



City of Middletown
Department of Planning, Conservation & Development
245 deKoven Drive
Middletown, CT 06457
860-638-4840
www.middletownplanning.com

PLANNING AND ZONING COMMISSION
STAFF COMMENTS
RESUBDIVISION APPROVAL

Application #: S-2017-1
PROJECT: 158 Ballfall Road Re-subdivision
DATE: March 8, 2017

The applicant, Joseph Mazzotta is seeking a Re-subdivision approval for 158 Ballfall Road.

Pursuant to Middletown Subdivision Regulations:

SECTION 1.04 PURPOSES

It is the intent of these regulations that all land to be subdivided shall be of such character so that it can be used for building purposes without danger to the health or the public safety; that proper provisions shall be made for water, drainage, sewerage and all other necessary community facilities; and in areas contiguous to brooks, rivers or other bodies of water subject to flooding, that proper provision shall be made for protective flood control measures; and that the proposed streets are in harmony with existing or proposed thoroughfares, and so arranged and of such width, as to provide an adequate and convenient system for present and prospective traffic needs; and that the Commission may require the provision of open spaces, parks and playgrounds; and that proper provision be made for soil erosions and sediment control and the promotion of energy efficient patterns of development including solar access; and to ensure proper legal description and monumenting of subdivided land.

These regulations are also designed to protect the character and the social and economic stability of all parts of the City, to establish standards of design and the orderly layout of the land; and to prevent the pollution of air, rivers, streams, and ponds; to safeguard the City's groundwater reserves and to encourage the wise use and management of natural resources throughout the community in order to preserve the integrity, stability, and beauty of the community and the value of the land.

Section 2.06.02 Hearing

Public Hearings shall be required for all re-subdivisions. The Commission may require a public hearing for subdivision, however the Commission may waive the requirement for a public hearing if the Commission determines that a public hearing is not necessary. When a public hearing is required, the application will first be scheduled as New Business on the agenda and at that meeting a public hearing shall be scheduled. Hearings and extensions of hearings are allowed which are consistent with the Connecticut General Statutes, as amended.

2.06.05 Decision

The Commission shall approve, modify and approve, or disapprove, any subdivision or re-subdivision application and maps and plans submitted therewith within sixty five (65) days after

the close of the public hearing. Extensions consistent with the Connecticut General Statutes, as amended, are allowed.

2.06.06 Conditions

In granting approval the Commission may attach such conditions that it deems necessary to modify the subdivision map, plans or documents, and to preserve the purpose and intent of these regulations. All required revisions must be reflected on a revised plan submitted to the Planning and Zoning Department after the granting of preliminary approval and prior to commencement of construction.

2.06.07 Denial

In the event a subdivision application is denied, no work on said proposed subdivision may be undertaken, nor improvements made or constructed, nor contract for sale of or an offer to sell any lots in such subdivision negotiated, nor any permit for the erection of any structure issued or granted, until such time as a new subdivision application concerning said subdivision has been submitted to the Commission and reviewed and approved in accordance with these Regulations and the Connecticut General Statutes, as amended. Applications may be denied by the Commission if the application failed to conform to the purposes and requirements of these regulations.

STAFF COMMENTS:

S-2017-1 is a proposed re-subdivision of a parcel into two parcels that front Ballfall Road. The existing lot (158 Ballfall Road) is located in R-15 (Residential Zone) and is zoned appropriately for the proposed re-subdivision plan.

- The proposed lots meet lot area and coverage requirements for the zone.
- Relative to frontage, the applicant is relying on a claim that land, which is labeled as the former Ballfall Road, will be acquired from the City of Middletown. This land has about 117 linear feet of frontage on Ballfall Road. The minimum frontage requirement per lot is 100 linear feet. The applicant appears to be relying on "frontage" for the former City road, which does not exist. The applicant has not submitted any documentation to show that a transfer of title has been approved or is pending. How is the applicant satisfying the per lot frontage requirement for this proposed subdivision?
- Each proposed lot will require a curb cut on Ballfall Road/ State Route 217. Before staff can approve a zoning permit, the owner/applicant must provide documentation that a curb cut permit application is either pending with, or has been arrived by, Connecticut DOT. .
- The proposed re-subdivision conforms to the Plan of Development for the City of Middletown.
- Inland Wetlands & Watercourses Agency approved a proposed two (2) lot subdivision (IWWA 16-21, approved November 2, 2016) to construct a new dwelling within the 100 foot upland review area located on Ballfall Road across from Olympus Parkway with conditions. Conditions of approval include:(1) Applicant receives project approval from CT DEEP Wildlife Division for impacts within protected species habitat prior to construction. A copy of any approval should be provided to staff prior to construction; (2) Applicant agrees to the installation of post-mounted regulated area medallions adjacent to the wetland boundary;

(3) Any permissions for easements necessary from City of other landowners be provided before issuance of permit; (4) Outlet structure be reviewed and approved to staff's satisfaction and a maintenance schedule to be submitted. (5) The outflow to be assessed for additional rip-rap.

DEPARTMENT COMMENTS:

- Fire Department (Westfield) – No comment on the proposed split of property
- Water and Sewer Department – Approved with conditions, see packet.
- Public Works Department (Engineering Division) – Approved, level spreader at the end of the drainage system should have stone no smaller than Intermediate Rip-Rap. Sight triangle crosses several other properties. Property owner approval to clear the sight triangle, and an easement to maintain the sight triangle should be acquired. DOT approval is needed for the driveways.
- Health Department – Approved, as presented.
- Police Department (Traffic Division) – No concerns