

**THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING MINUTES OF TUESDAY, OCTOBER 4, 2022**

The Glastonbury Town Plan and Zoning Commission with Jonathan E. Mullen, AICP, 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

Mr. Michael Botelho, Secretary

Mr. Corey Turner

Mr. Emilio Flores

Ms. Alice Sexton, Alternate {assigned as voting member}

Commission Members Absent

Ms. Sharon H. Purtill, Vice Chairman

Mr. Raymond Hassett

Ms. Laura Cahill, Alternate

Alternate Vacancy

Chairman Zanolungo called the meeting to order at 7:03 P.M. He seated Commissioner Sexton as a full voting member, in the absence of Commissioners Purtill and Hassett.

PUBLIC HEARING

1. Application of Karen & Jeremy Robbins for a Section 6.11 Special Permit regarding an accessory apartment – 34 Cardinal Drive – Rural Residence Zone

Mr. Mullen presented on behalf of the applicants, who later joined via Zoom. The proposal is to construct a 665-square-foot detached apartment on the southeast corner of the main structure. Access to the apartment will be through doors on the southeast corner of the house and through a door on the deck. The basement will be unfinished. Parking will be provided in the driveway. The Plans Review Subcommittee reviewed the application last week and expressed no concerns. The applicants, Karen and Jeremy Robbins, joined via Zoom. Ms. Robbins explained that they plan on giving her mother one of the garage bays to park in, and there is an access door from the garage to the backyard. There were no comments from the commission or the public.

Motion by: Secretary Botelho

Seconded by: Commissioner Turner

MOVED, that the Town Plan and Zoning Commission approve the application of Karen and Jeremy Robbins for a Section 6.11 Accessory Apartment Special Permit – 34 Cardinal Drive – Rural Residence Zone – in accordance with plans entitled “Proposed Addition for Jeremy &

Karen Robbins, 34 Cardinal Drive Glastonbury CT, 06033” prepared by K.O. Home Designs, LLC dated May 17, 2022; and

1. In compliance with the conditions contained in a report from the Fire Marshal’s Office, file number 22-029, plans reviewed 9-26-2022.
2. In adherence to the Police Chief’s memorandum dated September 27, 2022.
3. All construction shall be performed in accordance with the following:
 - a. 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control, as amended.
 - b. The Connecticut Stormwater Quality Manual, as amended.
 - c. All stormwater discharge permits required by the Connecticut Department of Energy and Environmental Protection (DEEP) pursuant to CGS 22a-430 and 22a-430b.
 - d. Section 19 of the Town of Glastonbury Building-Zone Regulations, as amended, the Town of Glastonbury Subdivision and Resubdivision Regulations, as amended, and any additional mitigation measures to protect and/or improve water quality as deemed necessary by the Town.
4. This is a Section 6.11 Special Permit for an Accessory Apartment. 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 {5-0-0}.

2. “Opt-Out” of Accessory Apartment Requirements & Parking Requirements set forth in Public Act 21-29

To opt out of the new Accessory Dwelling Unit (ADU) parking standards, Mr. Mullen explained that Public Act (PA) 21-29 requires a two-step process, whereby a two-thirds vote must be passed by both the Town Plan and Zoning Commission (TPZ) and the Town Council. In a public hearing, the TPZ must list their reason(s) for opting out. Otherwise, the public act becomes law in January 2023. He explained the definition of ADUs, which offer an opportunity to diversify and increase housing supply, and reviewed examples in Glastonbury, both permitted and non-permitted. He then detailed what state law defines ADUs to be.

The Commission could either opt out and maintain the Town’s existing accessory apartment regulation (option 1a); opt out and revise the existing regulations to meet somewhere in the middle of the local and state regulations (option 1b); or revise the regulations to comply with PA 21-29 (option 2). The Building-Zone Regulations Working Group has expressed preference for option 1b.

Chairman Zanolungo asked, if the regulations are amended to allow as-of-right use, what happens to the special permitting process. Mr. Mullen explained that if an application adheres to all the requirements, then there may not be a need for special permits anymore. It could be a regular meeting item or a site plan approval. Alternatively, if the Commission opts out, they could leave

it as a special permit. All three options are possible. Commissioner Sexton asked if it is still considered as-of-right if it comes to the Commission but there is no public hearing. Mr. Mullen explained that there is no site plan approval process in Glastonbury and that almost all uses are approved by special permit.

Ms. Sexton asked, if the Town opts out of the parking provisions of PA 21-29 to maintain its existing standards, how would that impact the ADU. Mr. Mullen explained that, Glastonbury's regulations for accessory apartments only require one parking space. Therefore, it would have no effect.

Ms. Sexton does not support the fact that there is a listed maximum occupancy of three in the ADU regulations. She asked if there is any other place in the regulations which has a maximum occupancy. Mr. Mullen does not know, but he stated the Commission will have the ability to revise that during the text amendment time. Ms. Sexton asked what the fee is for a special permit application. Mr. Mullen replied \$260. Ms. Sexton summarized that there seem to be more steps and fixed costs associated with a special permit application. While Commissioner Flores supports encouraging socio-economic diversity, he cautioned fellow commissioners against removing oversight on ADUs.

Mr. Mullen explained that PA 21-29 revised Section 8-2 of the General Statutes. Effective October 1, 2021, a town cannot require more than one parking space for a studio or one bedroom unit, or more than two parking spaces for a two-bedroom unit. He compared the existing residential parking standards. Ms. Sexton favors opting out because there are parking issues in town. Secretary Botelho would like to preserve the Town's ability to decide what Glastonbury's parking needs are, not the State. He strongly urged opting out and maintaining the Town's existing regulations.

There were no comments from the public, so Chairman Zanolungo closed the public hearing.

Motion by: Secretary Botelho

Seconded by: Commissioner Turner

MOVED, that the Town Plan & Zoning Commission affirmatively OPTs OUT of the provisions of Public Act 21-29 regarding Accessory Dwelling Units for the following reasons:

1. Glastonbury's existing regulations are already in alignment with many of the provisions of Public Act 21-29 regarding Accessory Dwelling Units.
2. The Town Plan and Zoning Commission shall engage with the citizens of Glastonbury to determine which areas of the existing regulations regarding Accessory Dwelling Units, if any, are not in alignment with PA 21-29 and consider revising them.
3. **To preserve the ability of the Town to determine its own regulations concerning accessory dwelling units.**

Result: Amended motion passed unanimously {5-0-0}.

Discussion: Mr. Flores does not want to allow short term rentals. Mr. Mullen clarified that this action is just to vote to opt out of the statute and not to amend the regulations. When the Town

revises the regulations, the issue of short-term rentals can be discussed. Mr. Botelho would like to add the following sentence: “to preserve the ability of the Town to apply its own regulations in this area, and to allow the Town the flexibility to amend its regulations in the future.”

Commissioner Turner agreed, stating that this will give the Commission flexibility for changes down the line. Ms. Sexton rejected those reasons for opting out because she worries that a future commission could use that flexibility to make more restrictive changes and not honor the intent of the law. She is inclined to state that while the Commission is mostly in alignment with PA 21-29, there are certain areas where they do not align, such as the maximum occupancy.

Mr. Botelho is not prepared to identify which areas he would want to change or maintain in PA 21-29. Mr. Turner is concerned about the possibility of handcuffing either the Council, the TPZ, or the Building-Zone Working Group in the future by putting in something too specific. The Commission agreed to proceed with the amended motion, which includes Mr. Botelho’s added sentence (#3).

Result: Motion passed unanimously {5-0-0}.

Motion by: Secretary Botelho

Seconded by: Commissioner Sexton

MOVED, that the Town Plan & Zoning Commission affirmatively OPTs OUT of the provisions of Public Act 21-29 regarding the maximum number of parking spaces required for multi-family units for the following reasons:

- 1. The Town Plan and Zoning Commission would like to maintain the ability to determine parking needs for all residential developments in Glastonbury.**

Result: Amended motion passed unanimously {5-0-0}.

- 3. Report & Referral to the Town Council regarding a proposed amendment to the Building-Zone Regulations to establish a new Section 3-28 concerning the ability of the Council or the Town Plan and Zoning Commission to require applicants to pay for all fees associated with supplemental 3rdparty review of a project**

Mr. Mullen explained that the Council is holding a public hearing on this item next week. This section would allow the Town to require applicants to pay for all fees associated with supplemental third-party review of a project. The last example for this was the CGS 8-30g project at 1199 Manchester Road. There was some technical information which town staff could not answer, so they needed to consult a third-party expert.

Mr. Flores asked, what is to stop the Town from putting an undue burden on an applicant. Mr. Mullen stated that the intent is not to overlook staff review in lieu of expert testimony, but it is also not for the Town to overburden an applicant. The Town cannot take it upon itself to charge the applicant for an unreasonable amount of expert reviews. A concern would have to be raised and deemed necessary to proceed with a review. Mr. Botelho suggested that rather than state that the TPZ “cannot act on the application,” to say that “the payment of all fees shall be condition of approval.”

Ms. Sexton stated that this came up in the context of a CGS 8-30g application and there is another such application being proposed. There must be guidelines to ensure the regulation is used appropriately and not to limit employment in the Town's planning office. She suggested a two-thirds majority vote to pay for consultants. Mr. Flores stated that his concerns were satisfied if only the Town Council or the TPZ can require a 3rd party review. One of the reasons listed is insufficient time for review by Town Staff.

Ms. Sexton does not like the language of #2. She called to eliminate it, while combining #1 and #3 with the word "and." Mr. Botelho would like to keep it the way it is to maintain flexibility, since it happens so infrequently. Mr. Turner asked how often town staff has not had time to conduct a review. Mr. Mullen explained that no such case has occurred yet. If staff cannot complete a review in time, they typically ask for an extension from the applicant.

There were no comments from the public, so Chairman Zanolungo closed the public hearing.

Motion by: Secretary Botelho

Seconded by: Commissioner Turner

MOVED that the Town Plan and Zoning Commission forwards a favorable recommendation to the Town Council for the adoption of the amendment to the Glastonbury Building Zone regulations, amendment to Section 3: General Regulations, Creation of Section 3-28, establishing the ability for the Town Council or the Town Plan and Zoning Commission to require applicants to pay for all fees associated with supplemental third-party review of a project.

The proposed language of the regulation is presented with this motion. Note that #2 is removed and #1 and #3 are combined with the word "and."

The Council and/or Commission, within their respective jurisdiction of review, may commission additional technical assistance in evaluating any application submitted hereunder, or a modification to an existing application or permit, if the Council or Commission determines that such assistance is necessary to make an informed decision on an application, and the expertise required to review any aspect of the application is outside of the expertise of Town staff. The entire fee for such services shall be borne by the applicant and paid in accordance with Town ordinances relating to application fees.

Upon completion of the technical review and determination of the cost, all fees for any technical services required shall be paid in full before the application is acted on by the Town Plan and Zoning Commission or Council as the case may be.

Result: Amended motion passed {4-1-0}, with one vote against by Secretary Botelho.

REGULAR MEETING

- 1. Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non-agenda items**

Anne Bowman of 62 Morgan Drive, is concerned that the inclusionary zoning ordinance has not come up for discussion at a TPZ meeting.

2. **Acceptance of the Minutes of the September 30, 2022 Regular Meeting**

Motion by: Commissioner Turner

Seconded by: Commissioner Sexton

Result: Minutes were accepted unanimously {5-0-0}.

3. **Application of the Simon Konover Company for a Section 12.9 Minor Change to allow for parking expansion at the Griswold Gardens apartments – 239 Griswold Street – Residence A Zone – Griswold Gardens Associates LLC, owner**

Ryan Deane of Alfred Benesch Company presented on behalf of the applicant. The proposal concerns a six-acre parcel where there is not enough parking. The owner's intent is to prevent cars from parking on Salem Court by adding parking. The proposal is for an additional 24 parking spaces, including 2 handicapped accessible spaces, and shade trees. Seventeen spaces will be located on the west side of Salem Court and seven spaces will be adjacent to the building at the southeast corner of the site. Site plans have been revised to address the ASDRC's comments, which concerned the overhang of cars on the sidewalk. The applicant has widened the sidewalk to 7.5 feet. Drainage has been slightly improved using the existing catch basin, with the addition of drywall where the handicapped spaces are. They have also preserved the island.

Mr. Zanolungo likes the idea of the sidewalk and appreciates the change recommended by the ASDRC. Mr. Botelho supports the project, noting that the applicant is both adding parking while still maintaining a healthy open space, well above the regulation requirement. Mr. Turner asked if there are plans to add more parking. Mr. Deane explained that a parking study showed that an additional 35 spaces could be added. However, his client stated that the issue would be resolved with only about 20 spaces. Mr. Botelho asked if the site has full occupancy. Mr. Deane believes so.

Motion by: Secretary Botelho

Seconded by: Commissioner Flores

MOVED, that the Town Plan & Zoning Commission approve the application of the Simon Konover Company for a Section 12.9 Minor Change for parking lot expansion at Griswold Gardens apartments– 239 Griswold Street – Residence A Zone, in accordance with the plan set entitled "Griswold Gardens Parking Expansion" prepared by Alfred Benesch & Company, dated June 3, 2022, revised August 4, 2022; and

1. In adherence to the Town Engineer's memorandum dated September 28, 2022.
2. All construction shall be performed in accordance with the following:
 - a. 2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control, as amended.
 - b. The Connecticut Stormwater Quality Manual, as amended.

- c. All stormwater discharge permits required by the Connecticut Department of Energy and Environmental Protection (DEEP) pursuant to CGS 22a-430 and 22a-430b.
- d. Section 19 of the Town of Glastonbury Building-Zone Regulations, as amended, the Town of Glastonbury Subdivision and Resubdivision Regulations, as amended, and any additional mitigation measures to protect and/or improve water quality as deemed necessary by the Town.

This is a Section 12.9 Minor Change. 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 {5-0-0}.

4. CONSENT CALENDAR

- a. Scheduling of Public Hearings for the Regular Meeting of October 18, 2022: **to be determined**

5. Chairman's Report *None*

6. Report from Community Development Staff

Ms. Sexton asked about the timeline for discussing inclusionary zoning regulations. Mr. Mullen explained that other text amendments have been prioritized because they have time limits on them. However, inclusionary zoning has been moved up, and he hopes that the Commission will get to it by the beginning of next year. Mr. Botelho asked if there are any updates for the search for a new Director of Planning and Land Use Services. Mr. Mullen stated that people have been interviewed for the position, but he does not know beyond that.

Motion by: Commissioner Sexton

Seconded by: Commissioner Turner

MOVED, that the Glastonbury Town Plan and Zoning Commission adjourns their regular meeting of October 4, 2022 at 9:00 P.M.

Result: Motion was passed unanimously {5-0-0}.

Respectfully Submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk