

**THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION  
AMENDED REGULAR MEETING MINUTES OF TUESDAY, MAY 3, 2022**

The Glastonbury Town Plan and Zoning Commission with Rebecca Augur, AICP, Director of Planning and Land Use Services in attendance, held a Regular Meeting at 7:00 P.M in the Council Chambers of Town Hall at 2155 Main Street with an option for 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  
Mr. Michael Botelho, Secretary {participated via Zoom videoconferencing}  
Mr. Raymond Hassett  
Mr. Corey Turner  
Ms. Laura Cahill, Alternate {assigned as voting member}  
Ms. Alice Sexton, Alternate {assigned as voting member}

**Commission Members Absent**

Ms. Sharon Purtill, Vice Chairman  
*Vacancy*  
*Alternate Vacancy*

Chairman Zanolungo called the meeting to order at 7:02 P.M. He seated Alternates Sexton and Cahill in Vice Chairman Purtill's absence and the vacancy left by former Commissioner Griffin.

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**PUBLIC HEARING**

1. **Application of H374, LLC for a Section 12.9 Minor Change to construct a delivery area on the west side of the existing building for grocer & to expand employee parking/delivery area utilizing 366 Hebron Avenue & 7 Linden Street – 400 Hebron Avenue – Town Center Zone, Residence A Zone and Town Center Village District Overlay Zone WITHDRAWN**

**REGULAR MEETING**

1. **Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non-agenda items** *None*
2. **Acceptance of the Minutes of the April 19, 2022 Regular Meeting**

**Motion by:** Commissioner Hassett

**Seconded by:** Commissioner Turner

**Result:** Minutes were accepted {5-0-1}, with one abstention from Mr. Zanolungo since he was not present at the meeting.

### 3. Discussion of Affordable Housing Law – Attorney Kari Olson, Murtha, Cullina LLP

Attorney Olson explained that the origins of affordable housing initiatives in Connecticut date back to the 1980s. A blue-ribbon commission gave rise to Connecticut General Statutes (CGS) Section 8-30g, which encourages the development of affordable housing at the local municipal level. Per Section 8-30g, an affordable housing development means either assisted housing or a set-aside development. In a set-aside development, 30% of the proposed units must be deed restricted for 40 years or more; 30% must be occupied by those making 80% of the area median income; and at least 15% shall be sold or rented to those with an income less than or equal to 60% of the area median income. She noted that not all affordable housing is subsidized. Workforce housing provides an option for people who work in a community to also be able to live in that community. Glastonbury's current affordable housing stock is at 5.59%, which is below the minimum 10% threshold required to qualify for an exemption from CGS Section 8-30g applications.

The Affordable Housing Land Use Appeals Procedure allows a developer to propose a development without regard for local zoning laws. Years ago, Glastonbury won a case to deny a proposed affordable housing development because it was located in an area that the Town had designated as open space. Attorney Olson is not sure that the courts would vote in the Town's favor today. This is because Glastonbury has no affordable housing plan in place and there is greater judicial and legislative recognition of the need for affordable housing. If the Town were to deny an 8-30g application, the burden would be shifted to the Town to prove that the proposed affordable housing development will pose a significant health or safety issue.

Commissioner Cahill asked about expert testimony. Attorney Olson explained that expert testimony could be from Town staff or a third-party consultant. The standard is high, so it would be difficult for the Town to deny an application based on a safety risk without experts weighing in on that issue during the public hearing. The court will ask if reasonable modifications could be made to alleviate those concerns. Ms. Olson stated that even though Glastonbury does not meet the 10% threshold for exemption from 8-30g applications, if they demonstrate adequate progress on affordable housing, then the Town might be able to acquire a moratorium.

Ms. Olson noted that the legislature is really pushing for housing opportunities. In 2018, then Governor Malloy proposed a bill that was not passed, but it is a sign that some type of sanctions could be coming. She advises towns to create regulations that provide for affordable housing while still maintaining some control. For example, this could include giving density bonuses to developers as a tradeoff, in order to still be able to maintain design standards, such as buffer zones.

Ms. Cahill asked if adopting inclusionary zoning ordinances has created more affordable housing opportunities in other towns. Ms. Olson stated that she has seen both successful and unsuccessful towns with inclusionary zoning. Ms. Cahill asked if adopting an inclusionary housing ordinance provides protection to a town against 8-30g. Ms. Olson replied no, it does not. A court will not take that into consideration under an 8-30g appeal.

**4. Informal presentation regarding a proposal for a Section 12 Special Permit with Design Review to construct a delivery area on the west side of the existing building for grocer & to expand employee parking/delivery area utilizing 366 Hebron Avenue & 7 Linden Street – 400 Hebron Avenue – Town Center Zone, Residence A Zone and Town Center Village District Overlay Zone**

Andrea Gomes, attorney at Hinckley Allen, presented on behalf of the applicant. She explained that the applicant initially filed a Section 12.9 Minor Change proposal with a request for a public hearing. However, they were informed late last week to proceed with a full Special Permit with Design Review application instead. Time is of the essence for the applicant. If this application is delayed beyond the May 17 public hearing date, then it is likely that the grocer will not move forward with the proposal, and the applicant would have to start anew with another tenant. They hope that tonight's preliminary meeting will provide them with the feedback needed to prepare for the public hearing on May 17.

Attorney Gomes stated that in 2018, the Commission approved 400 Hebron Avenue as a mixed-use commercial building. Today, Hartford Baking Company is open and operating, but the rest of the building remains vacant. This proposal includes the parcel located at 366 Hebron Avenue and 7 Linden Street. 366 Hebron Avenue has been vacant for about 18 months. 400 Hebron Avenue was supposed to have two restaurants, but the pandemic derailed that. The applicant was able to secure a specialty grocer to occupy 13,600 square feet of the existing building. The proposal is to demolish 366 Hebron Avenue and 7 Linden Street and construct a delivery area on the west side of the existing 400 Hebron Avenue building for the grocer, and to expand the employee parking/delivery area. Deliveries will number about two trips a day, which is fewer than the deliveries for the two restaurants which were approved for 400 Hebron Avenue. An outdoor retail area will consist of seasonal items. There will also be a two-lane cart corral, covered by an overhang, and striped awnings will be replaced with red awnings.

Jonathan Sczurek, P.E. at Megson, Heagle, & Friend Civil Engineers, reviewed the site engineering details. The proposal is to construct an addition onto the west side of the existing building to accommodate a trash area and a delivery canopy located directly south of that. There will be 15 additional parking spaces reserved for employees only. Storm drainage will tie into the existing system on 400 Hebron Avenue, which ties into Sycamore Street and eventually flows east. Erosion controls will be handled with silt sacks, and a sediment trap will be created on the southeast corner of the 7 Linden Street parcel. The proposed lighting is the same as what was approved and installed on 400 Hebron Avenue. There will be one wall-mounted light by the trash overhead door.

Mr. Sczurek noted that the applicant has had a couple of meetings with the newly created Architectural and Site Design Review Committee (ASDRC) and is working on addressing their comments. They are exploring eliminating the southerly curb cut on Linden Street. They will also potentially eliminate the swinging gate along Hebron Avenue. Per the request of Mrs. Purtill at the Plans Review Subcommittee, they have conducted a parking comparison. The requirements are 71 spaces for the grocer, 8 spaces for Hartford Baking Company, and 27 spaces for the vacant retail space, yielding a total of 106 spaces. However, 118 spaces exist already,

though 2 will be utilized for cart corrals. That leaves 116 spaces plus 15 employee-only spaces, for a total of 131 parking spaces.

Attorney Gomes provided more context on the parking comparison. She noted that while Stop & Shop and Whole Foods have a different magnitude, calculations were based on their projections. By their calculations, Stop & Shop would require 350 parking spaces, but they provide only 272 spaces. Whole Foods is operating in a plaza which they conservatively estimated (by not counting restaurant seats) would need about 605 parking spaces, yet only 419 spaces are provided. Highland Park Market, which is more on par with their proposal in terms of square footage, would conservatively require 159 spaces, and they have 172 spaces. That is an excess of 13 spaces.

Secretary Botelho asked if the 131 parking spaces in the proposal include compact spaces. Ms. Gomes stated yes. Mr. Botelho asked how many compact spaces are provided for in the existing plan and whether the applicant intends on keeping them. He noted that while Mrs. Purtill is absent today, she has expressed the same concern. Ms. Gomes explained that they have 118 parking spots on the 400 Hebron Avenue parcel, of which 24 are compact car spaces. The intent would be to maintain the parking there, apart from repurposing 2 spaces for the cart return area and adding 15 spaces for employees at 366 Hebron Avenue and 7 Linden Street. Therefore, there is an overall increase in parking by 13 spaces.

Carmelo Rosa, the project architect, presented the site architectural plans. The exterior skin is the same as what is there now. As Mr. Sczurek mentioned, the gate will possibly be removed. Mr. Zanolungo asked why. Ms. Gomes explained that the ASDRC had a concern about the appearance of the gate. Then, Town Engineering staff raised questions as to the necessity of the gate. Therefore, they decided to evaluate whether it is feasible to have it removed. Mr. Rosa noted that there were concerns about the two refrigeration equipment pieces going on the roof. Their 3D modeling proves that they will not be seen.

Tom Graceffa, the project landscape architect, reviewed the planting plan. The neighbor to the south has indicated that they would like screening. To accommodate that request, the applicant proposes planting columnar oak trees and arborvitae and installing a six-foot solid PVC fence. The north side of the building has very few trees. They have evolved the layout which provides understory trees. Per the request of the ASDRC, they will add shade trees. They also reduced the two large outdoor patios by about 400 square feet each, so there is significantly more planting room. The triangular island will likely be revised. The Linden Street island is a green space that accommodates a little screening, but nobody lives across from it. Mr. Zanolungo asked if the rocks will stay on the front. Mr. Graceffa stated that they may be rearranged on the existing site, but they will not go into the islands. They are aware that there is perhaps a better use for them. Ms. Gomes added that they had originally proposed to move them as bollards, but it encroached on the right-of-way, so they are exploring other options.

Mark Vertucci, Traffic Engineer, reviewed the truck-turning plan and the movement of a garbage truck. As previously noted, the applicant has agreed to eliminate the southern driveway on Linden Street. Therefore, the island could be extended further south. Town Engineer Dan Pennington felt that since this is a low-volume lot, the gate is unnecessary. Instead, there could

be signage for both driveways: for delivery and the employee-only parking. When the site was approved in 2018, a traffic analysis was conducted by another consultant. They have revisited those numbers to determine what the traffic would be for the grocer use in comparison with the previous uses. They have conducted a capacity analysis on the intersection of Hebron Avenue and Sycamore Street, which revealed no level of service change in the morning peak hour, and a change in the level of service in the afternoon peak hour from Level C to D. However, they can bring that back down by installing signal timing mechanisms. The DOT has determined that the intersection currently operates optimally. Mr. Pennington would like to see the Sycamore Street and New London Turnpike intersection also analyzed, so they are conducting traffic counts this week at that intersection, as well as at the Hebron Avenue and Sycamore Street intersection, so there will be fresh counts at both intersections. An updated traffic analysis will be submitted in the next couple of weeks.

Commissioner Hassett stated that the light at Hebron Avenue and Sycamore Street is very short and timed. With the additional level of anticipated traffic, that intersection must be looked at very carefully. It is not just the count, but the mechanism of how it operates that is extremely important. In addition to the volume, he would like to consider light synchronization. Mr. Zanolungo asked if it would be possible to put a left turn signal exiting Sycamore Street to enter Hebron Avenue. Mr. Vertucci stated that they could investigate that. Mr. Botelho asked if Mr. Pennington provided any feedback on the truck turning plan. Mr. Vertucci stated yes, those comments were provided earlier on, so tonight's presentation incorporates that feedback.

Ms. Cahill agrees with some of the concerns expressed tonight. She does not want another Eric Town Square in town. She would like to see detailed information on the traffic plan and assurance that it does not infringe upon the parking across the street. She asked for more detail on the difference between Level C versus Level D. Mr. Vertucci explained that it is a report card scale, rated from A to F. Level Service D or higher is considered acceptable. What they have here is a Level Service C on Hebron Avenue and Sycamore Street. They will retain that level in the morning hours, and they can retain it in the afternoon hours with some signal timing mechanisms.

Commissioner Turner asked what time the two deliveries will be made. Ms. Gomes stated the grocer will be open from 8:00 A.M. to 8:00 P.M. The initial grocery delivery will happen before 8:00 A.M. and before peak hours. The second delivery will happen in the evening, after the afternoon peak hour but before the store closes. That is a less frequent delivery than what would have been approved for the two restaurants. Mr. Turner asked for more detail on how the deliveries will be made. Mr. Vertucci explained that the truck will pull in and back into the loading dock. Trucks will not block the exit, so there will be room to get around if an employee leaves Linden Street.

Mr. Turner recommends keeping the gate because there is no access between the employee parking lot and the main parking lot. His concern is that because Hebron Avenue is so busy, even with signage, it will be easy for people to take that left off Hebron Avenue instead of Sycamore Street. Ms. Gomes stated that there is the potential addition of a hardscape along the Hebron Avenue area, so it will not look like an entryway. Mr. Zanolungo asked if there will be large

trucks in the main parking lot. Ms. Gomes replied no, not for the grocery. Their delivery vehicles will go to the western side of the building.

Ms. Gomes explained that the applicant is taking an existing approved building that has been vacant and inserting an applicant who will be a walkable amenity. This will create a vibrant community use and add to the landscaping along the Hebron Avenue frontage. This proposal furthers many POCD goals. They are incorporating the revisions received to date from the ASDRC and Town staff. She asked the commission about the next steps. Ms. Augur stated that the ASDRC has spent a lot of time deliberating on the application and made changes very quickly. However, the applicant has filed a new application tonight; the previous application was withdrawn.

Mr. Hassett asked if the provisions now require every application to go through the ASDRC in this zone. Ms. Augur replied yes. Mr. Hassett asked if this commission even has any prerogative here. Ms. Augur stated that the TPZ could send this to the ASDRC anew, with the anticipation that they would forward the recommendations they have already developed. Once this commission receives the application, they could then forward it again to the ASDRC and have Town staff communicate any changes that need to be made. However, the ASDRC will be meeting on May 17, the same date as this commission's public hearing, so they cannot accomplish this by that deadline. Ms. Cahill asked why May 17 is the deadline. Ms. Gomes stated that it is based on the amount of time it will take to make the changes needed on the site.

Mr. Botelho asked who determined that this application needed to go from a Section 12.9 Minor Change to a special permit. Ms. Augur explained that during deliberations with the ASDRC, the question was raised as to whether the demolition of the two buildings elevated the application to require a special permit. Town Engineering staff still had unresolved issues, so they encouraged the applicant to come in as a special permit application, to eliminate those concerns. Mr. Botelho asked when they can identify the grocer. Ms. Gomes explained that they cannot disclose the identity of the grocer at this juncture. Mr. Botelho asked what the remaining square footage is in the building. Ms. Gomes stated that the vacant tenant space is 4,600 square feet. Hartford Baking Company is 2,100 square feet and the proposed grocery is 13,300 square feet.

Mr. Botelho asked if the 106 required parking spaces were based upon the prior approval, or as if this were a new use. Ms. Gomes stated that the original approval required 130 parking spaces at 400 Hebron Avenue. After that approval, the applicant obtained the 10% parking waiver plus the 20% compact car space waiver, which totals 118 parking spots, of which 24 are compact spaces. They looked at the entire building as if it were a new construction today and arrived at the number of 106 total spaces. The site has more than that, at 131 spaces. Mr. Botelho asked if the 24 compact spaces were to be eliminated, how many regular spaces that would equate to. Ms. Gomes stated that they would lose a total of three parking spaces. The way they arrived at the parking number is partly based on what exists and what the grocer believes would adequately service the use. No one wants sufficient parking more than the grocer and the owner.

Mr. Hassett expressed concern that parking is decreasing from 118 to 116 spots with no additional spaces added for customers, while the use of the site is increasing. Ms. Gomes countered that the employees will park at the Linden Street parking lot, so they have increased

patron parking by relocating 15 employee spots elsewhere. Mr. Hassett finds this different than the initial use of the site, where restaurants operate on shifts, with different employees coming in and out at different times. Now, those 15 employees will consistently be there the whole time. Mr. Botelho stated that while the number of spaces has not necessarily decreased, the use here is much more intense for a longer period of time as opposed to restaurants, so they probably need more parking.

Mr. Turner asked what happened in 2018. Mr. Hassett explained that the site was proposed with two restaurants. Parking spaces were based on restaurant seats. There was concern about the compact spaces. Mr. Turner stated that during restaurant peak hours, there would be a lot more people on site than at a grocery store. Even without those extra 15 parking spaces, the site would not need as many spaces because of the change of use. Ms. Gomes stated that is correct. The original requirement was 130 spaces because it was based on having those two additional restaurants. Mr. Hassett recalls that there was supposed to be some office space there to offset the restaurant parking.

Evan Schwartz, the applicant, explained that the original proposal was for two restaurants on each corner. There was a lot of discussion about seats. This proposal is a much better use for the area than the restaurants. They have learned a lot from the Eric Town Square development. They also seek to provide people with as much parking as possible. Mr. Zanolungo likes that there will be a lot of foot traffic to this property. Other specialty grocers are not within walkable distance, so this is a benefit. Mr. Schwartz stated that the grocer is very reputable. He is open to the condition of not putting a restaurant in the remaining tenant space. Instead, he would prefer a retailer who will complement the bakery and the grocer. Ms. Gomes added that the proposed parking exceeds the regulations for the current approved uses and for what is proposed. Mr. Schwartz operates several restaurants, so he has experience with those flows. This proposal is a less intensive use of parking.

Ms. Augur explained that this will be referred back to the ASDRC. She asked if the TPZ anticipates a full review, or do they feel that what the ASDRC has already submitted in terms of a recommendation has covered the concerns. Mr. Zanolungo does not find it necessary for the ASDRC to conduct a second full review. Mr. Hassett asked if they could ask the ASDRC to waive any further consideration and allow it to come to the TPZ on May 17. Ms. Augur stated that Town staff can talk to the leadership of that committee. Ms. Gomes stated that they have met with the ASDRC twice. Nothing has changed since their second meeting. They have presented those revisions to this commission. If they returned to the ASDRC, it would be the same presentation given tonight.

Ms. Augur stated that the ASDRC may want to hold a special meeting to discuss the topic of not having the applicant come back in. Commissioner Sexton has reviewed the ASDRC's meeting minutes. She asked if there is anything in the final report that the applicant cannot incorporate. Ms. Gomes noted that the applicant's position was that the review of the ASDRC should be limited to site improvements, not the existing building. The ASDRC felt differently and addressed the entire site. However, given the context of this new special permit application, the commission will receive a referral report on the entire site. To the extent possible, the applicant is making the requested changes to incorporate design aspects.

Mr. Hassett finds the building beautiful but asked to hide the mechanicals on the east side. Ms. Gomes stated that they are adding trees to the area. Mr. Hassett would prefer something more permanent, like a lattice. Mr. Zanlungo asked about neighborhood outreach. Ms. Gomes noted that the applicant has reached out to property owners abutting the property to the south. Property owners on Sycamore Street had a discussion with the applicant and they revised the planting plan. The owner to the south, on Linden Street, had no additional desire for discourse. They have met with Gottfried and Somberg as well, who have provided a letter of support.

Ms. Sexton asked if the plan is for Town staff to communicate with the ASDRC to possibly hold a special meeting on this action item. Ms. Augur replied yes.

**5. Section 8-24 Connecticut General Statutes Referral from the Town Council regarding the purchase of four, Beck-owned parcels (95+ acres) off Dayton Road**

Ms. Augur explained that this is a potential acquisition for open space which is consistent with the POCD. Mr. Hassett asked if there is any specification as for what the parcels are preserved. Ms. Augur replied that it is just for open space.

**Motion by:** Secretary Botelho

**Seconded by:** Commissioner Hassett

*BE IT RESOLVED, that the Plan and Zoning Commission of the Town of Glastonbury forwards a favorable recommendation, pursuant to Section 8-24 of the General Statutes of Connecticut, regarding the following: Purchase of 4 parcels totaling 95± acres (Lots W-11, W-12, W-14 and E-18) off Dayton Road. This action is pursuant to Section 8-24 of the General Statutes of Connecticut as the purchase of this parcel is consistent with the policies of the Town of Glastonbury Plan of Conservation and Development.*

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

**6. Section 8-24 Connecticut General Statutes Referral from the Town Council regarding the donation of the Estate of Jon Casella of 28+ acres off Old Hebron Road**

Ms. Augur explained that the donation calls for the land to be preserved for passive recreation use. This is also consistent with the POCD.

**Motion by:** Secretary Botelho

**Seconded by:** Commissioner Sexton

*BE IT RESOLVED, that the Plan and Zoning Commission of the Town of Glastonbury forwards a favorable recommendation, pursuant to Section 8-24 of the General Statutes of Connecticut, regarding the following: Acceptance of the donation of a 28± acre parcel (Lot N-80) off Old Hebron Road. This action is pursuant to Section 8-24 of the General Statutes of Connecticut as the acceptance of the donation of this parcel is consistent with the policies of the Town of Glastonbury Plan of Conservation and Development.*

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

**7. Section 8-24 Connecticut General Statutes Referral from the Town Council regarding new sidewalks along Bell Street**

Ms. Augur explained that sidewalks were a part of the Stallion Ridge development. However, 520 Bell Street was excluded from that subdivision, so this action is to close the gap by having the developer construct sidewalks there.

**Motion by:** Secretary Botelho

**Seconded by:** Commissioner Turner

*BE IT RESOLVED, that the Plan and Zoning Commission of the Town of Glastonbury approves the following project pursuant to Section 8-24 of the General Statutes of Connecticut: installation of approximately 165 linear feet of 4-foot-wide concrete sidewalk along the east side of Bell Street, starting at the southwest corner of the property at 520 Bell Street to the northwest corner of the property at 520 Bell Street. This sidewalk construction project is in keeping with the Plan of Conservation and Development as town-wide transportation goal #6, which calls for implementation of the comprehensive sidewalk construction program to eliminate existing gaps in the sidewalk network.*

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

**8. CONSENT CALENDAR**

**a. Scheduling of Public Hearings for the Regular Meeting of May 17, 2022:**

- i. Application of Manchester/Hebron Avenue, LLC (Richard Hayes, Jr.) for a “set-aside development” pursuant to CGS Section 8-30g concerning the construction of an apartment building containing 74 units, with parking and other site improvements – Planned Business & Development Zone & Rural Residence Zone – Attorneys Timothy Hollister & Andrea Gomes – Wes Wentworth, P.E. – Alan Lamson, AIA AICP
- ii. Application of H374, LLC for a Section 12 Special Permit with Design Review to construct a delivery area on the west side of the existing building for grocer & to expand employee parking/delivery area utilizing 366 Hebron Avenue & 7 Linden Street – 400 Hebron Avenue – Town Center Zone, Residence A Zone and Town Center Village District Overlay Zone

**Motion by:** Commissioner Hassett

**Seconded by:** Commissioner Cahill

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

**9. Chairman’s Report None**

**10. Report from Community Development Staff None**

**Motion by:** Commissioner Cahill

**Seconded by:** Commissioner Hassett

MOVED, that the Glastonbury Town Plan and Zoning Commission adjourns their regular meeting of May 3, 2022 at 9:39 P.M.

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

Respectfully Submitted,

***Lilly Torosyan***

Lilly Torosyan

Recording Clerk