbury residents looking for homes that are more affordable than the average price point in town. There is a strong market for high-end, well-developed condominium units for sale. The site already has a wait list. She finds this to be the best use of the building and an important resource for the town.

Mr. Alter confirmed that the conditions listed in the draft motion plan are all acceptable to the applicant. With respect to affordable housing, they have come up with two different schemes. One is for a new 62-unit building, which would require that the current building be deconstructed. Another proposal would construct two new buildings, for a total of 60 units. However, the applicant would prefer to proceed with the current proposal. Mr. Alter does not find the anonymous letter from the Hubbard Street neighbors relevant or consistent. He objects to it being included into the public record.

Mr. Niland opened the floor for comments from attendees:

**Leonard Factor of 52 Hubbard Street**, is the neighbor to the east of the project and was a property manager for many years. There is a strong need for affordable pricing in town, and the building is an eyesore which needs to be developed. However, putting in 30 units in a residential zone with 1.2 acres is insanity. There is no buffer for landscaping, traffic, or noise.

**Mark Berthiaume of 70 Hubbard Street**, stated that his letter posed questions or proposed solutions. Instead of 30 units, he asked why it is not feasible to include 12 to 15 condominium units instead. A new independent comprehensive traffic study should be performed. The concern that was raised at the last meeting by Mr. Gullotta on windowless bedrooms has not been adequately addressed. Attorney Hope explained that the transom windows are for ventilation and light, but he inquired about the safety and emergency access for the building.

**Dana Ierardi of 48 Hubbard Street**, abuts the proposed project. He is concerned about the lack of buffering on the east side, as well as traffic coming in and out. He still finds the density of the project too large.

**Beth Kenworthy of 388 Hubbard Street Unit B1**, is concerned that the Hubbard Green is already congested with lack of parking in the area. She wonders where the guests from 38 Hubbard Street will park. She hopes that the safety of the community will be paramount when the Council votes.

**Garrett Ludwig of 117 Hubbard Street**, stated that the neighbors were informed that the CAD drawings they requested are not required. The site does not meet ADA access, and there is a ventilation problem in the bedrooms. He requests that a full review of the plans be made by the Building Department, a mechanical engineer, and the Department of Protection and Advocacy.

He and the neighbors favor this development under reasonable accommodations, such as 12 to 15 high-end condominiums instead of the proposed 30 units.

**Barbara Theurkauf of 2027 Main Street**, would also like to see fewer units instead. She asked that the sign out front be constructed by materials less bulky than the proposed brick and granite.

**Charles Leach of 14 Hubbard Street**, opposes the proposal for several reasons, and highlighted his issue with the recent snow removal plan. The schematic for snow storage and removal shows no cars in the parking area. He asked where all the cars will go, and if they are to remain in place, how will vehicles and delivery vans/trucks safely move around the hyper-dense parking area.

**Ilene Grueneberg of 86 Hubbard Street**, explained that her objections to the application are based on a concern about the density. She favors redevelopment and wants to share the Hubbard Green but hopes for a viable project that is compatible with the zoning district and meets the minimum regulations for ordinance requirements. She spoke to the abutter petition from the neighbors, explaining that two signatures were incorrectly invalidated, which the neighbors were not notified of. She asked to further reduce the units to a density that is safe and conforms with the existing use.

**Alison Bliss of 34 Hubbard Run Drive**, expressed that, as a realtor, she does not have any clients who would purchase these units. She is extremely concerned about the safety hazard posed by the lack of outside windows or outside ventilation.

**Marshall S. Berdan of 2015 Main Street**, stated that he is the author of the letter that Mr. Alter and Mr. Johnson object to including into the record. He requested that Mr. Gullotta prove why the character, financial wherewithal, and professional experience of the developer is not a factor in approving a multi-million-dollar development in Glastonbury's historic Town Green.

**Karen Delton of 582 Oakwood Drive**, believes that there are too many units for the number of parking spaces on site. She asked for estimates on what the condo fees and periodic assessment fees would be and inquired where the mailboxes will be located. She would like an independent realtor to give an assessment, not the applicant's realtor. She also seconded the request for an independent traffic study, and for looking into the project owner's financial viability.

**Leslie Horst of 1936 Main Street**, asked why Mr. Alter has not reached out to have a conversation with the neighbors. All the neighbors up and down the abutters signed the petition apart from the Susats. She does not understand why this process has been so contentious.

**Bonnie Leach of 14 Hubbard Street**, opposes the proposal for several reasons, but highlighted two: the high density, which does not consider the character of the underlying residential district, and the fire safety violations.

**Steven Harrington of 86 Hubbard Street**, is a civil engineer who has three major concerns about the proposal. The first is the configuration of the units, many of which have bedrooms without windows. Next is the layouts and patterns of the parking area. He finds the design too crowded,

with little options for open space. Snow removal becomes a challenge with cars parked and limited buffering options. His third concern is financial viability. The pricing seems unrealistic. He suggested that the project be built with fewer, but larger, units. By improving the whole project, demand and price could increase, and it could allow the designer to be more creative.

**Tracy Worthington of 499 Bell Street**, favors a project on the site but not of this magnitude. She finds the parking spaces too narrow, and believes that a development with fewer units could accommodate more vehicles. She is strongly opposed to units with bedrooms that contain no egress. She implored the Council to move forward but in a way that ensures safety.

**Betsy Thompson of 70 Hubbard Street**, expressed concern about the fact that the applicant has five years to complete the project, as opposed to the typical one year allowed by the regulations. She is also concerned about the safety issues posed by the project. She asked if there would be a generator on the building to assuage some of those safety concerns.

Ms. Carroll read the written comments that were received prior to the meeting:

**Pam Lucas at 145 Moseley Terrace**, stated that the Council does have the legal authority to require the inclusion of affordable housing units as a condition of approval. She cited the statutory provisions on zoning, along with Glastonbury's ARZ Building Zone Regulation 4.17. The section in question allows the Council this authority, should they deem that the existence of adequate affordable housing in the community is necessary for promoting public health and/or welfare.

**Marshall S. Berdan of 2015 Main Street**, submitted a letter signed, "The Hubbard Street Citizens Committee," in which he detailed several judgments he found against the developer and other principals online. He questions the financial stability and ability of the developer and other principals to successfully manage the project.

Mr. Alter renewed his objection to the submission of the above letter into the record, stating that it sets a concerning precedent for comments regarding zoning matters. Regarding Mr. Factor's concerns, Mr. Alter explained that the original proposal included landscaping along the easterly boundary, but the Beautification Committee directed them to remove it. However, they do propose a 6-foot fence and plantings towards the front of the property, which would serve as screening for neighbors on the east side. With respect to the traffic concerns, Mr. Alter stated that their traffic engineer provided an extensive traffic report and the Town Engineer's memo indicated no concerns. Regarding fire safety, he explained that both the Fire Marshal and Fire Chief are fully satisfied with the fire safety requirements of the building.

Mr. Alter explained that Mr. Ludwig's concerns that the units are not ADA compliant is based on conclusions drawn from an incorrect scale. The project architect ensures that the units meet the handicap accessibility standards. Regarding Ms. Theurkauf's concerns about the sign, Mr. Alter explained that the original design came from Mr. Calciano who is a stone mason. He wanted to have a brick and granite marker for the property. If the Council deems that it must change, then they could return with a different design. He also stated that snow removal is not an

issue on site, apart from about a handful of days a year, which the condominium association will manage.

Attorney Alter finds Ms. Grueneberg's comments to be misdirected. The ARZ regulation prescribes the density for the site. This proposal reduces the FAR. Mailboxes will be inside the building not outside. The applicant has done everything that was asked of them. Insisting on mechanical plans at this stage is unfair and it is not the standard. If the project is approved, the developer expects to start construction by April 2022, with an approximately 11 to 12-month buildout for completion. He remarked that categorizing the neighborhood as a single-family one is inaccurate, as is the assertion that the use is not appropriate.

Mr. Cavanaugh thanked Ms. Hope for tracking the tracks, which he thinks could serve as an important historical element to the project. He likes that the utilities could be hidden, with the transformer location moved to the rear. His impression from hearing the neighbors is that the applicant has paid more attention to their neighbor on the west than the neighbors on the east. Mr. Alter stated that the Susats approached them for the agreement. Mr. Cavanaugh asked if the no overnight parking includes the cemetery. Mr. Johnson stated that they would not allow overnight parking within that entrance drive. Mr. Cavanaugh agrees with Mr. Gullotta that the character of the applicant is not something they should engage with in these applications.

Mr. Niland asked if the addition of two feet in the driveway would still conform to the open space requirement. Mr. Alter stated yes. Mr. Niland asked whether the transom windows conform to the regulations. Director of Land Use and Planning Rebecca Augur explained that Sections 9-67 and 9-68 are interpreted to mean that the rooms must face the outside walls, which would provide light. She and the Health Director have determined that the revised plans conform with the regulations. Mr. Niland asked about the neighbors' petition. Mr. Johnson explained that the petition was not certified based on the Green Cemetery Association, which chose to stay neutral. Mr. Niland expressed concerns about fire safety. He asked how a windowless bedroom conforms to the piece of the ARZ which calls for the promotion of public health. Mr. Alter reviewed the expert opinions by Town Staff who are not concerned about this issue. He stated that the project is not an unsafe situation.

Ms. Carroll wishes that the developer had voluntarily agreed to put in an affordable unit. However, deed-restricted ownership units are not going to solve the affordable housing issues in town. More multifamily rental units with higher density are needed. She is not comfortable with the situation on the east side of the property. She asked if work could be done with the neighbors to reduce noise or enact screening of some kind. Mr. Alter reiterated that they did have a plan to enact landscaping and plantings along the east side, which the Beautification Committee directed them to remove. Project landscape architect Robert Schechinger stated that they could adapt a final drawing to include planting there. Ms. Carroll asked if the 22-foot driveway is more environmentally sound than 24 feet because there is less paving surface. Mr. Johnson stated that is correct, and because it is a single-load driveway, 22 feet is deemed acceptable.

Mr. Cavanna asked when the conception of this project began. Mr. Alter stated 10 years ago. Mr. Cavanna is happy to see someone who has stuck with the project for so long and has continued to invest money into the project. Mr. McChesney asked about the utility screening. Mr. Alter

explained that the TPZ brought up the screening issue, not based on a concern about visibility, but noise. That was the reasoning for their request to impose additional screening of the units. Mr. McChesney asked about snow removal at the building. Ms. Hope explained that the bulk of the snow removal is done when all the cars are offsite.

Mr. McChesney asked what the percentage of vegetation is regarding native trees and shrubs. Mr. Schechinger stated that about 75% is native material, with no invasive species. Mr. McChesney recognized the safety concerns on the interior, but the evidence shows that the plans are approved by Town Staff. Section 12.4 of the ARZ regulations requires the preservation of the neighborhood. While he is uneasy with the density, the size of the complex is contemplated within their regulations. Mr. Alter pointed out that, barring the soccer field, the density in the area is quite large, and the area is a mixture of different residential uses. The point of this project is to remove the non-conforming use while creating a density that meets the regulation. He finds that they are consistent with the character of the neighborhood.

Ms. Wang appreciates that there is both indoor and outdoor bicycle storage. She asked where the south side of Hubbard Street, between Main Street and Knox Lane, is on their sidewalk matrix, and whether any consideration has been made to install another crosswalk at that location. Ms. Hope explained that this point came up during administrative review, where the Town Engineer expressed that it did not make sense to construct a sidewalk, only to install the frontage along their lot. Mr. Johnson does not see that section on the sidewalk matrix right now, likely because there is a section across the street.

Chairman Gullotta closed the public hearing.

**Motion by:** Mr. Niland

**Seconded by:** Mr. Cavanaugh

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

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

Ms. LaChance does not support the application for concerns about the density in a residential neighborhood being far beyond anything in Glastonbury. She does not believe that the snow removal plan is adequate to address the event of a serious storm with four feet of snowfall. She also expressed safety concerns about the lack of windows in some of the bedrooms but asserted that that concern does not factor into her decision. Mr. Cavanaugh stated that this application has come before him four times now. The applicant has answered every question directed at them and has met all the required regulations and obligations. He sees no reason to deny the application. Ms. Carroll agreed, but she would also like to require that plantings be made on the east side. Mr. McChesney remarked that the Council's decision must be based on the evidence in the record. Legitimate issues were raised, but the evidence does not suggest that even Town staff are concerned about this project.

Mr. Cavanna voiced his support, stating that the applicant has met every requirement that has been asked of them. Mr. Niland has been on the fence about this application, but ultimately, he

will vote in favor because it meets all the required regulations, with no issues brought up by Town experts. He also wishes that affordable housing could be required, but he must accept the Town Attorney's opinion. Ms. Wang was also on the fence, but overall, she is balanced on the project and will vote in favor. She supports a condition calling for screening on the east side abutters. As her first zoning application on the Council, she appreciates the very thorough process that was conducted with this project. Mr. Gullotta stated that Town experts have informed the Council that the building is safe, so he must behave accordingly.

**Motion by:** Mr. McChesney

**Seconded by:** Ms. Carroll

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

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

**Motion by:** Ms. Carroll

**Seconded by:** Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council (Zoning Authority) hereby approves the application of JS Advisors, LLC for a Change of Zone from Residence A Zone to Adaptive Redevelopment Zone (ARZ) & Approval of a Site Development Plan for Warehouse 38, a proposed residential conversion project involving 30 condominiums w/in the former Consolidated Cigar warehouse – 38 Hubbard Street – Residential A Zone to ARZ & Flood Zone in accordance with the plan set entitled “Warehouse 38 Residential Conversion 38 Hubbard Street Prepared for LAC Group, LLC Owner, JS Advisors, LLC Applicant, Glastonbury, Connecticut, prepared by Dutton Associates, LLC 67 Eastern Boulevard, Glastonbury, CT 06033”

And

1. In compliance with:
  - a. The conditions set forth by: the Conservation Commission in their special recommendations for approval to the Town Plan and Zoning Commission; and the Inland Wetlands and Watercourses Agency Permit issued at their Regular Meeting of September 16, 2021.
  - b. The recommendations as contained in the minutes of the August 12, 2021 and September 8, 2021 Community Beautification Committee meetings.
  - c. The standards contained in a report from the Fire Marshal, File 21-044, plans reviewed 12-21-21.
2. In adherence to:
  - a. The Town Engineer's memorandum dated December 28, 2021.
  - b. The Police Chief's memorandum dated December 27, 2021.
  - c. The Sanitarian's memorandum dated December 30, 2021.
3. All construction shall be performed in accordance with the following:

- a. 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control, as amended
  - b. The Connecticut Stormwater Quality Manual, as amended.
  - c. All stormwater discharge permits required by the Connecticut Department of Energy and Environmental Protection (DEEP) pursuant to CGS 22a-430 and 22a-430b.
  - d. Section 19 of the Town of Glastonbury Building-Zone Regulations, as amended, the Town of Glastonbury Subdivision and Resubdivision Regulations, as amended, and any additional mitigation measures to protect and/or improve water quality as deemed necessary by the Town.
4. Each property owner shall comply with the long-term maintenance plan and schedule depicted on the approved plans to ensure the performance and pollutant removal efficiency of all privately-owned stormwater management systems.
  5. The applicant is hereby notified of their potential obligation to obtain authorization under the DEEP's General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities ("construction general permit") for any project that disturbs one or more acres of land, either individually or collectively, as part of a larger common plan, and results in a point source discharge to the surface waters of the state either directly or through a stormwater conveyance system. The applicant shall provide a copy of the Storm Water Pollution Control Plan required by the construction general permit to the Town upon request.
  6. That a snow removal plan is submitted prior to final approval.
  7. In adherence to the agreement with the property owners of 24 Hubbard Street.
  8. That no more than 30 parking spaces, (including 9 tandem spaces) are 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 Development and the Town Council to determine the adequacy of existing visitor parking spaces.
  9. The applicant agrees to the screening of the HVAC units on the roof following the installation of such units as determined by the Office of Community Development staff.
  10. In accordance with Section 4.17.5 of the Building Zone Regulations, all work on this development must be completed by January 28, 2027, provided the Town Council may approve extensions of one year for up to a maximum of five additional years.

### **FINDINGS OF FACT**

The Town Council finds that the facts submitted establish that the proposed project complies with the following standards of Section 4.17.4:

- a. All standards and requirements of this regulation (Section 4.17) as well as all applicable standards and requirements of Section 12.4 have been met.
- b. The developer has provided for the sustained maintenance of the development.
- c. Utilities, drainage, and other infrastructure have been designed in a manner that ensures satisfactory operation for the life of the project, and components that have a shorter useful life have been designed in accordance with sound engineering



practice, state and local requirements and guidance documents to ensure satisfactory operation.

- d. The streets and drives will be suitable to carry anticipated traffic and increased densities will not generate traffic in such amounts as to overload the street network in the area.
- e. The development is consistent with the adopted Plan of Conservation and Development and is in accordance with the comprehensive plan (Building-Zone Regulations).
- f. The development protects public health, safety, welfare, commerce, and property values.
- g. The development preserves and substantially reuses historic buildings located on the site, and retains their historic structural elements, exterior appearance and visual setting as seen from surrounding public viewpoints.

**Amendment by:** Ms. Carroll

**Seconded by:** Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council (Zoning Authority) hereby amends the motion to approve the application of JS Advisors, LLC for a Change of Zone from Residence A Zone to Adaptive Redevelopment Zone (ARZ) & Approval of a Site Development Plan for Warehouse 38 as follows:

- *New Condition 11: The transformer shall be located in the parking area island off the southeast corner of the building. Should a new location be required due to unforeseen circumstances during construction, the new location shall be reviewed and approved in writing by the Town Manager.*

**Result:** Amendment passed unanimously {9-0-0}.

- *New Condition 12: The final architectural design shall comply with the Glastonbury Housing Code Section 9-67 and 9-68.*

**Amendment by:** Ms. Carroll

**Seconded by:** Mr. Cavanaugh

**Disc:** Mr. Osgood proposed rewording the amendment to read that the plan will include the transom windows as provided in the latest schematics. The Council agreed.

**Result:** Amendment passed unanimously {9-0-0}.

- *New Condition 13: In compliance with the submitted snow storage plan dated January 21, 2022.*

**Amendment by:** Ms. Carroll

**Seconded by:** Mr. Cavanaugh

**Result:** Amendment passed unanimously {9-0-0}.

- *New Condition 14: A landscape plan to augment screening to the eastern property boundary line shall be approved by the Town Manager as a minor amendment in consultation with the applicant and abutting property owners to the east.*

**Amendment by:** Ms. Carroll

**Seconded by:** Mr. Cavanaugh

**Disc:** Mr. McChesney moved that the landscaping plan go to the ARZ subcommittee for review and approval.

**Amendment to the amendment by:** Mr. McChesney

**Seconded by:** Ms. Carroll

**Result:** Amendment failed {4-5-0}, with Mr. Cavanaugh, Mr. Cavanna, Ms. LaChance, Mr. Osgood, and Mr. Gullotta voting against.

**Result:** Amendment passed unanimously {9-0-0}.

**Amendment by:** Mr. Niland

**Seconded by:** Ms. Carroll

- *To amend Item 8 in the original motion to read as follows: “That no more than 30 parking spaces, (including 9 tandem spaces) are sold to condominium owners for at least one year from issuances of Certificate of Occupancy. After one year, **commencing with full occupancy**, the property owner shall submit data and plans to the Office of Community Development and the Town Council to determine the adequacy of existing visitor parking spaces. **Further, the Town Council shall approve the final sale of the additional parking spaces.**”*

**Result:** Amendment passed {7-2-0}, with Mr. Cavanaugh and Mr. Cavanna voting against.

**Amendment by:** Mr. McChesney

**Seconded by:** Ms. Carroll

- *Condition 15: The design for the front sign shall be subject to the ARZ subcommittee for review and approval.*

**Result:** Amendment passed {7-2-0}, with Mr. Cavanaugh and Mr. Cavanna voting against.

**Result of the main motion, as amended:** Motion passed {8-1-0}, with Ms. LaChance voting against.

## 8. Committee Reports.

- a. Chairman's Report. *None*
- b. MDC. *None*
- c. CRCOG. *None*

**9. Communications.**

- a. Letter from CT Siting Council regarding tower sharing at existing telecommunications facility located at 175 Dickinson Road.

**10. Minutes.**

- a. Minutes of January 11, 2022 Meeting.

*Motion by:* Ms. Carroll

*Seconded by:* Mr. Cavanaugh

*BE IT RESOLVED, that the Glastonbury Town Council hereby approves the minutes of the January 11, 2022 Meeting.*

*Disc:* Mr. Cavanaugh stated that the motion on page 4 was listed as approved {6-0-0} instead of {9-0-0}.

*Result:* Motion to approve the amended minutes passed unanimously {9-0-0}.

**11. Appointments and Resignations.**

- a. Appointments to various boards, commissions, and committees as available.

*Motion by:* Ms. Carroll

*Seconded by:* Mr. Cavanaugh

*BE IT RESOLVED, that the Glastonbury Town Council hereby approves the following appointments: Lisbeth Becker (R-2025) and Charles Monzeglio (R-2025) to the Public Building Commission; Philip Markuszka (R-2023) and Ben Kehl (R-2023) to the Insurance Advisory Committee; Angela Bull (R-2025) to the Ethics Commission; Louis Accornero (D-2025) and John Davis Jr. (D-2025) to the Water Pollution Control Authority; and Susan Pearlman (D-2025) to the Commission on Aging.*

*Result:* Appointments were accepted unanimously {9-0-0} with the exception of Matthew Almond (D-2024) to the Conservation Commission/Inland Wetlands & Watercourses Agency, as that is a Town Manager appointed position.

**12. Executive Session.**

- a. Potential land acquisition.

*Motion by:* Ms. Carroll

*Seconded by:* Mr. Cavanaugh

*BE IT RESOLVED, that the Glastonbury Town Council hereby enters into executive session to a potential land acquisition at 11:50 P.M.*

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

*Present for the Executive Session item were council members, Mr. Tom Gullotta, Chairman, Mr. Lawrence Niland, Vice Chairman, Ms. Deb Carroll, Mr. Kurt Cavanaugh, Mr. John Cavanna, Ms. Mary LaChance, Mr. Jake McChesney, Ms. Jennifer Wang, and Mr. Whit Osgood, with Town Manager, Richard J. Johnson.*

*No votes were taken during the Executive Session, which ended at 12:04 A.M.*

Meeting adjourned at 12:05 A.M.

**Respectfully submitted,**

**Lilly Torosyan**

**Lilly Torosyan**  
**Recording Clerk**

**Thomas Gullotta**  
**Chairman**