

**THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING MINUTES OF TUESDAY, APRIL 4, 2023**

The Glastonbury Town Plan and Zoning Commission, with Shelley Caltagirone, Director of Planning and Land Use Services, and Gary Haynes, Planner, 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 J. Zanolungo, Jr., Chairman
Ms. Sharon Purtill, Vice Chair
Mr. Raymond Hassett
Mr. Corey Turner
Mr. Emilio Flores
Mr. Philip Markuszka
Ms. Laura Cahill, Alternate {participated via Zoom video conferencing}

Commission Members Absent

Alternate Vacancy
Alternate Vacancy

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

PUBLIC HEARINGS

1. Recommendation to the Town Council (Zoning Authority) regarding the proposed amendment of Section 3.27 of the Building-Zone Regulations for the regulation of cannabis establishments

Ms. Caltagirone stated that the moratorium will expire on June 1, so the Town needs to make a decision on the cannabis establishment regulation. The draft text amendment would prohibit all cannabis establishments. It cannot determine where recreational cannabis can be used, nor can it prohibit the delivery or transport of cannabis within Town limits. The amendment provides definitions of cannabis terms related to land use. If the Town's code does not explicitly prohibit cannabis establishments, then the use is presumed to be permitted. Thus far, less than a quarter of municipalities across the state have adopted regulations that permit cannabis regulation. Of the 92 municipalities that have reported their status, 42% have approved cannabis establishments, 38% have moratoriums, and 20% have prohibited cannabis establishments.

Ms. Cahill asked if there is a reason why the Commission is seeing only a regulation for prohibition tonight. Ms. Caltagirone responded that it is easier to draft a prohibition regulation versus a draft regulation that would allow for various ways to permit cannabis uses. Given that there are many ways the Town could go about permitting various cannabis establishment uses, she felt it appropriate to get input from commissioners before putting together a draft regulation

permitting cannabis uses. Mr. Markuszka asked what the expected costs would be for the Town, should they approve cannabis establishments. Mr. Haynes replied that the state would provide up to \$50,000 for public safety costs in the first 30 days of the establishments opening. Ms. Caltagirone added that because this is new throughout the state, they do not yet have enough data as to what the anticipated costs will be for the Town. Town staff can collect data over the next year or two and report back.

Chairman Zanolungo opened the floor for public comment. There were no comments, so he closed the public hearing.

Motion by: Secretary Turner

Seconded by: Commissioner Hassett

MOVED, that the Town Plan and Zoning Commission favorably recommends to the Town Council Zoning Authority text amendments to the Building-Zone Regulations to prohibit cannabis establishments new Section 3.27 as described in the memo regarding cannabis establishment regulations from the Office of Community Development, dated March 21, 2023.

Result: Motion passed {5-1-0}, with Mr. Flores voting against.

2. Recommendation to the Town Council (Zoning Authority) regarding amendment of Sections 2, 3, 4, and 12 of the Building-Zone Regulations and Sections 2 & 3 of the Subdivision Regulations for inclusionary zoning

Ms. Caltagirone explained that this text amendment would require the inclusion of deed-restricted affordable housing for projects that propose 10 or more lots or dwelling units. Affordable housing is defined as housing provided at 80% of the area median income and deed-restricted for 40 years. Inclusionary zoning would apply to all subdivisions containing 10 lots or more. Ten percent of the lots must be affordable and phased projects must include affordable units in all phases of the project. The affordable lots need to be developed with structures of comparable quality and size distributed throughout the development.

The proposed Building-Zone Regulations add a definition for multi-family development and affordable housing. The inclusionary zoning would apply to all multi-family developments containing 10 or more units in Planned Area Developments (PADs), the Town Center (TC) Zone, and the Adaptive Redevelopment Zones (ARZ). Twenty percent of the units must be affordable. Previously, the Glastonbury Housing Authority (GHA) was listed as the preferred affordability program administrator. However, this would not be possible because the GHA cannot take on tasks that are not funded by existing sources of revenue. Therefore, alternative language has been drafted, to identify either a for-profit entity, a non-profit entity, or a property manager as the administrator. Ms. Caltagirone noted that the department's working draft for inclusionary zoning is more complex than the proposed amendment because it incorporates both incentives and flexibility in the application of an inclusionary rate. Because of this, it will take more time and community input to refine.

Vice Chair Purtill noted that when the Town had deed-restricted units years ago, the initiative failed. When she served on the Affordable Housing Steering Committee, she voiced her

opposition to deed restrictions because of this history. However, Town staff responded that they were needed to get more affordable housing units, which would help the Town qualify for a moratorium from CGS 8-30g. She noted that the steering committee favored the in-lieu of fee option, where developers could opt into paying a fee deposited into a Town Affordable Housing Trust Fund, rather than constructing affordable units. This has been done successfully in other communities. If time is of the essence, she will support the amendment tonight, but going forward, there needs to be more discussion about the whole picture.

Mr. Caltagirone clarified that there is a difference between the GHA's ability to benefit from an in-lieu fee versus having the ability to administer an affordable housing program. The GHA cannot take on operations that are not allowed by the grants that fund them. If, however, the Town sets up an affordable housing trust fund to receive funds from an in-lieu fee, then the Town could manage and distribute the money to the housing authority. Mrs. Purtill finds that option appealing, but the restrictions are for only 40 years. Administering is very difficult, and details need to be honed, such as letting the Town do a right-of-first refusal for the sale of properties. She also supports a density bonus.

Secretary Turner supports the proposed amendments apart from the subdivision amendment. He supports a density bonus, agreeing with Mrs. Purtill that 5 or more units is a better option than the 10-unit threshold for inclusionary zoning. He also believes that the in-lieu of fee needs to be an option. Land acquisition cost is high in Glastonbury, which can jeopardize viable development. Without any in-lieu fee option, it would put an end to the types of establishments that they seek to create. He asked when the amendments will be finalized. Ms. Caltagirone responded that outside consultation by an economic analyst is needed to get to the right in-lieu fee number, as well as the potential density bonus. Staff will also look into what other towns have done, but this process will take several months.

Commissioner Flores is alarmed with the in-lieu fee discussion, which he believes will create substandard housing. In-lieu fee is an easy out for developers and will not add affordable housing. Mrs. Purtill stated that the GHA has done a great job of running properties. A housing trust fund would ensure that the affordable housing is in perpetuity because the GHA would always maintain it. Ms. Caltagirone explained that there are multiple ways that a trust fund might be used by a town. For example, it could be used for site acquisition of existing housing, down payment assistance, or security deposit assistance. As proposed, this would be one funding source, but a trust fund could be set up to receive multiple funding sources. Additionally, the Commission does not need to land on the precise language for the deed restriction or the administrative process at this time. That could be used as an internal document to advise applicants for approval.

Commissioner Hassett is concerned about the economic impact on developers. He wonders whether this will cause a chilling effect on building in Glastonbury. If the goal is to meet the state requirement and get more affordable housing, then they must make it more affordable for everyone, including for the developers to build. Commissioner Cahill noted that inclusionary zoning advances the stated goals of the Town's Affordable Housing Plan, which has set a modest goal of 105 units through 2027. The proposed amendments are a starting point, not a finalized document. She does not support the in-lieu fee option, as it is a get-out-of-jail free card for

developers to not create affordable housing. She stated that Attorney Branse has explained that the towns that have pursued it have not been successful in generating enough money to create substantial affordable housing. She thinks that it is better done by holding the developer's feet to the fire. Commissioner Markuszka is concerned that HOA fees are expensive. This would drive up costs for homeowners covering the amount that goes above the maximum affordability. Ms. Caltagirone noted that the state has a formula for calculating housing costs, and it includes HOA fees.

Chairman Zanlungo opened the floor for public comment.

DJ McBride of 263 Spring Street Extension, supports the adoption of an inclusionary zoning ordinance, which will make actionable steps to stop CGS 8-30g developments. He does not agree with the requirement of affordable housing developments having the same number of rooms as the other homes in the area. He thinks that it is acceptable to have a smaller house in the same neighborhood. He appreciated Mrs. Purtill's comments tonight.

Anne Bowman of 62 Morgan Drive, supports an inclusionary zoning ordinance which will help increase the number of affordable housing units in Glastonbury. She noted that, had there been such an ordinance in place, the last four major developments in Town (she cited The Tannery, One Glastonbury Place, the Soap Factory, and the former Consolidated Cigar warehouse) would have created over 100 affordable housing units. In-lieu options will not increase affordable housing.

Pamela Lucas of 145 Moseley Terrace, voiced support for the inclusionary zoning ordinance albeit with concern about its administration and enforcement. Glastonbury should require developers to include a significant percentage of units. She questioned whether in-lieu fee options would result in affordable housing. She expressed concern about the reliance on developer certification. She asked if developers could pay a fee for the Town to administer the affordability program, with thorough, random audits.

Jeff Pitler of 56 Douglas Road, supports an inclusionary zoning ordinance but is opposed to in-lieus, as it would let developers out of what the Town is required to accomplish. Glastonbury is mandated by the state to have a certain number of affordable housing units. If they do not meet the threshold necessary for a moratorium, then 8-30g applications will continue to roll in and the community would wield even less control over housing developments.

Mr. Zanlungo asked how the in-lieu fees would be determined. Ms. Caltagirone replied that different municipalities do it differently, so having a deep economic analysis on Glastonbury's specific conditions would be helpful. Mr. Zanlungo asked if the requirements of like-size units and finishes is called for by statute or does the Town have latitude. Ms. Caltagirone needs to investigate housing laws and state statutes on affordable housing to understand what is legally required.

Mr. Turner is concerned about pushing this forward tonight. He would like to receive more information from Town staff before recommending approval to the Council. Mr. Flores agreed. He would like to know how much affordable housing will be created from subdivisions of single

families. Instead, just focusing on larger, multifamily developments might get the Town to its goal faster. Ms. Cahill agreed that the larger developments are the way to go. However, she still favors sending a favorable recommendation tonight. She would then like a back-and-forth with the Council. Ms. Caltagirone clarified that the Council can take up the matter and is not required to send it back to the TPZ. Mr. Hassett also does not feel comfortable passing along something that has a lot of unanswered questions. These substantive issues require more time and information before getting anything to the Council. Mr. Markuszka agreed. Tonight's conversation spurred up questions that he did not even think about.

Mr. Hassett would like to know if the applicability definition is comparable to other towns, as well as whether the inclusionary rate will create a chilling effect on developers. Mr. Flores pointed out that the fact that CGS 8-30g applications are coming in shows that it is profitable. He asked how many affordable units would have been built in the past five years if the proposed 10% had been required. If neither the in-lieu fees or a change in size for the subdivisions, Mr. Turner believes that they should look into giving up on the subdivision amendments. Ms. Cahill would like to see information about what other towns have done and what their success rate is.

Ms. Caltagirone pointed out that she has started comparing what other towns have done. At least 38 other towns have inclusionary zoning. Mrs. Purtill suggested looking specifically into towns in the Hartford area. Ms. Caltagirone has heard concerns about how to cover the cost of affordable units. One suggestion is to set affordability rates for area median incomes (AMIs) that are higher than 80%, which would capture some workforce housing that is at 100% or 120% AMI. Pursuing different tiers of affordable housing would prevent a big gap between lower income housing and more market rate units. The Commission did not like that option.

Ms. Caltagirone will reach out to the Town Attorney for their opinion on some of these issues.

Mr. Zanolungo read the letters that were received into the record:

Rob Dakers of 15 Trifiro Circle, is in favor of an inclusionary zoning ordinance.

William Marut of 264 Carriage Drive, favors an inclusionary zoning ordinance.

David O'Connor of 1140 Main Street, also favors an inclusionary zoning ordinance.

Nancy Eden favors good intentions but believes that the state needs to become more tax-friendly.

Motion by: Secretary Turner

Seconded by: Commissioner Hassett

MOVED, that the Town Plan and Zoning Commission hereby tables the public hearing.

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 21, 2023 Regular Meeting**

Motion by: Commissioner Hassett

Seconded by: Secretary Turner

Result: Minutes were unanimously accepted {6-0-0}.

3. **CONSENT CALENDAR – NO ACTION**

- a. Scheduling of Public Hearings for the Regular Meeting of April 18, 2023: **to be determined**

4. **Chairman’s Report** *None*

5. **Report from Community Development Staff**

Ms. Caltagirone introduced the new Planner, Gary Haynes, who formerly worked for the towns of East Granby and Avon.

Motion by: Vice Chair Purtill

Seconded by: Commissioner Markuszka

The Town Plan and Zoning Commission hereby adjourns their meeting at 8:43 P.M.

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

Respectfully Submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk