

**THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION  
REGULAR MEETING MINUTES OF TUESDAY, AUGUST 22, 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

Mr. Corey Turner, Secretary

Mr. Raymond Hassett {exited before voting}

Mr. Emilio Flores

Mr. Philip Markuszka

Ms. Laura Cahill, Alternate {participated via Zoom video conferencing}

Ms. Sharon Jagel, Alternate {seated as full voting member}

Mr. Dennis DesMarais, Alternate {seated as full voting member after Mr. Hassett's exit}

**Commission Members Absent**

Mrs. Sharon Purtill, Vice Chair

Chairman Zanolungo called the meeting to order at 7:12 P.M. He seated Commissioner Jagel in the absence of Vice Chair Purtill.

---

**PUBLIC HEARING**

- 1. Application of John and Paul Cavanna for a Section 6.2 Excavation Special Permit for new excavation in the "Front Pit" – 63-65 Woodland Street – Rural Residence Zone**
- 2. Application of John and Paul Cavanna for a Section 6.2 Excavation Special Permit for new excavation in the "Middle Pit" – 63-65 Woodland Street – Rural Residence Zone**

Agenda Items 1 and 2 were discussed together. Attorney Dory Famiglietti from Kahan, Kerensky & Capossela, explained that a few months ago, the applicant sought a renewal for an excavation permit for the rear pit. That permit has been renewed every two years since 1985. The overall parcel is 177 acres and has been with the Cavanna family for 120 years. It has historically been used for excavation of sand, gravel, and rock. She explained that the front pit has been in operation since 2017, and the middle pit has been in operation since the 1700s. Operations began under the mistaken belief that excavation was allowed for the whole area under the previous permit. Therefore, they seek a special permit for both the front and middle pits.

Andrew Bushnell, with Bushnell Associates, provided an overview of the site plan. The proposed second phase of the front pit area will be 1.27 acres, compared to 1.25 acres in the first phase. The proposed second phase will extend to approximately 100 feet from the property line. The proposed second phase of the middle pit is about 2.4 acres. He did not observe any wetlands within the two proposed areas of expansion. The areas around the pits are generally wooded. He finds this to be a clean and well-organized gravel excavation operation.

Mr. Haynes noted that the Burton property is about 800 feet from the front pit area, and the Zweibel property is within 975 feet. Commissioner Jagel asked about the permitted number of blasts per year. Mr. Haynes explained that the applicant takes out blasting permits through the Fire Marshal's office. In the last three years, the applicant has had 5, 6, and 9 blasting events per year, respectively, and 2 thus far this year. He noted that the Commission can set a maximum number of blasts per year. Ms. Jagel asked how many complaints have been received and how that number has changed over the years.

Mr. Haynes clarified that the records do not differentiate which permit is for which blasting area. Ms. Caltagirone added that, in the last six months, there was one complaint about a blast. At the applicant's last hearing before the Commission, public concerns were expressed about the blasting, but the Town does not have records of complaints. Ms. Famiglietti noted that they also seek a portable crusher and screener to be used, as needed, for the middle pit, as well. There are water trucks on-site for dust suppression.

Richard Hosley, with Connecticut Explosives and Hosley Explosives Engineering, has personally overseen all the blasting on-site. Obtaining a blasting permit is a very detailed, challenging process. Eight federal agencies constantly review their work. Receiving a blasting permit from the Fire Marshal's Office is the last step. He recommended reading the California DOT regulations on blasting for more information. He explained that the main concern about quarries is the criteria needed to assess for human response. Different individuals will have different human responses, depending on many factors. His company uses a variety of methods to mitigate the human response, prior to blasting. These include sending out communications forms, social media posts, use of call lists, and the Town website. He noted that their call list has information on all the complaints that have come in.

Mr. Hosley then displayed a seismograph which measures ground motion in 3D and sound levels in decibels. He explained the physics behind how the readings are collected, and noted that all the measurements are calibrated. Regarding weather, he explained that they do not blast under conditions of rain or dust. Ms. Jagel asked for more detail about the complaints. Mr. Hosley explained that they have consistently received complaints from about three or four people, even after being called in advance about the blasting. On the June 16 call list (for the June 20 blast), there were four individuals who are highly concerned no matter what. For each blast, there is a written comment. One person swore at him and hung up. Another person stated that they were opposed to what he was doing.

Secretary Turner asked to extend the advanced call from a few days prior to one week before the scheduled blasting event. Mr. Hosley explained that factors such as weather make it more difficult to notify much earlier. For example, if it rains, that will push the blasting event off a day. Ms. Famiglietti stated that they can accommodate the request. The call list will be contacted one week in advance, then again in a few days, and again on the day of the blasting event. Mr. Zanolungo asked if the 10 permits means 10 literal blasts. Mr. Hosley explained that limiting the number of blasts could lead to fewer, but stronger blasts. He referenced the US Bureau of Mines which has a chart recommending how many pounds to detonate based on a distance. He noted that there have been 7 individual blasts in 2 years, and permits are valid for 30 days. Mr. Haynes added that because the blasting period is valid for 30 days, it makes it hard to track, which is why they suggest having a blasting report which will also specify which pit it is in. Mr. Hosley noted that he has the blasting report for the last two years. There were 4 blasts in the middle pit and 3 in the front pit since February 23, 2022.

Mr. Turner asked why there is the separate need for three different pits. John Cavanna, the applicant, responded that they set up one pit to make a product for his railroad while another pit is to sell material. He clarified that two of the blasts that were referred to in 2022 were done on the side of one of his roads to improve the drainage ditch. They were not blasts in the quarry pits. He is willing to limit himself to 10 blasts per year over the 3 pits. While he anticipates fewer than that, he asks for the flexibility because, on occasion, they may hit a large boulder that will require blasting. Mr. Markuszka asked if it is possible to link the two pits and do one blast. Mr. Hosley replied no, not with his company's approval. Mr. Turner asked if they could have more than one blasting event within the 30 days at different pit locations. Mr. Hosley replied yes.

Mr. Flores asked how many insurance claims have been related to the Cavanna property over the last five years. Mr. Hosley replied one. A piece of china fell and broke. Commissioner Cahill wants to balance the 10 permits per year with neighbors' reasonable expectations for peace and quiet on weekends. She asked if the applicant would be amenable to eliminating the Saturday blasting. Mr. Cavanna replied yes. They have never blasted on a weekend, and they do not intend to.

*Commissioner Hassett left the meeting, so Mr. Zanolungo seated Alternate DesMarais as a voting member in his place.*

Chairman Zanolungo opened the floor for public comments:

**Roger Emerick of 580 Hopewell Road**, owns the property adjacent to the Cavannas, on the other side of Roaring Brook. This project started out years ago as a gravel pit operation, and it is now morphing into a quarry operation. When they do their blasting, his house shakes. His neighborhood used to be considered the nicest in Glastonbury. Now, all they hear is constant blasting or trucks or the railroad. The local wildlife does not exist anymore. Four inches of topsoil is not restoration. He noted that the applicant's grandfather, George Cavanna, advocated for farming. This is no longer a farming operation, and the brook is no longer bucolic.

**Donald Preli of 455 Matson Hill Road**, also abuts the Cavanna property, as the owner of Belltown Hill Orchards. He favors Mr. Cavanna doing what he needs to do to keep open space in what is still a nice area.

**Butch James of 196 Belltown Road**, supports the Cavannas in their efforts to utilize all the farming they can. They have always done a great job, and he respects them.

**Mike Draghi of 121 Belltown Road**, fully supports this permit. The Cavannas' gravel product is a good local resource and located close to home.

**John Vullo of 357 Griswold Street**, has visited the site. The operation is clean and efficient, the roads are well-maintained, and the equipment is first class. The product the applicant produces is top-notch and saves someone like him in the construction business from driving out of town. It is a win-win.

**Jeff Bausch of Updike, Kelly & Spellacy, P.C.**, representing the Burton family, who abut the Cavanna property, at 275 Woodland Street. His clients seek common sense regulation on this property. This Commission is entitled to enact reasonable regulations. The first is the number of blasts, which his clients would like to limit to one per quarter. This is consistent with what the applicant has been doing in the past. The abutters are also in strong opposition to the operation of the front pit, which is the closest to the abutting properties. They ask to not permit the processor on site, which is prohibited by town regulations, and they call to eliminate the proposed Saturday hours of operation, as the regulations do not allow operation on the weekends. They also ask to consider whether this is really appropriate for the location of the neighborhood, as property values will be impacted and the quarry use conflicts with the Plan of Conservation and Development (POCD)'s intent to preserve the agricultural use in the area.

**Kevin Burton of 275 Woodland Street**, understands that the Cavannas need to do excavation operations, but his concerns start with the blasting. They may be operating within the legal limits, but that is not what his family feels; their house rocks like crazy. After the first experience in 2017, they thought that something exploded in their house, which generated a 911 call. The human response is more than a "minor inconvenience."

**Steve Zweibel of 289 Woodland Street**, reiterated concerns about the way that the human response was discussed tonight. When blasting occurs, his entire house shakes. This operation needs some restrictions. He is concerned that an agricultural property is turning into a full-fledged quarry in his backyard.

**Janet Burton of 275 Woodland Street**, repeated that this is not a minor inconvenience. She truly worries about the foundations of her house. To live with windows shaking 10 times a year is a tough ask. She wants everybody to be profitable, but there needs to be compromise. Being notified a week beforehand does not change the moment when that blast goes off and her house rocks.

***Thor Norgaard of 35 Ripley Road***, fully supports the development, which is good for the town.

Mr. Hosley pointed out that his reference to human response is a reference from the California Department of Transportation. There is a lot to be said about a qualitative experience. However, there is nothing “common sense” about vibration blasting and these kinds of disturbances. They are applying some expertise and want to mitigate this negative qualitative experience. They are also transparent with their documentation and seek to make this operation as feasible and supportive to the community as possible.

Ms. Famiglietti noted that some people will never be satisfied, no matter where they are on the acceptable limits. They are applying the experience of licensed professionals to make this as unobjectionable as possible. The Zwiebels and the Burtons bought properties which were clearly mapped as being near excavation activities. Mr. Haynes noted that the rear pit was a gravel pit area, which is less disruptive. The middle pit has not been in operation for some time now, and the front pit area started operation without permit and has gotten as close to 800 feet in residential areas, which became a concern in 2017 when the applicant started to permit in that area. Therefore, having better information on blasts and locations will help.

Ms. Famiglietti stated that the request to limit to one blast per quarter is not reasonable. If they limited that to the front pit, her client could agree. The processors were first permitted on-site in 2001 and there were no noise complaints. They do not think that there is any reason to not allow it. They need a processor to be used in the middle and front pits. The assertion that the quarry use conflicts with the POCD is inappropriate because the POCD encourages farming and agriculture, which could include extraction of materials. Additionally, the Town’s regulations allow a special permit in this zone for blasting, so how could they be allowed in the regulations but not in the POCD. There is also no impact on Roaring Brook, and they are farming the property.

Mr. Cavanna explained that his grandfather signed the original permits with his father, so Mr. Emerick’s statements were incorrect. He has tried to appease the individuals who complained tonight, but nothing will make them happy. He even had to have police take action against one of the individuals. A farm cannot survive in this town unless it has a niche, such as farm-to-table dinners. Their niche are Christmas trees and the railroad as a North Pole venue. He expanded on that with the advent of the haunted rides. He also noted that the individuals who complained tonight brought in portable crushers to blast for two weeks to construct their homes. It is his right to do this to continue farming in town, and he will do the best he can. There is no one in this process stricter than him. They have continuous year-round water to fill water trucks, with drivers employed to keep dust down. His pits do not create a dust condition.

Ms. Famiglietti suggested limiting the front pit to quarterly blasts and the remaining 6 blasts could be in the middle pit permit but would also apply to the front pit. Mr. Zanolungo asked if the neighbors who had concerns had seismographs at their house during a blast. Mr. Hosley replied yes, and that is in the documentation that he passed out to the Commission. Mr. Cavanna noted that they were placed on the Burton property after the last meeting. Ms. Jagel still has confusion

about the number of blasts. There have been 7 blasts in total over the last 1.5 years, so she questions why the applicant is asking for 10 blasts a year now. Mr. Cavanna does not anticipate doing 10 blasts. However, he cannot anticipate if there will be a blast that creates “boxcar”-sized rocks that need further blasting. He would like to have this flexibility in the event of a geological impediment that might come up.

Mr. Markuszka asked if the explosion from a “boxcar” rock would be smaller in magnitude. Mr. Cavanna replied that it may have a louder air sound with a smaller amount of tonnage. Mr. Haynes asked about the importance of working on Saturdays. Mr. Cavanna explained that it is extremely important because highway projects often do projects on Saturdays, so it is convenient for contractors to not run around the state to collect rocks. Mr. Turner wonders whether the same material could be taken out of the bigger pit. Mr. Cavanna stated that he uses the front pit much less often than the middle pit, which is open constantly. The middle pit has a harder rock, and the front pit is what he uses for his railroad. Mr. Turner asked if the construction of the railroad would require more material than the maintenance of the tracks over time. Mr. Cavanna replied yes, but he is not done constructing.

***Martin Ethier of 533 Woodland Street***, is a local contractor who buys stone. The nearest pit is in Portland and priced quite high. With Mr. Cavanna’s products, he can do jobs in town more cheaply. He also remarked that the train track at Deep River goes through people’s yards. In contrast, there is a buffer between Mr. Cavanna’s railbed and the brook. He hopes that all parties can get along.

Attorney Bausch stated that, although the regulations clearly prohibit Saturday operations, his clients would not have an objection, provided no blasting occurs. The ask for 10 blasts in their view is a significant increase in excavation from what has occurred to date. The front pit, as a whole, should not be permitted, and this Commission has the authority to deny it. One blasting event per quarter is reasonable. They also have concerns about the processors because those machines produce the most silica dust. There have been no complaints per date because it looks like it is escalating from one to two processors.

***Paul Cavanna of 80 Woodland Street***, pointed out that the processors at their farm are portable, not fixed.

***Al Gondek of 88 Tryon Street***, supports the Cavannas and their permit, as a fellow farmer. Just about every farm in Glastonbury is now surrounded by new homes who do not know what happens at farms. They all need to live together.

***Chris Bassette of 77 Tryon Street***, is a farmer at Killam and Bassette Farmstead. She grew up on Woodland Street, which looks nothing like it did when she was growing up. Neighbors need to figure out how to co-exist with farms, that need to diversify in order to survive. If people want to have a farm behind their properties, instead of condominiums or houses, then they must be considerate of how farms are trying to stay afloat.

Mr. Zanlungo noted that there is a processor in the rear pit. He asked if it is feasible to move that around versus having a processor in each pit. Mr. Cavanna responded no, because changing the sizing capability of those machines is laborious and requires a full day or two. He pointed out that the processors are not all operating at the same time. Ms. Cahill understands the neighbors' concerns. There is room for compromise to take away the Saturday ability to blast. Farms do need to diversify, and Glastonbury needs to honor its agricultural history. Mr. Cavanna has a good reputation, so if he is asking for 10 blasting permits a year, she will listen. The applicant will return in two years. At which point, they will have collected two years of data, with complaints documented per specified pits.

Mr. Turner asked if they could expand the operations in the middle pit to close the front pit and set up two processors in that location. Mr. Cavanna replied no. After a blast, it creates so much rock that they shut out that area for a significant amount of time. If he blasts in one pit and processes in another, it would cancel each other out and shut it all down. Mr. Turner asked if the proposed expansion in the front pit is because of the topography of the land. Mr. Cavanna responded yes. Mr. Turner asked if they could push that back to 150 feet of the setback, as opposed to 100 feet. Mr. Cavanna contended that the area is vast.

Mr. Markuszka agreed with the applicant, recommending that those who have not visited the site yet to do so. Ms. Famiglietti added that it is about 800-900 feet from the closest house, so it is a significant distance. Mrs. Jagel asked if moving the limits of the operation 100 feet would make a difference to the homeowners, in terms of the effects of the blasting. Mr. Hosley suggested they turn the blast face in a different direction so that the blast is not perpendicular to the home structures. They could try this to minimize the human response component and will verify that through their monitoring results.

With no further comments, Mr. Zanlungo closed the public hearing.

***Motion by:*** Secretary Turner

***Seconded by:*** Commissioner Jagel

MOVED, that the Town Plan and Zoning Commission approve the application of Paul Cavanna for a Section 6.2 Excavation Special Permit for new excavation in the "Front Pit" – 63-65 Woodland Street - Rural Residence Zone and Ground Water Protection Zone 1, in accordance with plans submitted from Bushnell Associates LLC for 63 Woodland St Revision dated 5/23/23, and:

1. In compliance with the following conditions:
  - i. Applicant shall add landscaping plan (unless Subdivision is extinguished and removed from land records) to provide evergreen screening between 89 Woodland and the excavation access road. Area shall be designed, maintained, and protected for as long as the excavation operation continues. Landscaping plan and notes added to finalized drawings shall be approved by the Office of Community Development.

- ii. The overburden stockpile shall be added and it shall be noted that the overburden shall remain on site and saved for restoration purposes.
- iii. Applicant shall add details of restoration plan to finalized plans to show compliance with Section 6.2.4 per approval of Engineering and Community Development.
- iv. Applicant shall post a Performance Bond to be approved by Engineering and Community Development to cover the cost of implementing the restoration plan.
- v. As Phase I is completed and regraded, restoration shall be done in accordance with Section 6.2.4 and shall include:
  - 1. Application of at least 4” of topsoil;
  - 2. Seeding to be sowed at a rate of not less than (3) pounds of seed for every thousand square feet of area; and
  - 3. Inspection by Town Staff upon completion of the phased restoration.
- vi. Erosion and sedimentation control measures, dust control, and restoration methods shall be subject to review and amendment by the Environmental Planner.
- vii. Applicant shall submit monthly trucking report per Section 6.2.11.
- viii. Applicant shall submit quarterly blasting report identifying date of blast, pit location, weather conditions (including cloud cover), ground vibration in inches/second, and decibel levels of the blast.
- ix. Number of blasts allowed per year shall be limited to no more 1 blast per quarter.
- x. 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.
  - 3. Blasting activities shall be limited to Monday through Friday (exclusive of State holidays) 7:00 a.m. to 4:00 p.m.
- xi. 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.
- xii. This Special Permit shall expire May 5, 2025.
- xiii. A portable processor shall be permitted in association with the excavation operation (use of processor originally approved 2001).

2. And in adherence to:

- 1. The Police Department’s memorandum dated August 18, 2023.
- 2. The Fire Marshal’s memorandum dated August 9, 2023.
- 3. The Director of Health’s memorandum dated August 8, 2023.
- 4. The Engineering Department memorandum dated August 18, 2023.

Mr. Flores finds ten blasts to be an excessive compromise. He would like to restrict it to a total of eight. Ms. Jagel thinks that the applicant will do what he can to not only meet the requirements of the law, but exceed them. She hopes that he will work with the neighbors to minimize the sound and vibrations. It is important for farms to diversify, but she is mindful of



the human response perspective. It is within the Commission's authority to approve this project, which is a good thing for the community. Mr. Markuszka finds it important to remember that the Cavannas live here as well. Their properties are also impacted, so it is in their interest to not be destructive.

Mr. Turner appreciates the applicant taking the time to go through all the different possibilities and encourages continuing to work with the neighbors. Mr. Zanolungo thanked the applicant and asked to continue to allow the neighbors to use the seismograph over the next two years because he would like to see that data. He also asked to keep in mind that this land and these uses are important to Mr. Cavanna's family, who could just cash out and let there be 100 homes constructed on that orchard. They want to keep it farmland.

**Result:** Motion was accepted unanimously {6-0-0}.

**Motion by:** Secretary Turner

**Seconded by:** Commissioner Flores

MOVED, that the Town Plan and Zoning Commission approve the application of Paul Cavanna for a Section 6.2 Excavation Special Permit - for excavation in the "Middle Pit" Excavation Area 2 - 63 Woodland Street - Rural Residence Zone and Ground Water Protection Zone 1, and in accordance with plans submitted from Bushnell Associates LLC for 63 Woodland St Revision date 5/23/23, and:

1. In compliance with the following conditions:
  - a. Applicant shall add landscaping plan (unless Subdivision is extinguished and removed from land records) to provide evergreen screening between 89 Woodland and the excavation access road. Area shall be designed, maintained, and protected for as long as the excavation operation continues. Landscaping plan and notes added to finalized drawings shall be approved by the office of Community Development.
  - b. The location of the overburden stockpile shall be added and it shall be noted that overburden shall remain on site and saved for restoration purposes.
  - c. Applicant shall add details of restoration plan to finalized plans to show compliance with Section 6.2.4 per approval of Engineering and Community Development.
  - d. Applicant shall post a Performance Bond to be approved by Engineering and Community Development to cover the cost of implementing the restoration plan.
  - e. As Phase I is completed and regraded, restoration shall be done in accordance with Section 6.2.4 and shall include:
    - i. Application of at least 4" of topsoil;
    - ii. Seeding which shall be sowed at a rate of not less than (3) pounds of seed for every thousand square feet of area;
  - f. Inspection by Town Staff upon completion of the phased restoration. Erosion and sedimentation control measures, dust control, and restoration methods shall be subject to review and amendment by the Environmental Planner.

- g. Applicant shall submit monthly trucking report per Section 6.2.11.
- h. Applicant shall submit quarterly blasting report identifying date of blast, pit location, weather conditions (including cloud cover), ground vibration in inches/second, and decibel levels of the blast.
- i. Total Number of blasts allowed per year shall be limited to no more than 4 blasts in the Middle and Rear Pit combined.
- j. The operating schedule shall be as follows:
  - i. 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.;
  - ii. Equipment Start-up and/or idling on or adjacent to the site shall not be permitted prior to the approved hours of operation.
  - iii. Blasting activities shall be limited to Monday through Friday (exclusive of State holidays) 7:00 a.m. to 4:00 p.m.
  - iv. 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.
- k. This Special Permit shall expire May 5, 2025.
- l. A portable processor shall be permitted in association with the excavation operation (use of processor originally approved 2001).

2. In adherence to:

- a. The Police Department’s memorandum dated August 18, 2023.
- b. The Fire Marshal’s memorandum dated August 9, 2023.
- c. The Director of Health’s memorandum dated August 8, 2023.
- d. The Engineering Department memorandum dated August 18, 2023.

Mr. Flores is comfortable with four blasting events, which would be a total of eight across the three pits. The four in the middle pit would be less disruptive to the neighbors. Mr. Markuszka recommends keeping it at six blasts because he does not want to limit the applicant, in case a “boxcar”-sized rock situation arises. Mr. DesMarais pointed out that the data says that ten is not needed, so he is more comfortable with four and four, for a total of eight blasting events. Ms. Jagel asked what the applicant would need to submit to come back and request more blasts. Ms. Caltagirone responded that it would be a special permit to re-evaluate the renewal.

**Amendment by:** Commissioner Flores

**Seconded by:** Commissioner DesMarais

To change Item 1 ix. to read “Number of blasts allowed per year shall be limited to no more than **four** blasts for the middle and rear pit combined.”

**Result:** Amendment passed {4-2-0}, with Mr. Markuszka and Mr. Zanolungo against.

**Result:** Motion was accepted {5-1-0}, with Mr. Markuszka voting against.

*The Commission recessed for five minutes, returning at 10:25 P.M.*

3. **Application of Rob Liflander for a Section 4.11 Flood Zone Special Permit & a Section 12.9 Minor Change – solar carport installation – 769 Hebron Avenue – Planned Employment & Flood Zones – Gemma Power, owner** *Tabled to September 5, 2023*
4. **Recommendation to the Town Council (Zoning Authority) regarding an amendment to the Zoning Map and Building-Zoning Regulations to create a new zone Section 4.20 Main Street Corridor Flood Zone (MSCC) & amendment to Sec 4.11**

Mr. Haynes explained that this was introduced as part of a revision at the last meeting. He provided the numbers regarding historical flood waters. They have quantified 1936, 1955, and 1985 as three events within the past 100 years that have impacted the Main Street area. They have also looked at the FEMA floodplain regulations. The difference in the 100- and 500-year flood plain elevations in that area of Main Street is 31.5 feet above grade for the 500-year floodplain and 28 feet above grade for the 100-year floodplain. The idea of the proposed regulation is to help improve the possibilities for redevelopment and restoration of historical structures.

Mr. Zanolungo thinks that this amendment is overdue. This part of town needs a change in the zone to develop in a way that would suit the rest of the Main Street look. Mr. DesMarais asked what the downsides would be to having less protection now. Mr. Flores replied that the idea here is to not move the flood waters to another area that is not understood. Ms. Caltagirone added that the Town's original intention was to create a higher level of protection than even FEMA required, but here it has had a negative economic impact to this particular strip of commercial district. They do not see a similar economic hardship in the residential or other zones in the flood protection zone. There will still be a high level of protection, but it would be different from the way that the Town has treated flood protections in other parts of town.

Mr. Zanolungo opened the floor for comments from the public.

*Charles Beckius of 31 Spring Street*, stated that there are about half a dozen empty lots or buildings in this area. The creation of this MSCC will help revitalize the Glastonbury center. However, Monday's rainstorm moved all the 4 x 4s stacked in his yard across his lawn. This has happened four times in the last seven weeks. While he supports the spirit and proposed language of the alterations to the MSCC, he is cautious about alterations to existing stringent flood zone regulations, especially ones that make development more permissive. He requested language to deny projects that result in net loss of green space and to prevent expansion of the MSCC through re-zoning of adjacent properties.

*Attorney Meghan Hope of Alter & Pearson, LLC*, spoke on behalf of two different clients: Lyman Flex at 2800 Main Street and Alain Demircan at 2768 and 2764 Main Street. Mr. Demircan purchased his lots in 1995 and 2005. Due to the flood zone regulations, he has not

pursued renovating his property at all. This regulation gives him more interest in pursuing renovations to his site. What is challenging for redevelopment in this area is the substantial improvement requirement, which is calculated at the cost of the improvement divided by the cost of the structure. Because these buildings were built in the 1960s, it has a very low value per structure standpoint, limiting the money that can be put into a substantial improvement project. They have gone to the Architectural Site Design and Review Committee (ASDRC) on a couple projects within this zone. The ASDRC is excited about the opportunity to redevelop some of these sites. Her clients have been tracking this as a way to help redevelop their properties.

Ms. Cahill worries about extreme weather events but has come around to understanding how current regulations are preventing renovations in this area. She supports taking it back to the 100-year flood zone because the ASDRC will be a part of this process. Mr. Flores struggles to understand what the correlation is between redevelopment and infill. Mr. Haynes explained that restricting infill prevents redevelopment because of the substantial improvement aspect. A couple vacant parcels still have the opportunity to be developed. There is a development gap along this corridor. They are not talking about raising the grade. Ms. Caltagirone clarified that the proposed changes would not create any further risk to adjacent properties. Their building would be more impacted by a 500-year flood than a 100-year flood because it will be built to a lower elevation. That is the private risk they are taking on as property owners.

With no further comments, Mr. Zanolungo closed the public hearing.

**Motion by:** Secretary Turner

**Seconded by:** Commissioner Jagel

MOVED, that the Town Plan and Zoning Commission provides a favorable recommendation to the Town Council regarding the proposed amendment to the Zoning Map and Building-Zoning Regulations to create a new zone Section 4.20 Main Street Corridor Flood Zone (MSCC) & amendment to Sec 4.11.

**Result:** Motion was accepted unanimously {6-0-0}.

**5. Recommendation to the Town Council (Zoning Authority) regarding an amendment to the Building-Zoning Regulations for Parking of Commercial and Recreational Vehicles in Residential Zone Section 7.1.b**

Ms. Caltagirone passed out a public comment email from Karl Boyer at 20 Towhee Lane. She explained that the proposed text amendment would allow more flexibility for the parking of personal, commercial, or recreational vehicles in residential zones. Currently, the regulation is one commercial vehicle or one boat, trailer, or mobile home on their property, and it must be parked in a rear yard, in a garage, or in a barn. They have heard from the public that this creates a hardship for those who use a commercial vehicle for their employment or business. The Council asked Town Staff to draft regulations that would meet those concerns, which were reviewed at their August 1 hearing and referred to the TPZ for a recommendation.

She noted that the regulation has borrowed some language from the Town of Wethersfield, which they used as a starting point then modified based on input from Council. An expanded definition of commercial vehicles is presented. They have added a definition for recreational vehicles to the code. They have also made a change that would allow one to park an unlimited number of their own personal or commercial vehicles, boats, trailers, or RVs - if they fit into their garage or barn. This regulation would allow that type of parking as of right. The text amendment would require a zoning permit for parking one commercial vehicle outdoors, in the driveway, or in the side or rear yards with screening. They would have a similar requirement to seek a zoning permit for the parking of one boat, trailer, mobile home, or RV with screening, if parked in the side or rear yard. An applicant could still seek a variance if they cannot meet the regulations. They would develop a zoning permit application to streamline the process.

Mr. Zanolungo finds that this makes it a lot more cumbersome on residents. For example, what if someone has a small fishing boat but no side or rear yard to park it in. Also, a wrapped vehicle has to pay for a zoning permit to park in their driveway but an unmarked police car does not. Ms. Caltagirone stated that, currently, one would not be able to park their wrapped car in their driveway, so they would have to issue a fine and the resident would seek a variance. Mr. Turner is a business owner who cannot imagine telling someone who is starting up their business that they are not allowed to keep their vehicle in their driveway. It does not make sense to him. Ms. Cahill shared his concerns. She asked if there is a less intrusive, more simplified way of making a set of regulations to deal with this.

Ms. Jagel asked why they are looking to make these changes. Ms. Caltagirone responded that they have received quite a lot of complaints about people parking in their driveway, and because it is against the regulations, they have to enforce it, and the resident is forced to go through a variance process. Thus, they propose parking as of right and some way of tracking it. They seek to relax the regulations in a balanced way. Additionally, a lot more people are using RVs with few places to park it, so they have to seek a variance. Therefore, this is a similar situation. Mr. Flores would like to allow people to drive a regular pickup truck for work and to exclude something egregious. He does not have sympathy for RVs owners who do not have an appropriate place to park it. Ms. Jagel agrees that there should be less leeway for RVs. She would like to delineate the size of the vehicle and number of axles. She favors carving out exceptions for the everyday vehicle.

Ms. Caltagirone explained that what they have currently described as being permitted with the zoning permit would allow a vehicle up to 8 feet tall, up to 25 feet in length, up to 12,000 pounds, and limited to 2 axles. Mr. Zanolungo is comfortable with a commercial vehicle that meets those standards being parked as of right anywhere on the lot.

Mr. Zanolungo opened the floor for public comment.

**Brad Spencer of 520 Bell Street**, stated that the Commission needs to think about the regulations accordingly. He asked to revisit the town regulations on the maximum weight for a residential vehicle. To register a vehicle commercially, it has to be over 18,000 pounds, according to

Connecticut laws. So, there are a lot of variables to consider. He is both an RV and commercial vehicle owner. Because he is surrounded by farmland, he has parked without problem. However, now there is a subdivision behind him, so he is sure that the complaints will come in. The proposed considerations are not that relieving because they will have to pay for a permit to park. His commercial vehicle is over 18,000 pounds and he has several pickup trucks over 10,000 pounds. He also noted that there are no provisions for when an RV has pulled up into the driveway, where it may sit while one is getting ready or coming back from a trip.

Comment made via Zoom:

**Peter Scorzelli of 176 Tree Mile Road**, remarked that this proposed regulation will have a negative impact. He has a camper on his property. Now he cannot have a truck big enough to tow it. This will drive all small businesses out of town. The claim that this will lessen restrictions on residents is not true.

Mr. Turner stated that this is a bigger conversation that needs to be fleshed out in more detail. He asked to table the discussion. Mr. Zanolungo agreed.

**Motion by:** Secretary Turner

**Seconded by:** Commissioner Markuszka

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

**Result:** Motion to table was accepted 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 August 8, 2023 Regular Meeting**

**Motion by:** Secretary Turner

**Seconded by:** Commissioner DesMarais

**Result:** Minutes were accepted {5-0-1}. Mr. Zanolungo chose to abstain as he was not present at the meeting.

- 3. Application of Chick-fil-A for a Section 12.9 Minor Change concerning drive-thru modifications & existing parking changes – 2941 Main Street – Planned Business & Development Zone** *continued to 10-3-23*
- 4. CONSENT CALENDAR – NO ACTION**

- a. Scheduling of Public Hearings for the Regular Meeting of September 5, 2023: **to be determined**

5. **Chairman's Report**      *None*

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

The Town Plan and Zoning Commission adjourned their meeting at 11:20 P.M.

Respectfully Submitted,

***Lilly Torosyan***

Lilly Torosyan

Recording Clerk