

**THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING MINUTES OF TUESDAY, APRIL 18, 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 Chairman {**excused**}
Mr. Corey Turner, Secretary
Mr. Raymond Hassett
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 7:08 P.M. He seated Alternate Cahill in Vice Chairman Purtill's absence.

PUBLIC HEARINGS

- 1. Application of VESSEL RE HOLDINGS, LLC for site plan approval re: multi-family housing development pursuant to CGS Sec 8-30g re: the construction of an apartment building with 48 units, parking & other site improvements – 51 Kreiger Ln – PC Zone & GWP Zone 1 WITHDRAWN**
- 2. Tabled Recommendation to the Town Council (Zoning Authority) regarding amendment to Sections 2, 3, 4, & 12 of the Building-Zone Regulations and Sections 2 & 3 of the Subdivision Regulations for inclusionary zoning**

Ms. Caltagirone explained that, at the last public hearing, the Commission requested further research to understand the inclusionary zoning text proposals. She has included a summary of those questions, and sent a memorandum to key stakeholders in town such as the Affordable Housing Steering Committee and some local developers.

She reviewed the highlights of what was captured in the memorandum:

- **Comparable units:** The Town Attorney stated that there are no strict statutes regarding comparability between market rate and affordable housing projects, but there are comparability requirements mandated in CGS 8-30g projects. Having comparable units

allows more flexibility for a developer if it becomes necessary to swap out an affordable unit for a market rate unit.

- Income requirements: The Town Attorney has stated that a homeowner's income for an affordable unit after purchase is not restricted. The restriction only applies to the amount of the re-sale price.
- Subdivision history: If the Town had an inclusionary threshold of 10+ units, it would have captured 11 units over the past 10 years. If the threshold were 5 units, it would have captured 13 units. Ms. Caltagirone reviewed the residential development history in town. Since 1991, 3132 housing units have been created in Glastonbury. Most of those were single-family in the Rural Residence Zone and others in Planned Area Developments. Commissioner Cahill asked to report on the number of multi-family units that were created. Ms. Caltagirone replied that she is not confident in the data analysis that she provided today and would like to examine the numbers more closely. Therefore, she will share that information with the Commission at their next meeting.
- Fee in-lieu: 4 out of 13 towns in Connecticut have fee-in-lieu programs. Three out of those four were established in the past two years. The fees range from \$50,000 to \$210,000 per unit or as a percentage of area or state median income ranging from 220% to 370% (roughly \$283,000 to \$482,000).
- Economic Impact: An economic analysis could be done by an outside consultant to see how the Town can minimize a possible chilling effect on housing development because of inclusionary zoning restrictions.
- Program Administration: Because the Glastonbury Housing Authority (GHA) cannot take on additional tasks that are not included in their current funding, the Town will have to decide how affordable housing programs for development will be administered and monitored for compliance.
- Other approaches: Over half of the 13 towns have density bonus programs. The threshold for programs ranged from 3-20 units. Inclusionary rates ranged from 5-30%. Some towns require public water and sewer. Others include priority placement for certain residents based on employment or residency. These are just some other approaches that could be considered by Glastonbury.

Ms. Cahill asked if the Council would return this matter for further discussion and action by the TPZ. Ms. Caltagirone responded that it is up to their discretion. The Council is not required to refer any text amendment changes back to the commission. Commissioner Markuszka asked how the income is based. Ms. Caltagirone replied that affordability is determined by income of the household and household size. Both the state and federal governments provide tables to show what is affordable.

Chairman Zanlungo opened the floor for public comment.

Frank Nuzzolo is a developer at F N Builders, which has been building single family homes in Glastonbury for 35 years. They were not approached by the Town for their feedback. He urged denial of these recommendations for various reasons. The inclusionary zoning and maximum sale price will present a huge issue for developers. The values of the properties being sold are high. To put a restriction on an affordable house in those areas is going to be a nightmare. He also does not see the logic of an inclusionary threshold on subdivisions because the number of

affordable housing units that it creates is simply too low. He discussed Willow Pond Farm as an example. He spent over \$200,000 just to get that project approved after two years of requirements and red tape. At the time, he had offered to place a few affordable units, but it was met with objections from council members and neighbors. He expects that this bad policy will not just create a chilling effect for local developers, but that it will be a freeze. He asked to not penalize builders, but rather, to add incentives to encourage affordable housing.

Anne Bowman of 62 Morgan Drive, supports an inclusionary zoning ordinance that includes an affordable housing trust fund which is funded by fees paid by developers. She does not support the in-lieu fee option. People who qualify for affordable housing should not be restricted to living only in multi-family developments. She supports a deed restriction in perpetuity, as well as a percentage of affordable units in all developments to prevent concentration. Incomes at 80% of AMI and below should qualify.

David O'Connor of 1140 Main Street, also supports the proposed amendment for inclusionary zoning. He asked to consider a change in the new Section 3.9 that any subdivision of 10 lots or more shall include that 10% be deed-restricted for affordable housing. He asked to increase that to 20% across the board. He does not support the fee-in-lieu provision which defeats the purpose of providing affordable housing in Glastonbury.

Rob Dakers of 15 Trifiro Circle, supports adoption of an inclusionary zoning ordinance to ameliorate the Town's affordable housing crisis. He is against an in-lieu fee option.

The following comment was made via Zoom:

Marty Kenny of Lexington Partners in Hartford, is the developer for both the Tannery and Addison Mill Apartments. The Tannery took three years to get through the Town's approval process. It introduced a lifestyle of market rate rental that was not in town before that. When the Flanagan family owned the property, the tax payment on it was \$40,000 a year. Today, it is over \$1 million. With revaluation, it will be close to \$1.6 million. As someone in the multi-family development industry, he strongly advocates for affordable housing. However, he is against legislating that all developers be mandated to incorporate affordable units. It never works and ends up with unintended consequences, such as the eroding of property values and slower economic growth. He asked to not let well-meaning people make a big mistake.

Ms. Caltagirone noted that the working draft does not deal with subdivisions. Secretary Turner finds that the alternate working draft is the better route to go. Mr. Zanolungo agreed and pointed out that Mrs. Purtill, who is absent tonight, has expressed the same thought. Ms. Cahill supports the alternate working draft but opposes several provisions. She likes the density bonus incentives and supports lowering the applicability of inclusionary zoning regulations from 10 to 5 housing units. She opposes the fee-in-lieu option, which is a get out of jail free card for developers. Town staff were only able to identify four towns that allow this option and three were just in the past two years, so there is virtually no data. She strongly recommended not adopting a fee-in-lieu option for affordable housing, which can always be revisited later once they have gathered more data on the matter.

Ms. Cahill also opposes the removal of subdivision single and two-family developments. Affordable housing should be throughout the town. The state has a model deed restriction included in their materials which can take care of some of the problems they have had in the past. The challenge is not what has happened in the past with deed restrictions, but rather, that the deed restrictions are fair. This is a continuing conversation. She also opposes lowering the inclusionary rate from 20% to 10% for 5+ housing units. This will hold the Town in place, and they need to be more aggressive in their approach. There were too many opportunities for developers to provide affordable housing, and they have not done it. Therefore, she advocates for very strong inclusionary regulations.

The Commission agreed to work off the Alternate Working Draft.

Commissioner Flores has looked into in-lieu fees and how other towns have been using it. If in-lieu fees were leveraged on new subdivisions, they could be utilized creatively to create grants for local workers in town who can purchase their own home. He suggested maybe bringing subdivisions into the fold with the in-lieu fee option. Mr. Markuszka supports the in-lieu fee option because there might be a chilling effect for developers; instead of always waiting to see what other towns do, Glastonbury needs to lead the charge. They can set an example and use it to their advantage.

Commissioner Hassett's focus has been on the unintended consequences. If it does not make economic sense, then developers will not build in town. He is also unsure what the inclusionary rate should be, but 10% is the number that a lot of communities are using. Perhaps the number should be lowered from 10+ units to 5+ units, but more discussion is needed. He also commended Ms. Cahill for all her hard work in the matter of affordable housing.

Secretary Turner noted that the Commission just got to see the alternative working draft today. In reading through it, he was encouraged. Affordable housing is a huge problem in Glastonbury that needs to be addressed, and there is consensus to do so. The alternative working draft is more balanced in its requirements. It also creates the carrot, through approaches such as offering density bonuses, which will allow developers to receive benefits to provide affordable housing. However, he is still concerned about including subdivisions. The fact that over the past 10 years, the Town would have captured only a few units is not convincing. He is also still on the fence about the in-lieu option. He does not believe that affordable housing should be concentrated in one area. The language of the alternative working draft must be tweaked before making a recommendation to the Council.

Mr. Markuszka asked what the tax ramifications are on the Town's mill rate, based on the applicability of these different options. Ms. Caltagirone responded that she has not investigated it, but she can explore that with the assessor's office and with the town manager. Mr. Zanlungo remarked that at the commission's next meeting, they must be prepared to send the Council some sort of recommendation with direction. Ms. Cahill would like to see something with public water and sewer and priority placement, as well as information on the economic data. She would like an independent consultant study, especially on the fee-in-lieu option, as well as a modified version of the alternate draft which includes discussion of subdivisions.

The Commission then reviewed tabling the issue once more and provided direction for Town staff to put together more information for the next meeting. Ms. Cahill would like to add the subdivision discussion. Mr. Flores would like to include it as well, but every giant open-ended discussion revolves around that. He wonders whether they can reasonably address it. Ms. Caltagirone explained that, in the last 10 years, 378 units were created and 192 of those were created by a subdivision. Mr. Hassett thinks that might be single family developments, not multi-family developments.

Ms. Cahill asked for the total units in the PAD and ARZ over the last 10-15 years. Ms. Caltagirone has the number on PADs for the last 30 years. She can put together that analysis. She also noted that the working draft does not address the PAD regulations. She can put together what is in the subdivision and the PAD proposed amendments with the alternative working draft, cherry-picking the missing pieces. Ms. Cahill asked why PADs also need Council review. Ms. Caltagirone replied, because it is a change of zone. Ms. Cahill suggested allowing only subdivision single homes to do the fee-in-lieu on affordable housing but holding the feet to the fire for multi-family development at 20%. This would provide some balance to the discussion.

Motion by: Commissioner Hassett

Seconded by: Secretary Turner

MOVED, that the Glastonbury Town Plan and Zoning Commission hereby tables the public hearing to the May 2, 2023 meeting.

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 April 4, 2023 Regular Meeting**

Motion by: Commissioner Hassett

Seconded by: Secretary Turner

Ms. Cahill stated that she had given three points in her comments about an inclusionary zoning regulation proposal which were not reflected in the minutes: she supported lowering the applicability number from 10 to 5 housing units, she opposed the fees in-lieu for affordable housing, and she opposed removals of the subdivision of single family and two-family developments.

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

3. **Application of Spicy Green Bean for a Section 7.11 Administrative Site Plan - outdoor dining - 103 New London Turnpike – Town Center Zone**

Jenna Rosella is the General Manager of The Spicy Green Bean. Her aunt Kathy is the owner. They are a family-run business which has been in operation since 2008. The request is for a permanent patio to aid business which has suffered because of the pandemic. The proposed patio

is smaller than the one that was approved during the pandemic. She noted that during the pandemic, parking spots 1-5 were used for the patio, but she also proposed spaces 2-6 as an alternative. This amounts to a total of 48 feet. There are 8 extra parking spots on-site, of which 5 will be used for the patio. She showed the circulation and the turning radius for emergency vehicles. The two front and back barriers will be the same. In the off-season, the patios will be stored. She showed other area restaurants' square footage, and letters of support from neighboring businesses, including State Farm, Against the Grain, Dee's, and Villari's, all located at 103 New London Turnpike.

Mr. Zanlungo asked if there will be fewer seats in the restaurant. Ms. Rosella replied yes. It is 1 for 1, so one seat outside means removing one seat inside. There will be acoustic music as entertainment on Thursday and Friday nights and no music past 9:00 P.M. Portable umbrellas will be taken down at the end of each shift to clean. Lighting will include existing timed automatic lights. Mr. Hassett asked if the applicant has acquired a liquor license yet. Ms. Rosella does not think so but will follow up on the matter. Mr. Markuszka asked about moving the barriers in the off-season. Ms. Caltagirone replied that due to their weight, moving and storing them would be a burden. Thus, they are considering them as permanent fixtures. Ms. Cahill does not like the idea of big barriers in downtown, but she will support the application. Ms. Rosella stated that she does not like it either, but because they are in a parking lot, they need a barrier. Ms. Caltagirone added that they are planters.

Mr. Turner asked about the two options for the patio location. Ms. Caltagirone clarified that there are only three required handicapped spots and the one on the corner does not meet the regulations, whereas the other three do. Therefore, they recommended eliminating it altogether because it is not required by the code, and it is not standard. This would mean shifting it down to parking spots 2-6. Ms. Rosella pointed out that there is a little space between spots 1 and 2, where they could place a barrier that would not interrupt the handicapped spot.

Kathy Denisiewicz, owner of The Spicy Green Bean, reiterated that the handicapped spot is not a real one, so if the barriers are close to it and sometime tried to get out in a van, it simply would not work. She supports taking out that spot to enhance the flow. Therefore, parking spots 1-5 would be better. Mr. Hassett prefers spots 2-6 for traffic flow and safety. Ms. Denisiewicz suggested covering it over so that nobody parks there; Mr. Hassett supported that idea. Ms. Cahill also supports just paving it over and eliminating it.

Motion by: Secretary Turner

Seconded by: Commissioner Hassett

MOVED, that the Town Plan and Zoning Commission approves the application from Spicy Green Bean for an Administrative Site Plan, to allow Outdoor Dining area per Section 7.11 of the Town Zoning Regulations, in accordance with plans on file submitted March 23, 2023 with the Office of Community and Development, and in accordance with the following conditions of approval necessary to protect substantial public interests in health and safety:

1. Outdoor seating shall be within parking spots 2-6.
2. The applicant shall paint over the handicapped parking area.
3. The applicant will follow up with Town Staff regarding the subject of the outdoor liquor permit.

4. If unforeseen conditions are encountered during construction that would cause deviation from the approved plans, the applicant shall consult with the Office of Community and Development to determine what further approvals, if any, are required.

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

4. CONSENT CALENDAR

a. Scheduling of Public Hearings for the Regular Meeting of May 2, 2023

- i. Application of Paul Cavanna for renewal & expansion of a Section 6.2 Excavation Special Permit for excavation of earth products, Phases 1 & 2 excavation areas – 63 Woodland Street – Rural Residence Zone

Motion by: Commissioner Hassett

Seconded by: Secretary Turner

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

5. Chairman's Report

Mr. Zanolungo stated that the applicant Mr. Cavanna has requested that his public hearing be first on the May 2 meeting. Ms. Cahill asked if the TPZ at the time included the requirement that Trader Joe's must have a front door. Mr. Turner responded that it was a discussion, but the applicant argued that their back of house operations prevented it.

6. Report from Community Development Staff *None*

Motion by: Commissioner Hassett

Seconded by: Commissioner Flores

The Town Plan and Zoning Commission hereby adjourns their meeting at 9:25 P.M.

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

Respectfully Submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk