

**THE GLASTONBURY TOWN PLAN AND ZONING COMMISSION
REGULAR MEETING MINUTES OF TUESDAY, SEPTEMBER 17, 2024**

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. Emilio Flores
Mr. Philip Markuszka
Ms. Sharon Jagel
Ms. Laura Cahill, Alternate, *seated*
Mr. Andy Zlotnick, Alternate

Commission Members Absent

Mrs. Sharon Purtill, Vice Chair
Mr. Dennis Desmarais, Alternate

Chairman Zanolungo called the meeting to order at 7:11 P.M. He seated Commissioner Cahill as a full voting member.

PUBLIC COMMENT

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

Roger Emerick of 580 Hopewell Road, stated that Connecticut General Statutes (CGS) Section 8-30g is an outrage. He called for a referendum so that citizens can vote on either eliminating this statute or modifying it to allow affordable housing in non-residential and commercial areas. Regarding the recent 8-30g application on Hopewell Road, he asked to make it a 100% affordable housing development. That way, the architect does not have to make the building height so high. He stated that if the developer cannot do that, then the Town should provide some benefits, such as tax breaks. He does not support placing such a large building across from a church, and while he supports affordable housing, he does not support it in residential areas.

Mr. Zanolungo pointed out that this specific application is not being discussed tonight, but there will be public hearings when it comes through as an application.

PUBLIC HEARING

1. Application of Haviar Real Estate, LLC for a Section 4.11 Flood Zone Special Permit and a Section 12.9 Minor Change for an addition to the Glastonbury Veterinary Hospital – 121 Pratt Street – Town Center Mixed Use & Flood Zones

Attorney Meghan Hope of Alter & Pearson, LLC explained that her clients purchased the practice a year ago and are looking to modernize it. The proposal is for an 895-square-foot addition and other site enhancements on the 4.14-acre site. The existing building is about 4,000 square feet. She said that both the existing building and the addition are located outside the 100-year floodplain. The parking would be striped, for a total of 16 spaces. She noted that the flood zone calculations were reviewed by the Engineering Department, and the application received a favorable recommendation from the ASDRC.

Ms. Hope explained that the ASDRC approved of the vinyl siding, which is not allowed in this zone, but they felt that it was permissible here because the building is set far back from the street, with residential uses surrounding it. She then reviewed the elevations, noting that the ASDRC had requested adding a sense of entry to the front of the building. As a response, they propose putting an entry canopy over that area with brackets. Ms. Hope reviewed all the elevations, noting that the windows on the addition would match the rest of the building and would use that same vinyl siding. The existing flood lights would be removed.

Ms. Hope reviewed the landscape plan, noting that the ASDRC made comments about parking being in the front of the building. To soften that, they have created a hedge row of landscaping. Additionally, there was a request to add four shade trees along the frontage, but they can only fit in three because of overhead wires. She said that there would be foundation plantings on the sides of the building. While the ASDRC sought to remove the existing gravel mulch, she explained that her clients would like to keep it because it is easier and safer to clean after the animals.

Regarding the lighting plan, Ms. Hope noted that the ASDRC requested lowering some of the intensity of the lighting, which they have done. They also received a comment from the police about adding numbering to the building sign, which they have done. Ms. Hope stated that it was her clients' first time doing a project in Glastonbury, and they found the ASDRC process challenging, but believe that the proposed product would be very nice.

Mr. Markuszka asked if the applicant plans on refreshing the fences on either side. Ms. Hope clarified that neither fence is on their property. Mr. Markuszka asked if the stormwater from the addition is going to be the same going forward. Civil engineer Jim Dutton responded that he was surprised that the ASDRC wanted to eliminate the stone because it works very well. He added that the stone would remain, but there is no plan to add any additional stone. He explained that the roof drains into an underground chamber, and in a heavy rain event, the surplus water would bubble out and run south towards Salmon Brook.

Ms. Cahill said that two letters were received from neighbors in support of the project. She asked whether any objections or concerns were received. Ms. Hope replied no. Ms. Cahill took a look at the gravel on the front and understood the neighbors' safety and cleanliness concerns, with the animals coming in and out. Mr. Zlotnick asked why the FEMA flood zone line differs from the GIS line. Mr. Dutton responded that the GIS is not a field survey, so the flood limit shown on the GIS map is approximate. He explained that they conducted a field photographic survey of this area and determined that the 100-year flood elevation in this area is elevation 28. Mr. Zlotnick asked if the two dry wells had been properly abandoned. Mr. Dutton responded yes; they were part of the old septic system that has been properly abandoned.

Mr. Turner was surprised that the ASDRC found the vinyl siding acceptable for this site, which is in the proposed village district, but did not allow it in another recent application. Mr. Haynes explained that there was a compromise from the ASDRC, where they sought to have the siding match the main part of the house, and to carry the siding down to cover up the concrete block wall on the sides. He stated that the ASDRC were complimentary of the existing vinyl siding. Ms. Hope added that it was critical for the ASDRC that they did not have the J-channel siding, and that they had the hidden reveals on the corners to better approximate wood cladding. Mr. Turner asked if all the trim is PVC. Ms. Hope replied yes, because that seemed to be critical to the ASDRC.

Mr. Zanolungo opened the floor for public comment.

Patricia Manfredi of 1044 Main Street, has fostered animals for years, and commended the applicant for their welcoming veterinarian hospital. Prior to the applicant's acquisition of the property, she remembered the hospital as feeling claustrophobic inside. She found comments in the Glastonbury Citizen inappropriate and asked to support another kind and caring veterinary hospital to the community.

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

Motion by: Secretary Turner

Seconded by: Commissioner Flores

MOVED, that the Town Plan & Zoning Commission approve the applications of Haviar Real Estate, LLC for a Section 4.11 Flood Zone Special Permit and a Section 12.9 Minor Change for an addition to the Glastonbury Veterinary Hospital at 121 Pratt Street within the Town Center Mixed Use & Flood Zones, in accordance with the plan set entitled "Proposed Addition 121 Pratt Street prepared Dutton Associates, LLC dated September 9, 2024" and:

1. In compliance with:
 - a. The recommendations from the ASDRC in their Committee Report dated 8/20/24, with exception to replacing gravel planted beds with vegetative cover.
 - b. The conditions set forth by the Conservation Commission, in their recommendation for approval to the Town Plan and Zoning Commission in their memorandum dated September 13, 2024.
 - c. All trim shall be PVC trim.

2. In adherence to:
 - a. The Town Engineer's memorandum dated September 12, 2024.
 - b. The Director of Health's memorandum dated September 5, 2024.
 - c. The Police Chief's memorandum dated 09/10/24.
3. 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 {6-0-0}.

2. Application of SJW 148 Oak St LLC for a Section 12 Special Permit with Design Review for conversion of residential dwelling to an office – 148 Oak Street – Planned Commerce Zone

Secretary Turner recused himself because he owns a property that is adjacent to the applicant's property. As a result, Chairman Zanolungo appointed Mr. Flores as Acting Secretary and seated Mr. Zlotnick as a full voting member for this public hearing.

Mark Friend of Megson, Heagle & Friend Civil Engineers & Land Surveyors, LLC explained that the property is located on the east side of Oak Street. He reviewed the site plan, noting that the proposed addition would be behind the existing house, and an 11-spot parking lot is proposed behind the building. He explained that this layout would preserve the existing vegetation to the south. He stated that their landscape plan was scrutinized by the ASDRC to ensure that it met their requirements.

Rick Morse from JWM Architects explained that they are stripping the existing building of the vinyl siding and all the windows would be replaced with the 6-over-1 window mullions that the ASDRC had requested. Regarding the sign dimension calculations, he explained that the ASDRC asked to reduce the facade signs slightly, which they have done. They also modified the existing pillar sign to bring it into compliance. Mr. Markuszka asked how toxins would be disposed. Mr. Morse clarified that they would not be collecting or disposing of any materials on-site, so standard refuse bins would suffice.

Ms. Cahill liked seeing the parking in the back and believed that the proposal is a substantive improvement from what is currently on-site. Ms. Jagel asked about the size of the trash receptacles. Mr. Morse answered that they are standard rollaway bins that one would find at a residence. Ms. Jagel asked if the freestanding sign out front would be lit. Mr. Morse replied none of the signs would be lit, and they are landscaping around the existing sign, as was detailed by the ASDRC, with small perennial shrubs.

Mr. Zlotnick asked about the construction materials. Mr. Morse responded that there would be water heaters, but they are not bringing back any equipment; rather, they are receiving deliveries for the new equipment for the day. Mr. Zlotnick asked if there was enough room for trucks to get

in. Mr. Morse replied that they evaluated that with the ASDRC and reduced the driveway width so that it is not the full commercial width. Mr. Haynes added that the Engineering and Fire Departments reviewed the narrowing of the driveway and were okay with it. Mr. Zanolungo noted that the health inspector had mentioned that there could possibly be lead paint. Mr. Morse stated that their specification has standard lead safety requirements for any contractor working on the project.

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

Motion by: Commissioner Flores

Seconded by: Commissioner Cahill

MOVED, that the Town Plan & Zoning Commission approve the application of SJW 148 Oak St LLC for a Section 12 Special Permit with Design Review for conversion of residential dwelling to an office at 148 Oak Street within the Planned Commerce Zone, in accordance with the plans on file with the Office of Community Development, and the following conditions:

1. In compliance with the recommendations from the ASDRC in their Committee Report dated 7/16/24.
2. Adherence to:
 - a. The Health Department memorandum dated September 5, 2024.
 - b. The Engineering Department memorandum dated September 12, 2024.
 - c. The Fire Marshal memorandum dated September 9, 2024
 - d. The Police Department memorandum dated 09/10/24.
3. 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 {6-0-0}. Secretary Turner was then reseated and Mr. Zlotnick was unseated.

REGULAR MEETING

1. Town Attorney Presentation on 8-30g Affordable Housing Site Plan Review Process – Kenneth R. Slater, Jr., Halloran Sage

Attorney Slater explained that 8-30g is the affordable housing appeals act, which defines an affordable housing development as either set-aside or assisted housing. He said that a set-aside development is more common under the Act, in which deed restrictions are put in place, with 15% based on 60% of AMI and 15% based on 80% of AMI, and AMI being based on either the state or regional number, whichever is lower.

Attorney Slater reviewed the appeals provisions, where the TPZ has the burden to demonstrate that the noncompliance outweighs the need for affordable housing. He explained that denial must be based on an overriding concern about public interests in health and/or safety matters. Even if there is a legitimate health and safety concern, the Town has to reach out and see if the concern

can be modified. He explained that interests are usually not found to be substantial, and inadequacy of on-site parking has been found to not be a legitimate basis of denial.

Mr. Zanolungo asked how the Town would go about acquiring an expert witness. Mr. Slater answered that Town staff may recommend a consultant. He noted that the courts can get signals about the legitimate intentions of a commission. Ms. Cahill asked, if an affordable housing development would overwhelm the school system, is that a legitimate basis to deny an application. Mr. Slater replied no. Mr. Markuszka asked for an example of a reason that would hold up, such as fire safety. Mr. Slater responded that there have been a lot of cases regarding fire safety, but it all depends on the specifics of the application. He stated that inadequate water or sewer have been deemed as legitimate public health and safety concerns.

Mr. Turner asked for specific examples of recent cases that have been upheld by the courts because of health and safety concerns. Mr. Slater agreed to put together a short primer of examples as additional PowerPoint slides. He explained that, if there is an appeal, he would write his brief on the Town's behalf first, which is the opposite of how briefings typically work. Then the courts would review it and conduct their own analysis of the record.

Mr. Zlotnick asked if there is a fixed amount that the Town is responsible for providing affordable housing. Mr. Slater replied that there is a calculus: if the Town hits the 10% mark, then they can apply for a moratorium from 8-30 affordable housing projects. He added that not all of that 10% have to come through the 8-30g process, but it is one tool. Mr. Zlotnick asked what Glastonbury's affordable housing percentage currently is. Ms. Caltagirone replied roughly 6%. She explained that if the Town were able to increase their affordable housing by 2% within a certain window, then they can receive a moratorium, but if they meet the 10% threshold, then they could be exempt from 8-30 applications.

Mr. Turner asked, if the original denial goes to the courts and the appeal is upheld but sent back to the TPZ for review, is the TPZ allowed to only review information that was in the original public hearing, or could it request that additional information be supplied. Mr. Slater responded that it would be a new hearing with new evidence, but the TPZ would be constrained by what exactly the court ordered. He shared one cautionary example from Fairfield, where their TPZ treated the specific remand as a do-over, and was found by the court to have acted outside of their scope.

Ms. Cahill asked about the scope of the Town's financial liability. Mr. Slater replied it is the cost of litigation. Ms. Cahill asked if they could require that the 30% set aside for affordable housing in 8-30g be permanent, like their 10% inclusionary zoning is. Mr. Slater responded no, because if the statute says that it is affordable for 40 years, then that is it. Mr. Zlotnick noted that there was a concerned citizen who made a comment tonight that the Town should have these developments in non-residential areas. Mr. Slater stated that the court would absolutely not allow that.

Mr. Turner asked what would happen in the event that the TPZ approves an application with certain conditions of approval that the applicant refuses to abide by. Mr. Slater answered that those conditions could be challenged, and they are subject to the same kind of test.

2. Acceptance of the Minutes of the August 20, 2024 Regular Meeting

Motion by: Secretary Turner

Seconded by: Commissioner Jagel

Result: Minutes were accepted unanimously {6-0-0}.

3. CONSENT CALENDAR

- a. Scheduling of Public Hearings for the Regular Meeting of October 1, 2024: **to be determined**
- b. Final Release of Construction Bond - Farview Estates Section VI – Harry James

Motion by: Secretary Turner

Seconded by: Commissioner Flores

Result: Consent calendar passed unanimously {6-0-0}.

4. Chairman's Report

Mr. Zanolungo stated that he, Ms. Caltagirone, and Mr. Haynes attended the Connecticut Chapter of the American Planning Association Housing Forum in New Haven last week, which was enlightening. He also noted that, a couple weeks ago, the community lost Patricia Bussa, who was a longtime TPZ member. He stated that she will be missed.

5. Report from Community Development Staff

Ms. Caltagirone said that CRCOG will be presenting their regional Plan of Conservation and Development on Wednesday night at a public hearing. She also noted that the planning and zoning update project RFQ selection committee will be meeting next Tuesday and is being publicly noticed. They will publicly discuss their recommendation. She pointed out that Commissioners Cahill and Purtill are both members of the selection committee, which will then become the steering committee throughout its life, which they expect to last 2+ years.

Chairman Zanolungo adjourned the meeting at 9:26 P.M.

Respectfully Submitted,

Lilly Torosyan

Lilly Torosyan

Recording Clerk