

**THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING MINUTES OF TUESDAY, FEBRUARY 1, 2022**

The Glastonbury Town Plan and Zoning Commission with Jonathan E. Mullen, AICP, Planner and Rebecca Augur, AICP, Director of Planning and Land Use Services 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.

ROLL CALL

Commission Members Present

Mr. Robert Zanolungo, Jr., Chairman
Ms. Sharon Purtill, Vice Chairman
Mr. Michael Botelho, Secretary
Mr. Raymond Hassett
Mr. Corey Turner
Mr. Christopher Griffin
Ms. Alice Sexton, Alternate

Commission Members Absent

Ms. Laura Cahill, Alternate
Vacancy

Chairman Zanolungo called the meeting to order at 7:01 P.M.

REGULAR MEETING

1. **Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non-agenda items** *None*

2. **Acceptance of Amended Minutes of the January 18, 2022 Regular Meeting**

Motion by: Commissioner Hassett

Seconded by: Commissioner Griffin

Commissioner Turner stated that his name was incorrectly listed as Keith Shaw under Roll Call.

Result: Amended minutes were accepted unanimously {6-0-0}.

3. **Discussion of proposed Building-Zone Regulations Text Amendments:**

- **Outdoor Dining**

Ms. Augur explained that the Building-Zone Regulations Working Group has been drafting text amendments, which she will present more in-depth at the commission's public hearing on February 15. The first text amendment is to establish new regulations enabling outdoor dining as of right. If local regulations are not in place by April 1, then state law prevails, and outdoor

dining becomes an accessory use with presumable sign-off from the Building Official. An as-of-right use could be signed off by Town staff or by the commission as a site plan approval. The working group has recommended that it be signed off by the commission as a site plan approval, which requires no public hearing. Mr. Mullen added that the state legislation renders Section 6.6 of the regulations, which requires special permitting for outdoor cafes, no longer legal. Therefore, they have removed that provision from the section.

Vice Chairman Purtill has never seen the term “administrative site plan” before. She views ‘administrative’ to mean ‘approved by staff,’ not the TPZ. She finds it conflicting to say that the TPZ will review and approve, but it is an administrative site plan approval. Secretary Botelho asked, if the commission delineates parking requirements for an establishment, by virtue of allowing seating within the parking area, the establishment no longer has to comply with their minimum parking requirements. Ms. Augur stated that is correct and read the state statute. The intention is that the market will take care of itself in ensuring that the business has sufficient public parking available. They are simply trying to establish some reasonable limits.

Vice Chairman Purtill believes the point of the emergency order was to increase safety by expanding outdoor seating. Now, there are both indoor and outdoor seating. She sees this posing a potential problem. Secretary Botelho shares the same concern. Mrs. Purtill would like a limit on the number of seats that correspond with some sort of parking on site. She asked for a copy of the statute to review at the commission’s next meeting and to run it by the Town Attorney. Commissioner Sexton recalled that the executive order limited it to on-street parking in front of the establishment only, but Ms. Augur also mentioned abutting. Ms. Augur clarified that the statute states abutting only for the courtyard provision. The off-street parking provision is for off-street parking spaces associated with the permitted use, meaning that the dining area could be in any of the off-street parking spaces.

Commissioner Hassett finds that the intent of this is not to expand the footprint or limit use of outdoor seating. He acknowledged the limits posed by the statute but asked to find a way to eliminate seating to comply with their parking regulations. Commissioner Purtill is uncomfortable with leaving it as a free for all. Ms. Augur noted that only 11 places have taken advantage of the temporary permit, and market constraints allay some of the concerns posed. Commissioner Purtill asked if a restaurant cannot be located within 1,000 feet of another restaurant. Ms. Augur stated yes, but the provision is limited to only the Planned Business & Development (PBD) and Planned Travel (PT) Zones. Mr. Mullen added that it has been applied very inconsistently, because there are restaurants on Main Street, which is within the PBD, located within 1,000 feet of each other. Commissioner Purtill asked what is meant by ‘window service.’ Ms. Augur explained that outdoor dining as an accessory use applies to establishments in which customers bring food purchased from inside the establishment. The commission could either add window counter service to the outdoor dining as accessory use regulations or it could maintain that there can be window counter service within the PBD zone.

- **Architectural and Site Design Review Committee**

Ms. Augur reviewed the next set of revisions which concern the Architectural Site Design Review Committee (ASDRC). This was a referral from the Council to the TPZ. The changes are to broaden the scope of the ASDRC's purview to give the TPZ advisory recommendations, which is currently done by the Community Beautification Committee. A change to the Town Center Zone removes reference to the Glastonbury Center 2020 Shared Vision Plan to avoid confusion with anticipated design guidelines for the Town Center Village District.

Ms. Augur noted another change, in Section 4.17 of the Adaptive Redevelopment Zone (ARZ), which will also state that the TPZ will refer to the ASDRC instead of the Beautification Committee. Outside of the Town Center Village District Zone, the ASDRC's recommendations to the TPZ will be advisory only. Commissioner Turner is uncomfortable with expanding the ASDRC before creating design guidelines. Ms. Augur explained that the TPZ has been doing design review primarily from the Plans Review Subcommittee, which is comprised of three TPZ members who may or may not have any design experience. The idea is to replace that process with a board of design professionals. Ms. Augur noted that a small portion of Section 12 has also been revised to assert that the ASDRC will review those types of applications, prior to review by the TPZ.

- **Cannabis Moratorium**

Ms. Augur explained that there is a small change to the section on applicability to avoid a potential loophole. The language, which reads, "no applications shall be received," is changed to "no applications shall be approved" by the TPZ. Because this type of application is, by state law, a site plan application which must be received, filed, and approved by the commission after 65 days if no action is taken, then someone could still file, despite the TPZ saying they cannot. Therefore, they need to regulate the approval and affirm that the commission will not grant any approvals during the moratorium.

4. Section 8-24 Connecticut General Statutes Referral from the Town Council regarding the removal of a short section (100 feet) of sidewalk on Vista Lane

Mr. Mullen explained that this is a request for Section 8-24 review for 5 Vista Lane. The request started with a discussion between the Town Manager and the resident at 5 Vista Lane, who would like to remove 100 linear feet of a section of sidewalk that stops at their property. The sidewalks were installed after the creation of a subdivision in the 1970s. 7 Vista Lane was supposed to have sidewalks as well, but that never happened. It is unlikely that sidewalks will be extended up the west side of Vista Lane, as they have already been extended on the east side. Given that this is a unique situation of a sidewalk that stops mid-block, and that there are sidewalks on the other side of the street, town staff does not find a conflict with the POCD. They recommend that the Commission forwards a positive recommendation for the sidewalk removal.

Commissioner Hassett is concerned about utilizing the proper mechanism. Secretary Botelho agreed, finding the process to be backwards. Commissioner Hassett asked if the resident could put in a sidewalk waiver. Ms. Augur explained that waivers are generally requested during the permitting process, and since this is a 50-year-old subdivision, the Commission has no

mechanism to grant a waiver. Town staff have discussed this item at length and concluded that there is no good mechanism here. The property owner has offered to do all the work and to restore it to town standards. Mr. Mullen read Section 8.24 which lists a public way, and a sidewalk is considered a public way. The Commission agreed to move ahead with the motion.

Motion by: Secretary Botelho

Seconded by: Vice Chairman Purtill

BE IT RESOLVED, that the Glastonbury Town Plan and Zoning Commission hereby approves the project pursuant to Section 8-24 of the Connecticut General Statutes, the removal of ±100 linear feet of sidewalk adjoining 5 Vista Lane. While the Plan of Conservation and Development's Town-Wide Transportation Goal #6 calls for implementation of the comprehensive sidewalk construction program to eliminate existing gaps in the sidewalk network, this property is unique due to the history of its development and the development of its neighborhood, including the existence of a fully accessible sidewalk across the street. Therefore, the Town Plan and Zoning Commission finds the project consistent with the Plan of Conservation and Development.

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

5. CONSENT CALENDAR

- a. **Scheduling of Public Hearings for the Regular Meeting of February 15, 2022:**
 - i. **Building-Zone Regulations Text Amendments**
 - b. **Request of Rosy Kapur for a one-year extension to begin substantial construction – 311 Hebron Avenue**

Motion by: Vice Chairman Purtill

Seconded by: Commissioner Griffin

Result: Consent calendar was approved unanimously {6-0-0}.

6. Chairman's Report *None*

7. Report from Community Development Staff *None*

Chairman Zanolungo adjourned the meeting at 8:00 P.M.

Respectfully Submitted,

Lilly Torosyan

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Recording Clerk