

**THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING MINUTES OF TUESDAY, MAY 2, 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 Purtil, Vice Chair
Mr. Corey Turner, Secretary
Mr. Raymond Hassett {participated via Zoom video conferencing}
Mr. Emilio Flores
Mr. Philip Markuszka

Commission Members Absent

Ms. Laura Cahill, Alternate **EXCUSED**
Alternate Vacancy
Alternate Vacancy

Chairman Zanolungo called the meeting to order at 7:01 P.M.

PUBLIC HEARINGS

1. Application of Paul Cavanna for renewal of a Section 6.2 Excavation Special Permit for excavation of earth products – 63 Woodland Street – Rural Residence Zone

Attorney Dory Famiglietti from Kahan, Kerensky & Capossela, explained that the original permit was granted in 1985 and has been renewed every two years since. Less than half of the contemplated material has been removed to date. Much of it has been used on-site, though some has been sold. About 5,000 cubic yards will likely be removed over the next two years. The applicant contemplates continued use of the portable processor. She explained that there have been at least two instances of blasting on this property in past years - the most recent being in the summer of 2021. The Town's special permit regulations do not speak to blasting; the Fire Marshal's Office has jurisdiction over blasting permits.

Richard Hosley is the president of R.M. Hosley and Son, a drilling and blasting engineering company. They have conducted blasting at the Cavanna property with monitoring of blast sites through an independent third party, which is not required by the town or the state. He talked through their process of drilling and blasting. Upon inspection, the state issues the permit, at which point the applicant will notify neighbors of blasting operations. This is done by posting signage, mailing flyers, and phone calls. Neighbors are contacted based on their distance to the

blasting. Ms. Famiglietti added that the Cavannas also post on their website when there is going to be blasting.

Vice Chair Purtill noted that almost all the excavations the Commission has received relate to the removal of sand and gravel. She cannot recall an excavation whose sole purpose was to remove bedrock, so over the years, the original application must have evolved into bedrock blasting. Ms. Famiglietti explained that the applicant hit bedrock in a couple instances, which they had to work through. In 2021, the blasting related to the sand and gravel permit. Her client also has a pre-existing sand and quarry pit, which has had blasting in the past, but that is separate from the sand and gravel blasting. Mr. Haynes explained that the applicant has taken out five blasting permits in 2020, six in 2021, and nine in 2022. So far in 2023, there has been only one. Ms. Famiglietti clarified that she is speaking to the gravel permit operation, of which there are two; the most recent being in summer 2021.

Ms. Famiglietti explained that the applicant will return to the Commission in the next month or so to review operations of the pre-existing non-conforming quarry pit. The applicant, John Cavanna, provided more detail on the quarry pit, which dates to the building of the dam in 1790. He explained that so much sand and gravel has been excavated that now they are running into rock veins which cannot be circumvented. They have hit a high spot. Mrs. Purtill asked for an estimate of how much material will be removed. Mr. Cavanna does not know. Moving through the material, they never know what they are going to get until they strip it.

Mr. Haynes added that part of the confusion is that there are multiple sites of excavation. Also, the language regarding the intention, vis-a-vis blasting, which has been carried over in the renewal permits, is confusing. They hope to have those questions answered in next month's application. He agrees with the applicant's interpretation that when mining for gravel material, the purpose is different than when blasting for a rock quarry. Mrs. Purtill remarked that, over the years, the Commission's regulations have not addressed blasting, so when a subdivision with blasting comes up, they add language in the conditions of approval to address it (such as add instructions to acquire permits from the Fire Marshal). The intent was that this cannot be turned into a rock quarry.

Secretary Turner agreed that the Commission has put conditions of approval on several applications, saying that there is no blasting allowed. If there are instances where blasting is required, then the applicant is required to come back for re-evaluation. Mr. Haynes explained that the applicant differentiates between blasting aggregate versus stone. They should also differentiate the different pit locations. Mr. Hosley noted that the Fire Marshal issues an addendum which goes above and beyond the state's requirements. This is found in only a handful of towns in Connecticut, and Glastonbury is one of them. Prior to this generation, most things were either grown on farms or mined from the earth. If these resources are local, then they are transported shorter distances. The end goal is to use resources locally and sustainably. Mr. Haynes added that the Fire Marshal spoke highly of the blasting company's professionalism.

Chairman Zanolungo opened the floor for public comments:

The following comments were made in-person:

Dale Ethier of 537 Woodland Street, supports the Cavanna family farm's renewal. They are conscientious neighbors who provide good quality material, which is good to get from a local source.

Aaron Lajoie of 230 Woodland Street, supports the application, as it is great to see a farm grow rather than shut down. The Cavannas are doing innovative things, such as installing a railroad, which will help bring in people to town who will spend money.

Steven Zweibel of 289 Woodland Street, is a neighbor who was initially told that there would be no blasting on-site. Since 2018, there have been numerous times that his house has moved because of blasting. He has well water, and the vibrations of these blasting events could affect the quality and flow rates of the water. He is also concerned about seismic activity. He has received the phone call notification but never one via mail. He requested hydrological testing of his wells and monitoring of seismic activity. Community Development have sent someone to look at the state of the site. He asked that monitoring and testing of his property be included in this renewal of the permit.

Janet Burton of 275 Woodland Street, explained that gravel pits and quarries produce a vast amount of aerosolized particulate matter. The most concerning is silica dust, which, if inhaled, can embed in the lungs, and cause permanent damage and disability. The blasting generates silica dust, which gets everywhere. She asked to put in regulations that allow for routine regular testing of silica dust which is then reportable to the Town or even the Department of Energy and Environmental Protection (DEEP). They need to address what is happening now with new people in the area.

Thor Norgaard of 35 Rickley Road, has done the testing in question on the Cavanna site. They have made every effort to operate within the guidelines and have provided additional dust mitigation. Regarding the rock, he explained that nobody knows the topography until they begin digging. As Mr. Cavanna said, sometimes there is a line of rock, which makes it difficult to level the land for restoration, as required.

There was also one written comment submitted:

Roger Emerick of 580 Hopewell Road, finds the quarrying operation with frequent rock pounding to be unpleasant and degrading to the otherwise bucolic 40-acre wooded property he owns along Roaring Brook. The sounds disrupt his morning coffee and newspaper time.

Mr. Hosley responded to the various comments and concerns expressed:

- Dust control: There are two water tankers on-site for farming and blasting operations to control dust. The Cavannas live on the property, so they are just as concerned about dust control as the abutters. Mr. Cavanna added that dust negatively affects their farm's crops, so they usually set up pumps with misters to prevent it.
- Accounting for new homes: Several homes built in the area after 1985 were built in a subdivision which noted that excavation activities occur near the site. The note on the subdivision map is there not just to advise new buyers but also to protect the existing rights for business owners.

- Site testing/monitoring: The requests for air monitoring and hydrological testing of wells go well above the state regulation requirements. Those homes are also far enough away from the blasting that they do not seem warranted.
- The notification process: Neighbors can request to be on the phone call list, and depending on the distance to the blast, there would be flyers and mailings sent out. If there is a request or condition to send a written notice to all direct abutters - regardless of the distance away - that would not be a big impediment.
- Well water: All the blasting conducted has been very superficial. The rock mass they are affecting is on the surface, whereas well water is retrieved from deep in the soil. Therefore, their blasting activities should not affect the neighbors' well water.

Mr. Turner asked how early land abutters are notified in correlation to the blasting. Mr. Hosley replied, about 24 hours in advance and then 15 minutes before the blast. Mr. Turner suggested notifying neighbors earlier - perhaps a few days or even a week prior. Ms. Famiglietti stated that they can place fliers in mailboxes 5-7 days beforehand. Mr. Zanolungo asked to ensure that the Zweibels and Burtons are notified all the time. Mr. Cavanna agreed to do so. Mrs. Purtill pointed out that both those neighbors are listed as being on the notification list.

Mr. Zanolungo also asked to put the seismograph back. Mr. Cavanna responded that they have put it on the edge but can put it wherever the neighbors would like. Mr. Cavanna explained that he does not wish to blast at his house, but it is a necessity. He does everything to make blasting as least impactful as possible. Seismographic testing is not cheap, but he does it. He also noted that they have never been above 60% of the state threshold.

With no further comments, the Chairman closed the public hearing.

Motion by: Secretary Turner

Seconded by: Commissioner Flores

MOVED, that the Town Plan and Zoning Commission approve the application of Paul Cavanna for renewal of Section 6.2 Excavation Special Permit - for excavation of earth products - 63 Woodland Street - Rural Residence Zone and Ground Water Protection Zone 1, in accordance with the following conditions:

1. Compliance with:
 - a. The following conditions to be added to finalized plans:
 - i. The regraded slopes shall not exceed 3:1.
 - ii. As each section of Phase I of the 7-acre excavation area is completed and regraded, restoration shall be done in accordance with Section 6.2.7 shall include:
 1. Application of at least 4" of topsoil;
 2. Seeding according to Natural Resource Conservation Service direction;
 3. Application of straw and or other suitable mulch.
 - iii. Erosion and sedimentation control measures, dust control, and restoration methods shall be subject to review and amendment by the Environmental Planner.
 - iv. Blasting shall be minimized as required for normal operation of sand and gravel excavation activities.
 - v. The operating schedule shall be as follows:

1. Monday through Friday (exclusive of State holidays) 7:00 a.m. to 4:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m.;
2. Equipment Start-up and /or idling on or adjacent to the site shall not be permitted prior to the approved hours of operation.
- vi. Accumulated sediment deposits shall be removed from the sedimentation basins as needed or as directed by the Environmental Planner, in order to maintain the sediment storage capacity of the basins.
- vii. Monthly reports shall be submitted to the Town Plan and Zoning Commission which specify the number of vehicle trips completed during that month.
- viii. This Special Permit shall expire May 5, 2025.
 - ix. Portable processor is permitted in association with the excavation operation (use of processor originally approved 2001).
2. Adherence to:
 - a. The Police Department’s memorandum dated April 12, 2023.
 - b. The conditions contained in a Site Plan Review from the Fire Marshal’s Office, file number 23-017, plans reviewed 4-24-23. The Health Department Director’s memorandum dated April 27, 2023.

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

2. Tabled Recommendation to the Town Council (Zoning Authority) regarding amendment of 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 the memorandum provides additional information on the history of multifamily development in town. It also provides a revised inclusionary zoning draft. Since 1991, approximately 3,580 dwelling units have been produced in Glastonbury. Those numbers do not reflect current affordable housing units, which are tax exempt and do not show up in the Assessor’s data, but the Town has 467 current affordable units available. Single family dwelling accounted for over half of the units, with 2,551 units. Approximately 900 units were constructed as multifamily developments. Almost half of the multifamily developments were created in the past ten years. Approximately half of the units were created in the Rural Residence Zone. Approximately 1,100 units were produced in Planned Area Developments (PADs), the Town Center Zone, and in Adaptive Redevelopment Zones (ARZs), where multifamily development is permitted.

She summarized the revisions made to the text amendment to combine the proposal with the working draft.

- Removed “size” as a required comparable quality for subdivisions
- Added the fee-in-lieu alternative to the subdivision regulations and the building zone regulations for multi-family developments
- Revised the PAD purpose statement to allow all affordable dwelling units (owner and rental)
- Replaced PAD restrictive covenants language to match other regulations
- Added “multifamily development” to the building zone regulations as a special permitted use for Rural Residence, Residence AAA, AA, and A Zones

- Added “inclusionary zoning” as a requirement for all multifamily development with threshold of 5 units and rate of 10%
- Added a density bonus for multifamily developments in Town Center, Town Center Mixed Use, and Residential Zones for an inclusionary rate of 20%

Mrs. Purtill noted that the multifamily section has nothing to do with increasing affordable units. It is just promoting and increasing housing choice and diversity. This would apply to all residential zones and allow multifamily dwellings anywhere in town. Therefore, one could put up a four-family dwelling, which would be under the five lot proposed threshold for inclusionary zoning, so no affordable housing would be created. This would mean quadrupling the density, and further throwing off the ratio of affordable housing units in town. She does not support this. Ms. Caltagirone clarified that the Country Residence Zone would remain untouched. This draft does not set the density requirements.

Commissioner Markuszka asked who will run the fee-in lieu. Ms. Caltagirone replied that it would be the Town, not the Glastonbury Housing Authority. In terms of the infrastructure of how to run a trust, that remains unknown. A lot of work would need to go into setting up the parameters of the trust, which is not included in the text amendments. Mr. Zanolungo stated that it seems better suited for subdivision regulations. He asked Ms. Caltagirone to include fee-in-lieu as an option in their memorandum so that the Council knows about it and knows that the Commission brainstormed ways to incentivize affordable housing. Commissioner Flores is in favor of in-lieu fees for single family and subdivisions but not for larger developments and multifamily units. Commissioner Hassett stated that the Commission seems to be on the same page on that.

Ms. Caltagirone posed the following questions for the Commission to consider:

1. Does the Commission support the expansion of multifamily development in areas served by public water and sewer to Residential Zones RR, A, AA, and AAA through proposed Special Regulation Section 6.12?

Mrs. Purtill said no, because the purpose of that section is just to diversify housing, and it would increase density, which is not their goal. Ms. Caltagirone pointed out that, currently, they get multifamily developments in residential zones through PADs. This could be an alternative way to get multifamily developments without having to go through a rezoning. The Commission agreed to strike it completely.

2. Does the Commission support an inclusionary threshold of 5 or 10 units in subdivisions? In PADs? In ARZs? In TC, TCMU, and Residential Zones A, AA, and AAA?

Mr. Turner prefers to stick with 10 units for the subdivisions, as well. He would not lower it because PADs and ARZs typically have more units to offset it. The Commission agreed to leave it at 10 units.

3. Does the Commission support an inclusionary rate of 10% or 20% in subdivisions? In PADs? In ARZs? In TC, TCMU, and Residential Zones A, AA, and AAA?

Ms. Caltagirone clarified that the Residential Zones A, AA, AAA have no proposed inclusionary rate. The recommendation would not allow for a multifamily development in the Residential zones, so there would be no inclusionary rate applied in those zones. Mr. Turner likes the recommendation of 10% with the density bonus up to 20%. The Commission agreed.

4. Does the Commission support a density bonus incentive for a 20% affordability rate in TC, TCMU, and Residential Zones A, AA, and AAA?

The Commission supports this.

5. Does the Commission support a fee-in-lieu alternative in subdivisions? In PADs? In ARZs? In TC, TCMU, and Residential Zones A, AA, and AAA?

Mr. Hassett thinks that the fee-in-lieu only makes sense if it will be equitably applied and utilized in a way that promotes affordable housing. They could spend weeks trying to determine those two factors. Mr. Flores agreed but believes that allowing it in subdivisions would ensure that the fund is limited with narrow uses. Mr. Hassett noted that the Town of Fairfield has imposed a conveyance tax which seems like a more equitable concept. He would like the Council to consider it as a supplement to the fee-in-lieu as well. Mrs. Purtill asked if it is legally permissible. Mr. Hassett believes so but can investigate it. He is simply trying to find an option that promotes building in all areas of town without hamstringing developers.

Mr. Markuszka agrees with moving that forward to the Council. Mr. Flores sees the beefing up of the in-lieu program as just government-funded housing. He reiterated his support for a smaller fee-in-lieu for subdivisions only. Mr. Turner stated that if they allow it across the board, then he would like it to be high enough so that higher density projects with smaller units would be pushed financially towards creating affordable units as opposed to the in-lieu fees. Mrs. Purtill summarized that the Commission agreed on the fee-in-lieu for subdivisions, but the question is whether to allow them everywhere or not, as well as the third option of the Town imposing a conveyance tax, where funds could go towards affordable housing. Additionally, across the board, whatever the fee is, it should be substantial.

6. Does the Commission support flexibility in the size of affordable dwelling units produced in subdivisions? In PADs? In ARZs?

Mrs. Purtill sees no problem. Mr. Turner stated that the bedroom count will be difficult because it correlates with the size of the house. That could pose an issue. Mr. Hassett still struggles with the issue of whether this will work economically for developers and all parties involved.

7. Does the Commission support prioritization of certain populations for affordable housing?

Mr. Flores stated that a couple towns were using this to help municipal workers, which he finds appealing. Mrs. Purtill would like some priority for existing residents, in particular municipal workers.

There were no comments from the public.

Motion by: Secretary Turner

Seconded by: Commissioner Flores

MOVED, that the Town Plan & Zoning Commission favorably recommends to the Town Council (Zoning Authority) text amendments to the Subdivision and Re-Subdivision Regulations (new Sections 2.1 and 3.9) and the Building-Zone Regulations (new or amended Sections 2, 3.11, 3.29, 4.12, 4.17, 6.12, and 6.13) to establish inclusionary zoning definitions and requirements as described in the memo regarding “Inclusionary Zoning Regulations,” from the Office of Community Development dated April 28, 2023. Pursuant to the changes and comments by commissioners at the TPZ meeting on 5/2/2023.

Ms. Caltagirone summarized the discussion and what the Commission would like to include in the motion, which she will put together:

- Strike proposed Section 6.12.
- Include a 10-unit threshold for all inclusionary zoning in the text amendments.
- Propose a 10% inclusionary rate for subdivision, PADs, ARZ, TC, TCMU zones.
- Include a density bonus for TC and TCMU zones for projects that propose 20% inclusionary rate.
- The Commission is divided on whether to employ a fee-in-lieu in subdivisions or all inclusionary zoning.
- The Commission recommends a conveyance tax on sellers of properties to add additional monies to a potential housing trust. Some commissioners prefer a smaller housing trust program. Commissioners agreed that the potential fee-in-lieu should be set at a substantial number and should be a flat fee.
- The Commission agreed that a comparable size requirement should be removed across the board in all zoning regulations, and to consider whether bedroom counts above a certain amount must be matched. They also agreed to have the Council consider a minimum bedroom count for inclusionary zoning affordable housing.
- The Commission supports the prioritization of certain populations for affordable housing, including municipal workers.

Mr. Hassett would like to discuss the flat fee versus percentage language. Mr. Turner likes a flat fee. In PADs, ARZ, and TC, more than likely, the development density would be greater, and the units would be smaller. He does not want to create a situation where they lose out on those affordable units. A flat fee (as opposed to a percentage) would greater incentivize creating the affordable unit rather than paying the fee. He clarified that this would be a flat fee per affordable unit, not per project. Ms. Caltagirone noted that in the examples she has seen of fee-in-lieu, it was a percentage cost of 80% of the AMI. This means that the calculation was not based on a percentage of market price conditions (e.g., housing cost or housing price), but rather, income conditions. The example she noted was a range of 200-300% of the 80% of AMI. The Commission does not support this option.

Ms. Caltagirone will change the memorandum to state that the Commission does not recommend that it be set as a percentage of housing cost or sale price. Mr. Haynes added that it must be something substantial.

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 18, 2023 Regular Meeting**

Motion by: Commissioner Hassett

Seconded by: Secretary Turner

Result: Minutes were accepted {5-1-0}, with one abstention from Mrs. Purtill who decided not to vote because she was not present at the meeting.

3. **CONSENT CALENDAR**

- a. Scheduling of Public Hearings for the Regular Meeting of May 16, 2023
 - i. Application of Brian & Jill Fitzgerald for a Section 6.11 Accessory Apartment Special Permit – 78 Hubbard Street – Residence A Zone
 - ii. Application of Rejean Jacques for subdivision approval – 7 lots – Crosby II Subdivision – extension of Crosby Road - Rural Residence Zone – Mary H. Davis Estate, owner

Motion by: Vice Chair Purtill

Seconded by: Secretary Turner

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

4. **Chairman's Report** *None*

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

The Town Plan and Zoning Commission adjourned their meeting at 9:38 P.M.

Respectfully Submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk