

**THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION**  
**Corrected REGULAR MEETING MINUTES OF TUESDAY, APRIL 16, 2024 (page 9)**

The Glastonbury Town Plan and Zoning Commission, with Shelley Caltagirone, Director of Community Development, and Gary Haynes, Planner, 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. Philip Markuszka

Mr. Emilio Flores

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

Ms. Sharon Jagel, Alternate, *seated*

**Commission Members Absent**

Ms. Sharon Purtill, Vice Chair

Mr. Dennis DesMarais, Alternate

*Vacancy*

Chairman Zanolungo called the meeting to order at 7:00 P.M. In the absence of Commissioners Purtill and DesMarais, he seated Alternates Cahill and Jagel as full voting members.

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**PUBLIC COMMENT**

**Informal session for the purpose of hearing from citizens on Regular Meeting agenda or non-agenda items**    *None*

**PUBLIC HEARING**

- 1. Applications of Damato Realty Group LLC for a Major Amendment to an approved PAD and a Section 4.11 Flood Zone Special Permit for a change of use from church to medical office and personal services, a 3,000 square foot addition & outdoor modifications – 330 Naubuc Avenue - PAD & Flood Zone**

Attorney Meghan Hope of Alter & Pearson, LLC represented the applicant. She explained that the parcel is part of the Somerset Square Planned Area Development (PAD), which is just over 72 acres, spanning from Naubuc Avenue to Main Street. She pointed out that when Somerset Square was first developed, a substantial portion was located in the flood zone. They located the compensatory storage in a big basin on the southwest corner of the PAD. In 1989, the Council approved the original plan for this site, which was a 6,100-square-foot childcare center with 24 parking spaces. In 2014, the Council approved a change of use to a church with 20 approved

parking spots. There were some facade enhancements that were approved by the Council but were not built. The applicant has been to nine meetings in four months for this project. In the revised plan, they have added landscaping and are cleaning up the patio. The ASDRC focused on the big beech tree. They are eliminating any disturbances to the tree. The proposed site plan is a 2,996-square-foot addition to the east of the site. Landscape islands have been added with trees. They propose a bike rack and have a proposed monument sign.

Ms. Hope explained that, on the south side, they propose extending the sidewalk to the addition, and extending it to the west with a seating area. The existing shed will be relocated to the corner. The dumpster enclosure will be screened with a six-foot vinyl fence. Forty-two parking spaces are on the site, which is what is required per the uses. There was a comment from the engineering department early on to reduce the compact spaces, which they have done, reducing it from 18 to 8. She reviewed the monument sign at Naubuc Avenue, which is 25 feet and internally lit. The stone base will match the base of the stone columns. The ASDRC asked to keep the light at 3000K, and the sign will be on a timer.

Ms. Hope pointed out the site details, explaining that some of the work they are doing to the rain garden and the patio is within the flood zone. Civil Engineer Jim Dutton conducted a flood certification, which the Town Engineer confirmed. Town staff reviewed the drainage report and found that it complied with the guidelines. The Environmental Planner asked to focus on the European Copper beech tree, which was reviewed by a licensed arborist, who deemed it to be a specimen tree. What they are proposing would not have a negative impact on the tree, which will be protected during construction.

Ms. Hope reviewed the landscape plan, which incorporates shade trees into the parking lot and added street trees to Pratt Street. They are changing the species of two trees to natives and putting mulch under the drip line of the beech tree, per the ASDRC's recommendation. The lighting plan will contain new building-mounted fixtures with black gooseneck lights. The ASDRC asked to add those to pilasters on the Naubuc side of the building. The existing light poles were approved by the Council in 2013 to angle up at 90 degrees. The ASDRC felt that the lighting level on this side of the parking lot is too low, so the lighting consultant measured the levels of the light bulbs. He received an updated reading, which is a little better than what was approved in 2013. While people could easily park on the south side of the parking lot, there is a conduit on the north side, in the event that more parking will be needed in the future.

Ms. Hope noted that two businesses are located within this building: a chiropractic office and the hydro-spa. She then reviewed the 2013 approved elevations and the existing conditions. The existing building material is wood. The applicant had asked whether vinyl would be acceptable, but the ASDRC deemed that it was not. Therefore, they plan on keeping the existing wood, but the addition would be *hardiplank*. They have received a letter of approval from the Somerset Square Master Association.

The applicant, Mary Damato, explained that she and her husband have been searching for years to purchase a building to expand their business. Purchasing a building that was approved but whose architecture was inappropriate has been an overwhelming process. She seriously considered selling the building because of all the work that was needed. This process has

stretched their budget. There was no support for vinyl siding and that minor detail doubled what they had allocated in their facade budget. This has been a hardship, especially considering that all of their neighbors on Naubuc Avenue have vinyl siding. She is also concerned about the dormers, not just because of their cost, but because it will require hiring a structural engineer to re-shingle the roof.

She wishes that the ASDRC and all town boards would consider the budgets of small businesses because some of the suggestions they have received were cost-prohibitive. When she expressed her concern about this to the ASDRC, one of the members stated that the applicant may need to dial back their services, which she thought was an overreach. She and her husband are excited to near the end of this permitting process, to expand their businesses in town.

Ms. Hope listed various ways in which this project is consistent with the Plan of Conservation and Development (POCD), such as having all dark sky compliant fixtures, including bicycle amenities, and minimizing impervious areas. They feel that the development keeps with the general spirit of the comprehensive plan of Glastonbury and that the intensity of the site is compatible with the neighborhood. The addition is tucked into the back, and there are similar uses within the general vicinity. The streets will handle the traffic, and the parking lot will be adequate for their uses.

Commissioner Jagel is impressed with the end product. She asked if consideration has been made to relocate the shed, which is in the corner. Ms. Hope responded that its intent is for storage, and they wish to save it. Ms. Jagel asked about the dumpster. Ms. Hope clarified that there is an enclosure, but it was not for a dumpster. A clothes bin had been removed. The dumpster is located at the end of the parking area. There is a concrete pad under that, with a gray vinyl fence. Ms. Jagel stated that the application received over 50 positive comments from the community, which speaks to the applicants' reputation. [Note: The commissioner misread the number of comments; there were 10 positive comments.]

Commissioner Markuszka asked if there is an existing sidewalk along Pratt Street. Ms. Hope replied no, just along Naubuc Avenue. Mr. Markuszka finds this to be a very impressive application. Commissioner Cahill thanked the applicants for a thorough presentation and wished them success. There were no comments from the public in attendance. Mr. Zanolungo stated that he has received public comments submitted in advance, which are all positive. They will be submitted into the record.

With no further questions or comments, he closed the public hearing.

**Motion by:** Secretary Turner

**Seconded by:** Commissioner Jagel

MOVED, that the Town Plan & Zoning Commission approve the application of Damato Realty Group LLC, for a 4.11 Flood Zone Special Permit – for a change of use from church to medical office & personal services, a 3,000 square foot addition & outdoor modifications – 330 Naubuc Ave – Planned Area Development (PAD) & Flood Zones, in accordance with the plan set entitled “Major Amendment to Somerset Square PAD prepared by Dutton Associates LLC, revision date 4/12/24”, and:

1. In compliance with:
  - a. The conditions set forth by the Conservation Commission in their recommendations for approval to the Town Plan and Zoning Commission in memoranda dated April 12, 2024.
  - b. The conditions set forth by the Architectural and Site Design Review Committee in their recommendation for approval to the Town Plan and Zoning Commission in their Committee Report dated 3/19/24.
2. In adherence to:
  - a. The Health Department memorandum dated March 26, 2024.
  - b. The Engineering Department memorandum to the Conservation Commission dated March 20, 2024.
  - c. The Engineering Department memorandum to the Town Plan and Zoning Commission dated April 3, 2024.
  - d. The Police Department memorandum dated 3/25/24.
  - e. The Fire Marshal memorandum dated March 19, 2024.
3. With the following conditions:
  - a. Prior to issuance of a Building Permit, the applicant shall file the motion of approval and mylars of the approved plans on the land records of the Town Clerk.
  - b. Prior to issuance of a Building Permit, the applicant shall file (2) paper copies and a digital copy of the stamped and sealed, finalized, approved plans in the Office of Community Development. 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.
  - c. The applicant shall add and incorporate ASDRC recommendations for proposed modifications from the April 16, 2024 ASDRC meeting into the finalized plan set.
  - d. The applicant shall add a note to lighting plan that on existing parking lot light poles, the existing head fixture will remain fixed at a 90-degree angle, to comply as full cut-off fixtures and minimize light glare.
  - e. The applicant shall add a note to the lighting plan that existing parking lot light poles be repainted black. Mr. Zanlungo thanked the applicants for a thorough process. He explained that the ASDRC is a relatively new commission, which strives for

collaborative, non-combative negotiation. This project will enhance that part of Somerset Square. He appreciated the applicant's comments and suggestions about small businesses, which the ASDRC will welcome in future projects.

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

**Motion by:** Secretary Turner

**Seconded by:** Commissioner Jagel

MOVED, that the Town Plan and Zoning Commission recommends approval to the Town Council of the application of Damato Realty Group LLC, for a Major Amendment to an Approved PAD Plan concerning 330 Naubuc Avenue, in accordance with the plan set entitled "Major Amendment to Somerset Square PAD prepared by Dutton Associates LLC, revision date 4/12/24" as the Commission finds the proposed addition and site development plan meets the goals of the Town Plan of Conservation and Development and, the Commission also finds that the proposed addition is in compliance with Building-Zone Regulation Section 4.12.5.

Ms. Jagel is mindful of this being a small business but, in defense of the town, people still consider Somerset Square to be a development jewel and it is a highly visible property. Because this proposal is part of that bigger piece of development, that may have hurt the applicant. As a business owner in Glastonbury, Mr. Turner is aware of how difficult it is to take on an expansion project like this. He thanked the applicants and wished them success.

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

**2. Application of Darcie Roy for the National Sign Corporation for a Section 12 Special Permit with Design Review for installation of new sign larger than permitted and additional sign of same size – 455 Winding Brook Drive - Planned Employment Zone - Siebar Glastonbury 3.0 LLC, owner TABLED**

**3. Recommendation to the Town Council (Zoning Authority) regarding an amendment to the Town Center Overlay Zone**

Ms. Caltagirone showed a draft map of the proposed areas to expand the Town Center Village District (TCVD) overlay district, which encompasses all of the Town Center Zone. She noted that there is substantial commercial development already along Naubuc Avenue, which could be expanded. The second area to consider is a property at 131 Griswold Street, which is an opportunity for new development. The third area is the cluster of former residential buildings converted to commercial use. By expanding the overlay zone to this area, the parts of the guideline that speak to the preservation of historic buildings would have more enforceability.

Another area for consideration is the portion of Main Street that falls within the flood zone. The TPZ had already made a recommendation to rezone this area to allow more design flexibility. The next area to consider is the intersection of New London Turnpike with Williams Street and Oak Street. She pointed out that the Council considered expanding the district further down to New London Turnpike but decided against it because it does not have the same commercial

development as the rest of the area. This proposal would include historic residences on Main Street which have been converted to commercial or mixed uses.

Ms. Caltagirone explained that the proposed overlay district expansion would extend the design guideline enforceability to other areas. She is unaware of other Connecticut towns that have used this state statute for such a large area, but does not see anything in the statute that would prohibit the Town from choosing a large geography. The TCVD overlay zone would bring the map in closer alignment with the Town Center Planning Area in the POCD and encompasses most of the Study Areas presented in the current design guidelines. The proposed expanded area would cross 7 zoning districts with varied design standards and building types/uses. This would also increase the number of applications requiring ASDRC review and would require revision and re-adoption of the design guidelines.

Ms. Caltagirone explained that the ASDRC's recommendations have regulatory authority within the TCVD Overlay and are advisory to all areas receiving special permits outside that area. If there is an appeal, the Town would have a stronger basis for their decision if it is within the TCVD overlay. Mr. Zanlungo asked if a TCVD of this size opens up the Town for more potential litigation. Ms. Jagel replied that there is no answer because it has never been litigated. Mr. Zanlungo asked if other village districts also expand over multiple zones or just one zone. Ms. Caltagirone does not know but can look into it.

Mr. Zanlungo asked how the revision of the design guidelines would impact the budget of the Office of Community Development. Ms. Caltagirone replied that she has not spoken about that yet with the Town Manager, but she anticipates that this will have impacts to their budget. It is work that staff could undertake in-house without seeking consultants. However, that has implications for their work plan for the year. They were approved for next year's budget to pursue the building zone regulations update, which they anticipate to be a two-year project. It will be a balancing act to get the work underway.

Ms. Jagel is not concerned about creating a large overlay zone. However, she worries that this could severely increase the workload of the ASDRC. Mr. Zanlungo asked if there is any difference with how the ASDRC handles an application that is within the TCVD versus outside it, where their recommendation is advisory. Ms. Caltagirone responded that different committee members have different opinions on that. By expanding the overlay district, it would not just be special permits that the ASDRC would review, but any proposed alteration to a site. They have set up a subcommittee to help streamline their existing workload.

Mr. Zanlungo asked what would go to the ASDRC through this proposal that currently does not. Ms. Caltagirone explained that this overlay district would incorporate all of the Town Center Mixed Use Zone (TCMU), which includes residential properties that currently do not require design review. Under this proposal, any change to those residences (such as changing shutters or paint color) would necessitate a design review. Mr. Turner asked what the procedural checks and balances are, in the cases that are reviewed by the ASDRC but not the TPZ. Ms. Caltagirone is unsure at this point. Mr. Haynes answered that this change could increase some potential

ASDRC applications. However, they are increasing efficiency by creating a subcommittee to review simple revisions.

Ms. Caltagirone noted that the code would have a time limit on design review, which could be used in the event of an extreme backlog. Currently, it is a minimum of 35 days for ASDRC review; otherwise, the project will move forward to the commission. Historically, applicants are reluctant to skip going to ASDRC because it means forfeiting a recommendation. Mr. Turner asked how much area is currently covered by the TCVD versus what this overlay zone will be. Ms. Caltagirone has not done an acreage calculation but can ask their specialist to do so. She estimates that the proposed overlay zone would be about twice as large as the extant TCVD.

Mr. Turner asked if the design guidelines consultant ever indicated that it was a good idea to expand the village district across all the zones. Ms. Caltagirone joined the design guidelines process mid-stream, but from what she saw and heard, he did not. His memorandum generally spoke to increasing design standards within their zoning districts. She believes that the Town's code is lacking in regulatory criteria. Mr. Turner stated that changes to this were not included in the budget plan, so he does not see the sense in it.

Ms. Cahill asked what motivated the Council to bring this before the TPZ tonight. Ms. Caltagirone responded that, next week, the Council's public hearing will hold a fuller discussion as to the reasons why. She anticipates that these areas will change in the future and having the highest level of regulatory authority to review design would be preferred. Ms. Cahill believes that even though the Town would be setting a precedent with a village district overlay zone of this large a size, that, in and of itself, should not be a detriment to making a favorable recommendation. If the Town lays a good foundation for this expansion, then she thinks that a good legal argument could be made for expanding this.

Ms. Cahill noted that a lot of Main Street used to be beautiful historic homes that were lost in the 1960s and 1970s to redevelopment. Piece by piece, the design guidelines are trying to ensure that redevelopment is truer to Glastonbury's historical history. While she believes that they have laid a good foundation for the expanded village district, she is hesitant to vote on this tonight and would find next week's Council hearing helpful. Ms. Caltagirone remarked that the TPZ's 35-day window to make a recommendation to the Council would be up by the Council's meeting next week, so they would have the authority to make a decision without a TPZ recommendation.

Mr. Markuszka feels that this expanded overlay zone would disincentivize people from doing construction. While it is a good idea in theory, many issues could come up. His concern is that applicants could view this as unduly burdensome or prejudicial, and that is where the litigation issues would arise. Ms. Jagel added that Glastonbury already has a reputation for being an expensive place to do business. They do not wish to further disincentive business owners. Mr. Markuszka stated that some applicants will leave town. Commissioner Flores is not in favor of the proposal because it places a lot of burden on many property owners who purchased their properties without these regulations in place.

Mr. Zanolungo opened the floor for public comment:

*Tracy Worthington of 499 Bell Street*, sees why the Town would want to expand this, but she worries that this could create something like a town Home Owners Association. While she understands both sides, she does not support this expanded TCVD overlay zone.

Mr. Zanolungo remarked that the TPZ is not ready to make a decision tonight. He asked what additional information commissioners would like to see before voting on the matter. Because this is such a large expansion, Ms. Cahill would like an attorney's opinion, perhaps with comparisons to other towns' overlays. She also finds it important to hear from the public. While she is predisposed to supporting this, she needs more information. Given the 35-day window expiring soon, she advised sending a negative motion to the Council tonight. That way, if the Council decides to vote in favor of this proposal, they would need a supermajority, as opposed to a simple majority without a TPZ recommendation.

Ms. Jagel disagreed with Ms. Cahill about needing a legal opinion. The Town Attorney was asked whether there was any precedent that addresses this, and there was none. While they could look into what other towns have done, she does not think that will give the Town more protection. She supports the idea that the Town take as much authoritative control as they are legally allowed, but she also wishes that they had more public turnout to get a better sense of that. She agrees with Ms. Cahill to vote on the matter tonight.

Mr. Turner asked if the Attorney provided a written response to questions. Ms. Caltagirone replied yes, and it was shared with the Council. Since it was at the Council's request, it was deemed confidential between the Council and the Attorney, and she would need the Council's permission to release it for broader review. The general statute for village district overlays is written in a very vague way. The Town has a policy under the POCD and even the areas studied in design guidelines support that this is in alignment with the village district, but the Attorney pointed out that there is no precedent for it.

Given that the Town Attorney already gave an opinion, Mr. Turner does not see the need for another one. He also does not see potential merit of this expansion. When the village district was made two years ago, it was created to be a small subsection of one single zone, not to be an expansive district across most of the town center. After spending 1.5 years designing the guidelines for the ASDRC in the village district, he thinks that they need to see how things are working first before changing them. With the revision to the POCD in a few years, there will be ample opportunity to revisit this in the future, so he does not see the rush. He finds it poor governance to make such changes for a few properties that may be developed.

Mr. Markuszka is not concerned about a potential lawsuit and finds that the TPZ is more than capable to vote on this tonight. However, he fears those two projects coming forward within the next year, with nothing in place to curb them. He would rather the Town have more oversight as opposed to less. Mr. Zanolungo summarized that any future projects to come before the TPZ that are currently outside the village district overlay would still go through the ASDRC. The only difference would be that the ASDRC could give an unfavorable recommendation to the TPZ, who would have more standing if the matter ever went to court. Ms. Caltagirone stated that is



correct. A denial decision in the TCVD overlay would have a stronger standing in a court opinion.

Mr. Zanolungo asked, if this passes, there will be no design guidelines in the new part of the overlay zone for a considerable amount of time. Ms. Caltagirone replied yes, that is similar to how the ASDRC operated without design guidelines for the first 18 months of its existence. The ASDRC would have to go through that process on a case-by-case basis. Mr. Zanolungo asked how that would change the ASDRC's bylaws because he could foresee them needing two meetings a month. Ms. Caltagirone replied that the regularity of their meetings is not in the code.

Mr. Zanolungo needs more information and would like to see an attorney's opinion. He would also like to know whether the ASDRC could handle the increased meeting load. He asked how the budget allocated for the regulation update could assist with this. Ms. Caltagirone replied that the ASDRC is already seeing special permit applications. This proposed expansion would not add many minor applications and residential projects to ASDRC review. Mr. Haynes does not think that there is going to be a huge increase in the number of applications from what the ASDRC sees today. Looking at the timeline, some of the regulatory changes that were suggested make sense. Down the road, with the POCD updates, that will be even more comprehensive, but the review process itself is not going to change much.

Ms. Jagel keeps going back and forth on this. If an applicant receives an unfavorable recommendation on a big project, then the Town will be sued. However, if they create this specific overlay zone, then that would bolster the Town's position in the courts. While the TPZ needs to vote on this tonight, the Council is the final zoning authority. She suggested that the TPZ chair or another representative be present at the Council's hearing next week to address them.

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

**Motion by:** Secretary Turner

**Seconded by:** Commissioner Cahill

*BE IT RESOLVED, the Town Plan and Zoning Commission hereby provides a favorable recommendation to the Town Council regarding the proposed amendment to the Zoning Map and Building-Zone Regulations concerning the Town Center Village District Overlay expansion, as described in a report by the Director of Community Development dated April 12, 2024.*

**Result:** Motion failed {3-3-0}, with Commissioners Markuszka, Cahill, and Jagel voting *for the favorable recommendation.*

## **REGULAR MEETING**

### **1. Acceptance of the Minutes of the March 19, 2024 Regular Meeting**

**Motion by:** Commissioner Markuszka

**Seconded by:** Commissioner Jagel

**Result:** Minutes were accepted {5-0-1}, with one abstention from Secretary Turner.

## **2. CONSENT CALENDAR**

- a. Scheduling of Public Hearings for the Regular Meeting of May 7, 2024: to be determined
- b. Section 8-24 Connecticut General Statutes Referral from the Town Council regarding proposed construction of sidewalks along Main Street/Route 17 between Red Hill Drive and the Cider Mill (moved from Regular Meeting item to Consent Calendar)

There was a comment from a member of the public, **Daniel Rita at 163 Pratt Street**, inquiring whether or not the specimen tree would be saved at 330 Naubuc Ave, to which the commission replied yes.

**Motion by:** Secretary Turner

**Seconded by:** Commissioner Jagel

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

## **3. Chairman's Report None**

## **4. Report from Community Development Staff None**

**Motion by:** Commissioner Cahill

**Seconded by:** Commissioner Jagel

The Town Plan and Zoning Commission adjourned their meeting at 9:30 P.M.

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

Respectfully Submitted,

**Lilly Torosyan**

Lilly Torosyan

Recording Clerk