



**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
MIDDLETOWN CONNECTICUT
FEBRUARY 27, 2019**

1. Pledge of Allegiance

Stephen Devoto called the meeting to order at 7:08 PM with the Pledge of Allegiance.

2. Roll Taking

Present: Commissioner Stephen Devoto
Commissioner Nicholas Fazzino
Commissioner Richard Pelletier
Commissioner Joyce Rossiter
Commissioner Elizabeth Emery
Commissioner Tyrell Brown
Commissioner Steven Kovach
Commissioner Thom Pattavina
Commissioner Christopher Sugar
Commissioner Molly Salafia

Staff: Mark DeVoe, Planner

3. Items removed from the agenda and why

None

4. Public comment on items on agenda which are not currently scheduled for a public hearing

The Commission waived Robert's Rules and re-ordered the agenda as follows:

- *Move item 4 to be consecutive with item 8.3*
- *Move item 8.1 to item 8.2*
- *Move item 8.2 to item 8.3*

5. ZEO Certification that all public hearing signs have been properly noticed (when scheduled)

Planner DeVoe noted that the sign required for the Sutton Application (SE2018-6) was properly posted.

6. Public Hearings (when scheduled)

- 1) Request for a Special Exception regarding 60.02.41, 44.08.45 and 46.03.04 for a mixed use building approximately 4,200 square feet in the MX zone within

the floodplain at 387 South Main Street. Applicant/agent John S. Sutton SE2018-6 (Date of receipt 11/14/18; Scheduled for public hearing on 12/12/18; Tabled to the February 27th meeting)

The applicant's architect described the project and answered questions relative to possible shortcomings in the site plan, which he did not prepare. Discussion centered mainly on parking and landscaping.

A motion to approve the application was made by Nicholas Fazzino and Seconded by Joyce Rossiter.

The motion was made with the condition that the final site plan is modified to include:

- a. The driveway leading up to the garage at the rear of the structure should be shown on the plan and labelled as overflow parking.
- b. The magnolia (or similar as approved by staff) should be shown in the northernmost street-side area labelled "plantings."
- c. Should the applicant or successor owners fail to properly manage on-site parking, staff shall remind them that the applicant discussed and committed to providing proximal off-site parking arrangements.

The Chair called for the vote. The Motion was approved unanimously.

7. **Old Business**

1) Request to grant final approval of a ten (10) lot subdivision of the property of Sunwood Development located on Ridgewood Road. S2018-1

Staff asked the Commission to consider setting the bond for public improvements in the amount of \$120,000.00. In addition, staff pointed out that final approval was only being sought for the 10 Lots on Ridgewood Road – the 4 Lots on Talia's Trail are not part of this request. It was explained that Sunwood Developers would return to the Commission in the future for final approval on that section. Finally, staff noted that the open space originally set aside will have to be shown on the final plans to be recorded in the City Clerk's Office. It was noted that discussions with the developer were ongoing and that the open space configuration would likely change on a future iteration for subsequent phases. Those changes will need to be approved by the Commission at that time.

A motion to establish a subdivision bond in the amount of \$120,000.00 was made by Molly Salafia and seconded by Nicholas Fazzino.

The Chair called for the vote. The Motion was approved unanimously.

The motion was made with the condition that the final site plan is modified to include:

- a. The driveway leading up to the garage at the rear of the structure should be shown on the plan and labelled as overflow parking.

- b. The magnolia (or similar as approved by staff) should be shown in the northernmost street-side area labelled “plantings.”
- c. Should the applicant or successor owners fail to properly manage on-site parking, staff shall remind them that the applicant discussed and committed to providing proximal off-site parking arrangements.

The motion was approved unanimously.

A motion to accept and approve a final subdivision of 10 Lots on Ridgewood Road for Sunwood Developers (S2018-1) was made by Rich Pelletier and seconded by Nicholas Fazzino.

The Chair called for the vote. The Motion was approved unanimously.

8. New Business

8.3 Request for a favorable G.S. 8-24 Review for St. Vincent DePaul to be located at 51 Green Street and associated parking lots to serve the homeless and low income segments of our community. G.S. 8-24 2019-3

Stephen Devoto explained that the Commission’s charge during the 8-24 Review is to review the proposal against the backdrop of the Plan of Conservation and Development.

After listening to testimony in favor of, and opposed to the relocation of St. Vincent de Paul to 51 Green Street, the Commission stated their opinions regarding the referral.

Joseph Fazzino indicated he would not vote to issue a favorable recommendation.
Richard Pelletier indicated that he would vote to issue a favorable recommendation.
Molly Salafia indicated that she would not vote to issue a favorable recommendation.
Tyrell Brown indicated he would not vote to issue a favorable recommendation.
Elizabeth Emery indicated she would not vote to issue a favorable recommendation.
Stephen Devoto indicated he would not vote to issue a favorable recommendation.

The Commission asked staff whether there would need to be a new special exception application. Staff was unsure and indicated that it would require further review, but opined that the issue of whether or not a special exception application would or would not be required should not be mixed with the 8-24 review.

A motion was made by Richard Pelletier to provide a favorable 8-24 report for St. Vincent de Paul to be located at 51 Green Street and associated parking lots to serve the homeless and low income segments of our community (G.S. 8-24 2019-3). The motion was seconded by Nicholas Fazzino.

Further discussion revealed that those opposed to a favorable recommendation were not satisfied that the residents of Green Street had ample opportunity to comment, or were not engaged in a meaningful way before St. Vincent de Paul was chosen.

In addition, those Commissioners in opposition to a favorable recommendation feared that the movement of St. Vincent de Paul’s location to 51 Green Street was not in the

best interest of the residents of the neighborhood and would not fulfill the need to insure the orderly development of the neighborhood. More input needs to be sought from the community.

The Commissioner supporting a favorable recommendation pointed out that his decision was based on the premise that he could find no concrete conflicts with the Plan of Conservation and Development.

A roll call vote was requested by staff. The Chairman called the vote.

Stephen Devoto – Nay
Richard Pelletier – Yea
Molly Salafia – Nay
Joyce Rossiter – Nay
Elizabeth Emery – Nay
Tyrell Brown – Nay
Nick Fazzino – Nay

The Chair called for the vote. The motion failed to pass.

Tyrell Brown had to leave the meeting and Alternate Christopher Sugar was seated in his place for the remainder of the meeting.

8.1 Executive Session pursuant to C.G.S. 1-200(6)(B) pertaining to the settlement negotiations in the lawsuit known as Savage Mill Associates v Middletown Planning and Zoning Commission

The Chairperson explained that members of the public would have to vacate the Chamber.

A motion to enter into executive session was made by Joyce Rossiter and seconded by Tyrell Brown.

The motion was approved unanimously.

A motion was made by Joyce Rossiter and seconded by Chris Sugar to return to the regular meeting.

A motion was made by Christopher Sugar and seconded by Nicholas Fazzino to accept the advice of the City's legal counsel to settle the matter of Savage Mill Associates v City of Middletown Planning and Zoning Commission

8.2 Request for a favorable G.S. 8-24 Review to lease 4,500 sq. ft. space to Fidelux Lighting, LLC at the Keating Park Building at 180 Johnson Street. G.S. 8-24 2019-2

Director Samolis acquainted the Commission with the terms of the lease.

A motion was made by Nicholas Fazzino and seconded by Richard Pelletier to provide a favorable G.S. 8-24 Review to lease 4,500 square feet of space to Fidelux Lighting, LLC at the Keating Park Building at 180 Johnson Street. G.S. 8-24 2019-2.

The Chair called for the vote. The Motion was approved unanimously.

9. Public comment on topics which are not or have not been the subject of a public hearing

None

10. Minutes of the Regular Meeting, Transcripts, Staff Reports and Commission Affairs

10.1 Minutes of January 23, 2019: Joseph Fazzino moves for approval of the minutes of January 23, 2019. Richard Pelletier seconds. The chair calls for the vote. The chair states the matter passes with 5 affirmative votes and 2 abstentions.

10.2 Other Commission Affairs

River-Cog Report: River Cog activity was reported on by Elizabeth Emery. She indicated that they continue to work on the regional POCD and put the finishing touches on the regional transportation plan as well.

10.3 POCD Discussion: The Consulting firm of CME was hired by the City and a planning session for the kick-off meeting and Charrette will soon be scheduled with the steering committee. Director Samolis asked the Commission to add Elizabeth Holder to the roster of the steering committee.

A motion was made by Richard Pelletier and seconded by Nicholas Fazzino to appoint Elizabeth Holder to the POCD steering committee. The chair calls for the vote. The chair states the matter passes unanimously.

10.4 Zoning Regulations (Parking) (RDD)

The Commission approved of the format presented by City Planner DeVoe. Work will continue on a section by section basis. Once a section is completed, it will be submitted to the Commission for review and approval.

Planner DeVoe indicated that the Department would like to advance the Redevelopment Design District Regulations. He asked if there was any objection to placing the draft regulations on the next agenda as a formal item. None were voiced.

11. Adjournment

A motion was made to adjourn the meeting at 10:00 P.M. by Joyce Rossiter. The motion was seconded by Richard Pelletier. The Chair calls for the vote. The chair states the matter passes unanimously.

Respectfully Submitted,

Mark DeVoe
Middletown City Planner

DRAFT