

**THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING MINUTES OF TUESDAY, MARCH 21, 2023**

The Glastonbury Town Plan and Zoning Commission with Shelley Caltagirone, 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.

ROLL CALL

Commission Members Present

Mr. Robert J. Zanolungo, Jr., Chairman

Ms. Sharon Purtill, Vice Chair

Mr. Raymond Hassett

Mr. Corey Turner

Mr. Emilio Flores

Mr. Philip Markuszka

Ms. Alice Sexton, Alternate

Ms. Laura Cahill, Alternate {participated via Zoom video conferencing}

Commission Members Absent

Alternate Vacancy

Chairman Zanolungo called the meeting to order at 7:04 P.M.

PUBLIC HEARINGS

1. Application of the Town of Glastonbury for a Section 12 Special Permit with Design Review concerning a new animal shelter with demolition of existing building & shed and construction of new, 2,100 square foot building - 340 Hubbard Street – Reserved Land

Dave Sacchitella, Building Superintendent for the Town, explained that a new animal control is proposed to be constructed in the same location as the current structure, which will soon be demolished. Construction is expected to begin this summer and will last 6-8 months. Bryce Sens, project architect, explained that there will be new parking and plantings on the site, as well as a fence enclosure along the front. Site access will remain as it is now. He reviewed the floor plan of the building, which contains one entry vestibule for visitors. There are ten kennels with associated runs and a van drop-off area. There will also be clerestory windows to provide ample light. The upper portion of the building is made of pre-finished siding, which will reduce the block of the building, and wood siding will add a residential look. Commissioner Cahill commended the Town on an excellent proposal.

Chairman Zanolungo opened the floor for public comments. He read the written comment received, from *Susan Bricks of Chestnut Hill Road*. She favors the new animal shelter but asked

to consider adding emerald green arborvitae along the fence, as well as a few river birch trees along the site. With no further comments, the Chairman closed the public hearing.

Motion by: Secretary Turner

Seconded by: Commissioner Hassett

MOVED, that the Town Plan and Zoning Commission approve the application of the Town of Glastonbury for a Section 12 Special Permit with Design Review concerning a new animal shelter with demolition of existing building & shed and construction of new, 2,100 square foot building, in accordance with the plans on file submitted February 24, 2023 with the Office of Community Development, and in accordance with the following conditions of approval necessary to protect substantial public interest and health and safety:

1. Compliance with:
 - a. The recommendations set forth by the Architectural and Site Design Review Committee (ASDRC) from their meeting on February 21, 2023, documented in the ASDRC Report, memorandum dated March 15, 2023.
 - b. The recommendations set forth by the Conservation Commission/Inland Wetlands and Watercourses Agency, in their recommendation for approval to the Town Plan and Zoning Commission, documented in the Environmental Planner's memorandum dated February 10, 2023.
2. In adherence to:
 - a. The Town Engineer's memorandum dated March 14, 2023.
 - b. The Director of Health's memorandum dated March 14, 2023.
 - c. The Fire Marshal's memorandum dated March 14, 2023.
3. If unforeseen conditions are encountered during construction that would cause deviation from the approved plans, the applicant shall consult with the Office of Community Development to determine what further approvals, if any, are required.

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

2. Continued Application of VESSEL RE HOLDINGS, LLC for site plan approval pursuant to CGS Section 8-30g concerning the construction of an apartment building with 48 units, parking & other site improvements – 51 Kreiger Lane – Planned Commerce & Groundwater Protection Zone 1

Attorney Meghan Hope of Alter & Pearson, LLC represented the applicant. The proposal is a set-aside development for 48 one-bedroom apartments. Thirty percent of the units will be deed-restricted for 40 years. The MDC has written a letter, indicating sufficient water capacity at the site. Ms. Hope reviewed the site plan changes that were made, following comments by the Architectural & Site Design Review Committee (ASDRC): a second egress door was added to the west side of the building; the sidewalk was re-oriented at the northwest corner, allowing for more plantings; and the mechanical unit has been moved onto a concrete pad. Tom Graceffa, Landscape Architect, reviewed the recommendations by the ASDRC, which have all been

incorporated: spacing the beeches more and using evergreens in the corners; inclusion of a very narrow arborvitae; and converting the wildflower mix to lawn throughout most of the site.

Ms. Hope showed the previous and current renderings, along with the building materials. She explained that the ASDRC has provided a positive recommendation, with several conditions, including recommending light shelves, a more subtle gray tone panel, and converting three parking spaces on the north into a landscaped area. Those three spaces calculate out to about 500 square feet. She noted that there are two parallel parking spaces on the west side which could serve as a potential landscape area instead. The ASDRC recognized that this building is appropriate in its location, but not in other locations throughout town. She then reviewed the unit layout of the building.

Ms. Caltagirone stated that the Town Attorney has drafted a second legal opinion related to this application and a subsequent application for this proposal, which was filed as an assisted housing project, meaning that the development would receive state and federal funding. Town Attorney Ken Slater explained that it is ultimately the Town Plan and Zoning Commission's (TPZ) decision whether the Planned Commerce Zone (PC) allows industrial use and does not allow residential use. Their original opinion was for the TPZ to look at all the permitted uses in the PC versus the Planned Industrial (PI) Zones. The Planned Commerce Zone does not permit any new residential uses. There is a dichotomy between the industrial and commercial zones, though there is some overlap. He also finds no basis for the applicant to receive any financing for assisted housing. The Affordable Housing Appeals Act is just an appeal. It does not change the underlying zoning regulations. Even if there is a public interest in having affordable housing, the TPZ does not have the ability to change the rules.

Commissioner Hassett commented that he was not present at the last meeting but has since viewed the video and seen the documentation, so he feels comfortable participating in the discussion tonight. Commissioner Turner stated that, at the last meeting, Attorney Alter mentioned some of the properties on Kreiger Lane, including Cofiell's Sport and Power Equipment, which is owned by his wife's parents. He has no financial interest in the business but alerted the Land Use Director and the TPZ Chairman. The Commission does not find any conflict or issue with Mr. Turner's participation in the application.

Ms. Cahill noted that Attorney Slater had cited a previous application that the TPZ recently adjudicated, where commissioners considered including affordable housing on the site, but it was not allowed because Glastonbury has no inclusionary zoning regulations. The applicant's attorney contended this, and the Town Attorney at the time confirmed it. She asked if the same analogy is being applied here. Attorney Slater replied yes, it is. The Commission does not have the statutory authority to make an exemption to the industrial zone.

Mr. Zanolungo opened the floor for public comment.

Attorney Avena of Suisman Shapiro, representing some of the neighbors, said they have serious concerns about this proposal. There are many businesses in the area, an area they feel should continue to be a site for industrial uses in town. He supports the Town Attorney's opinion that this is an improper application. The applicant should have picked a different zone from the

beginning. Their concern is not about the amenities of the building, but that it is in the wrong location.

Several neighbors who oppose the application introduced themselves and their businesses:

Greg Canna, owner of Automated Building Systems, Inc. at 126 Kreiger Lane, which is an energy management company.

Thomas Quinlan of 23 Kreiger Lane, has a light construction company and pre-existing residential uses on-site.

Jesse Kilgore of The Inspired Kitchen, LLC at 39 New London Turnpike.

Mike Monaco is the owner of 36 Kreiger, LLC.

Jeff Pell is the owner of ***General Landscaping at 100 Kreiger Lane.***

Bill Constantine is the owner of ***Constantine Paving also at 100 Kreiger Lane.***

Rob Gamer owns 22, 27, and 77 Kreiger Lane.

Christine Monaco of 767 New London Turnpike, which is an auto dealership.

Charles House of House Brothers Plumbing located at 74 Kreiger Lane.

Jory Pagliughi is owner of Glastonbury Oil Company, located at 36H Kreiger Lane.

Roger Baral runs Bloomfield Electric Company, located at 65 Kreiger Lane.

Charlie Brock runs Walker Products of 80 Commerce Street.

Kevin Rosen owns Palantine Lawn Care, located at 22 Kreiger Lane.

Toby Cofiell owns Cofiells Sport and Power Equipment, located at 46 Kreiger Lane.

Tom Quinlan of 23 Kreiger Lane, is concerned about safety at Kreiger Lane. There are no sidewalks, streetlights, or crosswalks. He asked the Commission to not set a precedent throughout the industrial zone with this development.

Nathan Rogers of 65 Kreiger Lane, also asked to deny the application. A 44-foot tall building would stand out as a sore thumb, and the reduced sight lines could yield safety risks. He is also concerned about insufficient parking for the residential development, which could create overflow parking on his property.

Jeff Pell of 100 Kreiger Lane, stated that there is a lot of congestion on the street already. Many people also walk on Kreiger Lane from the Tannery. With no sidewalks, there is a big safety concern. He urged denial of the application.

Charlie Brock of 80 Commerce Street, asked about the starting price for a low-income unit.

Attorney Hope responded that the units at 80% AMI would be \$1265 a month and at 60% AMI would be \$1054 a month. Of the 48 units, 15 will be set-aside affordable, of which 8 will be for 60% of AMI and 7 will be for 80% of AMI. The remaining 70% will be market rate units.

Rob Gamer of 22, 27, and 77 Kreiger Lane, stated that his father and Billy Monaco created this industrial zone to help small businesses. They never intended to have residential units there. This is the wrong location for the proposed development. It will create safety issues with children and pets, as well as a host of other problems. He urged the Commission to deny the application.

Attorney Hope responded to the various comments made:

- Proposed parking: The requirement is one space per unit. Their plan is a few spaces above that minimum. The ASDRC has recommended eliminating more spaces.
- Building height: The proposal is much lower than the maximum permitted in the Planned Commerce Zone.
- Sidewalks: The applicant proposes sidewalks from 51 Kreiger Lane going west. The Town Engineer has indicated that the Town would complete that portion.
- Sight lines: The traffic report has deemed that the sight lines exceed the standards required when exiting the site. This traffic report was reviewed by the Town Engineer and the Police Chief who determined that there is no evidence that the development will cause a negative traffic impact.
- Safety issues with children: The development is not geared towards families. Most of the tenants will be single people living in these one-bedroom units.
- Industrial zone exemption: The applicant's position on this has not changed. 51 Kreiger Lane is not in the Planned Industrial Zone, so they do not feel that the industrial zone exemption is met. There is a critical difference between the PI and PC zones. When the Council enacted the text amendment, they permitted residential use in the PC Zone. Further, CGS 8-30g is their remedial statute. Its main purpose is to encourage affordable housing. Because it is remedial, it needs to be liberally construed, so Attorney Slater's position is undermining that objective.
- Health or safety issues: There are none with this application. The applicant finds that the location is appropriate because there were some existing residential uses, and it is within walking distance of many residential services.

Vice Chair Purtill contended that residential use is only permitted if it existed at the time when the regulation was enacted. Attorney Hope stated that is correct, in the PI Zone, but residential uses are permitted in the PC Zone. Mr. Levy believes that this is a thoughtful use of the property, which has been vacant for a long time and is located next to a successful multi-family property. It abuts all the Tannery's same industrial uses and amenities. The Council made the distinction to change the zone to a planned commerce zone. This multi-family use will not interfere with the surrounding businesses. Their development is not geared towards children. There is always a

reason to not create affordable housing. This area will provide working people with high-quality sustainable housing that they otherwise would not be able to attain.

Ms. Cahill agreed that Glastonbury has not fulfilled its obligation to provide adequate affordable housing, and she finds the project to be well-designed. However, the Town Attorney's opinion states that many of the uses are identical between the PC and PI zones. She finds that this is an industrial zone. Therefore, residential uses can only be grandfathered in because new residential uses are not permitted. While the Commission could still find that the need for affordable housing outweighs the industrial zone exemption, she refers to the Consolidated Cigar application at 38 Hubbard Street, when the Commission tried to add affordable housing to that property. The prior Town Attorney advised that the Commission is bound to follow the statutory interpretations of their zoning laws. Because there was no inclusionary regulation, it was not allowed. The same applies here. The Commission does not have the statutory authority to make an exemption to the industrial zone. To do so could be challenged in court, and she cannot place the Town in such legal jeopardy. Further, the only evidence the applicant has for an assisted housing qualification is a letter from the CT Department of Housing indicating interest in the property without offering any financial commitment. If she had a vote tonight, she would have denied the application.

Mrs. Purtill agreed that this is an industrial zone. Once that determination is made, the Commission cannot approve the application for a new residential use. Commissioner Flores also believes that it is an industrial zone. Mr. Hassett agreed, adding that it is hard for someone to drive down the street and say that it is not industrial in some way, shape, or form. The legislative history on this exemption is clear that this important component of the community needs to survive. That is why they do not want residential uses in the industrial area.

Mr. Turner agreed with his fellow commissioners. It has been exhibited that the uses are almost identical between the PC and PI zones. He agreed with the Town Attorney that the language in their regulations is forward-looking, which means that there would be no more residential use going forward. The industrial exemption falls into effect. Commissioner Markuszka agreed, adding that the statutory history is thorough, signifying what the legislators were thinking when they drafted these regulations. Mr. Zanolungo agreed that this is an industrial zone.

Motion by: Secretary Turner

Seconded by: Commissioner Hassett

MOVED, that the Town Plan and Zoning Commission deny the application of Vessel Re Holdings, LLC for site plan approval pursuant to CGS Section 8-30g concerning the construction of an apartment building containing 48 units, with parking and other site improvements – 51 Kreiger Lane – Planned Commerce Zone & Groundwater Protection Zone 1, as described in plans and materials revised February 14, 2023, and on file with the Office of Community Development, per the following findings:

1. The proposed project would locate affordable housing in an area which is zoned for industrial use, the Planned Commerce Zone.

2. The Planned Commerce Zone permits a typical range of industrial uses, including eight (8) different types of manufacturing uses; bus garaging and equipment maintenance; construction services; excavation and filling of earth products; finance, insurance and real estate services; motor freight transportation terminal and garage; motor vehicle car wash and general repair and service; professional offices and services; various indoor recreation and fitness uses; utilities; vocation schools; warehousing; and retail trade.
3. The Planned Commerce Zone does not permit new residential uses.
4. The Planned Commerce Zone fits the Statutory exemption from the Affordable Housing Land Use Appeals Act [CGS 8-30g(g)] because it allows what are overwhelmingly industrial-type uses while excluding new residential uses.
5. Because the Planned Commerce Zone is not subject to the Affordable Housing Land Use Appeals, the project must be evaluated based on its conformance or lack thereof, with the Glastonbury Building-Zone Regulations, which prohibits the proposed residential use in this location.

Mr. Zanolungo thanked the applicant but took issue with the notion that they are trying to look for something to deny this application. Commissioners care about affordable housing, which is needed, but the people in this zone need their interests to be protected, as well. That is why the Commission voted the way they did tonight.

Result: Motion 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 March 7, 2023 Regular Meeting**

Motion by: Secretary Turner

Seconded by: Commissioner Markuszka

Result: Minutes were accepted {4-2-0}, with abstentions from Mrs. Purtill and Mr. Hassett who chose not to vote as they were not present at the meeting.

3. **Section 8-24 Connecticut General Statutes Referral from the Town Council regarding sidewalk construction along sections of National Drive, Eastern & Western Boulevards, within the Gateway Area**

Town Engineer Dan Pennington explained that this proposal fulfills all the sidewalk gaps in the Gateway Corporate Park. It will connect the area with the off-road multi-use trail, creating a safe road network from the Town Center to the Riverfront. If recommended by the Town Plan and Zoning Commission, the Council will consider this referral for approval at their next meeting. A grant will fully cover the construction cost. He also asked for approval of the erosion and sedimentation control plan. Mr. Hassett asked if there has been any objection from private

properties. Mr. Pennington replied that notices have gone out to all the abutting property owners and no objections have been heard.

Motion by: Secretary Turner

Seconded by: Commissioner Hassett

RESOLVED, that the Plan and Zoning Commission of the Town of Glastonbury forwards a favorable recommendation and approves the erosion and sediment control regarding the following project pursuant to Section 8-24 and 8-22a-329 of the Connecticut General Statutes.

The proposed construction comprises a total of 5400 linear feet of concrete sidewalk, on portions of three separate roads within the Gateway Corporate Park, including along Eastern Boulevard from Hebron Avenue and Addison Road, along National Drive from Eastern Boulevard to Western Boulevard, and along Western Boulevard from National Drive to Winding Brook Drive, including:

- Re-striping of the travel lanes, with spot roadway widening, along Eastern Boulevard from Addison Road to Western Boulevard and along Western Boulevard from Eastern Boulevard to a point approximately 200 feet south of the National Drive intersection in order to provide a minimum 4-foot wide bicycle shoulder along the proposed on-road bicycle route, connecting the two existing off-road multi-use segments.
- Removal of a raised median island on Eastern Boulevard, near its easterly terminus,0 minor road widening of Western Boulevard at a point close to the existing multi-use trail entrance located south of National Drive. These additional elements will serve to provide a minimum 4-foot-wide shoulder for use by cyclists traversing between the two off-road multi-use trail sections.

This road widening and sidewalk construction project is in keeping with the Plan of Conservation and Development's Town-Wide Transportation Policies in Section 3, as well as Land Use and Development Policies in Planning Area 6 Employment Area. This project also supports the goals and policies in the Bicycle Master Plan to expand and further connect the Bicycle and Pedestrian connections.

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

4. **CONSENT CALENDAR – NO ACTION**

- a. Scheduling of Public Hearings for Regular Meeting of March 4, 2023: **to be determined**

5. **Chairman's Report**

Mr. Zanolungo stated that Alternate Commissioner Sexton is resigning from the Commission. He appreciates her hard work and valuable input over the years. Mr. Hassett thanked Ms. Sexton for her great commentary and perspective. She will be missed. Mrs. Purtill is also sad to see her go. Ms. Cahill commended Ms. Sexton as a fellow alternate for her volunteerism. Ms. Sexton stated that her workload has doubled in the last year, which is why she is leaving, but she appreciates the efforts of commissioners and wished them well.

6. Report from Community Development Staff

Ms. Caltagirone stated that the April 4 hearing agenda will include text amendments pertaining to cannabis and inclusionary housing.

Motion by: Vice Chair Purtill

Seconded by: Commissioner Markuszka

The Town Plan and Zoning Commission hereby adjourns their meeting at 9:48 P.M.

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

Respectfully Submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk