

**THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING MINUTES OF TUESDAY, JUNE 21, 2022**

The Glastonbury Town Plan and Zoning Commission and Jon 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 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
Ms. Sharon Purtill, Vice Chairman {participated via Zoom video conferencing}
Mr. Michael Botelho, Secretary
Mr. Raymond Hassettt {participated via Zoom video conferencing}
Mr. Corey Turner
Mr. Emilio Flores
Ms. Laura Cahill, Alternate {participated via Zoom video conferencing}
Ms. Alice Sexton, Alternate

Commission Members Absent

Alternate Vacancy

Chairman Zanolungo called the meeting to order at 7:02 P.M.

PUBLIC HEARINGS

1. 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

The applicant has requested to continue this hearing to the July 5, 2022 meeting.

2. 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 – **1199 Manchester Road** - Planned Business & Development Zone & Rural Residence Zone – Attorneys Timothy Hollister & Andrea Gomes – Wes Wentworth, P.E. – Alan Lamson, AIA AICP

Mr. Zanolungo noted that this is a continuation of the first public hearing held on May 17, 2022. A third public hearing will be held, so there will be no action on the application this evening. He also stated that Mr. Flores has been appointed to the Commission since the May 17 meeting. He has reviewed all the prior minutes and materials for the application. Ms. Augur stated that an additional 18 public comments were received since the last public hearing. All were in

opposition to the development, and almost all were concerned with traffic issues and other disturbances to the existing rural residential character of the area.

Mr. Zanolungo opened the floor for public comment. The following comments were made in-person at Council Chambers:

David Brooks at 3737 Hebron Avenue, asked if the application contains any zoning problems. Ms. Augur explained that it is not the nature of Connecticut General Statutes (CGS) Section 8-30g applications to have to comply with the zoning regulations. Mr. Brooks asked why the Town even has zoning regulations if the applicant does not have to comply with them. Mr. Zanolungo clarified that there are zoning regulations in town, but CGS Section 8-30g is a state statute, which supersedes local regulations. Commissioner Purtill added that the state statute was passed a few years ago to increase affordable housing in Connecticut. The Town has very little jurisdiction over these zoning regulations. Mr. Brooks stated that affordable housing appears to trump other issues. Given the lack of public transportation in the area of the proposed development, he does not find the location suitable for affordable housing. He also asked whether the development will negatively impact neighbors' home prices, and if so, whether financial compensation to them has been considered. Chairman Zanolungo noted that the applicant can address those issues when they speak.

James Miselis 413 Woodhaven Road, remains opposed to the development. Public health and safety issues also encompass good planning, and he finds this high rise building to be bad planning. It is an oversized development, plopped onto an inadequate space with no buffer zone or adequate borders for the neighbors. He is concerned about the traffic on Manchester Road, which is already elevated. He believes that the applicant's traffic expert has cited misleading statistics, relying upon traffic flows in August, which is the lowest month for traffic in the area. He also finds the architectural design to be very plain. The ASDRC has recommended upgrading the overall design and has deemed the project too large for this location. While he favors affordable housing, this is high-end affordable housing which he cannot support. The legislation waiver does not, and should not, be an overriding factor for approval of this development.

Amy Dement of 188 Pond Circle, was happy to read that the Town will seek outside opinion about possible uranium migration into well water, as a consequence of this development. She suspects that the removal will involve blasting. She asked if the neighbors would receive a guarantee that there will be no uranium issues. She also inquired about remediation, if uranium is found, which is a clear threat to public health and safety. She would rather see her tax dollars spent fighting this proposal than addressing the countless issues with it. Crosswalks will not be adequate for pedestrian traffic. While she supports affordable housing, it needs to be in a place which has the structure to support it. She does not find the development to be an appropriate place for affordable housing.

Eric Rousseau of 75 Churchill Road, asked the Town to commission its own study on the possible health and safety impacts that will be generated by this application. The environmental impact on the local wildlife is unknown. He is concerned about the following: the large building height; lights being on nonstop; inadequate crossing measures for pedestrian safety; increased traffic to the area; blasting during construction; and possible uranium issues. He noted that this is not a partisan issue but a town issue. Residents are willing to spend the money to go to court.

This project has all the same issues that the 2005 CVS project (also proposed by the same developer) had, and then some. This is not a risk that residents are willing to take to put affordable housing in this area. The Town has a plethora of safety issues that will only be vetted out in court, and residents are willing to foot the bill.

William MacDonald of 219 Hurlburt Street, is opposed to the development. He finds that the developer is using CGS Section 8-30g to push through a development that would have never been approved by the TPZ otherwise. Significant health and safety concerns remain unaddressed. He noted that the developer replied to certain comments made at the last public hearing, such as the high cost of Highland Park Market, but did not reply to many more serious issues raised by residents, including the following: the soil report; potential spill off from the nearby gas station; increased traffic; limited parking; excavation issues; and the uranium concern. He requested a digital survey to show how the development will look like once it is built. He urged the Commission to oppose the application. If the developer litigates, so be it. If the Commission must approve the application to avoid going to court, then he asked that modifications be made to make the development much smaller.

Sara Bass of 5 Knollwood Drive, overlooks the intersection area. She expressed two concerns conveyed by the Town Engineer. The Glastonbury Fire Chief has stated that the proposed structure is classified as a target hazard, which means that it receives a two-station response for any fire-related incident inside the structure. On the FEMA website, target hazards are identified as "significant health hazards," which elevates the development to a significant safety concern. She also noted that Glastonbury Fire Department trucks cannot reach the fifth floor of the development in case of emergency. Additionally, the Town Engineer does not know how the structure will be heated or cooled. She asked that these concerns be addressed before any decision is made on approving the application.

Anna Pokora of 20 Sachem Drive, stated that her husband wrote a letter in response to an article by Mark Branse in the Glastonbury Citizen. Mr. Branse wrote that taking this case to court would be foolish because the Town will lose. She responded that her family wanted to live in this area, which is now being turned upside down. The area is a difficult place to develop, and she does not understand why she must pay to assuage that difficulty for the developer. She asked if the Town could develop a moderate-income housing plan which is acceptable to the state while remaining consistent with the character of Glastonbury. Otherwise, developers will build whatever they want, regardless of the community's needs or desires. She already has to wait a while to cross Manchester Drive, which is not safe.

Nicholas Korn of 73 Shagbark Road, spoke as a private citizen and not as a member of the ZBA. He pointed out that if no action is taken within 65 days, then the project is automatically approved. He hopes that the Commission has kept in mind that timeline. He urged denial of the application and asked the Town to prepare for legal litigation. The applicant's consultants found no risks, but it is incumbent upon the Town to provide their own experts to assess the health and safety hazards posed by this development. He finds several issues, including an insufficient parking plan, geology which could affect the foundation of homes in the area, and the mobilization of uranium. The impact of this development would be even greater than the proposed grocery store development. CGS Section 8-30g allows for an appeal from the developer. He hopes that the Town can challenge such an appeal, which they have done before in

other cases which were not as detrimental as this one. The Town cannot allow the State to abrogate local property rights. He is also concerned that Attorney Gomes used to be the Town Attorney. He hopes that she has obtained a waiver. Otherwise, there is a conflict of interest.

Ms. Augur pointed out that the Town has hired third party consultants to review some of the health and safety information submitted in this application. The applicant is aware of this action. The information is still pending, which is why the Commission will not be voting on the application tonight. Attorney Andrea Gomes of Hinckley Allen stated that her colleague, Tim Hollister, will be leading the public hearing.

Pamela Lucas of 145 Moseley Terrace, is a member of TALK. She believes that Glastonbury cannot continue to wait for more perfect locations and circumstances to pursue affordable housing. While she empathized with residents in the area who are worried about the intrusion of this proposed development, she noted that there is suburban sprawl throughout town. The size and scale of some developments on Main Street destroy far more of the character of Glastonbury than this project. Additionally, one cannot presume that people who qualify for affordable housing will not drive cars or shop at Highland Market. She finds the proposed development to be carefully conceived and is assured that the Town and the applicant will continue to address design, planting, and sidewalk issues. She hopes that the Town will take a long-term view on affordable housing and the inevitability of growth and change.

Teresa Dornfeld of 50 Shady Hill Lane, expressed concerns about wastewater runoff, the lack of sidewalks, and the development being too large for the zoned area. There are other places in town which would be safer to put in such a structure. She is most concerned that the Town is considering safety as a secondary step, while prioritizing making the development fit.

Mark Branse of 48 Birch Trail, is an attorney and a member of the ASDRC but spoke as a private citizen. He noted that there is never a right time and place for affordable housing, which is why CGS Section 8-30g exists. He listed several different locations throughout town which could serve as great sites for affordable housing developments, but nothing was done for 30 years. While he finds the height of five stories objectionable, the location for the proposed development is ideal for high density housing, and the design is much better than many others he has seen approved under the state statute. Regardless of how the town feels about the proposed development, Section 8-30g is the law and the application complies with the statute. Litigating will be a waste of money as the Town will lose. Years ago, the Town won once against an affordable housing development application, but the State changed the law after that case. Glastonbury will not win this time. He asked the Commission to accept the proposed development with the recommendations of the ASDRC as conditions of approval.

Charles Ekstrom of 86 Cricket Lane, advised neighbors to test their well water, which would establish a baseline if this case went to court. He also expressed concern that the contractor would be required to attach sewer interceptor lines, thereby increasing construction in the area. As a volunteer member of the fire department, he is concerned that fire trucks will not be able to fit into the small space to service residents in the back of the development. He is also concerned about the safety hazards posed by the heavy truck load during construction, as well as insufficient parking and lack of sidewalks. At the time of the 1968 PAD for the area which Mr.

Branse mentioned, there were no houses in the back. He does not believe that the location is an appropriate spot for affordable housing.

Cynthia Vodopivec of 464 Stanley Drive, is a neighbor as well as a professional engineer. Her comments and concerns raised at the last public hearing have not been addressed. The 75,000 cubic yards of material to be excavated is not proposed to change, and the traffic study has not even accounted for the traffic it will generate. She is also concerned about the pollution risks of such heavy excavation. She called for another geotechnical report because Mr. Welti's report is insufficient. It does not detail how the excavations will take place or how the geotechnical borings will be completed. She also worries that the proposed plantings will not shield the building from adjacent residential buildings. She asked to see a rendering of the development from the Stanley Drive properties.

Eric Felkel of 464 Stanley Drive, also spoke at the last public hearing, where he expressed a safety concern that the excavation will create a hillside which did not exist before. This can create a condition in which children may lose their toys and try to retrieve them by going into the area. In his response, the developer misunderstood this concern to be one of children simply trespassing onto his property. Mr. Felkel also expressed concern about the insufficient overflow parking. He used to live in a similar-sized apartment complex in Meriden, which contained more visitor parking and bus line access, and parking was still insufficient. He asked Mr. Hayes to consider adjusting the scale of the development to match the community more closely.

The following comments were made via Zoom:

Anne Bowman of 62 Morgan Drive, is the co-chair of TALK. Glastonbury needs more affordable housing for people who live or work in town. Buckingham Place will provide 23 affordable units for people earning between \$47,000 to \$81,000. This will expand housing opportunities for teachers, firefighters, and many other professionals who are otherwise priced out of Glastonbury. She supports the development.

Moise Carelus of 457 Stanley Drive, is concerned that the spirit of the law is not respected by this application. Just because CGS Section 8-30g is the law does not make it just or in the best interest of the neighborhood. Secondly, he has significant safety concerns. Most private developers working on large construction projects tend to run into issues which they do not readily vocalize to the community. Blasting and contaminated well water are the known potential safety concerns. He wonders what other potential concerns will be added on once construction begins. He finds that the proposal is bad to begin with and will only get worse as the project proceeds.

Lisa Muscanell-DePaola of 224 Bell Street, is very concerned that the supplemental materials provided by the applicant were not comprehensive and lacked information from a geological engineer. She encouraged the Town to hire third-party experts to investigate the health and safety concerns posed by this development. She also suggested that, if Saint Dunston Church closes, it could serve as a better location for the development, as it would avoid the construction and excavation at this proposed site.

Peter DePaola of 224 Bell Street, expressed concern about safety issues regarding increased traffic; possible uranium in water; and the lack of infrastructure for sidewalks, crosswalks, and bus stops. He finds the proposed height of five stories to be ludicrous and stated that the development is a prime example of a developer taking advantage of a loophole. Plenty of land is available in town for affordable housing, but this particular spot does not make any sense.

Chairman Zanolungo clarified that the Town has contacted experts to review the traffic, soil, and uranium issues. These experts are third-party investigators, not connected to the applicant in any way. Secretary Botelho stated that they await the results of those reports, which is why the Commission will not be voting on the application today. Ms. Augur added that the applicant is willing to grant an extension for the Commission to vote by July 5. Town Staff have asked for those reports as soon as possible, but she does not have an anticipated date of receipt as of now.

The meeting returned to public comments via Zoom:

Vishal Shelar from 38 Linden Street, suggested reaching out to all the existing apartment complexes in Glastonbury to see if they could instate a mandate to reserve affordable housing.

Ron Degray of 120 Cricket Lane, is concerned that the proposed development is a prime example of urban sprawl taking place. He asked if the tenants of the proposed development will be from out of town or out of state and noted that each unit may have two cars, which would necessitate more parking onsite. He asked the Town to consider the issue of urban sprawl.

Andre Harriott of 465 Stanley Drive, noted that during the last public hearing, he brought up the concern of snow removal. He inquired whether those concerns have been addressed in the updated proposal. He is still opposed to the development and finds that other areas in town would be more suitable for affordable housing opportunities.

There were no further comments from the public.

Mr. Hassett would like to see acknowledgement of a waiver from the applicant to continue the public hearing. He would also like Town Staff to address the issue of uranium migration which has happened in other areas of town. He asked whether the applicant would be willing to voluntarily reduce the size of the building, especially in the context of fire issues, and asked if any blasting permits will be required. He also supports a snow storage plan. Commissioner Hassett would like an assurance that this CGS Section 8-30g application will be a CGS Section 8-30g application. He asked if some type of bonding or security could be guaranteed to ensure that the applicant does not abandon the affordable housing project.

Secretary Botelho asked if it is a requirement that the restrictive covenant be filed with respect to CGS Section 8-30g. Ms. Augur replied yes, there would be deed restrictions for affordable housing units. Only what has been approved in a site plan can be built. Secretary Botelho agreed with many of the concerns expressed tonight but noted that the state statute limits the ability of the Commission to conduct their normal zoning discretion. Substantial safety and health issues must be associated with this project; otherwise, it is difficult to deny the application. The Town must examine a variety of issues, including the impact of uranium, excavation, traffic, and

parking concerns. He asked the applicant to address the updates made to the application and the submitted reports, as well as the various health and safety concerns raised tonight.

Commissioner Cahill asked the applicant to discuss his history with the development of affordable housing, what other projects has he undertaken, where those projects are, and how they have fared. If he does not have such experience, she would feel more comfortable designating the Glastonbury Housing Authority (GHA) as the entity to ensure compliance with the state statute. While she understands the public's concerns, because Glastonbury does not meet the 10% minimum threshold of affordable housing stock, the Town is not exempt from CGS Section 8-30g applications. Furthermore, because the Town has not increased its affordable housing stock by 2%, it cannot acquire a moratorium on these kinds of applications. She asked the Commission to consider that if this project were approved, that the applicant not be designated as the entity to manage the apartments because the jurisdiction is most appropriate with the GHA.

Vice Chairman Purtill would also like to explore the developer's intention and timeline for building the project. The site has sat empty for almost 20 years since the last proposal. She is concerned that once the parcel is completely excavated, the applicant will want to pursue a different project. The Town needs more information to ensure that the site will be safe for inhabitants in the event of a fire. She also requested information on the geological and water issues, as well as possible erosion. If there is no erosion, then she assumes it will be rock, which will mean a lot of blasting.

Commissioner Turner echoed that the Commission is awaiting information from expert testimony. The applicant has proposed that the roof line pitch be changed from 5/12 to 7.5/12. He asked what kind of an elevation change that creates for the ridge beam and how much more visible it will be from Stanley Drive. Commissioner Cahill noted that the ASDRC's report recommended changing all roof slopes to at least a 10.5/12 pitch. She would like to know why the applicant has only gone up to a 7.5/12 roof pitch.

The Commission took a brief recess, reconvening at 8:52 P.M.

Attorney Tim Hollister from Hinckley Allen represented the applicant. He explained that Attorney Gomes was the Town Attorney a few years ago, where she worked on a completely different matter; thus, there is no conflict of interest that would necessitate a waiver.

Alan Lamson of FLB Architecture & Planning, Inc., reviewed the architectural changes made to the building. Per the ASDRC's recommendations, the main roof of the building has been changed from a gable roof to a hip roof, and the pitch has been increased from 5/12 to 7.5/12. This would raise the ridge of the roof about 6.25 feet from the previous rendering. While the ASDRC asked for a higher change, the state building code limits the building height to 60 feet, which is where it is now. Thus, they cannot go any higher. The facade of the building has been lengthened. Per recommendation of the ASDRC, the depth of the gable eaves has been increased and brackets have been provided under the pediments on the upper floor to appear as supports. The entrance has been changed from a simple flat roof to a gable roof and an architectural cupola which will provide ventilation. Mr. Lamson noted that the building is fully sprinklered, and all the floors could be reached by ladder. The Town's two fire truck ladders go up to 90 feet and 105

feet. Specifically, the 90-foot ladder can reach 63 feet - the midpoint of the highest roof of the building - from a distance of 63 feet away.

Vice Chairman Purtill asked how the fire equipment will reach the back of the building. Mr. Lamson stated that because of the sprinklers, the building code does not require the back to be fully accessible by fire vehicles. The Connecticut building code sets limitations based on building construction height and use. The limit for this building is 60 feet. Commissioner Sexton asked about the differences in code, given that there are residential buildings in the state which exceed 60 feet. Mr. Lamson explained that the codes depend on the construction type and use. Commissioner Turner noted that the ASDRC had asked for a 10.5/12 pitch. He asked if reducing the building by one story would achieve that pitch. Mr. Lamson replied yes, it could.

Attorney Hollister stated that parking is a double-edged sword because pavement means increased difficulty in dealing water quality. Despite this, the application meets the Town's parking regulations of one space per unit. This is because 61 of the 74 units are either one-bedroom or efficiency units, so the proposed 85 parking spaces are sufficient. Commissioner Purtill pointed out that it is not one car per unit. Per Glastonbury's zoning regulations, 113 spaces would have been required. Mr. Hollister stated that last year, Connecticut adopted regulations denoting 1.5 spaces for two-bedroom units, 1 space per one-bedroom unit, and even fewer for efficiency units.

Commissioner Cahill asked if the applicant has a plan for issuing parking permits and will parking spaces be stipulated in the lease. Mr. Hollister does not believe that will be necessary in this case. The applicant is well motivated to make sure that there are no parking issues, and there are far more instances of overparking than underparking. Commissioner Cahill asked if the landlord would agree to a condition of approval that occupants of efficiency or one-bedroom units be limited to just one car. Mr. Hollister stated that the applicant would consider it if it were necessary, but he does not favor placing it as a condition of approval at this time.

Steven Mitchell of Mitchell Traffic Engineering, LLC presented the traffic report, which is now being reviewed by a third party. Regarding the concern raised that the study was conducted during the wrong time of year, he explained that the traffic counts are not used to determine the total amount of traffic there today, but rather, to determine traffic patterns. Because of the pandemic, the volumes were only used as ratios, not as actual numbers. They then went back to actual traffic counts done by the DOT pre-COVID-19, in the month of October, and used those numbers to develop ratios which determined what pre-pandemic traffic would have looked like in the area. After that, an additional 20% growth was added on to all the volumes. Their detail analysis has found that the level of service is good, and no problems are anticipated. Actual traffic projected from the development is 33 vehicles in the morning peak hour and 42 vehicles in the afternoon peak hour. This is not a large volume, and the road design can easily accommodate this traffic load. The Glastonbury Police Department has not indicated anything unusual about the operation.

Secretary Botelho asked why August was the month chosen to examine the traffic flow. Mr. Mitchell explained that the project began when they were hired to do the work. However, they are always looking at the annual counts from the DOT, so they factor in higher months with higher traffic. Commissioner Sexton noted that there was a discussion about installing a

pedestrian phase at the light. Mr. Mitchell stated that that is a state intersection, but they are looking into how to best handle pedestrian traffic there. Mr. Hollister added that the State DOT will not even consider the matter until all local approvals are in place, which is why they do not have an answer. He stated that the applicant has proposed a condition of approval for the Town to coordinate with the DOT on the extension of sidewalks across the street.

Wes Wentworth of Wentworth Civil Engineers, LLC, explained that the snow storage shelf on the west side of the building is accessible by snowplow. Per comments from the Town Engineer, no storage of materials will occur on the snow storage area. A reverse bench, which is a cut in the slope to stop runoff, is included on the 2-to-1 slope to the rear of the building. Before this revision, an erosion control blanket kept the slope stabilized during and after construction. He noted that a reverse bench is required by the 2002 Connecticut E&S guidelines unless further engineering measures are implemented, such as erosion control blankets, which are included here. Thus, the site is compliant through a belt and suspenders approach. As mentioned in the Welti report, there are five soil borings. Mr. Wentworth explained that onsite construction and excavation will not intercept any groundwater or ledge, so there will not be any blasting. Construction phasing will happen, and all excavation will be done from the top down. The Town Engineer has signed off and agreed that his concerns have been addressed.

Commissioner Purtill asked how long the excavation will take. Mr. Wentworth stated that they anticipate about 4-6 months. Ms. Purtill asked if there is a certain time of year when excavation must be conducted. Mr. Wentworth replied no, it could be done at any time of year. Regarding size, he noted that other projects in town far exceed the amount of excavation that will occur from this development. There are 2-to-1 slopes along Hebron Avenue right now which have been stable for over 50 years with no groundwater or bedrock exposed. It is the same soil type as this site and located next to this development. Commissioner Botelho asked about the estimated number of the truck trips going to and from the site. Mr. Wentworth explained that it will be on the order of 40-50 trucks a day, possibly higher, with as many as 80 trucks a day. Commissioner Turner asked where the excavated material will go. Mr. Wentworth stated that the trucks will use state highways, likely Hebron Avenue or Manchester Road.

Richard Hayes, the developer, noted that during his 2005 application, the TPZ limited the number of trucks that could excavate, when they could excavate, and which days they could work. This excavation will take at least 4-6 months. He took issue with the word "massive" being used repetitively regarding this excavation and listed various excavation projects throughout town which excavated more than hundreds of thousands of yards of material. He does not find the 75,000 cubic yards proposed in this development to be a lot of material. He has taken on many development projects with no issues. As Mr. Wentworth described, the slope behind the gas station is steep, at 45%, which should answer any concerns about erosion.

John Alexopoulos, the project landscape architect, reviewed the changes made to the site landscaping plan. In the front, the DOT has allowed planting of maple trees along the right of way. The wall on the Hebron Avenue side is gone. Now, it is a slope which builds up to the parking lot. On the top of the slope, compact junipers will be installed. It can also handle snow load. The plant list is now 81% comprised of native plantings. The slope will be very colorful and grassy, with a conservation mix and pollinators added. Trees on the slope will consist of 12 sapling groups of 4-5 feet, and more evergreen trees will be added on the south and west sides.

Attorney Hollister responded to remaining questions posed by Commissioners:

Regarding Commissioner Hassett's question of whether the applicant would voluntarily reduce the size of the development, Mr. Hollister replied no, this is a set aside development where 30% of the units are below market rate. The development works physically from an operational and safety standpoint, so there is no reason to reduce the density or the floor. He noted that even the ASDRC stated that the height was acceptable.

Responding to the concern raised by Commissioners Hassett and Purtill that the application must be guaranteed as a CGS Section 8-30g application, Mr. Hollister explained that there is case law on that. The courts have recognized that obtaining approval via Section 8-30g means that there is a binding obligation to see that through. The developer has experience in residential development and has agreed to appoint a third-party administrator, acceptable to Town Staff, to administer the building in compliance with state law.

As to Commissioner Cahill's question regarding the experience of the developer on affordable housing projects, Mr. Hollister explained that Mr. Hayes has some experience but is willing to appoint a third party to be the administrator. Once the development is ready for leasing, the applicant will propose a plan to the Commission and there might be a role for the Glastonbury Housing Authority, but not at this time. Commissioner Sexton noted that if the Commission were to make it a condition of approval that the GHA become the administrator, the GHA would have to accept the assignment, as well. Mr. Hollister stated that is correct.

Commissioner Purtill asked what will happen if the sand and gravel are removed, and the economy changes in such a way that constructing the apartment building is no longer feasible or desirable for the developer. Mr. Hollister noted that while economic situations fluctuate, it is the intention of the applicant to build the proposal as presented and to carry it out as a CGS Section 8-30g application. To say otherwise is speculation. Mr. Hollister noted that the traffic report was accepted by Town Staff. The applicant has also submitted a letter from a fire safety code compliance expert who determined that the plan is within code for fire safety access.

Mr. Hollister responded to the various public comments made tonight:

- Regarding the concern raised by Mr. Felkel, Mr. Hollister explained that the applicant is amenable to constructing a fence at the top of the slope to prevent children from crossing the property line.
- Bus lines: There are no bus lines running through the site currently, but they can be moved. An inquiry was made, and the DOT has stated that they would consider it.
- Building heights: The height of the roof was raised a little higher, which makes the building more visible. However, visibility of a building from other properties is not a criterion for land use. The applicant's obligation is to draft a plan that works, and he has a great economic incentive to do so, thus it is inaccurate to say that zoning laws can be disregarded. The application complies with every requirement of the Planned Business Development Zone apart from building heights.
- Property values: During the last public hearing, Attorney Gomes referred to two studies which showed that that affordable housing does not have an adverse impact on nearby

single-family home values. Multifamily and single-family units are not incompatible as they are both residential uses.

- Social impact: Mr. Hollister shared several comments made against this application, outside of a public setting. Commissioner Purtill asked why the comments were shared as they do not have names or addresses attached. She finds that including them into the record is inflammatory. Commissioner Hassett concurred, finding the comments insulting. Commissioner Cahill agreed, stating that no one on the commission supports those types of inflammatory comments made on social media. She asked that Mr. Hollister withdraw the comments from the record.
- For-profit concern: Mr. Hollister noted that CGS Section 8-30g was adopted so that private, for-profit developers can use this set-aside model to develop affordable housing opportunities. Mr. Hayes is doing exactly that, which is adding to towns' affordable housing stock without government money. This is what the state would like to see on the local level.
- "The plan is inappropriate": Before CGS Section 8-30g was enacted, towns could deny an affordable housing plan on the basis that it is inconsistent with the character of the town. The statute was passed to prohibit judges from deferring often unspecified reasons such as the 'development is inappropriate.' Mr. Hollister stated that public opposition to this application has included many statements deeming the proposal to be "inappropriate." Vice Chairman Purtill clarified that no Letters to the Editor have been submitted as part of the public record, as Mr. Hollister claimed. It is an overreach to insert comments that are offensive and unsubstantiated into the record. Commissioner Cahill commented that reference to "letters to the editor" must be removed because it is not a part of the official record.

Mr. Hollister stated that the project should be approved based on the following list:

- The building is nicely designed, compact, with a good quality of materials.
- The developer has a long record of excellence.
- The building height is justified by the configuration of the site. It will have limited visibility, and it is fire code compliant.
- The site is in the intersection of two state roads, in an area suitable for higher density development, and near shopping and services. Local police have confirmed the safety of the intersection.
- The development will provide the Town with needed affordable rental units.
- The traffic study shows no safety concerns, excavations will have no rock or blasting, and no ground water will be intercepted.
- There are no wetlands on the site, and the building will have sustainable features such as a dark-sky compliant lighting plan.
- The applicant has complied with all comments of all Town advisory commissions and Staff, except for the ASDRC's preference for one fewer building story.
- The application has been either endorsed, or not objected to, by the Conservation Commission, the ASDRC, the WPCA, the Town Engineer, the Fire Chief, the Environmental Planner, and the Health Department.
- The application proposes an attractive and suitable development, and the plan does not present a health or safety basis for denial.

Mr. Hollister explained that last Wednesday, the Town hired a third-party consultant. Reluctantly, the applicant will grant an extension to the July 5 meeting for the purpose of receiving that review. Commissioner Hassett noted that there may not be a quorum on that date. Mr. Hollister stated that there will be no claim of an automatic approval based on the 65-day timeline. He will put that in writing and send it to Ms. Augur tomorrow.

Commissioner Hassett understands the applicant's position, but a lot of variables could still change by July 5. They will address them then. Commissioner Botelho asked if the applicant accepted the recommendations of the ASDRC. Mr. Hollister replied yes. Commissioner Botelho noted that the ASDRC's meeting was in May, but the motion was dated in June. Ms. Augur explained that the motion was reviewed after the meeting, and the final report was not issued until June 9. Commissioner Purtill asked about the retaining walls. Mr. Wentworth explained that two of the major retaining walls have been removed. Two remain: one on the southwest corner extending off the building and another on the southeast corner of the site.

Chairman Zanolungo stated that the Facebook comments which Mr. Hollister shared tonight do not speak for the Glastonbury community. The people who have spoken at both public hearings have raised concerns, none of which were political or racially motivated. Mr. Hollister clarified that his intent was misunderstood. His client was attacked on a public forum, which he could not ignore. He had to defend his client. Commissioner Cahill reiterated that the comments are not evidence that the Commission will consider.

Commissioner Purtill contended that this application does not, in fact, meet all the requirements of the PBD Zone. Apart from building heights, as noted by Attorney Hollister, the application also does not meet the use for the zone, nor the parking requirements of the zone. She requested that for the July 5 hearing, Town Staff address the veracity of Mr. Hollister's statement that the application meets all the requirements of the zone, apart from building heights. She also asked to address the setback; how close to the property line will the excavation go on the Stanley Drive side. Ms. Augur noted that the proposal does comply with the dimensional standards of the PBD zone. Town Staff did not conduct an analysis of the parking per the state law, which governs parking right now in Glastonbury, but they can do that.

The Commission voted to table the public hearing.

Motion by: Commissioner Turner

Seconded by: Secretary Botelho

BE IT RESOLVED, that the Glastonbury Town Plan and Zoning Commission hereby continues the public hearing to the meeting of July 5, 2022.

Result: Motion to table the hearing passed unanimously {6-0-0}.

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 June 7, 2022 Regular Meeting

Motion by: Commissioner Turner

Seconded by: Commissioner Hassett

Result: Minutes were accepted {5-1-0}, with one abstention from Commissioner Purtill since she was not present at the meeting.

3. Section 8-24 Connecticut General Statutes Referral from the Town Council regarding the acquisition of two parcels totaling 8± acres located proximate to Meadow Road including frontage along the Connecticut River

Mr. Mullen explained that the proposed plan to be acquired by the Town is Lot 0-4 and Lot 0-5 off Meadow Road. The purchase of this land is consistent with the POCD for several reasons, including preserving large tracts of lands, providing public walkways, and continuing linear buffers along major watercourses.

Motion by: Secretary Botelho

Seconded by: Commissioner Turner

BE IT RESOLVED, that the Glastonbury Town Plan and Zoning Commission hereby forwards to the Town Council a favorable recommendation pursuant to Section 8-24 of the Connecticut General Statutes regarding the following: purchase of two parcels totaling 8± acres, lots 0-4 and 0-5 off Meadow Road. This action is pursuant to Section 8-24 of the Connecticut General Statutes, as the purchase of this parcel is consistent with the policies of the Town of Glastonbury Plan of Conservation and Development.

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

4. CONSENT CALENDAR

- a. Scheduling of Public Hearings for the Regular Meeting of July 5, 2022: **to be determined**

5. Chairman's Report *None*

6. Report from Community Development Staff *None*

Motion by: Secretary Botelho

Seconded by: Commissioner Turner

MOVED, that the Glastonbury Town Plan and Zoning Commission adjourns their regular meeting of June 21, 2022 at 10:17 P.M.

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

Respectfully Submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk