

**GLASTONBURY TOWN COUNCIL
REGULAR MEETING MINUTES
TUESDAY, MAY 9, 2023**

The Glastonbury Town Council with Town Manager, Jonathan Luiz, in attendance, held a Regular Meeting at 7:00 p.m. in the Council Chambers of Town Hall at 2155 Main Street, with the option for Zoom video conferencing. The video was broadcast in real time and via a live video stream.

1. Roll Call.

Council Members

Mr. Thomas P. Gullotta, Chairman

Mr. Lawrence Niland, Vice Chairman

Ms. Deborah A. Carroll

Mr. Kurt P. Cavanaugh

Mr. John Cavanna {participated via Zoom video conferencing}

Ms. Mary LaChance

Mr. Jacob McChesney

Mr. Whit Osgood

Ms. Jennifer Wang

a. Pledge of Allegiance. *Led by John Cavanna*

2. Public Comment.

Anne Bowman of 62 Morgan Drive, supports an inclusionary zoning ordinance that includes an affordable housing trust fund, funded by fees from developers. The fees should be high enough to discourage developers from not building affordable housing. She does not support an in-lieu fee option. She supports an inclusionary zoning ordinance that is applicable to subdivisions, single family, and multifamily developments. Multifamily developments should be in all zones, not just limited to the PADs. She supports requiring affordable housing units to remain affordable in perpetuity. All populations should be treated equally, with access given to those earning incomes at or below 80% of AMI (area median income).

Pam Lucas of 145 Moseley Terrace, supports a revisioning of the Town's zoning in 2023. She urged the Council to adopt robust inclusionary zoning ordinances to ensure that more affordable housing is actually built in town. Using a 10% requirement for multifamily means that too few units will be built. She does not believe that the in-lieu-of-fee concept will lead to more affordable units being built in the next decade because the Town will not be able to acquire enough money to build more affordable housing. Additionally, it will require a lot of management and logistics that the Town simply lacks. She expressed concern about the prioritization of who will live in affordable housing that gets developed through inclusionary zoning, as people outside of town also need affordable homes.

Rob Dakers of 15 Trifiro Circle, urged the adoption of an inclusionary zoning ordinance

because it will offer some relief for the housing shortage felt throughout the state and the town.

3. Special Reports. None

4. Old Business.

a. Review, discussion, and possible action on proposed amendments to the Building Zone Regulations – Inclusionary Zoning (set public hearing).

Ms. Caltagirone, Director of Planning and Land Use Services, provided an overview of the TPZ's favorable recommendation for inclusionary zoning. She explained that the Commission recommended using a ten-unit threshold to apply inclusionary zoning to both subdivision projects and proposals coming through the building zone regulations. They also recommended a 10% inclusionary rate, applicable to subdivisions and all other proposed developments. Throughout three public hearings, the Commission discussed whether to include a fee-in-lieu alternative. Thoughts were mixed. There was majority support for it in subdivisions, but less consensus for other developments. If used, the fee-in-lieu should be a substantial amount to support the construction of affordable units in the future. The Town may also have difficulty in setting up that program. The Commission recommended a density bonus tool to keep it available currently through the PAD zoning and in the Town Center and Town Center Mixed Use zones.

Mr. Osgood noted that, in a subdivision, often, only lots are sold. He asked how that would work with the caveat that it must be for 80% of AMI. Ms. Caltagirone stated that, in a subdivision, the lot would be deed restricted. Mr. Osgood asked if they have looked at the prices of what could be constructed on a lot that would still meet that qualification. Ms. Caltagirone stated that the TPZ is still concerned about the economics. They discussed pursuing an economic analysis from an outside consultant. During their second public hearing, the Commission sought comment from the local development community to gather more anecdotal evidence. Two such developers came in, but they were not in support of the proposed inclusionary zoning amendments.

Mr. Gullotta asked whether the Commission discussed a number for the fee-in-lieu and how such fees would be collected, deposited, and spent. Ms. Caltagirone replied no, the Commission did not make a recommendation for a particular amount. They hope for more economic information gathering on local development costs before making such recommendations. They did, however, discuss examples from other towns. Some have set a flat fee for a development, while others have set it as a percentage of AMI. One could also set a fee-in-lieu as a percentage of housing cost, but she has not come across that example.

Regarding the mechanism, Ms. Caltagirone explained that they would need to consult with the Town's land use attorney to understand how to set up and fund an affordable housing trust. It could be funded in various ways, such as fee-in-lieu or more broad development fees. One TPZ commissioner suggested a conveyance tax. There are also multiple ways in which the trust could be set up and administered. Other states have used it to buy existing housing and put it under deed restriction, but one could also put it towards construction, grant programs, or down payment assistance programs.

Mr. Gullotta asked about programs in other Connecticut towns which appealed to Town staff. Ms. Caltagirone explained that she found nine other inclusionary zoning programs and compared their various aspects for the Commission. Three of those towns had fee-in-lieu programs. She was not able to find any information on how housing trust funds have been managed. Mr. Gullotta would like a deeper dive on what other towns are doing and whether there is something that Glastonbury could emulate.

Mr. Cavanaugh asked how much more work and time would be needed to get these text amendments ready for serious consideration. Ms. Caltagirone stated that they have not yet had that conversation because they first would like to hear the Council's inputs on this draft and which direction they would like the research to go. Economic analysis will be necessary. There are also code complexities that will need additional support. More work needs to be done to determine what the right density would be. Also, they would need to determine whether multifamily housing should only be permitted in areas with public water and sewer.

Mr. Cavanaugh asked for the definition of multifamily. Ms. Caltagirone clarified that multifamily development is a term which is not currently defined in the Town's code. A multifamily dwelling is a structure that has three (or more) dwelling units within it. The Tannery is an example of a multifamily development. However, multifamily development can also include multiple single-family houses on a single-family lot. PADs are a way that the Town has approved multifamily in the past.

Mr. Cavanaugh stated that TPZ Commissioner Hassett talked about an additional conveyance tax. He does not believe the Town has the authority to do that currently under state statute. Ms. Caltagirone has not explored that. She would need to seek legal advice on the matter. Mr. Gullotta noted that the word duplex has not been used, but it is also multifamily housing. Ms. Caltagirone clarified that she is not talking about a multifamily dwelling which holds three or more units, but rather, a multifamily development, which could be composed of duplexes, townhouses, three family units, or more dense developments. She noted that the TPZ (in these inclusionary zoning text amendments) did not recommend the pursuit of multifamily development in residential zones. However, it is discussed in the Town's affordable housing plan.

Mr. Gullotta remarked that the TPZ's position is that this could be achieved through a PAD, which is why they do not recommend another path. Ms. Caltagirone explained that, currently, if someone added a large parcel, they would have to subdivide it and be limited to single family lots. Examining current development patterns and what they should be over time takes envisioning. She would like to work with an architect or planner to come up with template forms for what multifamily development should and could look like in residential zones. Mr. Niland asked if they need all that information before opening a public hearing. Ms. Caltagirone stated that the public hearing process is a way to invite the development community and others to add information into the record, so there is a benefit to it. However, she does not have an opinion either way. She will come up with a list of recommended further research to explore.

Mr. Cavanna is concerned that if multifamily developments are added in residential zones, they would make the land more valuable, thereby making it infeasible for the Town to buy land. Mr.

Gullotta thinks that intense development will always have issues of sewer and water, which would mitigate that fear. Ms. Caltagirone agreed that zoning could affect property values, but they need to figure out how much. This is where an economic analysis would be vital.

Ms. Wang is concerned about the Commission's recommendation regarding the prioritization of certain populations. She asked if the GHA gives any prioritization beyond income limits. Ms. Caltagirone replied no, they do not. She did not ask whether they have had such a program in the past. Ms. Wang noted that, in Connecticut, only Darien and Madison have this prioritization program, and Darien no longer has it. There was an investigation from the DOJ, and Darien was found to have violated the Fair Housing Act. Their town repealed that prioritization as part of their inclusionary zoning. While Ms. Wang understands the intention of trying to keep current residents from being priced out, Glastonbury needs to tread carefully, considering fair housing laws. They need to address the root cause of why municipal workers cannot afford to live in town, which seems to be driven by a lack of supply of smaller, more affordable homes. She suggested a deep dive into the Town's zoning regulations to encourage those types of housing.

Ms. Caltagirone explained that there are not many examples of towns in Connecticut to draw from. In San Francisco, many preferences were used, and the city was also challenged by the DOJ, but it was ultimately able to use it. The reason is because they were using prioritization for people who were discriminated against historically. Glastonbury's demographics and history are different, so they would need to be careful about what a preference might have. Ms. Wang asked how the density bonus would work and whether 20% is the correct level. Ms. Caltagirone stated that it depends on where the Council decides they want the baseline to be. She would like to hear feedback before laying out different scenarios. Ms. Wang also asked about other incentives. Ms. Caltagirone can look into process-based incentives, including what other towns have done, and how long it typically takes a project to make its way through the process.

Ms. Carroll shares Ms. Wang's concerns regarding prioritization. She also noted that the TPZ declined to recommend that affordable housing units be the same size as market units but instead preferred to set a minimum size in bedroom count. Ms. Caltagirone explained that other towns commonly require a comparable size between the market rate and affordable units. With a subdivision (which has fewer units), typically, the cost of construction will be high, so that is where having comparable size might be restricting development altogether. They do not wish to make it impossible for development to happen, so the size discussion was focusing specifically on the subdivision scenario.

Mr. McChesney stated that teachers and first responders cannot afford to live in town, so there is merit to exploring the preferential list, but he understands its issues, as well. Because the GHA receives federal funds, he asked whether that restricts them from being able to have preferential treatment. Ms. Caltagirone noted that many cities use preferences and meet fair housing law. Apart from the Fair Housing Act, she is unsure of other special requirements that would need to be met. Mr. McChesney asked how something works practically. Ms. Caltagirone explained that the original developer for the subdivision would need to identify a Housing Authority program administrator responsible for ensuring that the affordable program is carried out with each sale. Right now, they expect that it would be a third party set up specifically to administer affordable housing programs.

Mr. Osgood noted that this is a very complex issue, and the Council is better served segmenting it. He suggested revising the motion so that the public hearing just deals with multifamily and not single-family subdivisions. Mr. Niland does not think that is an unreasonable statement, but he would prefer a general hearing first to hear what can be achieved sooner rather than later. Mr. Gullotta agreed with Mr. Niland. Mr. Osgood is concerned that a general hearing will attract many comments that deal with the whole issue. It may be misleading to the public to see that the Council is going to hold a hearing on the proposed ordinance when no one is comfortable with the draft.

Ms. Wang understands the practical reason for looking at the building zone regulations and not the subdivision regulations, but she wants to ensure that affordable units are included within those because residents have expressed a desire for affordable housing throughout town. She asked what incremental work is required to tackle the subdivision portion of it. Some TPZ members favored fee-in-lieu only for subdivisions, and that is what necessitates the economic analysis. Therefore, she would not amend the motion.

Mr. McChesney does not think this misleads the public because it is a hearing on the TPZ's regulations. He would rather get public input. Ms. Carroll agreed. Mr. Gullotta asked for Town Staff to develop two work plans to present at the public hearing: the first would deal with multifamily and a change to the PAD that would permit multifamily dwellings; the second would look at the subdivisions. Mr. Cavanaugh also would like to determine which questions will need an opinion from the Town Attorney and a discussion regarding outside analysis by a consultant on the economic impact. He would like to know which avenues to pursue to answer those questions.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, the Glastonbury Town Council hereby schedules a public hearing on proposed amendments to Sections 2, 3, 4, and 12 of the Building Zone Regulations and Sections 2 and 3 of the Subdivision Regulations for Inclusionary Zoning for 8 p.m. on Tuesday, May 23th, 2023 in the Council Chambers of Town Hall, 2155 Main Street, Glastonbury and/or through Zoom Video Conferencing, as described in a report by the Town Manager dated May 5, 2023.

Amendment by: Mr. Osgood

Seconded by: Mr. Cavanaugh

*To read, "proposed **draft** amendments" as opposed to "proposed amendments."*

Result: Amendment passed unanimously {9-0-0}.

Result: Amended motion passed unanimously {9-0-0}.

5. New Business.

a. Action to appoint Fire Marshal.

Motion by: Ms. Carroll

Seconded by: Mr. Osgood

BE IT RESOLVED, the Glastonbury Town Council hereby approves the appointment of Michael Makuch to the position of Fire Marshal with the Town of Glastonbury effective Monday, May 15, 2023, as recommended by the Fire Commission and Town Manager, and as described in a report by the Town Manager dated May 5, 2023.

Result: Motion passed {7-2-0}, with Mr. Cavanaugh and Mr. Cavanna voting against.

b. Action to appoint additional Alternate Town Attorney.

Mr. Luiz stated that a routine legal matter has popped up where both Halloran Sage (the Town Attorney) and Murtha Cullina (the Alternate Town Attorney) are conflicted out, so he has identified another firm he worked with in the past, as a backup to Murtha Cullina.

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, the Glastonbury Town Council hereby appoints O'Malley, Deneen, Leary, Messina & Oswecki as an additional Alternate Town Attorney for the term effective May 9, 2023 through August 31, 2025, as described in a report by the Town Manager dated May 5, 2023.

Result: Motion passed unanimously {9-0-0}.

6. Consent Calendar. None

7. Town Manager's Report.

Mr. Luiz provided an update on the open space and woodland management plan, noting that GZA has provided a timeline of activities. The project is anticipated to cost about \$84,000, which will be fully funded through the capital budget. The construction costs for the Main Street renovation project would be funded 100% with a state grant. He has consulted CRCOG, which does not foresee any issue with Glastonbury delaying the project by a year, with completion in 2024. Mr. Luiz also noted that Town Engineering staff is proceeding with design on the Main Street Phase 3 sidewalk project, which is 100% grant funded. The DOT determined that the only permissible alternative would be shifting the sidewalk nine feet to the east. Engineering is proceeding with that option.

Mr. Luiz noted that Glastonbury has received the Inaugural Wellspring Award. He also noted that the Town will have \$150,000 available for traffic calming. The plan should be ready in June. The GPD awards will be held at the RCC on May 24. The public is invited to the event. Also, the GPD's inaugural National Night Out Event will be held on August 4 at the RCC. The Parks and Recreation Department has been conducting a survey on the Welles Village playground, which is nearly completed. The results will be used to propose a final project budget. Mr. Luiz noted that has acquainted himself with CRCOG. He plans to represent Glastonbury on the Municipal Services Committee and at the Policy Board meetings with Mr. Niland. He also noted that the annual sale of compost bins and rain barrels has concluded.

Mr. Luiz received a call from State Senator Rahman's office, inquiring whether Glastonbury would like to apply for \$300,000 in capital funding. The turnaround time for the grant is rapid, so he requested that this item be added to the agenda for discussion and possible action.

Motion by: Mr. Niland

Seconded by: Mr. Cavanaugh

To add to the agenda discussion and possible action on the matter of applying for a \$300,000 state grant.

Result: Motion passed unanimously {9-0-0}.

Mr. Cavanaugh asked if they could apply for several of the projects or must they submit a single project. Mr. Luiz noted that it is helpful to submit a single project because Glastonbury will be competing with other communities. Mr. Gullotta asked if there are any thoughts on how the Town would spend the funds. Mr. Luiz noted that he has gone through the FY24 CIP list and identified projects scheduled for FY25 which could be eligible: \$450,000 for Minnechaug Golf Course improvements, \$325,000 for Addison Park renovations, \$450,000 for traffic signal upgrades, \$250,000 for sidewalk maintenance, and \$275,000 for the Slocomb Mill restoration.

Ms. Carroll expressed support for the Addison Park renovations. Other Councilors also expressed support for that project.

Motion by: Ms. Carroll

Seconded by: Mr. Niland

BE IT RESOLVED, that the Glastonbury Town Council hereby submits the Addison Park renovations project for a \$325,000 state grant.

Disc: Ms. Wang lives close to the park, which attracts people from all over town. The equipment is getting old, so this would be a wonderful investment.

Result: Motion passed unanimously {9-0-0}.

Ms. LaChance noted that, in three years, the nation will commemorate the 250th anniversary of the signing of the Declaration of Independence. She suggested planning a series of events in town for the occasion. Mr. Gullotta thinks that it is a great idea. Regarding the Main Street sidewalk project, Mr. McChesney explained that the Council agreed to go forward on a particular design which the DOT did not allow. The Town held another public hearing, where an attorney stated that his client would push back. Mr. McChesney would like to know what happened with that. He then asked if the Addison Pool renovations would affect the summer pool hours. Mr. Luiz replied no, the project would begin after the summer. Mr. McChesney encouraged all to get the compost bins. He is also excited that the Friends of the Welles-Turner Library Book Sale is happening next week.

Mr. Osgood stated that Mr. Luiz mentioned an internal review on the Main Street project development and whether street parking could be included in their regulations. Mr. Osgood believes that the matter was addressed and denied. Mr. Luiz will check and follow up. Ms. Wang

appreciated the Manager's report and getting these updates, especially on matters that have not been discussed by the Council in months. Mr. Luiz noted that he is putting together a matrix of all projects and whether they are grant funded. He will share that once it is done.

8. Committee Reports.

- a. **Chairman's Report.** *None*
- b. **MDC.** *None*
- c. **CRCOG.**

Mr. Niland stated that the state has rolled out a new retirement savings plan for businesses with five or more employees, at no cost to the employer. There is also \$1 million in the Safe Streets and Roads for All grant program. CRCOG also seeks to complete the gaps on the East Coast Greenway from Hartford to Simsbury. Mr. Niland urged all to support the GEF 5K Run/Walk this weekend.

9. Communications. *None*

10. Minutes.

- a. **Minutes of April 25, 2023 Regular Meeting.**

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

Result: Minutes were accepted unanimously {9-0-0}.

11. Appointments and Resignations. *None*

12. Executive Session.

- a. **Discussion of the selection of a site or the lease, sale, or purchase of real estate.**

Motion by: Ms. Carroll

Seconded by: Mr. Cavanaugh

BE IT RESOLVED, that the Glastonbury Town Council hereby enters into executive session for discussion of the selection of a site or the lease, sale, or purchase of real estate at 8:49 P.M.

Result: Motion passed unanimously {9-0-0}.

Present for the Executive Session item were council members, Mr. Tom Gullotta, Chairman, Mr. Lawrence Niland, Vice Chairman, Mr. Kurt Cavanaugh, Mr. John Cavanna, Ms. Deb Carroll, Ms. Mary LaChance, Mr. Jake McChesney, Mr. Whit Osgood, and Ms. Jennifer Wang, with Town Manager, Jonathan Luiz and Director of Planning and Land Use, Shelley Caltagirone present.

The Executive Session ended at 9:45 P.M. No votes were taken following the Executive Session.

The meeting adjourned at 9:46 P.M.

Respectfully submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk

Thomas Gullotta

Chairman